

**Secretary of the General Provisional Committee for Defence**  
**Decree No. (15) of 1430 FBP**  
**on organising the General Judicial Authority of the Armed People**

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**Upon review of:**

- Law No. (73) of 1974 on issuing the Military Penal Code and the amendments thereof;
- Law No. (40) of 1974 on service in the Armed People;
- Law No. (43) of 1974 on issuing the Military Retirement Law and the amendments thereof;
- Law No. (35) of 1977 on reorganising the Armed People;
- Law No. (5) of 1978 on amending certain provisions of the military laws;
- Law No. (15) of 1981 on the system of salaries for national workers;
- Law No. (1) of 1429 FBP on issuing the Code of Criminal Procedure in the Armed People;
- Commander-in-Chief Decree No. (59) of 1989 on establishing and organising the Provisional People's Committee for Defence and the amendments thereof;

**has decreed:**

**Article (1)**

The General Judicial Authority in the Armed People shall be comprised of a prosecution and the Armed People courts, departments, branches and offices stipulated in this decree.

**Armed People Prosecution**

**Article (2)**

The Armed People Prosecution shall be comprised of the following:

- Advocate-general.
- First instance prosecutions.
- Summary prosecutions.

**Article (3)**

The advocate-general shall have an office with a sufficient number of prosecution members, clerks and administrative personnel attached thereto.

**Article (4)**

First instance and summary prosecutions shall be established and shall be subordinate to the advocate-general as follows:

First: Armed People first instance prosecution in the Eastern area. The headquarters thereof shall be in Benghazi and the following summary prosecutions shall be subordinate thereto:

- Armed People summary prosecution Benghazi
- Armed People summary prosecution Jabal al-Akhdar
- Armed People summary prosecution Tobruk

Second: Armed People first instance prosecution in the Central area. The headquarters thereof shall be in Jufra and the following summary prosecutions shall be subordinate thereto:

- Armed People summary prosecution Jufra
- Armed People summary prosecution Sirte
- Armed People summary prosecution Misrata

Third: Armed People first instance prosecution in the Western area. The headquarters thereof shall be in Tripoli and the following summary prosecutions shall be subordinate thereto:

- Armed People summary prosecution Tripoli
- Armed People summary prosecution Jabal al-Gharbi
- Armed People summary prosecution Sabratha

Fourth: Armed People first instance prosecution in the Southern area. The headquarters thereof shall be in Sabha and the following summary prosecutions shall be subordinate thereto:

- Armed People summary prosecution Sabha
- Armed People summary prosecution Wadi al-Hayaa

The headquarters of the summary prosecutions shall be determined by virtue of a decree issued by the advocate-general on the basis of a proposal from the chief prosecutors of Armed People first instance prosecutions.

The Secretary of the General Provisional Committee for Defence may establish other prosecutions on the basis of a proposal from the advocate-general.

#### **Article (5)**

The Armed People prosecution shall bear responsibility for initiating investigation in proceedings transferred thereto as well as the crimes reported thereto. It shall complete investigation and legal action in the minutes and investigatory councils that were formed prior to the Code of Criminal Procedure in the Armed People's entry into force.

#### **Article (6)**

The Armed People summary prosecution shall have competency to bring criminal suits in misdemeanour cases directly to the permanent competent court.

If an incident is characterised as a felony, the summary prosecution member shall refer the case papers to the first instance prosecution for action.

The chief prosecutor may refer any case that has been disposed by the first instance prosecution to the permanent court it deems appropriate within the jurisdiction of the first instance prosecution.

#### **Article (7)**

Members of the Armed People prosecution may appeal judgments issued by permanent courts within fifteen days of the date of filing of the grounds.

If they find that there is no ground for appeal, or the issued judgment is for the death penalty, they shall refer the case papers to the advocate-general by way of the chief prosecutor of the prosecution that they are affiliated with within the duration of this period for disposition pursuant to the law.

#### **Article (8)**

The advocate-general shall be responsible for appointing the Armed People prosecution members he deems necessary to attend the Supreme Court sessions.

#### **Article (9)**

The advocate-general shall bear responsibility for supervising all employees in the Armed People prosecution and monitoring them to ensure that they carry out the duties entrusted to them to the fullest extent. The administrative dependency thereof shall be to the President of the General Judicial Authority and it shall be legally responsible before the Secretary of the General Provisional Committee for Defence.

#### **Article (10)**

The position of advocate-general shall be held by an Armed People officer with an LL.B. in law, the ranking of which shall be no less than colonel and the legal expertise of which shall be at least fifteen years. The position may also be held by a legal advisor working in the Armed People with a degree of no less than thirteen or a member of a judicial entity, the ranking of which shall be no less than chief prosecutor or counsellor at a court of appeal.

The position of chief prosecutor of first instance prosecution shall be held by an Armed People officer with an LL.B. in law, the ranking of which shall be no less than lieutenant colonel and the legal expertise of which shall be at least ten years. The position may also be held by a legislator working in the Armed People with a grade of no less than 11 or a member of a judicial entity, the ranking of which shall be no less than deputy of secondary prosecution.

The chief prosecutor shall be responsible before the advocate-general for the workflow in the prosecution over which he presides.

#### **Article (11)**

The position of prosecution member shall be exercised by anyone that has a license in law that has more than two years of experience in legal work, or that has completed legal training in the Judiciary Institute, the duration of which shall have been no less than one year.

Upon necessity, this position may be filled through delegation from amongst the judicial entity members whose ranking is at least prosecution assistant.

The prosecution members shall be responsible before their chief prosecutors for the functions of their positions.

#### **Article (12)**

A sufficient number of clerks and administrative personnel shall be employed in the advocate-general office as well as the first instance and summary prosecutions. They shall be appointed by virtue of a proposal from the General Judicial Authority of the Armed People.

#### **Article (13)**

The powers of judicial officers may be vested in military police and intelligence members that have the ranking of corporal or higher. This shall be while they perform the duties of apprehending incidents, collecting evidence in this regard, and undertaking arrest and inspection procedures.

The same powers shall be vested in Armed People officers and non-commissioned officers that have the ranking of corporal or higher from other units when the same duty is assigned thereto.

## **Armed People Courts**

### **Article (14)**

Permanent Armed People courts shall be established that shall have the competency to hear cases referred thereto from the Armed People prosecution, as well as cases that have not been decided by former permanent military courts. The permanent courts shall be as follows:

1. Permanent Armed People Court: Benghazi
2. Permanent Armed People Court: Jufra
3. Permanent Armed People Court: Tripoli
4. Permanent Armed People Court: Sabha
5. Permanent Armed People Court: Tobruk
6. Permanent Armed People Court: Sabratha
7. Permanent Armed People Court: Misrata

The Secretary of the General Provisional Committee for Defence may establish other permanent courts on the basis of a proposal from the President of the General Judicial Authority of the Armed People.

### **Article (15)**

Permanent Armed People courts shall convene in regular sessions determined by the President of the General Judicial Authority of the Armed People.

### **Article (16)**

A sufficient number of clerks and administrative personnel shall be employed in the Armed People courts. They shall be appointed by virtue of a proposal from the General Judicial Authority of the Armed People.

### **Article (17)**

Panel members of Armed People courts shall swear the legal oath stipulated in Article (44) of the Code of Criminal Procedure before the Secretary of the General Provisional Committee for Defence or the person delegated thereby.

The courts shall exercise their functions immediately upon swearing the legal oath according to each court's jurisdiction.

### **Article (18)**

All military courts formed pursuant to Law No. (39) of 1974 on issuing the Code of Military Procedure shall be abolished.

## **General Judicial Authority Departments and the Components thereof**

### **Article (19)**

The following departments shall be established in the General Judicial Authority of the Armed People:

1. Prosecution and Court Affairs Department, which shall contain the following branches:
  - Prosecution affairs branch.
  - Court affairs branch.

- Fee and fine collection branch.
2. Judicial and Administrative Inspection Department, which shall contain the following branches:
    - Prosecution inspection branch.
    - Court inspection branch.
    - Administrative inspection branch.
  3. Retirement Settlements Department, which shall contain the following branches:
    - Officer settlement branch.
    - Non-commissioned officer and soldier settlement branch.
  4. Research and Studies Department, which shall contain the following:
    - Legal research and studies branch.
    - Legislation follow-up branch.
    - Civil cases branch.
  5. Local Department, which shall contain the following:
    - Administrative and financial affairs branch.
    - Training branch.
    - Individual affairs branch.
    - Transfer branch.

The following offices shall also be attached the President of the General Judicial Authority of the Armed People:

- Aide office.
- Assistant office.
- Legal office.
- Revolutionary guidance office.
- Security office.

#### **Article (20)**

The person appointed Director of the following departments shall have a license in law and have at least fifteen years of experience:

1. Judicial Inspection Department.
2. Research and Studies Department.
3. Retirement Settlements Department.

#### **Article (21)**

Permanent Armed People courts shall be subordinate to the General Judicial Authority of the Armed People and the Supreme Court shall be subordinate to the General Provisional Committee for Defence.

### **Article (22)**

The current professional grades for legal personnel working in the Armed People that are appointed to work in the Armed People prosecution and courts shall be equivalent to the corresponding judicial positions and rankings in accordance with Table No. (6) attached to Law No. (15) of 1981 on the system of salaries for national workers, and provided that their seniority is maintained upon settlement.

### **Article (23)**

Employees in the General Judicial Authority of the Armed People shall enjoy the same privileges prescribed for their counterparts working in judicial bodies.

Armed People prosecution members shall be appointed and promoted by virtue of a decree issued by the Secretary of the General Provisional Committee for Defence.

### **Article (24)**

The duties and competencies assigned to the General Judicial Authority of the Armed People and the components thereof shall be adopted.

The forms, records and papers organising the workflow in the Armed People prosecution and courts attached to this Decree shall also be adopted.

### **Article (25)**

This Decree shall enter into force from 01/01/1430 FBP (2000 AD). Any provision contrary thereto shall be repealed.

**Major General  
Abu-Bakr Yunis Jabr**  
**Secretary of the General Provisional Committee for Defence – Libya**

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