

**Law No. (1) of 2014
on Assistance to Families
of February 17 Revolution Martyrs and Missing Persons**

The General National Congress

Upon review of:

- The Constitutional Declaration issued on 3 August 2011 and the amendments thereof;
- The rules of procedure of the General National Congress;
- The Civil Law and the amendments thereof;
- The Code of Civil and Commercial Procedure, and the amendments thereof;
- The Penal Code and the amendments thereof;
- Law No. (88) of 1971 on the administrative judiciary;
- Law No. (17) of 1992 regulating the status of minors and their equivalents;
- Law No. (13) of 1980 on social security;
- Law No. (4) of 2013 on approving some provisions related to War of Liberation victims with permanent disability;
- Decisions taken by the General National Congress in its one hundred fifty-first ordinary session held on 19 Safar 1435 AH corresponding to 22 December 2013 AD;

issued the following law:

Part 1

Article (1)

For the purpose of implementation of this law, the following terms and expressions shall have the indicated meaning ascribed to them, unless the context indicates otherwise.

1. Martyr: For the implementation of the provisions of this law, a martyr shall refer to any person who:
 - Died on the battlefield while fighting the former regime's forces.
 - Died from injuries suffered due to missiles fired by the former regime's forces, whether at home, in the street, in public places, mosques or any other place.
 - Died of gunshot wounds while guarding revolutionaries.
 - Died at the hands of Gaddafi forces.
 - Died from stray gunfire in the air while participating in pro-17 February Revolution demonstrations.
 - Died in an arms warehouse explosion, provided that he was performing procurement or guard duties for fighters at the time of the explosion.
 - Died while providing medical or first aid services and others to the 17 February revolutionaries.
 - Accidentally killed himself due to misuse of weapons or by friendly fire, if such accident happened on the battlefield or during the performance of procurement, guard, or other duties for the 17 February revolutionaries.

- In other cases and without prejudice to the conditions stipulated by this law, a martyr shall be any person of uncertain situation who was declared a martyr by a fatwa after his misfortune was referred to the Supreme Council for Fatwa.
2. Missing person: any person who went missing during the War of Liberation and whose death has not been confirmed.
 3. Family of the martyr or missing person: his first-degree relatives.
 4. Assistance: all types of financial and moral benefits provided by law to the family of the martyr or missing person.
 5. Allowance: a financial sum paid to the family of the martyr and missing person.
 6. Ministry: the Ministry of Assistance to Families of Martyrs and Missing Persons.
 7. Executive regulation: the regulation issued for the implementation of the provisions of this law.

Article (2)

For the implementation of the provisions of this law, the following requirements shall be met:

1. The incident of martyrdom or disappearance must have occurred between 15 February 2011 and 23 October 2011, with the exception of persons injured during that period who died as a result of a surgery conducted afterwards. Persons who died as martyrs or went missing in subsequent liberation battles following 23 October 2011 may be deemed martyrs by a decision of the commander-in-chief, subject to the provisions of this law.
2. Any person who is proven to have opposed the 17 February Revolution at any time and in any form may not benefit from the provisions of this law.
3. The beneficiary of the provisions of this law shall hold Libyan nationality, with the exception of foreigners who belong to the family of a Libyan martyr or missing person, and foreigners who fought against the former regime's forces.

Part 2

Article (3)

The Ministry shall be in charge of implementing the provisions of this law to guarantee assistance to those covered therein.

Article (4)

In accordance with the provisions of this law, a public commission called the General Commission for the Search and Identification of Missing Persons shall be established. This Commission shall possess independent legal personality and financial liability and report to the Cabinet. It shall be entrusted with the search for and identification of missing persons and shall assume all relevant rights and obligations. The work of such Commission shall be organized by regulations and decrees issued by the Cabinet.

Part 3

Tally and Appeal Mechanisms

Article (5)

A central committee for tallying beneficiaries shall be established under the control of the Ministry of Assistance to Families of Martyrs and Missing Persons by a decision of the Minister of Assistance to Families of Martyrs and Missing Persons. Members of this

committee shall be chosen from the members of specialised committees for the affairs of beneficiaries of this law that existed before the issuance thereof from cities across Libya. The chairman of the committee shall be selected by direct secret ballot by committee members, and its organisational structure, mode of operation and budget shall be organised by the executive regulation of this law.

Article (6)

The central committee shall assume the following functions:

1. Ensure that the persons subject to this law conform to the rules and standards stipulated by the provisions thereof.
2. Create a statistical database in Libya for the persons subject to this law.
3. Make approval or rejection decisions regarding membership applications and handle requests for transfer from the missing persons register to the martyrs register by a majority of two-thirds of members within sixty days from the date of submission thereof by the subcommittee, provided that its rejection decision is substantiated.
4. Conduct fact-finding operations and examine complaints about revoking the status of any person who by a prior decision was deemed a martyr, missing, or beneficiary by the majority of its members within sixty days from the date such complaint is submitted, provided that its revocation decision is substantiated.

Article (7)

Subcommittees shall be created by a decision of the central committee as needed. Such subcommittees shall be in charge of fact-finding, receiving and sorting documents, verifying that the applicant is covered by the provisions of this law, and providing opinions on the complaints submitted by concerned parties with respect to revocation of beneficiary status. Subcommittees shall exercise their duties within the territorial jurisdiction of the branch, and shall submit their findings and recommendations to the central committee for resolution, in conformity with Article (6), Paragraph (4) of this law.

Article (8)

Every concerned person shall have the right to appeal the final decisions issued by the central committee stipulated by Article (6), Clauses (3) and (4) of this law before the administrative judiciary circuits at courts of appeal within sixty days from the date of certain knowledge of the decision.

Part 4

Rights of Beneficiaries

Article (9)

Families of martyrs and missing persons shall enjoy the following moral benefits and rights:

1. Gold medal for those who played a role in the struggle to liberate the country and defend it against the forces of the toppled former regime.
2. Commemoration on national and patriotic occasions, and honouring their families in a manner commensurate with the extent of their sacrifice.

3. Grant martyrs' families a specific annual quota in pilgrimage groups to perform Hajj once for every beneficiary.
4. Name streets, public squares, halls, education institutions, military barracks and other places related to their national struggle after them.
5. Integrate their heroic stances and noble sacrifices in educational curricula in order to teach the youth the meaning of chivalry, bravery, and heroism, and develop their sense of patriotism.

Article (10)

Families of martyrs and missing persons shall enjoy the following financial benefits and rights:

1. A monthly allowance to the martyr or missing person's family equalling the salary of the highest military rank in the State. To be eligible for this allowance, the beneficiary shall be a relative of the martyr or missing person up to first-degree relatives, whom the martyr or missing person is legally bound to support when alive. Such eligibility shall expire upon the death or maturity of minor beneficiaries.
2. The State shall be bound to provide excellent healthcare for the families by creating a medical insurance system that conforms to Islamic Sharia in order to provide medical treatment inside and outside the country.
3. Priority in training, qualification and study inside and outside the country for every beneficiary who fulfils the study requirements
4. Half fare for local public transportation.
5. Provide appropriate job opportunities in State agencies and public and private institutions.
6. Priority for home and commercial loans in accordance with the legislation in force.

Part 5

Penalties

Article (11)

Without prejudice to any harsher penalty, any person who intentionally submits information, documents or decisions containing incorrect facts that lead to this person or another being deemed a beneficiary of the provisions of this law, shall be punished by imprisonment for five years at most and by a fine equalling the value of the acquired financial benefits.

Part 6

Final Provisions

Article (12)

The necessary regulations for the implementation of this law shall be issued by the Cabinet based on the proposal of the Ministry of Assistance to Families of Martyrs and Missing Persons and in coordination with the union, leagues, organisations and associations of martyrs and missing persons' families.

Article (13)

The provisions of this law shall not prejudice any other benefits or privileges stipulated by the legislation in force for the beneficiaries of this law.

Article (14)

This law shall enter into force from its date of issuance and shall be published in the Official Gazette. Any contrary legislation shall be repealed.

General National Congress -- Libya

Issued in Tripoli

18 Rabi' al-Awwal 1435 AH

Corresponding to 9 January 2014 AD