

**Cabinet**  
**Decree No. (89) of 2013**  
**on establishing the General Authority for the Search and Identification of Missing Persons**

**The Cabinet:**

**Upon review of:**

- The Constitutional Declaration and the amendments thereof;
- The law of the financial system of the State, and budget, accounts, and warehouse regulation, and the amendments thereof;
- Law No. (19) of 1989 on the adoption of benefits for persons killed in military operations, missing persons and captives, and the amendments thereof;
- Law No. (12) of 2010 on labour relations and the executive regulation thereof;
- General National Congress Resolution No. (10) of 2012 on granting confidence to the interim government;
- Cabinet Decree No. (28) of 2012 on the organisation of the executive unit of the Ministry of Assistance to Families of Martyrs and Missing Persons;
- Secretary of Cabinet Affairs Letter No. (82) of 21/02/2013;

**has decreed:**

**Article (1)**

A public agency shall be established by virtue of the provisions of this Decree under the name “General Authority for the Search and Identification of Missing Persons,” which shall enjoy legal personality and independent financial liability and be subordinate to the Cabinet.

**Article (2)**

The main headquarters of the Authority shall be in the city of Tripoli. Branches and offices therefor may be established in Libya in accordance with the actual needs by virtue of a decree issued by the Authority’s Board of Directors.

**Article (3)**

The Authority shall perform its duties in accordance with the country’s general policy in the field of searching for and identifying missing persons and shall in particular be responsible for the following:

1. Search for and identify missing persons in Libya from 1969.
2. Tally the missing persons and their families, collect information about them and establish an electronic system therefor in accordance with the scientific and professional methods that ensure confidentiality of information for the service of the missing persons and their family members.
3. Take DNA samples from unidentified corpses in quantities to identify the same in accordance with the modern scientific bases and methods in coordination with the public prosecution.
4. Work in coordination with the relevant agencies to open graves in order to document violations committed against the victims and enable the competent agencies to carry out the necessary criminal investigations in accordance with the legislation in force.
5. Determine the causes of death for persons that are identified by forensics through the best scientific methods of achieving the same.

6. Collect the necessary samples from unidentified corpses as well as samples from the families of missing persons for the purpose of performing DNA tests to identify the identity thereof.
7. Maintain unidentified corpses in the places allocated and designated for this purpose while carrying out the process of identifying the identity thereof; return the corpses directly to the graves or deliver them to the family members for burial.
8. Prepare periodic quarterly reports on the Authority's activity.

The Authority may undertake the following to achieve its purposes:

1. Coordinate with the competent agencies (public prosecution, Ministry of Justice, Ministry of Interior and others) to ensure that the Authority carries out its tasks in accordance with the legislation in force.
2. Make use of national experts as well as foreign experts in the specialisations that are not available locally by entering into contracts therewith. The contracts thereof shall determine the financial treatment therefor in a way that corresponds to the nature of their work.
3. Enter into cooperation agreements with international organisations interested in this work, as well as centres and corresponding international bodies in coordination with the relevant agencies.
4. Enter into contracts with national and foreign companies in accordance with the legislation in force to make the necessary equipment, tools and laboratories available for the Authority's work.
5. Prepare and train Authority employees in Libya and abroad with specialised agencies in accordance with the agreements entered into in this regard, while observing the allocations included in the budget and legislation in force in this regard.
6. Enter into the necessary contracts and agreements to conduct the Authority's various functions and activities in a way that does not violate the legislation in force.
7. Own assets, holdings, properties, equipment and tools that enable the Authority to perform its tasks.

#### **Article (4)**

The Authority shall be managed by a Board of Directors, which shall be comprised of a president and four members that shall be appointed by virtue of a decree issued by the Cabinet.

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

The Authority's Board of Directors shall be responsible for implementing the general policy thereof, managing the Authority and conducting the affairs thereof. It shall in particular be responsible for the following:

1. Implement the general programs and plans prescribed in the field of the Authority's specialisation.
2. Propose financial, administrative and technical regulations for the Authority.
3. Propose the Authority's annual budget, approve the final account and transfer the same for approval.
4. Manage, invest and dispose of the Authority's funds in accordance with the prescribed rules and within the limits of the purposes thereof.
5. Establish branches and offices as needed.
6. Supervise, monitor, coordinate and evaluate performance in regards to the Authority's functions, branches and offices.

7. Study the periodic reports submitted on the course of work in the various aspects of the Authority's activity.

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

The Chairman of the Authority's Board of Directors shall be responsible for the following:

1. Supervise the Authority's affairs pursuant to this decree and the legislation in force.
2. Manage and conduct the Authority's affairs, and organise the functions thereof.
3. Represent the Authority in its relations with third parties and before the judiciary.
4. Present matters, information and statistics before the Board of Directors to decide thereon.
5. Prepare a draft budget and submit it for approval.
6. Work on developing the Authority's work system.
7. Perform other specialisations prescribed by the legislation in force.

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

1. The allocation therefor in the state's general budget.
2. Revenue resulting from the advertisements and services that it provides for third parties for a consideration in accordance with the Authority's regulations and the legislations in force.
3. Any other sources of income permitted for the Authority to realize.

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

The Authority shall have an independent budget. The fiscal year shall begin and end with the beginning and end of the country's fiscal year.

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

The Authority may open one or more bank accounts in accordance with the regulations prescribed in this regard.

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

The Court of Accounts shall be responsible for reviewing the Authority's accounts in accordance with the legislation in force.

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

The Authority's organisational structure shall be determined by virtue of a decree issued by the Cabinet on the basis of a proposal from the President of the Authority's Board of Directors. The internal organisation shall be determined by virtue of a decree issued by the Prime Minister.

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

This decree shall enter into force from its date of issuance. Any provision contrary to the provisions thereof shall be repealed and the competent agencies shall implement it and it shall be published in the Official Gazette.

**Cabinet – Libya**

**Issued on: 16/ Rabi' al-Thani/1434 AH**

**Corresponding to: 27/02/2013 AD**