

Law No. (31) of 2013
adopting provisions pertaining to the Abu Salim prison massacre

The General National Congress

Upon review of:

- The interim Constitutional Declaration issued on 3 August 2011 and the amendment thereof;
- The General National Congress Resolution No. (62) of 2013 on approving the amendment to the rules of procedure of the General National Congress;
- Law No. (43) of 1874 on military retirement and the amendments thereof;
- Law No. (8) of 1984 on determining the rules of exemption from the instalments of residence conveyance and real estate loans;
- Law No. (16) of 1985 on basic pension and the executive regulation thereof, and their amendments;
- Law No. (19) of 1989 on approving the benefits of personnel killed in military operations, missing persons and prisoners, and the amendments thereof;
- Law No. (12) of 1991 on determining the rights and benefits of civilians and soldiers who lost their lives in the line of duty, and the executive regulation thereof;
- Law No. (20) of 1998 on the Social Solidarity Fund, and the amendments thereof;
- Resolution No. (669) of 1981 on the social security pension regulation, and their amendments;
- Cabinet Decree No. (85) of 2012 on assisting and honouring the families of martyrs and missing persons;
- General National Congress Resolution No. (59) of 2013 on the Abu Salim prison massacre;
- The conclusions of the 150th ordinary session of the General National Congress held on 17 December 2013;

issued the following law:

Article (1)

The Abu Salim prison massacre is a crime against humanity. The State of Libya is committed to conducting a comprehensive and transparent investigation on this crime to identify its perpetrators and accomplices and bring them to justice.

Article (2)

The martyrs of Abu Salim prison who were killed in the mass massacre or who died due to disease, torture, or other causes, whether their death has been officially proved or not, shall be regarded as martyrs. All the following legal provisions shall apply thereto without any restrictions or conditions:

1. The duration of their suspension from their jobs in all State institutions and public administrations shall be regarded as active service until the legal age for termination of service (old age).

2. The last public entity where the martyr was employed shall disburse to his family all the salaries and other financial and in-kind benefits prescribed for his living peers, subject to all legal deductions. It shall refer the same to the competent entity.
3. The public administration where the martyr worked before his death shall continue to disburse his salary and all other financial and in-kind benefits to his family after subtracting the legally prescribed deductions until the legal retirement age. The Social Security Fund shall settle the martyr's social security old-age dues in accordance with the relevant regulations.
4. Starting 1 January 2013, the families of martyrs not falling under any category stipulated by the foregoing clauses shall be entitled to an exceptional pension of LYD 1,000 per month in accordance with the provisions of Law No. (20) of 2000 and its amendments on the Social Solidarity Fund and the executive regulation thereof, until the final compensation due to the martyr's families is decided in accordance with Article (4) of this law.

Article (3)

The salaries and all other financial and in-kind benefits payable to the Abu Salim martyrs from their date of suspension or withholding up to the date of their death shall be distributed among their heirs based on their share of the martyr's lawful portion, after deducting the debts of the deceased martyr related to inheritance before distribution. If the martyr has not left for his spouse any money to spend during his arrest until his death, the value of such allowance shall be estimated during such period in agreement with the remaining heirs or by resorting to the competent court for estimation thereof.

Article (4)

The salaries and all other financial and in-kind benefits that are payable to the martyr from the date of his death and beyond shall be distributed among his entitled relatives who are identified by Article (122) of Resolution No. (669) of 1981 on the social security pension regulation and the terms and conditions set forth by Articles (123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, and 144) of this regulation.

The Social Security Fund shall undertake the distribution of all salaries after their referral by the competent entities to their beneficiaries in accordance with the terms and conditions set forth by the aforementioned regulation, its attached Table (B), and the general rules attached to this Table.

The Social Security Fund shall disburse exceptional pensions referred to in Article (2), Clause (4) to their beneficiaries upon their referral by the competent entities in accordance with the terms and conditions set forth in the foregoing paragraphs of this Article.

Article (5)

A special committee shall be established by a resolution issued by the General National Congress (GNC). It shall be composed as follows:

1. A counsellor of the rank of president of a court of appeal or higher, to be delegated by the Supreme Judicial Council (chairman).
2. A member of the Prosecution of the rank of Chief of Public Prosecution, to be delegated by the Supreme Judicial Council (member).
3. A judge of the rank of deputy president or higher, to be delegated by the Supreme Judicial Council (member).
4. A representative of the Ministry of Assistance to Families of Martyrs and Missing Persons (member).
5. A representative of the Civil Status Authority (member).
6. A representative of the Association of the Families of Abu Salim Prison Massacre Martyrs (member).

The resolution regarding the nomination of the committee chairman and members shall determine their financial treatment and duration of the committee's mandate.

Article (6)

Without prejudice to the competences of the investigating magistrate and the Public Prosecution in initiating investigation and bringing criminal action against the Abu Salim prison massacre, the committee stipulated by the foregoing article shall exercise the following competences:

1. Conduct fact-finding missions regarding the Abu Salim prison massacre, tally our martyrs, and prepare a detailed database thereof which shall include in particular all their personal information and the cause and date of their actual death, in preparation for their final registration and entry in the civil status records. The committee shall carry out the same as regards the martyrs who passed away in Abu Salim prison before and after the massacre.
2. Present any comprehensive proposals and recommendations to legislative and executive authorities regarding the ways to address the impact of this massacre.
3. Work with all the concerned entities to settle all the statuses of the families of the Abu Salim prison martyrs before such entities to ensure prompt resolution thereof.

For the performance of its duties, the committee may produce a procedures manual and resort to any person it deems necessary.

Article (7)

All official and unofficial entities shall submit all the documents, files, and data requested by the committee that is established in accordance with the provisions of this law. The committee may use all the legally approved means of the concerned entities to take the necessary procedures to control and maintain them.

Article (8)

At the end of the criminal investigations on the Abu Salim prison massacre, the State of Libya shall preserve Abu Salim prison and its walls as a witness of the crimes of the former regime. A mosque, library, cultural centre, Islamic university, public garden, and a square called Martyrs Square shall be attached thereto.

Article (9)

The Public Treasury shall bear all the financial costs entailed by the implementation of the provisions of this law. The necessary allocations shall be included on the general budget of the State. All the concerned entities, each within their mandate, shall take the same into consideration.

Article (10)

None of the foregoing provisions shall constitute a violation of the right to compensation of the families of the Abu Salim prison massacre martyrs that is stipulated by the general rules of the law or that is prescribed for them in the future.

Article (11)

The executive regulation of this law shall be issued by the Cabinet at the proposal of the Ministry of Assistance to the Families of Martyrs and Missing Persons.

Article (12)

The aforementioned GNC Resolution No. (59) of 2013 shall be repealed. Any provision that contravenes the provisions of this law shall be repealed.

Article (13)

The provisions of this law shall enter into force from the date of issuance of the law. It shall be published in the Official Gazette.

General National Congress – Libya

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