

Decree No. (86) of 2005
on the regulations, rules, and provisions pertaining to the implementation of
Law No. (21) of 1991 on mobilisation

The Secretary of the General Provisional Committee for Defence,

Upon review of:

- Law No. (40) of 1974 on service in the Armed People and the amendments thereof;
- Law No. (35) of 1977 on the reorganisation of the Armed People;
- Law No. (5) of 1978 amending certain provisions of military laws;
- Law No. (7) of 1987 on call-up of the Armed People;
- Law No. (21) of 1991 on mobilisation;
- Law No. (1) of 1429 on issuing the Code of Criminal Procedure of the Armed People;
- Commander-in-Chief Decree No. (59) of 1989 on the establishment of the General Committee for Defence and its organisation, amended by Decision No. (546) of 1992;
- Commander-in-Chief Decree No. (22) of 1991 on the appointment of the General Provisional Committee for Defence;
- Commander-in-Chief Decree No. (16) of 1373 FDP on the establishment of the General Authority for Mobilisation;

has decreed:

Article (1)

Call for Mobilisation

The state and type of mobilisation, the purpose of its announcement, the end thereof, and the necessary plans for drafting and approving the general policy of mobilisation shall be announced by a resolution issued by the Basic People's Congresses based on the proposal of the General Provisional Committee for Defence.

Article (2)

Cases of Mobilisation

Mobilisation shall be announced in any of the following cases:

1. Cases of external danger, which include:
 - a. Danger of war
 - b. Outbreak of war
 - c. Threat to the security, sovereignty, or independence of the Great Jamahiriya.
2. Cases of internal danger, which include:
 - a. Threat to the authority of the people.
 - b. Disasters, epidemics, or other threats to the life, security, and safety of people.
3. Cases of mobilisation exercises, strategic manoeuvres, or practical applications on mobilization.
4. Implementation of revolutionary transformation programs that individual capacities do not suffice to execute.

Article (3)

Effects of the Call for Mobilisation

The call for mobilisation shall have the following effects:

1. Shift the Armed People from the state of peace to the state of war, which includes:
 - a. Increasing the level of readiness of all armed units.
 - b. Calling up the members discharged from the Armed People.
 - c. Ceasing all procedures pertaining to service termination and resignation.
 - d. Calling up strategic reservists.
2. Require the workers of public and private facilities, to be specified by a resolution issued by the General Provisional Committee for Defence, to continue to perform their duties under the supervision of the Committee or the entity it assigns.
3. Subject factories, plants, or any production or service facilities specified by the General Provisional Committee for Defence to supervision in terms of management, production, and operation.
4. Impose military control to ensure the safety of the Libyan Army and determine the limits and methods of implementation of such control in accordance with a resolution issued by the General Provisional Committee for Defence.
5. Implement the plans produced by the entities in charge of mobilisation in times of peace.

Article (4)

Effects of the Call for Partial Mobilisation

The call for partial mobilisation shall have the following effects until its termination:

1. Place all or part of the Armed People units under the control and supervision of the entity assigned by the General Provisional Committee for Defence.
2. Put all the capacities and resources determined by the General Provisional Committee for Defence at the service of the partial mobilisation or war effort.
3. Gather the individuals, vehicles, and all capacities related to mobilisation in coordination with the General Provisional Committee for Defence and people's committees with all its levels. Any administrative or technical entity may be assigned to contribute thereto.
4. Cease the procedure pertaining to the termination of service of national military service recruits.
5. Require all the workers of public bodies and facilities, companies, establishments, factories, and cooperatives, as well as collective and individual activities in the region(s) identified by the General Provisional Committee for Defence to continue to perform their duties under the supervision of the Committee or the entity it assigns.

Article (5)

Competences of the General Provisional Committee for Defence

The General Provisional Committee for Defence shall take all necessary actions to implement the provisions of the law on mobilisation. In particular, it shall:

1. Issue the necessary decisions to put the human and material capacities and resources at the service of the war effort or mobilisation.
2. Issue order to gather individuals, vehicles, and capacities related to mobilisation.

3. Coordinate with people's committees regarding the available capacities and resources to be put at the service of the war effort or mobilisation.
4. Issue the necessary decisions to assign administrative and technical entities to contribute to tallying, controlling, and gathering the required capacities.
5. Issue the order to require the workers of public and private entities and facilities to continue to perform their duties, and the mechanism for overseeing the execution of such decisions and orders.
6. Identify the area(s) affected by mobilisation and the entities in charge of the oversight of the material resources that are required for partial mobilisation.
7. Establish the necessary controls on the mutual use of material and moral capacities between areas if circumstances require so.
8. Notify the competent people's committees of mobilisation and the entity in charge of the oversight of the area(s) to be overseen.
9. Cease termination of the service of national military service or general military training recruits.
10. Impose military service on every person holding the nationality of the Great Socialist People's Libyan Arab Jamahiriya, aged between eighteen and fifty-five years, with the exception of those tasked with duties related to the war effort during mobilisation. Non-Libyan volunteers may be accepted.
11. Summon the persons it decides to recruit or delegate in order to undergo the prescribed medical examination, with the exception of those tasked with duties that do not require specific physical fitness.
12. Prepare moral resources by taking the necessary procedures pertaining to the recruitment of available capacities to promote national awareness and assert the patriotic spirit in confronting the circumstances that led to the call for mobilisation using various means, in particular:
 - a. Tally all media activities and the number of workers therein, and make the proper plans to use and benefit from them when necessary.
 - b. Control all media activities and identify the entities in charge of their oversight.
 - c. Implement the plans related to the use of media activities and alert their workers to perform their assigned duties.
13. Impose the necessary security arrangements established by the General People's Committee.
14. Cease all travel abroad and restrict the freedom of residence and movement.
15. Issue decisions pertaining to the appropriation of private property to serve the purposes of the mobilisation.
16. Propose announcing the end of the state of mobilisation when the reasons for its occurrence cease to exist.
17. Conduct experiments on general or private mobilisation.

Article (6)

Competences of the General Authority for Mobilisation

The General Authority for Mobilisation shall assume the following functions:

1. Prepare all the data and statistics produced on the workers of public and private entities and facilities and present the same to the General Provisional Committee for Defence.
2. Implement the plans that serve the war effort, which are approved in times of peace.
3. Implement plans and programs by linking various civil and military categories of common operational character (e.g. the post with intelligence management, sea transport with the navy, air transport with air defence forces, the Documentation and Information Agency and the Mobilisation and Media office with the Revolutionary Orientation Department, etc.)
4. Identify the methods, modes, and types of production that are required for the war effort, and prioritise the use of primary resources.
5. Choose storage and distribution locations of raw and medical material, fuel, and supplies, and determine the consumption amount thereof.
6. Appoint observers to carry out the operational procedures of general mobilisation, and determine those with the capacity of judicial officers.
7. Disseminate and apply the security arrangements issued by the General People's Committee and the concerned entities.
8. Issue permits for moving between and inside defence zones.
9. Provide the General Provisional Committee for Defence with the resources and materials required for general or partial mobilisation.
10. Disseminate the directives and orders issued by the General Provisional Committee for Defence regarding the provision and use of available capacities and resources.

Article (7)

Duties of People's Committees

People's Committees of all levels shall implement the provisions of this decree, each within their mandate. In this respect, they shall:

1. Provide the General Authority for Mobilisation with all the data, information, and statistics pertaining to economic and service resources in society.
2. Provide the General Authority for Mobilisation with sufficient information about the quantity and storage location of raw, logistic, and medical resources and fuel.
3. Execute the instructions determining the consumption quantity and the method of distribution and storage of raw material, medical supplies, and fuel.
4. Provide the General Authority for Mobilisation with all the data and information regarding the working groups of society's bodies and production and service sites.
5. Provide the General Authority for Mobilisation with sufficient information regarding mail, telegram, and phone resources as well as all other public and private means of air, land, and sea communication and transportation, and scientific research centres.
6. Provide the General Authority for Mobilisation with the necessary data on building and construction means and equipment, civil protection capacities, the status and treatment capacity of hospitals and medical centres, and the warehouses of medicine and medical equipment.
7. Implement security arrangements.
8. Provide the General Authority for Mobilisation with the required experts and specialists in the economic, administrative, and technical fields.

Article (8)

Appropriation of Private Property

Appropriation of private property may be conducted for mobilisation purposes in cases of extreme necessity or if the programs and plans of general or partial mobilisation cannot be implemented without such procedure.

Appropriation shall be effected by a resolution issued by the Secretary of the General Provisional Committee for Defence, provided that such resolution includes the following:

1. The name and capacity of the owner or his delegate.
2. An accurate due diligence description of the property to be appropriated, which shall include its land area, location, content, all its inclusions, its condition compared to other real estate, as well as its type, condition, quantity, and date of manufacture if it is movable property.
3. The entity that shall receive the appropriated property.

Appropriation shall be effected in accordance with an official report containing the necessary information prescribed by the foregoing clauses. A copy thereof shall be given to the owner or his delegate. A copy shall also be referred to the General Authority for Mobilisation.

Article (9)

Owners of the properties that are appropriated in accordance with the provisions of this law may resort to the competent entities to claim fair compensation for their property in accordance with the procedures stipulated by the General Provisional Committee for Defence unless they have volunteered such property as a contribution to the war effort or for the success of the mobilisation's goals.

Article (10)

The appropriate property shall be used for the purposes for which it was appropriated. At the end of the appropriation process, the competent entity shall inventory the appropriated property in the presence of the concerned persons to examine any exceptional use, destruction, or damage incurred by the buildings and materials during mobilisation.

Article (11)

The price and compensation for appropriated property shall be determined by an assessment committee in accordance with the provisions of this decree. Such committee shall be established by a resolution issued by the Secretary of the General Provisional Committee for Defence, which shall state the competences and procedures thereof.

Concerned persons may file a complaint against the decisions of the assessment committee within thirty days from the date of their notification of such decisions. The complaint shall be examined by a committee that is formed by the resolution of the Secretary of the General Provisional Committee for Defence. This committee shall be chaired by a member of the judiciary of the rank of president of the court of first instance or higher, to be chosen by the Secretary of the General People's Committee for Justice.

The committee shall examine the complaint expeditiously. Its decision shall be final.

Article (12)

Registration of Foreigners

Within one week from the call for mobilisation, nationals of hostile countries and those with which political ties have been cut, who are aged over eighteen years, shall present themselves to the local public security where they reside to register their names and submit their documents and information, nationality, and civil and financial status.

They shall advise of any change to such information within three days from its occurrence.

This provision shall apply to any national of such countries who acquired the citizenship of the Great Jamahiriya or any other citizenship.

Article (13)

Prohibited Dealing with Hostile Countries

Residents of the Great Jamahiriya shall be prohibited from dealing with the government of countries mentioned in the foregoing article and their nationals throughout the mobilisation period.

When the war is waged, the Secretary of the General Provisional Committee for Defence may issue decisions to arrest the nationals of countries mentioned in the foregoing article of this decree, and identify their place of residence if the situation requires so.

He may also issue the necessary decisions to place their assets as well as the institutions, bodies, and companies in which they have serious interests, under custody.

He shall be entitled to do so against any person who is proven to deal with such persons or with their countries.

Article (14)

Complaint against Assignment Orders

Any person who is assigned a task by virtue of an order may file a complaint against such order within seven days from his date of notification. Such complaint shall be filed by a request submitted to the entity to which he is assigned. The complaint shall be settled in accordance with the rules and procedures that are stipulated by a resolution issued by the Secretary of the General Provisional Committee for Defence.

The complaint against the assignment order shall not preclude its execution.

Article (15)

Individuals' Rights and Benefits

During mobilisation, individuals who are recruited, assigned, summoned, or delegated shall be subject to military laws, instructions, and orders. They shall enjoy all the rights and benefits of the members of the Armed People.

Article (16)

Salaries and Bonuses

The individuals mentioned in the foregoing article shall receive their salaries from their original employing entity. The entities to which individuals are delegated, assigned, or summoned, shall pay the other bonuses and benefits prescribed for the job or function to which these individuals are delegated or assigned.

Such entities shall pay the salaries, bonuses, and benefits prescribed for the assigned job or position with regard to the employees of companies, cooperatives, and private entities as well as the self-employed. The salary shall be equal to the income that such individual earned before his assignment, or to the salary of the function to which he is assigned, whichever is higher. The same entities shall bear the cost of transfer and travel that is required by assignment, summoning, or delegation.

Article (17)

Control of Judicial Officers

The capacity of a judicial officer shall be granted to those assigned to monitor the execution of the operational procedures of general and partial mobilisation by virtue of a resolution by the Secretary of the General Provisional Committee for Defence. They shall have the right to enter into the institutions, factories, shops, warehouses, and other places designed to manufacture, sell, or store the material to be appropriated. They shall also be entitled to request and examine the records, commercial registers, and other documents, as well as payment vouchers and relevant papers. They may inspect the factories that produce the aforementioned material, assess their production, and examine their means of production, subject to trade secret considerations.

Article (18)

1. Without prejudice to any harsher penalty, the penalty of imprisonment and a fine of LYD two thousand to five thousand or either penalty shall be imposed on:
 - a. Any person who intentionally fails during mobilisation to execute the summoning, assignment, recruitment, or appropriation order, or who conceals or stores supply goods and material or dispose thereof in other than their intended use.
 - b. If the act is committed in time of war, it shall be punished by the death penalty.
2. Any person who discloses secret data or information related to mobilisation shall be punished by imprisonment for five years at most. If such crime is committed during general mobilisation, it shall be punished by imprisonment. If it occurs during war, it shall be punished by the death penalty.

Article (19)

This decree shall be published in the Code of Procedure. It shall enter into force from its date of issuance and it shall be implemented by the concerned entities.

**Major General
Abu Bakr Yunis Jaber
Secretary of the General Provisional Committee for Defence**

**Issued on 26 Safar 1373 FDP
Corresponding to 05/04/2005**