

**Law No. (5) of 1373 FDP  
on correction and rehabilitation institutions**

**The General People’s Congress:**

In execution of the resolutions adopted by the Basic People’s Congresses in their ordinary session of 1372 FDP;

**And upon review of:**

- The Declaration on the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights of the Jamahiriya Era;
- Law No. (20) of 1991 AD on promoting freedom;
- Law No. (1) of 1369 FDP on People's Congresses and People's Committees;
- The Penal Code and the Code of Criminal Procedure;
- Law No. (47) of 1975 AD on prisons.

**drafted the following law:**

**Chapter (1)**

**Objectives and Types of Correction and Rehabilitation Institutions**

**Article (1)**

Correction and rehabilitation institutions are places of reform and education aimed at correcting the behaviour of persons sentenced to criminal custodial penalties and rehabilitating them so that they become good members of society.

**Article (2)**

There are three types of such institutions:

1. Main institutions.
2. Local institutions.
3. “Open and semi-open” private institutions.

**Article (3)**

A decision issued by the secretary of the General People’s Committee for Justice shall establish correction and rehabilitation institutions of all types, determine their headquarters, and organise their management.

**Article (4)**

Custodial penalties may not be implemented outside of correctional facilities or rehabilitation institutions. Persons subject to provisional detention shall be held in local institutions and they may not be detained outside such institutions, unless the Public Prosecution, for the benefit of the investigation or in remote areas, decides to detain them in other locations prepared for such purpose, provided they meet the necessary requirements for accommodation.

In all cases, the detention period in such locations shall not exceed fifteen days.

### **Article (5)**

The sentences of the following persons shall be served in main institutions:

1. Persons sentenced to death.
2. Persons sentenced to life imprisonment.
3. Persons sentenced to imprisonment.
4. Persons sentenced to hudud punishments, until the ruling is executed.

### **Article (6)**

The sentences of the following persons shall be served in local institutions:

1. Persons sentenced to detention with hard labour.
2. Persons sentenced to detention, if they were previously sentenced.

### **Article (7)**

The sentences of the following persons shall be served in private institutions:

1. Persons sentenced to simple detention.
2. Persons convicted for traffic or religious crimes.
3. Elderly people sentenced to imprisonment and whose age exceeds sixty years old.
4. Convicted persons who are subject to physical coercion.

All of these persons may be detained in local institutions if private institutions are unavailable, their conduct deteriorates, or it is feared based on serious reasons that they will escape.

### **Article (8)**

Inmates may be transferred from a main institution to a local institution, and from a local institution to a private institution to spend the remaining period of the sentence, provided this period does not exceed two years in the first case and one year in the second and the inmate proved commendable and of a good behaviour throughout his stay in the institution.

## **Chapter (2)**

### **Accepting Inmates**

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

No one may be detained in correction or rehabilitation institutions except by virtue of a written order signed and stamped by the Public Prosecution and he may not be detained for longer than the period specified in this order. The order shall carefully specify the name of the person to be detained and it shall specify the full name.

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

The head of the correction or rehabilitation institution or his representative shall receive the detention order and sign the second copy to confirm receipt then return it to the person who brought the inmate. The latter shall sign the original copy of the order.

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

The detention order shall be recorded in the public register immediately upon its receipt, in the presence of the person who brings it. The latter shall place his signature in this register.

### **Article (12)**

Upon his entry into the institution, the inmate shall be read a summary of the inmates' duties and rights in the presence of the head of the institution or his representative.

### **Article (13)**

The inmate shall be searched before his entry into the institution. Money, valuable items, and contraband items in his possession shall be seized and recorded in relevant registers.

In the event the inmate has financial obligations to the State set forth in the sentence issued against him, they shall be collected from the money in his possession. If the money in his possession does not cover such obligations and the inmate does not honour such obligations after he is ordered to do so, the Public Prosecution shall undertake to sell his possessions in a public auction to fulfil the aforementioned obligations or what remains of them with the proceeds from the sale. The sale shall stop when it generates a sufficient amount to meet what is needed. If any sum is left for the inmate after the fulfilment of the obligations referred to in the previous article, it shall be deposited in his account in the register of deposits to spend from when needed, unless the inmate asks that it be given wholly or partially to the person he chooses or to his guardian.

### **Article (14)**

The head of the institution may transfer the inmates' aforementioned deposited valuables to the Public Prosecution once a year has passed to sell them in public auction and keep their proceeds in the account of deposits at the disposal of their owners.

### **Article (15)**

The head of the institution shall seize any item that inmates hide, refuse to hand over, or that third parties try to deliver to them in secret. Items seized shall be sold in public auction and the price shall be deposited in a special account in the institution's treasury to use in the interest of inmates.

### **Article (16)**

Inmates' clothes that are found harmful to public health shall be disposed of, while other clothes shall be kept for a period not exceeding one year. If the inmate's detention period exceeds one year, clothes shall be delivered to the person he selects or his guardian. If he does not select anyone or the guardian refuses to take them, they may be sold in public auction and their price shall be deposited in the account of deposits for the inmate.

### **Article (17)**

In the event a inmate is transferred from one institution to another, his file with all its contents and his deposits shall be sent to the institution to which he is transferred. This shall be recorded in the relevant register in the institution to which he is transferred.

### **Article (18)**

In the event neither the inmate nor his heirs submit a request to retrieve the money or other valuable items kept in accordance with the provisions of Article (13) of this law within three years from the date of his death, release, or escape (if he is not recaptured), the money or the

proceeds of the sale of such items shall be deposited in the account referred to in Article (15) of this law, without the need to take any action.

### **Chapter (3)** **Division and Treatment of Inmates**

#### **Article (19)**

In all main and local institutions, inmates shall be divided with regards to treatment and livelihood into two categories totally separated one from another. The first category shall include:

1. Persons provisionally detained.
2. Persons for traffic or religious crimes.
3. Persons sentenced to simple detention for the first time.
4. Elderly convicts whose age exceeds sixty years old.
5. Convicted persons who are less than twenty-one years of age.
6. Convicted persons subject to physical coercion in implementation of financial sentences.

The second category shall include all other convicted persons.

Executive regulations shall determine the treatment of both categories and the transfer from one to another.

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

Inmates detained provisionally shall reside in locations separate from other inmates in the institution. They may be authorized to live in furnished rooms in exchange of a sum of money, in accordance with the provisions of executive regulations.

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

Inmates and prisoners detained provisionally may bring the food they need from outside the institution or buy it from the institution, provided this does not contravene health or security requirements. Otherwise, they will be served the food prescribed for inmates.

The head of the institution may grant this right to the convicted persons included in the first category stipulated in Article (19) of this law.

#### **Article (22)**

In the event the convicted person spends more than four years in the institution, he shall pass through a transitional period before release. Executive regulations shall determine the length of this period and the way inmates should be treated during this period, provided that a gradual approach is following to ease restrictions and grant benefits.

#### **Article (23)**

When classifying inmates, their prior convictions, the type of the charges, their readiness to reform, and their social and psychological circumstances shall be taken into account and the provisions of the executive regulations shall be implemented in this regard.

#### **Article (24)**

Female inmates shall be fully isolated from other inmates. Inmates who are younger than twenty-one years of age shall also be isolated from inmates who are above this age.

#### **Chapter (4)**

##### **Accommodation and Treatment of Female Inmates**

#### **Article (25)**

Notwithstanding Article (4) of this law, upon the order of the Public Prosecution, female inmates and women sentenced to custodial penalties and subject to freedom control in social welfare institutions established for this purpose may be lodged provisionally.

Female inmates may be returned to the institution if their behaviour worsens or it is feared that they will escape.

The period inmates spend in social welfare institutions shall be deducted from the sentence period.

#### **Article (26)**

Inmates pregnant in their sixth month or after shall receive the treatment prescribed by the specialist doctor in terms of food, occupation, and sleep until she delivers and forty days have passed from the delivery.

Pregnant inmates may receive such treatment at any stage of pregnancy or nursing if the doctor so decides.

#### **Article (27)**

The child of the inmate shall stay with her until he reaches two years of age. If he reaches this age or his mother does not wish that he stays with her during that period, he shall be given to his father or to whomever has the right to custody.

In the event the child does not have a father or caretaker, the head of the institution shall notify the competent authority to transfer him to a nursery, notifying the mother of such and facilitating their meeting periodically as stipulated by executive regulations.

#### **Chapter (5)**

##### **Labour of Inmates**

#### **Article (28)**

Labour shall be mandatory for all convicted prisoners whose health does not prevent them from doing so.

Prisoners may be asked to work outside of institutions in the same work conditions and duration of labour as inside the institutions.

Executive regulations shall determine the types and nature of the labour they perform, in accordance with the provisions of the Labour Law.

### **Article (29)**

Inmates shall be exempt from labour once they reach sixty years of age, unless he wishes otherwise and his physical ability to work is proved by a medical report.

### **Article (30)**

Unless necessary, inmates may not work on religious and official holidays.

### **Article (31)**

By virtue of a decision from the secretary of the General People's Committee for Justice, inmates may be lodged in labour locations that respect the rules applied in the institutions in terms of order, food, health, discipline, and necessary security measures when they work in locations so far from the institution that it is impossible to return to it daily.

In all cases, inmates shall be brought back to the institution as soon as they complete the works assigned to them.

### **Article (32)**

In exchange for their work in the institution, inmates shall be granted remuneration and executive regulations shall determine its amount, conditions of earning, and objects of use.

### **Article (33)**

The inmate's remuneration may not be retained or reduced by more than half in fulfilment of an alimony debt or to cover the amounts owed by him for losses he causes to the institution. In the event of several debts as referred to, priority shall be given to alimony. The assessment of losses set forth in the preceding paragraph shall be undertaken by a committee formed by virtue of a decision from the Secretary of the General People's Committee for Justice.

### **Article (34)**

In the event the inmate dies, his heirs shall be paid the remuneration due to him. In the event he has no heirs, the sum shall be transferred to the special account referred to in Article (15) of this law.

### **Article (35)**

The provisions of the Social Security Act on work-related injuries shall apply to the inmates of the institutions who are being employed in accordance with the provisions of this chapter. In the application of the aforementioned provisions, inmates shall be the workers and the General People's Committee for Justice shall be their employer.

## **Chapter (6)**

### **Educating and Teaching Inmates**

### **Article (36)**

Education shall be compulsory for illiterate inmates and the management of the institution shall work on educating other inmates and train them professionally, taking into account their age, the extent of their readiness, and the duration of the sentence, according to the methods prescribed in the various levels of education in the country. The General People's Committee

for Justice and the General People's Committee shall provide the elements of education and training in every institution.

#### **Article (37)**

The Judicial Police shall facilitate the means of study and examinations for inmates who have a level of education that allows them to do so and desire to continue studying.

Inmates may only leave the institution to perform their exams with the permission of the competent Chief Prosecutor. This shall only be authorized in the case of offenses related to the security of the State after the approval of the Prosecutor General. The inmates' leaving the institution shall be replaced by assigning examination committees for them within the institution, in accordance with regulations established for this purpose.

#### **Article (38)**

A library shall be established in each institution with the aim of educating and improving the manners of inmates. All inmates may make use of it in their spare time. With the consent of the head of the institution, inmates may bring the books, newspapers, and magazines they want at their own expense.

#### **Article (39)**

The Judicial Police shall provide various media for inmates and shall work to hold educational and entertainment seminars and lectures for them.

#### **Article (40)**

Inmates shall be granted an incentive financial bonus if during their stay in the institution, they succeed in memorizing all or half the Holy Koran or if they receive a public, graduate, or post-graduate degree.

Executive regulations shall determine the value of the bonus for each case.

#### **Article (41)**

Every institution shall have one or more religious preachers in charge of guidance and assistance to correct the delinquency of inmates and bring them back to society as good citizens.

### **Chapter (7)**

#### **Medical Care for Inmates**

#### **Article (42)**

A resident doctor, assisted by a sufficient number of assistants, shall be present in every institution. He shall be provided the necessary capabilities and medical equipment, in accordance with executive regulations.

#### **Article (43)**

If the doctor finds a damage that may affect an inmate's health because of the time spent in solitary confinement, in work, or other reasons, he shall present the matter to the head of the institution in writing so the latter may take the necessary measures to avert the damage.

#### **Article (44)**

In the event the doctor finds that an inmate is suffering from an illness that threatens his life or might cause his full disability, which requires his release, his case shall be presented to a medical committee headed by a forensic doctor and formed by virtue of a decision from the secretary of the General People's Committee for Justice to consider the release of the injured inmate.

In all cases, the injured inmate may only be released upon the order of the secretary of the General People's Committee for Justice.

#### **Article (45)**

The Judicial Police shall survey the inmate released for health reasons in accordance with the provisions of the preceding article and take him to the doctor of the institution every three months or whenever his condition requires a medical examination. A report on his health shall be submitted to the Judicial Police. If it is found that the health reasons that resulted in his release no longer prevail, the Prosecutor General shall issue a decision cancelling the release order.

#### **Article (46)**

In the event the condition of the sick inmate becomes critical, his parents shall be notified of such immediately and they shall be authorised to visit him. In the event the inmate dies, his body shall be handed over to them if they so request. The body may only be buried with the permission of the Public Prosecution. Necessary sanitary measures shall be taken in the event the death was caused by an epidemic disease.

The competent Chief Prosecutor shall be notified of the death. In the event more than three days pass since the death and the family does not come to receive the body, it may be buried at the expense of the State. The body may be buried before this period if required by health necessities.

### **Chapter (8)**

#### **Social Welfare for Inmates**

#### **Article (47)**

A social welfare department shall be established in all institutions and a sufficient number of experts and specialists should work therein. It shall undertake the following:

1. Contribute to the development and implementation of the welcome programs for inmates with regard to the examination of their character and their classification.
2. Participate in the development of a program for inmates' treatment, education, training, and rehabilitation, contribute to oversee the implementation of these programs, and amend them if appropriate.
3. Prepare social research and psychological studies that help rehabilitate inmates so they become good members of society.
4. Monitor the social activity of inmates, discuss their individual problems, and provide the necessary assistance to solve them.

5. Prepare and rehabilitate inmates psychologically, socially, and professionally; provide them with a suitable job before releasing them; and care for inmates and their families, socially and physically, during the execution of the sentence and after their release, in conjunction with competent authorities.

#### **Article (48)**

The social welfare department in each institution shall notify the General Authority for Social Security of the names of inmates at least two months before their release. The latter shall entrust competent employment authorities to provide suitable jobs and financial assistance for released inmates.

#### **Article (49)**

The Head of the Judicial Police may give a fixed financial grant set by executive regulations for released inmates so they may meet their urgent needs after their release.

### **Chapter (9) Visits and Correspondence**

#### **Article (50)**

Subject to the provisions of the Code of Criminal Procedure, inmates shall have the right to exchange letters and receive visitors, according to what is indicated in executive regulations.

#### **Article (51)**

The attorney of the inmate shall be authorised to meet him privately after obtaining a written permission from the Public Prosecution or the investigating judge, as the case may be, whether the meeting is requested by the inmate or his attorney.

#### **Article (52)**

The competent Chief Prosecutor or the Head of Judicial Police may authorise the inmates' parents, agent, or caretaker to visit them outside regular visit timings if necessary.

#### **Article (53)**

The head of the institution or his delegate for this purpose shall review all the correspondence inmates receive or send. He shall prevent their delivery if he finds something that raises suspicion or affects security in their content.

#### **Article (54)**

For reasons related to security or public health, any visitor may be inspected. If he refuses, he may be barred from visiting and the reasons shall be recorded in the register of visits.

The Head of the Judicial Police may decide to stop visits temporarily for the reasons referred to in the preceding article.

## **Chapter (10)** **Vacations of Inmates**

### **Article (55)**

Inmates sentenced to custodial penalties shall have an eight-day annual vacation granted at intervals of not more than four days, as per the conditions specified in the executive regulations.

### **Article (56)**

Inmates may be granted an emergency leave in the case one of his relatives up to the second degree dies. The leave shall be of 72 hours at most.

The leave shall be granted by virtue of a decision from the Head of Judicial Police.

### **Article (57)**

The leave period shall not be counted as part of the sentence. The leave shall start from the time the inmate leaves the institution and it shall be increased in the event the institution is far from the inmate's destination, in a manner commensurate with the trip back and forth, provided the leave does not exceed four days in any case.

## **Chapter (11)** **Disciplining Inmates**

### **Article (58)**

In the event inmates violate the regulations and rules of the institution, he shall be punished by one of the following disciplinary sanctions:

1. Warning.
2. Denial from receiving visitors for a period not exceeding one month.
3. Denial of remuneration for one week each time, with a maximum of thirty days' remuneration per year.
4. Deprivation of all or some of the privileges granted for the grade of the inmate in his category, for a period not exceeding thirty days.
5. Postponement of the transfer of the inmate to a higher grade for at least one month and six months at most.
6. Demotion of the inmate's grade to a lower grade for at least one month and six months at most.
7. Solitary confinement for a period not exceeding one month.

Sanctions shall be imposed by virtue of a decision from the Head of Judicial Police.

### **Article (59)**

The director of the institution may impose the following sanctions:

1. Warning.
2. Denial from receiving visitors for a period not exceeding fifteen days.
3. Denial of remuneration for a period of three days maximum at a time.
4. Deprivation of all or some of the privileges granted for the grade of the inmate in his category, for a period not exceeding fifteen days.
5. Postponement of the transfer of the inmate to a higher grade for three months at most.

6. Demotion of the inmate's grade to the lower grade for three months at most.
7. Solitary confinement for a period not exceeding fifteen days.

#### **Article (60)**

The decision issued to impose the sanction shall be reasoned and the Prosecutor General shall be notified of such as soon as it is issued.

#### **Article (61)**

Sanctions may not be imposed on the inmate before notifying him of the charge against him, hearing his statement, and recording his defence in minutes prepared for this purpose.

All sanctions imposed on the inmate shall be recorded in a special form retained in his file and recorded in the register of sanctions.

#### **Article (62)**

The imposition of disciplinary sanctions shall not delay the release of the inmate once the sentence determined by the court ruling issued against him is completed.

#### **Article (63)**

With regards to the disciplinary system, inmates detained provisionally shall be treated like convicted inmates.

### **Chapter (12) Judicial Police**

#### **Article (64)**

A public body for Judicial Police shall be established and it shall undertake the management of correction and rehabilitation institutions in accordance with the provisions of this law and the enforcement of judgments and orders issued by judicial bodies. It shall be subordinate to the General People's Committee for Justice. It shall be organised and its powers determined by virtue of a decision by the Secretary of the General People's Committee for Justice.

Its personnel shall be subject to the laws and regulations in force with regards to the police in terms of recruitment, promotion, discipline, and other professional affairs.

#### **Article (65)**

Commissioned officers and non-commissioned officers from the rank of corporal and above shall have the capacity of judicial officers regarding the implementation of the provisions of this law.

#### **Article (66)**

The head of the institution shall be responsible for implementing every order he receives from the Public Prosecution, the investigating judge, or the court to bring any inmate. He shall also send the inmate at the scheduled time.

### **Article (67)**

The head of the institution shall promptly inform the Public Prosecution and competent authorities about any commotion, riots, or insurrection in the institution. He shall also report the death, serious injury, or escape of any inmate and any felony or offense any inmate commits or is subject to.

### **Article (68)**

The head of the institution shall accept any complaint from the inmate, whether oral or in writing. He shall take necessary measures in this regard and document all this in the register of inmates' complaints and requests. In the event the inmate wishes to submit his complaint to another party, the head of the institution shall submit it to the Prosecution or to the party object of the complaint.

### **Article (69)**

Public authorities may only contact inmates detained provisionally after obtaining a written permission from the competent Public Prosecution. The head of the institution shall note in the register of visits the name of the person who allowed the visit, the time of the meeting, and the date and content of the permission.

### **Article (70)**

Inmates shall be notified of judicial documents and other documents by delivering a copy to the head of the institution or his representative. The latter shall make use of all means to immediately inform the inmate of the copy of any judgment or document sent to him and make him understand its content. If the inmate expresses his wish to send a copy of the notification to a specific person, it shall be sent by registered letter.

The notification and transmission procedures shall be documented in the register of appeals and judicial declarations.

The head of the institution shall be responsible for any negligence that prevents inmates from being informed of such procedures and implementing his demands in this regard.

### **Article (71)**

Reports of appeals or other recourses inmates wish to submit shall be drafted on the form prepared for this purpose. They shall be prepared with the knowledge of the head of the institution or his delegate for such purpose.

The head of the institution shall ensure that these reports are registered in the relevant record and immediately delivered to the registrar of the competent court. They may be sent by registered mail or fax if the court is located in a city that is far from the institution.