

**Law No. (19) of 1962
on prisons**

We, Idris I, King of the United Kingdom of Libya, have ratified and issued the following law passed by the Senate and the House of Representatives

**Chapter (1)
Types of Prisons**

Article (1)

There are three types of prisons:

1. Principal prisons
2. Central prisons
3. Special prisons, which include juvenile detention centres, detention camps, and others. Special prisons are organised by royal decree.

Article (2)

The following persons shall serve their penalties in principal prisons and they shall be subject to the regulations thereof:

1. Persons sentenced to imprisonment
2. Persons sentenced to detention for over a year, unless the remaining detention period at the time of issuance of the judgment is less than that and they are held in a principal prison prior to the judgment.

Article (3)

The following persons shall serve their penalties in central prisons and they shall be subject to the regulations thereof:

1. Convicts who do not fall under either of the categories mentioned in the foregoing article.
2. Persons who are subjected to physical coercion in execution of financial judgments.

All such persons may be placed in a principal prison if such prison is closer to the Prosecution's headquarters or if the central prison has limited space.

Article (4)

Prisons of all types shall be established and their locations and their affiliated jails shall be determined by a resolution issued by the executive council.

**Chapter (2)
Admission of Prisoners**

Article (5)

No person may be placed in prison without a written order signed by the competent authorities assigned by the law. Such person may not remain in prison beyond the period specified in this order.

Article (6)

Prior to admitting any person, the prison officer or his substitute shall sign an acknowledgement of receipt for any order requested the admission of the convict to prison. He shall return the original copy of the order to the person who brought the prisoner and keep a copy thereof signed by the issuing entity to be kept in the prison.

Article (7)

Upon admission, a summary of the prisoner's detention order shall be entered into the prisoners' general register in the presence of the person who brought the prisoner. Such person shall sign the aforementioned register.

Article (8)

A summary of the prison's applicable regulations relating to prisoners' rights and duties shall be read to every prisoner upon his admission in the presence of the prison officer or his delegated employee.

Article (9)

Every prisoner shall be searched upon his admission to prison. Any illegal substances, money, or valuable items in his possession shall be confiscated.

If the prisoner has financial obligations toward the government by virtue of his sentence, such obligations shall be settled using any amount of money in his possession. If such amount is insufficient and the prisoner fails to fulfil his obligations after he is requested to do so, his valuable items shall be sold through the Public Prosecution to fulfil his dues to the government from the proceeds of the sale. However, sale shall not be completed if it yields a sufficient amount to settle the prisoner's dues.

If any amount remains after settling the prisoner's obligations, such amount shall be deposited in his trusts account to be used for his expenditures when necessary, unless it is delivered, whether wholly or partially, to the person of his choice or his receiver upon his request.

In all cases, an amount not exceeding one pound shall be kept for prisoners to be used for his expenditures, even if the proceeds of the sale do not suffice to settle his obligations.

Article (10)

Valuable items found in the possession of the prisoner upon his admission to prison, which are not sold to settle his dues to the government in accordance with the foregoing article, shall be preserved for the prisoner unless they are delivered at his request to a person of his choice or his receiver.

Article (11)

Any items that are concealed by the prisoner or that the prisoner refuses to deliver or that another person attempts to enter into prison clandestinely may be confiscated.

Article (12)

The prisoner's clothes shall be destroyed if proven to be detrimental to public health. Other clothes shall be kept for the prisoner if his imprisonment period is one year or less. If it exceeds one year, such clothes shall be handed over to the person determined by the prisoner. If he does not assign anyone, the clothes may be sold, whereupon their price shall be deposited in his trusts account.

Article (13)

If the prisoner is transferred to another prison, a copy of the order by which he was imprisoned as well as all his papers and items shall be sent along with him to the destined prison.

Chapter (3) Grouping and Treatment of Prisoners

Article (14)

Prisoners inside every principal or central prison shall be grouped into two categories: (A) and (B). Category (A) shall include:

1. Convicts who are given special treatment by virtue of their sentence, given the living conditions they are used to or the type or circumstances of the crime they are accused of committing or given their social situation.
2. Prisoners held in provisional detention who are authorised by the Prosecution or the investigating magistrate to such privilege for one of the aforementioned considerations.
3. Convicts of political crimes, who shall receive the same treatment as that reserved for provisional detainees. In the application of this clause, murder, felonies and misdemeanours against the state that are stipulated by Title (2), Part (1), Chapter (1) of the Penal Code shall be considered political crimes.

Category (B) shall include all other prisoners.

Persons under physical coercion by virtue of financial judgments shall be classified under category (B) unless the Public Prosecution decides otherwise for any of the aforementioned considerations. Nonetheless, if the financial penalty is imposed along with an original custodial penalty, the prisoner shall remain in the same category he was in upon serving the original sentence.

The treatment of both categories shall be determined by a regulation.

These two categories shall be separated.

Article (15)

Prisoners shall be grouped based on their prior convictions, the duration of their sentence, and their capacity for reform. Regardless of their categories, prisoners shall also be divided into grades and they shall move up such grades based on their behaviour, labour, and period of imprisonment.

The provisions of the internal regulation shall apply in this respect.

Article (16)

Female prisoners shall be completely separated from male prisoners.

Prisoners under twenty years of age shall be separated from prisoners above such age.

Article (17)

Prisoners under provisional detention shall be placed in special zones separately from other prisoners. Every Category (A) provisional detainee shall be held in a special room that is equipped with the furniture specified for such category. They may acquire any domestic appliances authorised by the prison's regulations at their own expense.

Category (B) provisional detainees may be granted such privilege for a sum of money determined by the internal regulation provided that the prison space allows.

Article (18)

Regardless of their category, provisional detainees shall have the right to wear their own clothes unless the prison administration decides that they wear the clothes designed for other inmates for health or hygiene reasons.

They may send for any food they need from outside prison or buy food from prison at the specified price. If they do not wish or cannot do so, they shall be given the meals specified for their category.

Article (19)

Provisional detainees may send for any authorized newspapers, books, and magazines they want at their own expense, with the exception of sensational or arousing ones.

Article (20)

The attorney of the provisional detainee shall be authorised to meet with him in private on the condition of acquiring a written authorisation from the Prosecution or the investigating magistrate, whether such meeting is called for by the detainee or the attorney.

Article (21)

The competent superintendent may grant those convicted of simple detention all or some of the benefits given to provisional detainees upon consulting the Chief Prosecutor and the Director-General of Prisons in the governorate.

Article (22)

If the period spent by a convict in prison exceeds four years, he shall undergo a transitional period before his release. The duration of such period and the prisoner's treatment during it shall be determined by the regulation, taking into account the gradual attenuation of restrictions or granting of benefits.

Article (23)

Pregnant prisoners shall receive special medical treatment concerning their nutrition, labour, and sleep starting from the sixth month until delivery and four days beyond.

The mother and child shall receive the necessary medical care along with appropriate nutrition, clothing, and comfort. The pregnant or mother prisoner may not be deprived of her approved nutrition for any reason whatsoever.

Article (24)

Any child below two years of age shall remain with his imprisoned mother. If the mother does not wish to keep her child with her or if the child reaches two years of age and does not have a father or any relatives to support him, the prison director or officer shall contact the district administrator to entrust his care to a government shelter, inform the prisoner of his location, and allow her to see her child periodically as stipulated by the internal regulation.

Chapter (4) Labour of Prisoners

Article (25)

Prisoners who are under provisional detention or simple detention may not be employed in chores other than cleaning their cells. Any prisoner who pays the sum of fifteen piasters per day may be relieved from such chores. However, such prisoners may be tasked with simple chores stipulated by the regulation if they choose to.

Article (26)

The regulation shall specify the types of labour imposed on prisoners who are sentenced to life imprisonment, imprisonment, or detention with labour. The prisoner shall be exempted from labour if he is sixty years old unless he is proven to be capable of working by a physician.

Article (27)

The duration of labour for prisoners who are sentenced to life imprisonment, detention, or imprisonment with labour may not be less than six hours or over eight hours per day.

Article (28)

If it is necessary to task prisoners with chores related to public utilities in areas that are located away from prison, they may be lodged at night in temporary camps or prisons by virtue of an order issued by the prison officer with the consent of the competent superintendent. In such case, the rules relating to nutrition, health, order, and discipline that are applicable inside the prison shall be respected. The prison officer shall take any precautions he deems necessary to prevent the escape of prisoners.

Article (29)

With the exception of cases of necessity, prisoners may not be put to labour on Fridays and official holidays, and non-Muslim prisoners may not be put to labour on their religious holidays.

Chapter (5) Remuneration of Prisoners

Article (30)

Starting their second year of incarceration, prisoners shall be granted remuneration for their labour.

The regulation shall specify the amount, terms of eligibility, and disbursement method of such remuneration, provided that it is inferior to the regular remuneration granted for tasks that are similar to the ones performed by the prisoner.

Article (31)

In the event of death of the prisoner, any due remuneration shall be disbursed to his heirs.

Article (32)

The remuneration of prisoners may not be subject to attachment, without prejudice to the right of the prison administration to deduct the value of any loss caused by the prisoner.

Chapter (6)

Education of Prisoners

Article (33)

The prison administration shall educate the prisoners taking into consideration their gender, age, willingness, and the duration of their sentence.

Article (34)

The competent superintendent shall prepare the curriculum for men and women in agreement with the Minister of Education upon consulting the Director-General of prisons in the governorate.

Article (35)

A library shall be established for prisoners in every prison. It shall contain religious, scientific, and ethical books, which the prisoners shall be allowed to use in their free time.

Article (36)

Category (A) prisoners may send for any authorised books and magazines at their own expense, with the exception of sensational or arousing ones.

Article (37)

The prison administration shall facilitate the study and testing of educated prisoners who have the will to pursue their studies at their own expense. Prisoners may not leave prison to take examinations without written authorisation by the competent superintended and upon the approval of the Chief Prosecutor.

Article (38)

Every principal or central prison shall have a preacher whose job is to encourage virtue and urge prisoners to perform their religious duties. Such prisons may also have one or more social and psychological experts in the manner prescribed by the internal regulation.

Article (39)

A reward of five hundred pounds shall be given to any prisoner who obtains an elementary certificate during his imprisonment, ten pounds for a high school diploma, and fifteen pounds for a college degree.

A reward of ten pounds shall be granted to every prisoner who manages to memorise the Holy Quran entirely during his imprisonment. The reward shall be five pounds if the prisoner memorises half of it.

Chapter (7) Treatment of Prisoners

Article (40)

Every principal prison shall have one or more physicians who shall be in charge of medical duties. Central prisons in each governorate shall also have a physician. If a physician cannot be appointed thereto, the health inspector or other physicians shall be tasked with the duties of the prison doctor.

The doctor's duties and responsibilities shall be set forth by the internal regulation.

Article (41)

Any person sentenced to prison who is proven incapable of performing the labour imposed in the principal prison by the prison doctor shall be referred to the medical committee of the governorate to consider his transfer to a central prison. The decision shall be executed after its approval by the Director-General of prisons in the governorate and the consent of the Chief Prosecutor.

The prison to which a prisoner is transferred shall monitor his condition and submit a medical report thereon. If the medical committee establishes after examining the prisoner's condition that the reasons for his transfer no longer exist, he shall be returned to the principal prison. Its decision shall be executed after its approval by the Director-General of prisons in the governorate and the consent of the Chief Prosecutor.

The aforementioned medical committee shall be composed in accordance with a decision issued by the Minister of Health, provided that it is composed of three doctors, one of whom shall be the doctor of the concerned prison.

Article (42)

Any irrevocably convicted prisoner who is proven by the prison doctor to suffer from mental disorder shall be referred to the medical committee of the governorate for re-examination. If the committee ascertains his condition, it shall recommend his admission to a psychiatric hospital. The committee's recommendation shall be presented to the Chief Prosecutor to issue the order of his admission to such hospital until his acquittal.

The hospital administration shall inform the Chief Prosecutor whenever the prisoner recovers, in which case the Chief Prosecutor shall order his return to prison. The period spent in the hospital shall be deducted from the duration of his sentence.

Article (43)

Any convict who is proven by the prison doctor to suffer from a life-threatening illness shall be referred to the medical committee of the governorate for his release. The release decision shall be executed after its approval by the Director-General of prisons in the governorate and the consent of the Chief Prosecutor. The Ministry of Justice and the other competent entities shall be informed thereof.

The administrative authority shall monitor the prisoner's condition to be ready to revoke the release decision if necessary. The prisoner shall be returned to prison for the remainder of this sentence by an order issued by the Chief Prosecutor if it is established upon his re-examination by the medical committee of the governorate that the medical reasons for his release no longer exist.

The period spent by the released prisoner outside prison shall be deducted from the duration of his sentence.

Article (44)

If the condition of the ill prisoner reaches a dangerous stage, the prison administration shall notify the administrative authority where his family live to notify them immediately and authorise them to visit the prisoner.

In the event of the prisoner's death, his family shall be notified immediately in the same manner. They shall be given the body if they ask for it. If they wish for the body to be transferred to a town, the medical procedures shall be taken at the government expense before handing the body over to be transferred at the family's expense. The family shall not be allowed to move the body if the cause of death is an epidemic disease.

If the family does not appear to receive the body within twenty-four hours of his death, the deceased may be buried in the cemetery of the region where the prison is located.

Chapter (8)

Visitation and Correspondence

Article (45)

Every convict shall have the right to correspondence and to visitation by his family members in accordance with the internal regulation. Provisional detainees shall enjoy this right without prejudice to the relevant provisions of the Code of Criminal Procedure.

Article (46)

The prisoner's attorney who appeals the judgment shall be authorised to meet with the prisoner in private on condition that he acquires a written authorisation from the Prosecution, whether the meeting is called for by the prisoner or requested by the attorney.

Article (47)

The Chief Prosecutor and the Director-General of prisons in the governorate may authorise the prisoner's family to visit him outside regular visitation hours in cases of necessity.

Article (48)

Prison officers may examine any letter addressed to or by prisoners. They may prevent such letters from being sent or received if they deem their content suspicious.

Article (49)

In the event that the prison officer has suspicions about any visitor, he may order that he be searched. If the visitor objects to the search, he may be prohibited from conducting the visit and the reasons for such prohibition shall be mentioned in the prison's daily record.

Article (50)

Visitation may be prohibited, whether conditionally or unconditionally, during specific times for reasons of security or public health.

Chapter (9) Disciplining Prisoners

Article (51)

The prison officer may impose the following disciplinary penalties on prisoners if they misbehave or violate order.

1. Warning
2. Reduction of the quantity and type of food given to the prisoner within the limits set by the prison doctor for a period not exceeding seven days.
3. Deprivation of all or some of the privileges of the prisoner's category or grade for a period not exceeding seven days.
4. Deprivation of remuneration for a period not exceeding seven days.
5. Delay of the prisoner's transfer to a higher grade by thirty days at most.
6. Solitary confinement for fifteen days at most.

Article (52)

The Director-General of prisons may impose the following disciplinary penalties on prisoners at the request of the prison officer.

1. Deprivation of all or some of the privileges of the prisoner's category or grade for over seven days without exceeding thirty days.
2. Deprivation of remuneration for over seven days.
3. Delay of the prisoner's transfer to a higher grade by over thirty days without exceeding six months.
4. Solitary confinement for over fifteen days without exceeding thirty days.
5. Demotion to a lower grade.

Article (53)

No penalty may be imposed on a prisoner before notifying him of the act attributed to him, hearing his statement, and allowing for his defence. The decision imposing the penalty shall be final.

Article (54)

All penalties imposed on prisoners shall be recorded in a special register.

Article (55)

The prison officer or his substitute shall immediately notify the district administrator, deputy governor or commandant of the region, and the Public Prosecution of any turbulence or mass insubordination caused by the prisoners.

Article (56)

No disciplinary penalty that was ordered in execution of the provisions of this law may be imposed without releasing the prisoner on the date stipulated by the judicial judgment issued against him.

Article (57)

Provisional detainees shall receive the treatment reserved for prisoners who are sentenced to detention or prison as regards the disciplinary system.

Chapter (10)

Release of Prisoners

Article (58)

The prisoner shall be released on the day following the end of his sentence.

Article (59)

If it is decided to place the prisoner under police surveillance, he shall be handed over to the police to execute the provisions of the laws and regulations pertaining to surveillance.

Article (60)

If the prisoner does not have any clothes or is unable to procure some, he shall be given clothes in compliance with the internal regulation.

Chapter (11)

Administration and Order

Article (61)

In each governorate, prisons shall have a Director-General who shall be in charge of their administration and the oversight of their work.

Article (62)

A prison officer shall be appointed to every prison. He shall be in charge of guarding the prisoners and enforcing the laws and regulations pertaining to prisons inside the prison under his command. The prison officer shall report to the Director-General in the exercise of his duties.

Article (63)

The personnel and employees of each prison shall be under the supervision of the prison officer and they shall follow his orders.

Article (64)

Every prison shall possess the following registers:

General register for prisoners

Daily record of prison incidents

Register for prisoners' belongings

Register for prisoners' labour

Penalty register

Excapee register

Prisoner complaint and request register

Judicial registers deemed necessary by the Chief Prosecutor for the implementation of the provisions of this law.

Article (65)

The prison officer shall be responsible for executing every order addressed by the Public Prosecution, the investigating magistrate, the oversight body, or the court to summon a prisoner. He shall send the requested prisoner on the set date and time.

Article (66)

The prison officer shall receive any serious complaint from prisoners, be it verbal or written, and notify the same to the Public Prosecution or the competent entity after documenting the same in the complaint register.

Article (67)

The prison officer shall notify the Prosecution and the competent entities immediately of the death of any prisoner who passes away suddenly or as a result of an accident or serious injury or by his own will. He shall also inform them of any felony committed by or against the prisoners.

He shall notify the Prosecution of any misdemeanours committed by or against the prisoners if they are serious or if administrative or disciplinary penalty is not sufficient given the condition of the accused.

Article (68)

Prisoners' notices shall be addressed to the prison officer or his substitute, who shall use all the necessary means to inform the prisoner of a copy of any judgment or paper sent thereto in prison and explain its content the soonest possible. If the prisoner shows interest in sending a copy of such notice to a certain person, this copy shall be sent by registered mail. These procedures shall be documented in a special register.

Article (69)

Any report of appeal or any other report that a prisoner wishes to file through the prison officer shall be made on the designated template that is approved by the Minister of Justice.

The prison officer shall ensure the delivery of the reports of appeal or other reports submitted by prisoners, their registration in the designated record, and their immediate referral to the competent court registrar. Reports may be sent through post by registered mail if the competent court registrar is located away from prison.

Chapter (12) **Administrative Inspection**

Article (70)

Prisons shall have male and female inspectors who report to the Director-General of prisons. They shall conduct inspections inside prisons or ensure their compliance with all their related regulations. Their reports on such matters shall be submitted to the Director-General of prisons in the governorate.

Chapter (13) **Judicial Supervision**

Article (71)

Without prejudice to the provisions of Article (32) of the Code of Criminal Procedure, members of the Public Prosecution and supervising judges shall each have, within their jurisdiction, the right to enter any prison zone at any time to ensure that:

1. The orders of the investigating magistrate, the Prosecution, and the supervising judges, as well as court judgments and decisions are executed in the manner prescribed therein.
2. No person is imprisoned without legal grounds.
3. No prisoner is put to labour that is not stipulated by the judgment issued against him, with the exception of cases prescribed by law.
4. Prisoners are separated by category and their treatment is consistent with the way prescribed for each category.
5. The registers stipulated by law are used regularly.
6. Laws and regulations are respected and the necessary action is taken with regard to any violation.

Chapter (14) **General and Temporary Provisions**

Article (72)

Wardens and security officers entrusted with guarding prisoners may use their firearms against prisoners in the following cases:

1. Counteract any attack or resistance that involves use of force if they cannot avert it any other way.
2. Prevent the escape of any prisoner if it cannot be prevented by other means, in which case the first bullet shall be fired into the air. If the prisoner perseveres in his attempt to escape after this warning, it is allowed to shoot him in the leg.

Article (73)

Prisoners shall be advised of the provisions of the foregoing article upon entering and leaving prison to perform labour outside.

Article (74)

The prison officer may order the prisoner to be handcuffed using iron shackles if he exhibits turbulence or extreme assault, or using leg irons if he attempts to escape or is feared to escape and such fear has reasonable cause. He shall immediately notify the Director-General of prisons, the Public Prosecution, or the investigating magistrate, depending on the case.

The Public Prosecution and the investigating judge may order to uncuff the prisoner if it is not deemed necessary. Any cuffing with iron shackles shall be recorded in the prison's daily incidents register along with the reasons thereof.

Article (75)

Detention for three months at most and a fine not exceeding twenty pounds or either penalty shall be imposed on any of the following:

1. Any person who enters or attempts to enter into prison or any prison camp any item that contravenes the laws and regulations governing prisons.
2. Any person who enters or brings out of prison or camp any letters in contravention of the prison order that is stipulated by laws and regulations.
3. Any person who gives prohibited items to a convict or provisional detainee during his transfer from one area to another. Penalty shall be detention for six months at most and a fine not exceeding fifty pounds or either penalty if the crime is committed against any prison employee or any officer entrusted with the guard of prisoners. This article shall be posted in a clear spot on the outside gate of every prison.

Article (76)

The Director-General of prisons and the prison officers and agents shall act in the capacity of judicial officers each within their mandate.

Article (77)

Until the central prisons stipulated by this law are established, prisoners who are sentenced to detention for less than one year and those who are subject to physical coercion shall be placed in principal prisons.

Article (78)

All previous legislation that contradict the provisions of this law shall be repealed.

Article (79)

This law shall enter into force after thirty days from its date of publication in the Official Gazette. The Minister of Defence shall issue the necessary regulations for its implementation after consulting the governorates.

King Idris -- Libya

Issued in Dar Al-Salam Palace on 26 Dhu al-Qaada 1381 AH

Corresponding to 1 May 1962 AD

**By order of the King
Muhammed Uthman al-Sayd
Prime Minister**

**Wehbi al-Buri
Minister of Justice**