

Military Procedure Law
No. (50) of 1956

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
General Provisions

Article (1)
Applicability

This law shall be applicable to all persons subject to the Military Penal Code and to those prosecuted before military tribunals as dictated by other laws.

Article (2)
Military Trial

There are two types of military trials: summary trials, which are conducted before a commanding officer for disciplinary purposes, and regular trials, which are conducted before a military tribunal.

Article (3)
Commanding Officer for Disciplinary Purposes

1. A commanding officer for disciplinary purposes is any person holding a military rank who is entitled by this law to impose penalties on his subordinates if they commit a discipline crime.
2. If the perpetrator of a discipline crime transfers to another unit, the commanding officer for disciplinary purposes responsible for such crime shall be the commanding officer for disciplinary purposes of the new unit.
3. The deputy commanding officer for disciplinary purposes in any unit shall have the right to use the powers of the unit's commanding officer for disciplinary purposes in the latter's absence.

Article (4)
Discipline Crimes

Discipline crimes are:

1. Disciplinary crimes, which include any act, negligence or failure that may disrupt military order or prejudice discipline and that are not stipulated in the Military Penal Code and other laws.
2. Crimes stipulated by the Military Penal Code which are sanctioned by penalties not exceeding six months or by disciplinary penalties only.

Article (5)
Persons Prosecuted for Discipline Crimes

The following persons shall be prosecuted in summary proceedings if they commit any discipline crime:

1. Soldiers
2. Servicemen of the Libyan Army or persons enlisted in the Army for any reason and in any form in time of war.
3. Prisoners of war

Article (6)

Nearest and Higher-Ranking Commanding Officer for Disciplinary Purposes

1. The summary trial shall be handled by the nearest commanding officer for disciplinary purposes entitled to impose penalties.
2. The higher-ranking commanding officer for disciplinary purposes who is the superior of the unit commander of the accused shall have the right to personally conduct the summary trial in the following cases:
 - a. If the crime is committed publicly in plain sight.
 - b. If the crime is an insult to the position of the military commander.
 - c. If the case is referred to him by the accused's commander in order to determine the degree of penalty.
 - d. If the act is committed by multiple persons belonging to different units under his command.
 - e. If the crime came to the knowledge of a lower-ranking commanding officer for disciplinary purposes and the perpetrator was not punished.
 - f. In the absence of a nearby commanding officer for disciplinary purposes who has the power to impose penalties near the location of the person who must be prosecuted in a summary trial.

Article (7)

Criminal Powers of Commanding Officer for Disciplinary Purposes

Each commanding officer for disciplinary purposes whose rank is stated in Table (1) appended to this law shall have the right to impose penalties within the limits set in the aforementioned Table, subject to the following considerations:

1. Persons below the rank of captain shall not punish an officer under their command
2. Captains and above shall have the power to punish those under their command
3. Officers of the rank of colonel or brigadier general may only be judged by a commander of the rank of major general. Officers of the rank of major general shall be judged by the Minister of Defence by reprimand only.

Article (8)

Conferral of Penal Authority

The Minister of Defence or the person he entitles may confer to the commanding officer for disciplinary purposes the penal authority assigned to a higher rank to be used with relation to his subordinates. He may also withdraw any penal authority from any person entitled thereto by law and he may determine such authority.

Article (9)

Irrevocability of Judgments in Discipline Crimes

Judgments pronounced by the commanding officer for disciplinary purposes shall be executed immediately upon notification thereof to the convicted person.

Chapter 2

Military Tribunals

Article (10)

Military Tribunals

Military tribunals are:

1. Permanent military tribunals
2. Temporary military tribunals
3. Supreme military tribunals

Article (11)

Independence of Tribunals

Military tribunals shall be independent. In adjudication they shall not be subject to any authority other than the law.

Article (12)

Permanent Tribunals

- a) A permanent military tribunal shall be established by order of the Libyan Army Chief of Staff at the Staff headquarters. This tribunal shall have jurisdiction in accordance with this law.
- b) The Minister of Defence may establish, when necessary, other permanent military tribunals wherever he deems appropriate.
- c) The tribunal members shall be of a higher seniority than the accused. In the absence of a senior officer, a legally competent officer may be appointed regardless of his seniority status provided that his term in military service is not less than two years.

Article (13)

Establishment of Temporary Military Tribunals

When necessary, whether in time of peace or war, the commander of any military detachment may form a temporary military tribunal of three officers provided that they each have at least three years of service in the Army. For the establishment of such tribunal, the commander shall be of the rank of lieutenant colonel and above and there shall not be a permanent military tribunal close to the unit. The temporary tribunal shall adjudicate military crimes attributed to officers of a rank lower than captain and to other subordinates of the officer who ordered the establishment of the tribunal.

Such officer may alter the tribunal's composition as required.

Article (14)

Establishment of Supreme Military Tribunal

A supreme military tribunal shall be established in the Army Staff headquarters by order of the Minister of Defence. Such tribunal shall have a president of the rank of colonel or above in addition to two members possessing legal qualifications. The tribunal shall rule on appeals against the judgments of permanent or temporary military tribunals in accordance with this law.

Article (15)

Military Tribunal Panel Requirements

For an officer to be appointed in military tribunals, he shall not be sentenced to imprisonment by any court and shall have at least one year of service in the Army.

Article (16)

Military Public Prosecutor

A military public prosecutor shall be appointed for every permanent military tribunal on the condition that his length of service in the Army has not been less than one year. He shall be entitled to order taking the necessary procedures leading to the truth and ensuring proper administration of justice.

In particular, the military public prosecutor shall:

- a. Attend trials before permanent or temporary military tribunals if possible, and inform the same of his observations regarding the trial's administration or compliance with the law.
- b. Receive documents from the military tribunal upon completion and assume the responsibility of preserving and transferring the same to the referring officer.

Article (17)

Judicial Advisor

The Minister of Defence may appoint a judicial advisor of the rank of major or above. Such advisor shall hold a law degree and shall have a minimum of five years' prior experience in legal practice. He shall be responsible for informing the Minister of his opinion regarding military trials in accordance with the provisions of this law.

Chapter 3

Tribunal Jurisdiction

Article (8)

Jurisdiction of Military Tribunals

Military tribunals shall have the following jurisdiction:

1. If a crime stipulated by the Military Penal Code is committed by a soldier against the flag, another soldier, or a civilian in time of mobilisation, this soldier shall be tried before military tribunals.
2. If a crime stipulated by non-military penal laws is committed by a soldier against another soldier, it shall be adjudicated by military tribunals, subject to the General Penal Code. However, military tribunals may, as may military authorities, refer the case to ordinary

courts for adjudication. A judgment pronounced by the military tribunal on such crime does not prevent retrial in ordinary courts.

3. If an ordinary crime is committed by a soldier against a civilian, the soldier shall be tried in ordinary courts.
4. If the crime is committed by a civilian against a soldier, the civilian shall be tried in ordinary courts.
5. If the act is at the same time an ordinary military crime, the judgment of the military tribunal does not prevent retrial before ordinary courts.

Chapter 4

Investigation

Article (19)

Crime Reporting

1. Any person subject to the provisions of this law shall report to his commander any crime that comes to his knowledge and any sudden or suspicious death. The commander shall report the same to the unit commander of the accused.
2. Any person who incurs damage from a crime falling under the jurisdiction of military tribunals shall report it immediately to the nearest military authority.

Article (20)

Investigation by the Military Public Prosecutor

The military public prosecutor shall have the right to request legal investigations in every crime reported to him or of which he is informed. He may personally handle the investigation based on the order issued by his supreme chief. In which case, the military prosecutor shall act in the capacity of a board of inquiry and shall assume the powers thereof.

Article (21)

Measures Taken by the Unit Commander

If a unit commander is notified of a crime committed by a subordinate or finds reason for investigation, he may personally handle the investigation, appoint an officer for this purpose, or order the establishment of a board of inquiry, depending on the interest and the importance of the case.

Article (22)

Board of Inquiry

The unit commander may order the establishment of a board of inquiry composed of at least three of his unit's officers in order to assist him in investigating any crime and supervising the investigation. The president of the board of inquiry shall be the most senior officer.

Article (23)

Investigation Procedures

1. The person in charge of the investigation shall initiate it immediately. He shall head to the crime scene or any other location that helps uncover the truth in order to substantiate the status thereof and any other matters related to the investigation.

2. The investigator shall prepare a report stating the date, time, and place of initiation of the investigation as well as all the procedures taken in this respect.
3. The investigator shall take the statement of anyone associated with the incident under investigation as well as the testimony of witnesses, if any.

Article (24)

Summoning Witnesses before the Investigation Authority

1. A soldier shall be summoned to appear before the investigation authority by virtue of a subpoena issued by such authority and notified to the soldier through his commander. Civilians shall be called to appear before the investigation authority by a summons served through the public prosecution.
2. If it is proved to the investigation authority that the summoned person is unable to appear for an acceptable justification, it may send a member thereof to the person's location to substantiate his testimony if the circumstances are deemed appropriate. The accused shall have the right to appear before the investigation authority and dispute such person in court upon presenting the following documents:
3. If the witness' place of residence is located far from the headquarters of the investigation authority, his testimony may be heard by a delegate of the public prosecution if such witness is not a soldier, a delegate of the closest military tribunal to his residence (if any) if the witness is a soldier, or by a delegate of his unit commander. In any case, the investigation authority shall identify the matters to be investigated and the facts to be discussed in the witness' testimony.
4. Any witness who fails to appear before the investigation authority shall be sanctioned in accordance with the provisions of the Code of Criminal Procedure, subject to the provisions of Article (70) of this law.

Article (25)

Witness Testimony

1. The testimony of witnesses under the age of fifteen shall be heard without oath for purposes of information gathering only. Each witness shall give his testimony in private without the presence of other witnesses who have not yet given their testimonies.
2. The witness shall take the following oath: "The truth, the whole truth, and nothing but the truth", otherwise the testimony shall be null and void. At the witness' request, the oath may conform to the witness' religious requirements.
3. The witness shall state his name, surname, occupation, age and country. He shall state his relationship with the suspect or the victim, whether by kinship or affinity, and the degree thereof. He shall also state whether he is a servant or employee of any of them.
4. The investigation authority may directly ask the witness any questions it deems useful to uncover the truth.
5. The witness shall give his testimony verbally. He may not resort to written notes except by special authorisation.
6. The witness' answers shall be documented in the report and read to the witness. He shall sign the same after making any necessary corrections. If the witness abstains from signing, such fact and the reasons thereof shall be stated in the report.

Article (26)

Contents of Investigation Report

The investigation report shall contain the following information:

1. Day, time, and place of initiation and conclusion of the investigation.
2. Name, surname, occupation, and country of each witness.
3. Information provided by witnesses, and their oath.
4. Questions directed to the witness, and the witness' answer to each question.
5. Witness' signature on the answers after reading and commenting on the same.
6. Signature of the investigating party if it is an individual and signature of the head of the investigation authority if it is a board.

Article (27)

Summoning of Other Witnesses

If a witness mentions other persons who know the truth, the investigation authority may summon such persons for testimony.

Article (28)

Cases Requiring the Establishment of a Board of Inquiry

A board of inquiry shall be established in the following cases:

1. In the event of loss, theft, destruction, or malfunction of any State-owned equipment, ammunition, mission, or supplies of all sorts.
2. In the event of loss or destruction of a weapon, material, vehicle, or any means of transportation.
3. Upon discovering a deficit in the Army's accounts.
4. In the event of a bodily disability, injury, or death of a soldier.
5. In the event of murder or serious injury.
6. In the event of a suspicious death.
7. In the event of the soldier's desertion or absence beyond the leave period, in order to identify the quantity of equipment, missions, or items he has taken or left behind. The decision of the board in this regard shall be final.

Article (29)

Disposal of Investigation Papers

Upon completion of the investigation, the investigator shall deliver the investigation papers to the unit commander who shall in turn review the papers upon receipt thereof and dispose of them in any of the following manners:

1. Return them to the investigation authority to pursue the investigation if he determines a lack therein.
2. Refer them to another investigation authority if he deems it necessary for the integrity of the investigation.
3. Endorse the investigation authority's decision to release the accused, with this decision being final.

4. Issue a sentence if the investigation authority's decision attributes a specific crime to the accused and such sentence falls under the jurisdiction of the commander.
5. Submit them to a higher commander if the sentence does not fall under his jurisdiction.

Article (30)

Power to Order Compensation Based on the Board of Inquiry's Decision

The commanding officer for disciplinary purposes may, in addition to imposing penalties, sentence the soldier to pay a compensation to the government based on the decision of the board of inquiry within the following limits:

1. If the commander is of the rank of major general, he may order a compensation not exceeding fifty Libyan pounds.
2. If he is of the rank of chief or colonel, he may order a compensation not exceeding thirty Libyan pounds.
3. If he is of the rank of lieutenant colonel, he may order a compensation not exceeding ten Libyan pounds. Any excess thereof shall fall under the jurisdiction of the military tribunal.

Article (31)

Power of Higher Commander

If the investigation papers are delivered to the higher commander in accordance with Article (29), Clause (5), such commander shall refer them to the legal advisor. After taking his legal advice, he may carry out the following:

1. Assume the same powers as the unit commander.
2. Refer the papers to the competent military tribunal.

Chapter 5

Military Arrest

Article (32)

Cases of Arrest

1. Military arrest means the apprehension and provisional detention of an accused person.
2. An accused may be arrested in the following cases:
 - a. If the evidence of his conviction is proved sufficient, and the incident is a crime punishable by law by imprisonment or detention for over one year.
 - b. If the accused is feared to flee before trial.
 - c. If the accused is feared to distort aspects of the crime or influence accessories, witnesses, or persons harmed by the crime.
 - d. If the crime attributed to the accused contravenes public morals.

Article (33)

Power to Arrest Soldiers

1. Commanding officers for disciplinary purposes and judicial officers shall arrest officers, non-commissioned officers (NCOs) and privates in the event of an order issued by a military tribunal or any military authority in charge of their arrest or if they are found *in flagrante delicto* or escaped after their apprehension.

2. Commanding officer for disciplinary purposes and judicial officers shall arrest NCOs and privates if they commit a crime in their presence, if they are found in a state of intoxication, or if there are sufficient reasons to believe that they committed a crime punishable by law by one-year imprisonment or detention. They shall not hold the arrestees in custody for over twenty-four hours, during which the arrestees shall be handed over to their unit commander along with a report stating the reason for their arrest.
3. The unit commander or a higher-ranked officer may order the arrest of a soldier under his command in the cases that require so in accordance with the foregoing. If such soldier is an officer, the Chief of Staff of the Army shall be notified of his arrest with a full report on the reasons for such arrest.
4. Any officer may order the arrest of a warrant officer, NCO, or private under his command in the cases previously stated in Clause (2).
5. Any soldier may arrest another soldier caught *in flagrante delicto* and shall hand him over to the nearest military authority to be referred to his unit commander.

Article (34)

Soldier Arrest Method

1. A soldier shall be arrested in the unit's or barracks' detention centre. He shall be separated from other prisoners whenever possible and shall be deprived of his official duties upon issuance of his arrest warrant.
2. The arrestee shall be treated in conformity with the purpose of his arrest and the arrest warrant.
3. If the arrest method is not specified, he may conduct personal activities such as reading and writing in custody in a way commensurate with his rank, and he shall be authorised to take walks at specific times and within specific limits.
4. The arrestee shall wear his military uniform without the waistband throughout his arrest.
5. If an arrested officer believes that his arrest is unjust, or if he is mistreated or wronged by the arrest commander, he may present his case to the Chief of Staff who, in turn, shall issue the order to open an investigation and settle the case.

Article (35)

Arrest Period

1. Officers shall be arrested for a maximum of three days, deputy officers and NCOs for a maximum of seven days, and privates for a maximum of fifteen days. However, the investigation of the crime of which the soldier is charged shall be initiated immediately.
2. If the period of arrest prescribed in the previous clause elapses before the completion of the investigation, and the investigation authority deems it necessary to extend the arrest in the interest of the investigation, it shall -- whenever necessary -- refer the papers along with the reasons for extension to the highest ranking officer in the station if the arrestee is an officer, and to the unit commander if he is a deputy officer, NCO, or private, requesting to extend the arrest for consecutive periods. The total of such periods shall not exceed fifteen days for officers, thirty-five days for deputy officers and NCOs, and sixty days for privates.

In the meantime, the investigation shall be completed and the fate of the arrestee shall be settled either by release or referral to military tribunal. In the latter case, the extension of the arrest period shall be decided by the military tribunal.

If the investigation requires extension beyond the aforementioned periods due to the uncertainty of the case or in order to complete the evidence-gathering process, the investigation authority may refer the papers to the competent military tribunal in order to assess whether such extension is absolutely necessary. Such tribunal shall take the necessary decision either to renew the arrest for a period specified by the tribunal or to release the arrestee.

Article (36)

Release of Arrested Soldier

The arrested soldier may be released by order of the arresting authority unless he has been referred to the investigation authority or to trial.

Chapter 6

Summary Trial

Article (37)

Summary Trial Record

Every commanding officer for disciplinary purposes shall keep a record of discipline crimes based on the model prescribed by the Minister of Defence's directives. Such record shall include the judgments delivered by the commanding officer for disciplinary purposes on discipline crimes tried before him.

Article (38)

Summary Trial Procedures

Summary trials shall be conducted before the commanding officer for disciplinary purposes in accordance with the following rules:

1. If the commanding officer for disciplinary purposes decides to try the accused, he shall conduct the trial upon learning of the crime. He may designate another date for such trial.
2. On the designated trial day, the suspect shall appear before the commanding officer for disciplinary purposes with one of his commanders. After the commanding officer for disciplinary purposes reads the charges to the accused, he shall question him about such charges.
3. The commanding officer for disciplinary purposes may summon the plaintiff, reporting person, victim and witnesses and hear their testimony. He may re-question them and he may hear any other testimony.
4. The accused shall be free to dispute the witnesses.
5. In the event of insufficient evidence, the accused shall be released immediately unless he is imprisoned or arrested for a different reason.
6. If the act attributed to the accused is a discipline crime, he may sentence him to the proper penalty within the scope of his penal authority.

7. If the commanding officer for disciplinary purposes does not have the power to impose the proper penalty, or the offence is a discipline crime, he shall issue a decision referring the case to a higher-ranking commanding officer for disciplinary purposes.
8. The higher-ranked commanding officer for disciplinary purposes to whom the case is referred shall examine the case papers and he may rule on the case. If he does not have jurisdiction, he shall refer it to the military tribunal.

Chapter 7

Trial Procedures before Permanent and Temporary Military Tribunals

Article (39)

Order of Referral to Military Tribunal

The commander may refer the accused to the permanent military tribunal if he deems the evidence sufficient to convict him of a crime stipulated by law, whereupon he shall send the order of referral to the tribunal along with the following papers:

1. The order of referral document, which shall include an introduction of the accused and the appointment of the president and members of the military tribunal in addition to the military public prosecutor.
2. The investigation papers of the act attributed to the accused.
3. The ethics record and inspection schedule if the accused is a private, NCO, or warrant officer, and the inspection schedule only if he is an officer.
4. Statement of his debts to the government.
5. The bill of indictment which shall state the act attributed to the accused, its legal characterisation or sufficient specifications, the applicable article of the law, the date and location of the crime, the name of the victim, the object of the crime, the method of commission, and all the other matters that clarify and identify the charges.

The bill of indictment shall be signed by the referring officer or his authorised delegate. A separate indictment bill shall be prepared for every crime of which the person is accused.

Article (40)

Duties of Military Tribunal President

Upon receipt of the order of referral, the president of the military tribunal shall review the referred papers. If he deems them complete, he shall designate a hearing date and inform the tribunal members and others summoned persons thereof. If he deems the papers incomplete, he shall return the same for their completion.

Article (41)

Reasons for Rejection of Military Tribunal Panel or Military Public Prosecutor

None of the following persons may be appointed as president or member of a military tribunal or as military public prosecutor:

1. Any person affected by the crime or who may financially benefit from the crime.
2. Any person associated with the accused or the affected person by kinship up to the fourth degree.

3. The commander who referred the accused to military tribunal, any person who previously investigated the crime or defended the accused, any person affected by the crime, and the commander who submitted the crime report concerning the accused.
4. Any witness or expert witness in the same crime.

Article (42)

Right of the Accused or the Person Affected by the Crime to an Attorney

The accused and the person affected by the crime shall have the right to appoint an attorney to defend him before the military tribunal. The attorney may exercise on behalf of his client all the rights vested in him by the law.

Article (43)

Management of Trial Hearing and Maintaining Order

The military tribunal president shall manage the trial hearing, question the accused, hear the witness and examine all the evidence. In order to maintain order, he may expel anyone who disrupts order from the courtroom, and if such person does not comply and displays effrontery, the tribunal may immediately sentence him to a disciplinary penalty if he is a soldier. If he is a civilian, the tribunal may sentence him to twenty-four hours' imprisonment and refer him to the public prosecution for execution of the sentence.

Article (44)

Contempt of Court

Any person who shows contempt to the military tribunal, whether by words or actions, shall be immediately sentenced by such tribunal to a disciplinary penalty if he is a soldier, provided that the incident is stated in the arrest warrant. The sentence shall be sent to the commander of the condemned person. If the perpetrator is not a soldier, the tribunal shall refer him to the public prosecution after reporting the incident in the arrest warrant.

Article (45)

Public Trial

1. The trial shall be public unless the tribunal decides at its own discretion or based on the request of the military public prosecutor to hold the trial or part thereof in closed session to preserve public order, morals, or military secrets.
2. Persons of a lower rank than the accused may not attend public trials unless connected to the case. The tribunal president may remove such persons from the courtroom.
3. The tribunal president may prevent women, and boys under fifteen years of age from attending the trial hearing.

Article (46)

Court Clerk

A clerk shall attend the trial hearing with the panel. The clerk shall prepare a record of the proceedings and sign it along with the Bench, otherwise the procedure shall be deemed null and void.

Article (47)

Seating Order

In a court session, the president shall sit in the middle with the two highest-ranking members to his right and the other member to his left. The military public prosecutor and the court clerk shall sit in their designated seats.

Article (48)

Opening of the Court Session

1. The accused shall be present at the session before it convenes. The session shall start when the president announces that the court is in session. The order of referral shall be read and then the accused and witnesses shall be called. The accused shall be asked his name and surname and any other personal information. The president shall ask the accused if he has any objection to the panel or any member of the tribunal or to the military public prosecutor. If the accused answers negatively, the trial shall proceed, and such shall be stated in the record. If the accused expresses his objection thereto, such objection shall be stated in the record in addition to the grounds for such objection.

The accused may only rely on the causes set forth in Article (41) of this law for his objection.

2. If the panel is convinced of the validity of the grounds for objection, it shall accept the same and shall ask the person who ordered referral of the case to substitute the person objected to.

If the tribunal is not persuaded of the validity of such grounds, it shall reject the objection and continue the proceedings.

Article (49)

Question to the Accused

The president shall ask the accused whether he confesses to the crime of which he is charged. If the accused pleads guilty, the tribunal may rely solely on his confession to render its judgment without the need to hear the witnesses. If the accused does not confess, the president shall call upon the prosecution witnesses, retaining the first witness while holding the rest of the witnesses in a safe place so that they cannot hear the witness' testimony. He shall do the same with the other witnesses who have not yet been heard.

Article (50)

Witness Testimony before Military Tribunals

Witness testimony before military tribunals shall be subject to Article (25) and subsequent provisions relating to testimony before boards of inquiry.

Article (51)

Hearing the Testimony of Prosecution Witnesses

Prosecution witnesses shall be heard separately under oath. The president of the tribunal shall address his questions to the witnesses first, followed by the military public prosecutor and then the accused. They may also be confronted with one another. The military public prosecutor may cross-examine the witnesses to clarify the facts of which they testified in their answers to the accused's questions.

Article (52)

Hearing the Defence Witnesses

Defence witnesses shall be heard after the prosecution witnesses. The tribunal president shall ask his questions first, followed by the accused and then the military public prosecutor. The accused may cross-examine witnesses to clarify the facts to which they testified in their answers.

Article (53)

Removal of the Accused from Courtroom

If the military tribunal determines that the accessories or witnesses are not testifying the truth in the presence of the accused, it shall be entitled to remove the accused from the courtroom. Upon his return, the tribunal shall inform him of the proceedings that took place in his absence.

Article (54)

Provisions Relating to Witness Testimony

1. The tribunal may, whatever the case status, ask the witnesses the questions deemed necessary to uncover the truth or may authorise the litigants to do the same.
2. A member of the military tribunal or the military public prosecutor may ask the witnesses or the accused any question, in which case the president shall be asked to address such question.
3. The tribunal may prohibit asking the witnesses or the accused any questions that are irrelevant to the case or unacceptable. It may also refuse to hear testimony about facts that it deems sufficiently clear.
4. The tribunal may prevent any statement, insinuation, or gesture from being addressed by third parties to the witnesses with the intention to intimidate or coax them. It may also bar any questions that contravene public morals and do not relate to facts upon which depend the truth about the facts of the case.
5. Testimonies shall be recorded as verbatim as possible. If the testimony is not rendered in the spoken language, the meaning shall be kept intact. Upon completion, the testimony shall be read to the testifying person and corrected as necessary. The trial record shall state that the testimony, statement, interrogation report, or reports have been read to the witness who has acknowledged their accuracy. If the witness denies the accuracy of the testimony, such shall be mentioned in the report of his interrogation and statements; and if the tribunal determines that the reported facts are true, it shall mention the witness' objection in the record and it shall add thereto any necessary observations. The president and members of the tribunal shall append their signature thereto.

Article (55)

Witness Incompetence

If the tribunal determines that the witness is incompetent to testify due to his inability to recollect facts, understand questions and provide plausible answers, or to recognise that he is speaking the truth, it shall establish the incompetence of such witness and state the same in the report.

Article (56)

Translation of Statements

If the person present at the investigation or trial session is not sufficiently proficient in the Arabic language to understand the procedures, such procedures shall be translated into the language understandable to such person by means of a translator appointed by the tribunal or the investigation authority. The translator shall take an oath like the witness.

Article (57)

Mandatory Witness Attendance and Punishment of Absentees

1. Witnesses summoned to appear before the military tribunal who fail to do so may be forced to appear and sentenced by the military tribunal to the penalties set forth in the Penal Code in the case of soldiers and by public courts in the case of civilians.
2. If a summoned witness attends trial but refrains from providing answers, the competent court may sentence him to the penalties stipulated by law for absentees, with the exception of persons who are legally bound to preserve the secrecy of any matter that comes to their knowledge due to their occupation.
3. If the absent witness provides reasonable causes for his absence which are deemed acceptable by the tribunal, he shall not be sentenced to a penalty.

Article (58)

Adoption of Testimonies upon Tribunal Replacement

If, after a tribunal hears a witness and notes his testimony in the record, the tribunal and its members are replaced, the panel of the new tribunal shall render its judgment based on the previous testimony. The tribunal may, at its own discretion or at the reasonable request of the military public prosecutor or the accused, summon all or some witnesses to appear a second time.

Article (59)

Written Evidence

1. Documents, papers, registers, reports and all other written evidence shall be read during trial. The tribunal has the right to accept the same as grounds for proof or refutation for the crime.
2. Statements that were previously made by any witness, expert witness, or accessory to the crime before the investigation authorities or public courts shall be read from the record or the official copy thereof without having such persons appear before the military tribunal. if such proves impossible for any reason.
3. The military tribunal may retain any document, written paper, or any other items presented thereto if it deems it appropriate.

Article (60)

Reading Information, Reports and Other Papers

1. The information concerning the commander of the accused, including his testimony and observations, as well as the accused's moral record which includes his precedents, and any official paper containing the expert reports shall be read before the military tribunal.
2. Any specialised employee may be summoned to explain or clarify any report submitted by a specialised entity. The commander of the accused may also be summoned to take his statement on the conduct of the accused.
3. The tribunal shall ask the accused whether he has any observation regarding the aforesaid information and papers or the testimony of the specialised employee, the expert, or his commander.

Article (61)

Admission of the Accused

The military tribunal shall accept the admission of the accused insofar as it does not result from abuse, threat, or coercion by or with the consent of any person, employee, or authority related to the case.

Article (62)

Continuance and Change of Venue

1. The military tribunal may adjourn the trial to a date it deems appropriate due to the absence of a witness, for deliberation purposes or for any other reason. It may proceed to examination or change the venue of the trial within its jurisdiction area if the situation so requires, provided that the referring officer is notified thereof beforehand.
2. The accused may request continuance in order to prepare the defence, appoint a defence attorney, or for any other reason. The tribunal may approve such request or reject it in the absence of reasonable justification.

Article (63)

Lack of Jurisdiction

If the military tribunal determines during trial that the case presented thereto falls under the jurisdiction of a non-military tribunal or another military tribunal, it shall establish the lack of jurisdiction, halt the proceedings, and send the case papers to the referring officer to be sent to the competent court.

Article (64)

Rectifying and Amending Charges

1. The military tribunal may, prior to rendering the judgment, rectify any error in the bill of indictment that may harm the accused. It may amend or modify the charges if necessary.
2. Any rectification or amendment of the charges shall be read and explained to the accused.
3. The military tribunal may, upon amending the charges, summon any witness to question him regarding matters related to such amendment.

Article (65)

One Trial for Multiple Crimes

The accused shall be tried separately for each charge except in the following cases:

1. If a person is accused of multiple crimes of the same type punishable by a single article of a law, he may only be indicted and tried once for all such crimes.
2. If a person is accused of multiple crimes committed for one purpose and connected in an indivisible manner, he shall be tried for such crimes as one crime and sentenced to the penalty stipulated for the most severe crime, increased by up to one-third.
3. In the event of difficulty designating a description for the crime(s), the charges may be addressed under more than one description and submitted to court for the appropriate ruling.

Article (66)

Trial of Persons Accused of One Crime

If several persons are accused of a single crime or several connected crimes, whether as perpetrators or accessories, and whether the crime is committed or attempted, they may be indicted and tried jointly or separately as deemed appropriate by the military tribunal.

Article (67)

Emergence of a New Crime and Accusation of the Witness

1. If, during trial, the accused is revealed to have committed a crime punishable by six-month detention at most other than the crime stated in the bill of indictment, he shall be tried for both crimes together.
2. If, during trial, one of the witnesses is revealed to be the principal perpetrator of the crime or an accessory thereto, a bill of indictment may be prepared against him and he may be tried along with the accused. Such witness shall be questioned as an accused.

Article (68)

Public Prosecutor Pleading

After hearing the prosecution and defence witnesses and examining the evidence, the military public prosecutor's pleading shall be heard. The accused may speak provided that he is last.

Article (69)

Cases under the Jurisdiction of Ordinary Courts

If the military tribunal determines that certain elements of the case fall under the jurisdiction of ordinary courts, it may adjourn the trial and give the litigants a sufficient period of time to resort to such courts, in which case it shall wait for the final judgment of such courts to render its judgment accordingly. If the final judgment is not issued within the specified time period, the tribunal may resume the trial and settle the case.

Article (70)

Cases Papers and Contents

The tribunal president shall examine and sign the case papers. Such papers shall contain the following:

1. The proceedings report, which includes the name of the tribunal, the date and number of the order of referral, the trial location and date, the names of the panel members, the military public prosecutor, and the crime as described in the bill of indictment, the name of the accused, his attorney, witnesses and expert witnesses.

2. The trial record, which includes a summary of the main declarations made by the military public prosecutor, the accused, the prosecution and defence witnesses, expert witnesses, and the deliberations in their regard, the important matters that occur during trial, and a summary of the papers, documents, and pleas that were read.
3. The judgment, which shall contain the conviction decision and the sentence.
4. Attached papers, including the investigation papers referred to the tribunal and any retained papers, documents, and reports.

Article (71)

Rights of Defence Attorney

The accused may examine the investigation papers and make copies thereof. The defence attorney may meet and hold confidential conversations regarding the case with his client.

Article (72)

Apprehension of Military Fugitive Defendant

Military tribunals may ask the public prosecution to issue an arrest warrant against the accused. The public prosecution shall exercise all its legal powers to track and apprehend the accused.

Article (73)

Persons with Mental Illness

1. If, during investigation or trial, there is reason to believe that the accused suffers from mental illness that prevents him from defending himself, the investigation or trial shall cease and the accused shall be referred to a medical committee for examination.
2. If the accused is proved to suffer from mental illness, the investigation or trial shall be postponed until the accused recovers and becomes able to defend himself. In the meantime, the accused shall be placed under medical surveillance in a hospital.
3. Subject to the foregoing, surveillance of the accused may be entrusted to any willing relative or friend if circumstances so allow. In this case, the persons entrusted with surveillance may be asked to pledge to exercise due diligence regarding the patient and to bring him before the investigation authority or the tribunal when summoned.
4. If the accused is of a sound mind during investigation or trial and the evidence indicates that he was not aware of his actions and the consequences thereof at the time of the crime, the investigation authority or military tribunal shall note in the record its decision that the accused was not responsible at the time of committing the crime.

Chapter 8

Trial in Absentia

Article (74)

Cases of Trial in Absentia

A soldier may be tried in absentia if he commits any of the crimes stipulated by the Military Penal Law in any of the following cases:

1. If his place of residence is unknown.
2. If he could not be brought to the trial hearing.

Article (75)

Preliminary Investigation

A soldier shall only be tried in absentia after a preliminary investigation has been conducted.

Article (76)

Writ to Subpoena the Accused

Upon receipt of the papers of the accused to be tried in absentia, the military tribunal shall issue a writ summoning the accused to appear before the tribunal within thirty (30) days from the date of issuance thereof in the local newspapers. A copy thereof shall be posted in his last known place of residence. Such decision shall state the following:

1. The crime attributed to the accused and the applicable article of the law.
2. Summons to appear within the specified period and warning of conducting trial in absentia in case of failure to do so.
3. Obligation of every person who knows his hiding place to inform the military entity thereof.

Article (77)

Pronouncing the Judgment

If the accused does not appear before the tribunal at the expiration of the specified period, trial shall be conducted in absentia. The tribunal shall pronounce its judgment and sentence the accused to the proper penalty, and it shall order all competent authorities to apprehend him wherever he may be, compelling the residents to report his whereabouts and preventing him from disposing of his funds.

Article (78)

Funds of the Convict

The funds of the person convicted in absentia shall be managed in the manner prescribed for the management of absentees' funds in accordance with the provisions of the law.

Article (79)

Judgment in Presence

The absence of an accused shall not delay the trial of the other accused persons present, in which case the judgment against them shall be pronounced in their presence, whereas the judgment against absentees shall be pronounced in absentia.

Article (80)

Annulment of Judgment in Absentia

If a soldier who is convicted in absentia turns himself in or is apprehended, the judgment delivered against him in absentia shall be annulled and the case shall be re-examined before the tribunal in accordance with the provisions of this law. Any procedures taken against such soldier in accordance with the provisions of Article (56) shall depend on the judgment rendered after the trial in presence.

Article (81)

Closure of the Trial and Pronouncement of the Judgment

1. Upon completion of all trial proceedings in accordance with this law, the president of the tribunal shall announce the closure of the trial whereupon the panel shall be released for deliberations.
2. The case papers shall be examined and the tribunal shall assess the probative value of the evidence. If it deems the evidence sufficient for a conviction, it shall convict the accused and note its decision in writing.
3. The conviction decision shall state the crime of which the accused is proved guilty and the article of the Penal Code or any other criminal law for non-military crimes under which the crime has been proven. It shall also state the facts considered as elements of the crime, the fundamental points, and the compelling reasons in favour of the judgment or refuting the defence.

If mitigating or aggravating circumstances arise from the provisions of this law or from the tribunal's belief, such circumstances shall also be noted down.

4. The accused and the military public prosecutor shall be called and read the conviction decision publicly, after which the military public prosecutor shall be heard regarding the identification of the penalty, followed by the accused.
5. The tribunal panel shall convene in private to deliberate the appropriate penalty for the crime and it shall render its judgment in this regard. It shall note down the judgment along with the legal article applicable thereto, date and sign the same, and publicly read it to the accused and the attendees standing up.
6. The military tribunal shall pass its judgment unanimously or by majority thereof. The lowest-ranking member shall be consulted first, followed by the second member and then the president of the tribunal. The deliberation may only be attended by the office staff.

Article (82)

Judgment Contents

The judgment shall contain the name of the issuing tribunal, the date and place of its issuance, the names of the tribunal panel members who attended the pleading and participated in the judgment, as well as the military public prosecutor who consulted on the case.

It shall also state the name, surname, description, country, attendance and absence of the accused persons, the names of their attorneys if any, in addition to the text of any motion, defence, or plea and a summary of their factual evidence and legal arguments, the trial stages, and the opinion of the military public prosecutor. The reasons for judgment and the wording thereof shall be mentioned afterwards.

The judgment shall be made in draft to be signed by the president and members of the tribunal and delivered to the competent clerk who shall prepare an original copy thereof. Upon validating that the draft and the original are consistent, the president and members of the tribunal shall sign the judgment.

Article (83)

Appeal

1. Judgments rendered by military tribunals on crimes punishable by less than a six-month penalty shall be appealed with the Chief of Staff of the Armed Forces or a commanding officer for disciplinary purposes of the rank of major general who shall each have the power to rule on the appeal irrevocably.
2. Judgments rendered by military tribunals on other crimes and judgments that sentence officers to removal from the Army shall be appealed by a notice of appeal filed by the convicted person within fifteen days from the date the judgment is pronounced. Such notice shall be submitted directly to the supreme military tribunal or to the referring officer to be referred to the said tribunal. The military public prosecutor or legal advisor shall enclose his observations when sending or requesting the case papers from the supreme military tribunal. The referring officer shall not retain the case for over seven days.
3. Judgments rendered by a military tribunal on felonies sentencing officers to expulsion from the Army shall be submitted to the supreme military tribunal through the referring officer within seven days from the date of pronouncing the judgment by the military tribunal. The military public prosecutor or legal advisor shall enclose his observations with the case papers.
4. When the supreme military tribunal receives the notice of appeal, the president thereof shall order that the papers be immediately requested from the commander who referred the case to the tribunal that delivered the judgment.
5. The appellant may renounce the appeal within the legal appeal period, whereupon the judgment shall become final.
6. The notice of appeal shall include the appellant's reasons related to a legal or procedural matter that require the amendment or annulment of the judgment.

Article (84)

Powers of the Supreme Military Tribunal

Upon examining the case papers ruled on by military tribunals, the supreme military tribunal may render its amendment, annulment, or endorsement judgment within thirty days from the date of receipt of the papers unless there are reasons for further delay.

Article (85)

Grounds for Appeal

Appeal shall be acceptable if based on any of the following grounds:

1. Failure to apply the law to the facts on which the judgment was based.
2. Error or oversight in applying legal texts to the facts on which the judgment is based.
3. Non-jurisdiction of the military tribunal to conduct the trial.
4. Error in the assessment of the evidence.
5. Non-compliance with fundamental procedures, thus deflecting the investigation and the trial and causing prejudice to the accused by preventing him from defending himself as is legally due.
6. Illegal establishment of the military tribunal.
7. Contribution of a tribunal member to the judgment despite a dismissal request against him and the approval of such request by law.

8. Failure to include the reasons in the judgment.
9. Any other reason deemed by the tribunal to give grounds for appeal.

Article (86)

Nullity of Procedures

Appeal for the foregoing reasons, except those set forth in Clauses (4), (5), and (8) of the previous article, shall entail the nullity of all procedures taken before the issuance of the aforementioned judgment.

Article (87)

Amendment of Judgments

If an appeal is filed by the public prosecutor, the supreme military tribunal may amend the judgment by renewal, mitigation, or commutation of the penalty if it determines that the adjudged penalty is inconsistent with the committed crime. The reasons thereof shall be stated in the judgment rendered by such tribunal.

Article (87)

Trial in Presence

The supreme military tribunal shall not conduct the trial in presence of the accused unless the case is a felony of high importance and seriousness and the tribunal deems it preferable to try the accused in his presence. When making such decision, the tribunal shall follow the trial procedures adopted in military tribunals in accordance with this law. The judgment rendered by the supreme tribunal shall be final.

Article (89)

Annulment of the Judgment

If the supreme military tribunal annuls any judgment, the case shall be remanded for trial to the tribunal that issued that judgment, to the military tribunal having jurisdiction to rule thereon, or to any other military tribunal.

Such tribunal may reconfirm the previous judgment, endorse the judgment of the supreme military court, render a new judgment, or mitigate the previous judgment whether instructed to do so or not.

If the military tribunal reconfirms the annulled judgment after its remandment, the supreme tribunal shall be entitled to examine and settle the case.

Article (90)

Authority of Referring Officer in the Motion to Appeal

The referring officer may send the case papers that he deems appealable to the supreme military court within fifteen days from the date the judgment is pronounced.

In this case, the military public prosecution or legal advisor shall attach his observations thereto and the military tribunal shall settle the case.

Chapter 9

Finality and Ratification of Judgments

Article (91)

Final Judgment

A final judgment is a judgment rendered irrevocable upon its endorsement by the supreme military court or at the expiration of the time prescribed for appeal.

Article (92)

Effect of Final Judgment

No person may be prosecuted for a crime for which a final judgment is rendered nor for any incident settled by such final judgment. However, if such fact entails consequences that occur after the pronouncement of the judgment or that were not presented at the time of such judgment, which, if known at that time, would have aggravated the description of the crime or changed the description upon which the judgment is rendered, the person may be retried on the basis of the new description.

Article (93)

Ratification of Judgment

Upon endorsement of the death penalty judgment by the supreme military tribunal, the Minister of Defence shall submit such judgment marked with his observations to the king for ratification.

Chapter 10

Execution of Judgments

Article (94)

Sending Judgment to the Commander

The military tribunal shall send a copy of the judgment to the unit commander of the convicted person for the execution of the penalty. If such judgment is modified due to appeal, the supreme military tribunal shall deliver its new judgment in accordance with the foregoing. Thereafter it shall send this judgment to the unit commander of the convicted person to be executed instead of the previous judgment.

Article (95)

Execution of Non-Final Judgments

1. All judgments rendered by military tribunals, with the exception of the death penalty, expulsion, and removal, shall be executed even if such judgments are appealed.
2. The supreme military tribunal may stay the execution of the appealed judgment based on the reasons stated in the record until its appeal judgment is delivered.

Article (96)

Execution of Death Penalty

1. The convict sentenced to death shall be brought under the surveillance of his guard to the execution area after being stripped of all his military insignia. The judgment shall be read to him out loud. He shall be blindfolded and tied to a pillar or post.

2. The convict shall be shot by twelve soldiers of his unit. In the absence of such unit, soldiers shall be selected from the companies of any of the area's units under the command of the orderly officer.
3. A sufficient number of soldiers from the units located in the area of execution of the death penalty may be brought unarmed to the execution area.

Article (97)

Execution of Imprisonment or Detention Penalty

Imprisonment or detention penalties shall be executed in military prisons in accordance with the districts thereof. Both penalties may be executed in regular prisons in accordance with the laws in force.

Article (98)

Execution of Compensation Judgment

The compensation judgment shall be executed by the suspension of salary and allowances insofar as the convict remains in service. If the convict is dismissed from the Army, compensation shall only be paid once, otherwise he shall serve the prescribed detention penalty instead of the compensation according to the remaining percentage thereof. If the imprisonment penalty is not included in the judgment upon disbursement of the compensation, it shall be executed by commutation as provided in the Penal Code.

Article (99)

Return of the Judgment Copy

Upon execution of the judgment, the convict's commander shall return the copy of the judgment to the issuing tribunal indicating thereon the method of execution. The tribunal shall add such copy to the case papers.

Article (100)

Confinement

The convict's unit commander shall execute the confinement sentence, whatever its type, in the location and manner designated therein within the limits of the provisions of the Military Penal Law and the regulations and directives issued in execution thereof.

Article (101)

Reckoning of Arrest or Illness Period

1. The arrest period of the convict before the pronouncement of the judgment by military tribunals shall be reckoned as part of the imprisonment or detention period to which he is sentenced.
2. The hospitalisation period of a convict after pronouncement of the judgment shall be reckoned as part of the imprisonment or detention period to which he is sentenced. Such period shall not be counted if hospitalisation is proved by the competent physician to be a result of malingering intended to delay the execution of the judgment.

Article (102)

Salary and Allowance Suspension

1. A convicted officer shall not earn any salary or allowances throughout his time in prison.
2. The following amounts shall be deducted from the salary and allowances of an NCO or private in the following cases:
 - a. The entire salary and allowances for each day of unauthorised absence or desertion, or for each day of his imprisonment sentence.
 - b. The entire salary and allowances for each day of arrest for a charge of which he is found guilty.
 - c. The entire salary and allowances for each day of hospitalisation for an illness proved by the treating physician at the hospital to have resulted from a crime stipulated by the Military Penal Law.

Chapter 11

Retrial

Article (103)

Reasons for Retrial

Retrial shall be conducted for the following reasons:

1. If, after a person is convicted of murder, evidence reveals that the murder victim is still alive.
2. If, after a person is convicted of a crime, another person is revealed to have been convicted thereof as perpetrator, with it being impossible to reconcile the two contradictory judgments and their discrepancy being a proof of innocence of either convict.
3. If, after a person is convicted based on certain information, such information or part thereof is proved to be falsified.
4. If, after the judgment is pronounced, new evidence or papers emerge that were unknown at the time of trial, and such evidence or papers may prove the innocence of the convict.

Article (104)

Retrial

The following persons shall be entitled to request a retrial:

1. Military public prosecutor.
2. The convict, the legal representative who is managing his affairs during his sentence, or his unit commander.
3. Heirs, relatives, and guardians of the convict.
4. The referring commander.
5. Any other person who has a legitimate interest in requesting retrial.

Article (105)
Retrial Procedures

1. The Minister of Defence or his authorised delegate may, at his own discretion or based on a motion for retrial, submit the case to the supreme military tribunal to deliberate the retrial. The motion for retrial shall not halt the execution of the sentence unless such sentence is the death penalty.
2. If the supreme military tribunal finds legal justification for the motion for retrial, it shall order retrial and refer the case to the military tribunal that delivered the judgment or to a military tribunal of similar degree to examine the case in accordance with the provisions of this law.
3. If the persons present at the first trial cannot all appear before the retrial tribunal whether due to their absence, to the death of the convict, or to any other reason, the case shall be examined in presence of the military public prosecutor and the members who attended the first trial.

Chapter 12
Miscellaneous Provisions

Article (106)
Witness Expenses

Military tribunals shall estimate the necessary expenses of witnesses who appear before the tribunal to give their testimony in accordance with this law, which shall be reimbursed by the government.

Article (107)
Acquirement of Copies of Decisions and Judgments

Any person who has a legitimate interest in the military case may acquire copies of the decisions and judgments in return for fees in accordance with the rules applicable before ordinary courts.

Article (108)
Stay of Proceedings

For the purpose of public interest, a royal decree may be issued at the proposal of the Minister of Defence to halt the trial proceedings, whether permanently or temporarily, in any military tribunal before pronouncing the judgment. The military tribunal shall halt the proceedings and order the immediate release of the accused if he is arrested.

Article (109)
Proceedings Forms

The forms, templates, and registers used in the proceedings prescribed by this law shall be determined by decisions issued by the Minister of Defence.

Article (110)
Implementation and Date of the Law

The Minister of Defence shall implement this law which shall enter into force from its date of issuance in the Official Gazette.

King Idris -- Libya

**Issued in Dar Al-Salam Palace on 18 Safar 1376 AH
Corresponding to 23 September 1956 AD**

By order of the King

**Khalil al-Qalal
Acting Prime Minister**

**Ali Jaouda
Minister of Defence**