

Law No. (87) of 1974
adding certain provisions to the Code of Criminal Procedure

In the name of the People,

The Revolutionary Command Council,

Upon review of:

- The Constitutional Declaration;
- The Code of Criminal Procedure;
- The Penal Code;
- Based on the submission of the Minister of Justice and the approval of the Cabinet;

issued the following Law:

Article (1)

A last paragraph to Article (26), three new articles, Article (187) *bis* (a), (187) *bis* (b), and Article (187) *bis* (c), and a second paragraph to Article (189) shall be added to the Code of Criminal Procedure, as follows:

Article (26), last paragraph:

With regard to those accused of one of the crimes set out under Part (1) of Book (2) of the Penal Code, the accused shall be sent before the competent Public Prosecution within seven days from the date of their arrest.

Article (187) *bis* (a)

The Public Prosecution shall conduct the investigations into the crimes set out in Part (1) of Book (2) of the Penal Code, as well as the crimes related thereto. A member of the public prosecution with a grade of not less than a grade (1) district prosecutor shall conduct the investigation and prosecute criminal cases.

When investigating the aforementioned crimes and referring them to the courts, the Public Prosecution shall have all the powers vested in the Public Prosecution, the Investigating Magistrate, and the Indictment Chamber.

Investigation of these crimes shall not be impeded by the restrictions set out in Articles (40), (42), (43), (45), (66), (75), (76), (81), (84), and (106). Articles (58), (61), (68), (122), (123), (131), (133), (135), (136), (175.1), (176), (177), and (179) shall not apply with regard thereto.

Article (187) *bis* (b)

Detention orders issued by the Public Prosecution for one of the crimes set out in Article (187) *bis* shall only be valid for a period of fifteen days following the arrest of the accused or their presentation before the Public Prosecution, if they were arrested beforehand. After hearing the statements of the accused, the Public Prosecution may issue an order extending the detention for another fifteen-day period. If the Public Prosecution decides to extend the provisional detention further, it must, prior to the end of this period, submit the documents to the competent criminal court or to one of the circuits of the competent appeals court if the

submission is to a courthouse other than those where the criminal court convenes, to issue its ruling after hearing the statements of the Public Prosecution and the accused. Said court may extend the detention for successive periods not to exceed forty-five days each until the investigation is completed, and it may order the release of the accused without bail or with bail to be set in accordance with Article (126). The court may also do such after the case is transferred to it, if the accused is in detention, and it may detain the accused if they have been released.

Article (187) bis (c)

The head of the competent Court of Appeal shall appoint counsel to defend persons accused of one of the crimes set out under Article (187) bis (a), in accordance with Article (162).

Article (189), Paragraph (2)

It shall also rule on the crimes set out under Part (1) of Book (2) of the Penal Code as well as on the crimes related thereto.

Article (2)

This Law shall be published in the Official Gazette, and shall enter into force on the date of its publication.

(Mohammed Ali al-Jiddi)
Minister of Justice

The Revolutionary Command Council – Libya
Major Abdessalam Ahmed Jalloud
Prime Minister

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