

Law No. (1) of 2000
on issuing the Code of Criminal Procedure of the Armed People

The General People's Congress

- In execution of the resolutions adopted by Basic People's Congresses in their ordinary session of 1403 FDP corresponding to 1993 AD, and formulated by the General People's Congresses in their ordinary session for the period of 10-17 Shaaban 1403 FDP, corresponding to 22-29 January 1994 AD;
- Upon review of the Military Penal Code issued by Law No. (37) of 1937;
- The Code of Military Procedure issued by Law No. (39) of 1974;
- Law No. (40) of 1974 on the service in the Armed Forces;
- The military retirement law issued by Law No. (43) of 1974;
- Law No. (35) of 1977 on the reorganisation of the Armed People;
- Law No. (5) of 1978 amending provisions of military laws;
- Law No. (3) of 1984 on the Armed People;
- Law No. (7) of 1987 on call-up of the Armed People;
- Law No. (21) of 1991 on mobilisation.
- Law No. (9) of 1427 on national service;
- The Penal Code and the supplementary laws thereof;
- The Code of Criminal Procedure and the amendments thereof;

issued the following law:

Article (1)

The provisions of the attached Code of Criminal Procedure of the Armed People shall take effect and the Code of Military Procedure issued by Law No. (39) of 1974 shall be repealed. Any provision that contravenes the provisions of this law shall be repealed.

Article (2)

This law shall be published in the Official Gazette and shall enter into force on the first day of the year 1430 AD [sic] /2000 AD.

General People's Congress – Libya

Issued in Sirte

On 11 October 1429

Code of Criminal Procedure of the Armed People

Part (1) General Principles

Article (1)

General Judicial Authority of the Armed People

An authority called the “General Judicial Authority of the Armed People” (GJAAP) shall be established under the umbrella of the General Interim Committee for Defence. The GJAAP shall be composed of the prosecutions and courts of the Armed People and other departments and branches as prescribed by the Armed People’s regulations. The organisation, appointment of the chairman, competences, operating procedures, and the rights and obligations of the personnel thereof shall be determined by a decision issued by the Secretary of the General Interim Committee for Defence.

The GJAAP chairman shall be of the rank of colonel or above.

For the implementation of the provisions of this law, the following terms shall have the corresponding meanings ascribed to them:

- a. GJAAP: General Judicial Authority of the Armed People.
- b. Prosecution: The prosecution of the Armed People.
- c. Public Prosecutor: The public prosecutor of the Armed People.
- d. Supreme Court: The supreme court of the Armed People.

Article (2)

Prosecution of the Armed People

Prosecution duties shall be assumed by a public prosecutor and a sufficient number of members with a law degree who shall be appointed by a decision by the Secretary of the General Interim Committee for Defence.

Members of judicial bodies or legal advisors may be appointed to the Prosecution and courts of the Armed People.

Part (2) Judicial Policing

Article (3)

Judicial Policing Authorities

Judicial officers shall detect crimes, apprehend criminals, and collect evidence for investigation and legal action. Judicial officers shall report to the Prosecution and shall work under its supervision with respect to their duties.

Judicial officers shall be appointed by a decision issued by the Secretary of the General Interim Committee for Defence.

Article (4)
Crime Reporting

Every person shall report any crime related to his job and any sudden or suspicious death to his commander.

The commander shall refer such report to the unit commander of the accused or to the Prosecution.

Whoever claims damage resulting from a crime that falls under the jurisdiction of the Armed People's courts shall report the same to the commanding officer for disciplinary purposes, the judicial officer, or the competent prosecution, depending on the case.

Article (5)
Incident Reports

The judicial officer shall prepare incident reports stating all the procedures taken by such officer, including:

1. Date, time, and place of the procedure.
2. Number, name, unit, and address of the accused.
3. Name, surname, occupation, and address of each witness.

The judicial officer shall take all precautionary measures to preserve evidence and resort to experts. He may not administer oaths to witnesses or experts unless it is feared that testimony under oath may become impossible thereafter.

Article (6)
Policing and Apprehension

The judicial officer of the Armed People shall apprehend the persons subject to the provisions of the Military Penal Code in the event of an order issued by any competent authority in the Armed People, and shall bring them within forty-eight hours from the date of apprehension. He shall also arrest such persons if they are found *in flagrante delicto* or if there is enough evidence of the commission of a crime punishable by imprisonment or detention. Depending on the case, such persons shall be turned over to the Prosecution or to their unit commanders within seventy-two hours.

Article (7)
Search

The judicial officer may only enter an inhabited place to search it by a written authorisation of the Prosecution, except in the cases of *in flagrante delicto* or pursuit, in which case the judicial officer shall be allowed to search the accused or his companions in such places. Females may only be searched by females, regardless of the reason.

Judicial officers may, within their jurisdiction, search camps, barracks, and sites used by of the Armed People, as well as the aircrafts, ships, or vehicles thereof wherever they are, after informing the unit commander thereof. The search shall be intended to look for crime-related objects. Nonetheless, if other items appear accidentally during search and the possession

thereof is a crime or they help uncover the truth about another crime, the judicial officer shall confiscate the same and take the proper actions in this regard.

Article (8)

Traveling to the Crime Scene

In cases of *in flagrante delicto*, the judicial officer may immediately travel to the crime scene when necessary, examine and preserve the physical traces of the crime, and note down the state of the location, the persons, and anything that helps uncover the truth. The judicial officer shall report the incident to the Prosecution.

Article (9)

Seizure and Preservation of Evidence

The judicial officer shall confiscate and preserve any documents, weapons, machines, tools and items that may have been used to commit the crime or resulted therefrom, or that may have been the object of the crime, as well as anything that helps to uncover the truth. All such items shall be displayed before the accused in order to solicit his comments thereon, which shall be noted down in a report to be signed by the accused. If the accused refuses to sign, his refusal shall be stated in the report. All items, documents, and confiscated objects shall be placed in a sealed envelope.

Article (10)

Disposal of Incident Report

Upon completing the apprehension procedures, the judicial officer shall assign a number to the incident in the designated register and preserve the relevant confiscated items. Reports shall be referred to the Public Prosecutor to dispose of them in any of the following manners:

1. Refer the papers to the unit commander if the incident is a discipline crime.
2. Refer the papers to the Prosecution if the incident falls under the jurisdiction of the Armed People's courts.
3. Preserve the papers in the absence of a cause of action.

Part (3)

Competences of the Armed People Prosecution

Article (11)

Investigation by the Prosecution

The Prosecution shall be responsible for investigating crimes that fall under the jurisdiction of the Armed People's courts and for initiating legal action before such courts.

Article (12)

Investigation Report

The investigation report shall be prepared by a clerk designated for this purpose. Such report shall include:

1. Date, time, place, and conclusion date of the investigation.
2. Number, name, age, unit, and address of the accused.
3. Name, surname, occupation, and address of each witness.

4. Questions addressed to the accused, the witnesses and the expert witnesses under oath.
5. Signature of the investigator, clerk, accused, and witnesses.

Article (13)

Immediate Initiation of the Investigation

The Prosecution officer shall immediately initiate the investigation and travel to the crime scene or to any other locale that may be useful in uncovering the truth in order to report the status thereof as well as anything related to the investigation. He may also resort to experts.

Article (14)

Search

The Prosecution shall have the right to search camps, barracks, and places used for purposes concerning the Armed People, in addition to ships, aircrafts, and vehicles of the Armed People after notifying the unit commander in charge thereof. It may also search inhabited places and individuals and confiscate crime-related objects. Search may only be conducted in the foregoing cases under an open investigation based on charges brought against an accused person who is related to such places. In any case, females may only be searched by females.

Article (15)

Summons of the Accused

The Prosecution officer may issue a summons for the accused to appear on a specific date. He shall order his arrest if the accused fails to appear or is feared to escape.

Article (16)

Restitution of Seized Items

The Prosecution may order the restitution of items seized during the investigation to their rightful owner even before the pronouncement of the judgment, unless such items are necessary for the action or have been confiscated.

Article (17)

Witness Summons

Witnesses shall be summoned to appear before the Prosecution to give their testimony by means of a subpoena notified to the witness through the Armed People Police. When necessary, witnesses may be summoned by any other method. If the subpoenaed person is not subject to the Military Penal Code, he shall be summoned through the competent People's Security Station. If the Prosecution determines that this person is unable to appear for an acceptable justification or lives in a remote area, the Prosecution officer may travel or delegate a judicial officer to travel to such area in order to take the witness' testimony. The accused shall be entitled to be present and dispute such witness.

If the witness does not work for the Armed People, his testimony may be taken by delegating a member of the Public Prosecution or a judicial officer. In any case, the Prosecution shall determine the matters that need to be investigated and the facts that need to be heard in the witness' testimony.

Article (18)

Appearance of Witnesses and Punishment of Absentees

If a witness summoned to appear before the Prosecution fails to do so, the Prosecution may order the punishment thereof by a disciplinary penalty. It may also re-summon such witness if his testimony is deemed necessary, and may order his arrest. If the witness appears before the Prosecution and presents an acceptable justification, the Prosecution may request his exemption from the penalty.

If a summoned witness appear but refrains from taking the oath or answering questions, he may be sentenced to the penalties stipulated by law, with the exemption of any person legally bound to secrecy with regard to secrets that come to his knowledge due to his job, and any person who is legally entitled to abstain from testifying.

Article (19)

Testimony Procedures

The witness shall take the following legal oath: “I swear by Almighty God to tell the truth and nothing but the truth”. Non-Muslims may take an oath consistent with the requirements of their religion.

The testimony of persons below the age of fourteen shall be heard without oath for information-gathering purposes.

The witness shall state his name, surname, address, and occupation. He shall indicate his relationship and degree of kinship with the accused or the victim. Each witness shall give his testimony separately in the absence of other witnesses who have not testified. The investigator may ask the witness directly any questions he deems useful to uncover the truth and may confront witnesses with one another and with the accused. The witness’s answers shall be noted in the investigation report and read to the witness. The witness shall sign the same after making the necessary corrections. If he refrains from doing so, it shall be mentioned in the report along with the reasons thereof.

Article (20)

Provisional Detention

The accused may only be arrested and placed in provisional detention in the following cases:

1. If sufficient evidence is found to convict the accused, and the incident is a crime punishable by imprisonment or detention.
2. If it is feared that the accused will flee before his trial or to harm himself or others.
3. If it is feared that the accused will distort the aspects of the crime or influence accessories, witnesses, or those harmed by the crime.
4. If the crime is a crime against public morals or a crime of disobedience, disrespect, or insubordination.

Article (21)

Duration of Provisional Detention

The Prosecution officer may order the provisional detention of the accused for a maximum period of fifteen days. If circumstances require the extension of such period, he shall, at the expiration of the aforementioned period, submit the papers to the Public Prosecutor who shall be entitled to extend the accused's detention for a maximum period of forty-five days through consecutive periods of at most fifteen days each. If the said period elapses before the completion of the investigation and the further detention of the accused is believed to be necessary, the case papers shall be submitted to the competent court. Such court may, upon hearing the Prosecution and the accused, order the extension of the accused's detention for consecutive periods not exceeding forty-five days. The accused shall be released any time in the absence of a justification for prolonged detention.

Article (22)

Execution of Provisional Detention

The provisional detention order shall be executed in a prison of the Armed People unless the Prosecution orders its execution in another prison. A copy of the detention order shall be submitted to the competent executing entity. The custodial detainee shall be separated from other prisoners. The Prosecution may order the execution in the prison of the accused's unit. The custodial detainee shall be treated in accordance with the prison regulations of the Armed People.

Article (23)

Provisional Release

The Prosecution may at any time, whether at its own discretion or at the request of the accused, order the provisional release of the accused on bail or without it insofar as the accused pledges to appear whenever requested and not to evade the execution of any judgment that may be rendered against him. Such release shall not prevent the issuance of a new detention order if new evidence or circumstances emerge. The bail shall be reimbursed in the event of acquittal and confiscated in the event that the accused flees execution of the judgment. However, if the accused is referred to court while in custody, the order of his release shall be issued by the court he is referred to.

Article (24)

Indictment

The Prosecution shall refer the accused to the competent court if it believes that the evidence suffices for conviction. It shall send the following papers to the court:

1. Investigation papers.
2. The ethics record and detailed names of the accused.
3. The indictment, including the incident attributed to the accused, its legal characterisation, the applicable articles, as well as the date and place of the crime and the name of the victim and the witnesses.

Article (25)

Order of Dismissal

If, after the investigation, the Prosecution determines that there is no cause for action, it shall issue a substantiated order of dismissal and the accused shall be released immediately, in the event of crimes punishable by detention. However, for other crimes, such order shall only be deemed final when ratified by the Public Prosecutor.

Article (26)

Reinvestigation

The dismissal order issued by the Prosecution because of an unknown perpetrator or insufficient evidence shall not prevent reinvestigation if the accused is identified or new evidence emerges.

Article (27)

Referral of Papers to Unit Commander

If the Prosecution determines that the incident is a discipline crime, it shall refer the papers to the unit commander of the accused for disposal thereof in accordance with the law.

Article (28)

Investigation by the Commander

In any case, the unit commander or his delegated officer may conduct an investigation in discipline crimes. In this respect, he shall have the same competences as the Prosecution and he shall be entitled to act in any of the following manners:

1. Impose a penalty on the perpetrator if it falls under his jurisdiction.
2. Submit papers to the higher commander if the sentence does not fall under his jurisdiction.
3. Endorse the investigation authority's dismissal order.
4. Refer papers to the Prosecution if the incident does not fall under his jurisdiction.

Part (4)

Trial

Article (29)

There are two types of trials in the Armed People:

1. Summary trial, conducted before the commanding officer for disciplinary purposes.
2. Ordinary trial, conducted before Armed People's courts.

Chapter (1)

Summary Trial

Article (30)

Commanding Officer for Disciplinary Purposes

The commanding officer for disciplinary purposes is any person entitled by the Penal Code of the Armed People to impose penalties on subordinates if they commit a discipline crime. If the perpetrator of a discipline crime transfers to a different unit, the commanding officer for

disciplinary purposes for this crime shall be the commanding officer for disciplinary purposes of the receiving unit. The deputy commanding officer for disciplinary purposes in any unit shall have the right to use the powers vested in the commanding officer for disciplinary purposes in the latter's absence.

Article (31)

Competency of the Commanding Officer for Disciplinary Purposes

1. The summary trial shall be handled by the lowest ranking 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 personally conduct the summary trial in the following cases:
 - a. If the crime is committed publicly in plain sight or is an insult to the position of the military commander.
 - b. If the accused's commander referred the case in order to specify the degree of penalty, or if the act is committed by multiple persons belonging to different units under his command.
 - c. If the crime came to the knowledge of the lower-ranking commanding officer for disciplinary purposes and the perpetrator was not punished, or if no commanding officer for disciplinary purposes entitled to impose penalties is found near the accused's unit.

Article (32)

Conferral of Penal Powers

Every commanding officer for disciplinary purposes shall be conferred the power to impose penalties on subordinates who commit discipline crimes in accordance with the Table of Powers attached to the Penal Code of the Armed People.

Article (33)

Execution of Judgments on Discipline Crimes

Judgments delivered by commanding officers for disciplinary purposes shall be executed immediately.

The higher-ranking commanding officer for disciplinary purposes shall take the following actions within thirty days from the issuance of the judgment:

1. Reduce the penalty if it contravenes the law or is inconsistent with the severity and circumstances of the crime.
2. Abate the penalty in the absence of grounds for conviction.
3. Abate the penalty and refer the case to the competent entity if the judgment is passed by a commanding officer for disciplinary purposes without jurisdiction. The aforementioned judgments shall be deemed final at the end of the said period and may not be amended or abated.

Article (34)

Summary Trial Record

Every commanding officer for disciplinary purposes shall keep a record of judicial crimes based on the model designed for this purpose. Such record shall include all judgments delivered by the commanding officer for disciplinary purposes and the date thereof. It shall be submitted to the GJAAP on a monthly basis.

Article (35)

Summary Trial Procedures

Summary trials shall be conducted in accordance with the following procedures:

1. Set a date for trial.
2. Read the charges to the accused, hear his defence and the statements of all persons connected with the incident.
3. Retain the papers in the absence of grounds for conviction.
4. Impose the penalty if it falls under the jurisdiction of the commanding officer for disciplinary purposes or refer it to the higher-ranking commanding officer for disciplinary purposes.

Article (36)

Independence of Armed People's Courts

Judges of the Armed People's courts shall be independent. They shall only be subject in the administration of justice to the authority of the law and conscience.

Chapter (2)

Trial before Courts of the Armed People

Article (37)

Supreme Court

The Secretary of the General Interim Committee for Defence shall establish the Supreme Court of five members, with the most senior member as president. The term of service of each member shall not be less than ten years, and one of them at least should hold a law degree. A judge of the grade of Deputy of Court of Appeal or a legal advisor of the Armed People may be assigned as a substitute member for the member holding a law degree.

Article (38)

Permanent Courts of the Armed People

Permanent courts shall be established by a decision of the Secretary of the General Interim Committee for Defence. The permanent court shall be composed of three members, with the most senior member as president. The term of service of each member shall not be less than five years, and one of them at least should hold a law degree. A member of judicial bodies or a legal advisor of the Armed People may be assigned as a substitute member for the member holding a law degree.

Such courts shall be responsible for ruling on referred crimes in accordance with this law.

Article (39)

Circuit Courts

Circuit courts may be established in the Armed People units. The circuit court shall be composed of three members with the most senior member as president. The term of service of each member shall not be less than three years. Circuit courts shall be responsible for ruling on crimes punishable by not more than detention and referred by the party that ordered their establishment. The judgments of such courts shall be subject to the ratification of such party. The Secretary of the General Interim Committee for Defence shall determine their competences and organize their procedures and the crimes they adjudicate.

Article (40)

Field Court

Upon confrontation with the enemy, increase in the readiness level, issuance of a warning order, or assignment of combat missions or other missions related to natural disasters, the commander of any detachment may order the establishment of a field court composed of three members. The term of service in the Armed People of each member shall be not less than three years. The field court shall examine the crimes attributed to the subordinates of the establishing commander. The commander shall appoint a member to conduct the investigation and start the action before the court, enjoying the same powers as the Prosecution in this respect. Judgments delivered by field courts shall only become final after their ratification by the establishing commander, with the exception of the death sentence, which shall only become final after ratification by the Secretary of the General Interim Committee for Defence in accordance with the law.

Article (41)

Reserve Members

Reserve members may be appointed to courts in order to obtain a quorum in the absence of a member for any reason. The senior member shall preside over the court in the absence of the president.

Article (42)

Prosecution's Attendance of Trial Hearing

A member of the Prosecution shall attend trial hearings and initiate the action filed before the Prosecution. The court shall hear his testimony and rule on his requests.

Article (43)

Court Clerk

Trial hearings shall be prepared by a clerk appointed for this purpose under oath. The clerk shall be responsible for drafting the hearing record of the events of the hearing. The clerk shall sign the same along with the court president.

Article (44)

Oath

1. The president and members of military tribunals shall take the following oath before initiating their functions:
"I swear by Almighty God to rule among people with justice and to respect the law".
2. Prosecution members shall take the following oath:

“I swear by Almighty God to perform my duties with integrity, honesty, and justice, and to uphold the law”.

The oath set forth in Clauses (1) and (2) shall be administered before the Secretary of the General Interim Committee for Defence or his delegate. For field and circuit courts, the oath shall be administered before the commander who orders their establishment.

Chapter (3) **Jurisdiction of Armed People’s Courts**

Article (45)

Crimes under the Jurisdiction of the Armed People’s Courts

The Armed People’s courts shall rule on crimes committed by the persons subject to the provisions of the Penal Code of the Armed People, which are:

1. Crimes set forth by the Penal Code of the Armed People.
2. Crimes committed against the State and set forth in the Penal Code, Book 2, Part 1.
3. Crimes stipulated by Law No. (71) of 1972 on the criminalisation of partisanship.
4. Crimes stipulated by the resolution of the Revolutionary Command Council (RCC) regarding the protection of the Revolution, issued on 2 Shawwal 1389 AH corresponding to 11/12/1969 AD.
5. Crimes connected with the crimes set forth in Clauses (2), (3), and (4).
6. Crimes set forth in the Penal Code and the supplementary laws thereof, committed by the persons subject to the Penal Code of the Armed People within camps, barracks, or other locations used for purposes concerning the Armed People.

The Armed People’s courts shall not be in charge of examining crimes that involve participants not subject to the provisions of the Penal Code of the Armed People, in which case the Public Prosecutor shall refer the case to civil courts for adjudication.

7. Crimes stipulated by the Penal Code and the supplementary laws thereof, committed by the persons subject to the provisions of the Penal Code of the Armed People in the exercise of their duty.

Article (46)

Duties of Court President

The court president shall review the referred papers. If he deems them complete, he shall designate a hearing date and inform the court members and competent prosecution thereof. If he deems the papers incomplete, he shall return the same for their completion. The Prosecution shall inform the summoned persons of the date and place of the trial and bring the accused if he is in custody.

Article (47)

Reasons for Recusal of the Bench

The court president or member shall not participate in reviewing the case if the crime is committed against him, if he acted on the case in the capacity of a judicial officer, prosecutor, or attorney of any litigant party, or if he gave a testimony or initiated an expert’s job. He shall not take part in the judgment if he conducted any investigation or referral procedure related to the case or if he has delivered the appealed judgment.

Litigants may recuse the bench in the cases set forth by the previous paragraph and all other recusal cases set forth by the Code of Civil and Commercial Procedure. Prosecution members and judicial officers may not be recused.

With regard to recusal requests, victims shall be considered as litigants in the action. If the court president or member determines any reason for embarrassment during the examination, he may propose the recusal thereof to the court for settlement.

Article (48)

Public Trial

Trial hearings shall be public unless the court decides at its own discretion or at the request of the Prosecution or the accused to hold the trial or part thereof in closed session to preserve public order, military secrets, or public morals.

Article (49)

Subpoena

The criminal case shall be referred to the competent court at the request of the Prosecution, which shall summon the accused at least seven days before the trial hearing if he is detained. The charges and incriminating article of the law shall be stated in the subpoena. The accused shall be subpoenaed in accordance with the law. If the accused attends the hearing, whether in person or through his attorney, he shall not claim nullity of the summons.

Article (50)

Seating Order and Opening of Trial Hearing

The court shall hold trial hearings in its headquarters. The president shall sit in the middle of the members seated according to their seniority. The Prosecution member and court clerk shall sit in their designated seats.

The hearing shall open with the expression “in the name of God and the people”. The accused shall be called and asked to state his personal information. He shall be asked if he has any objection to the bench, in which case his objection shall be reported in the trial record including the reasons thereof. If the objection is based on serious grounds, the court shall decide to accept it and shall order the establishing commander to replace the member subject of objection, otherwise the court shall continue the trial proceedings.

Article (51)

Right of Accused and Defence

The court shall appoint a defence attorney for the accused if the crime committed is punishable by no less than imprisonment and the accused has not appointed an attorney. The accused may appoint a defence attorney in other crimes, and the defence shall have the right to examine the investigation papers and exercise on behalf of the accused all the rights entitled thereto by law.

Chapter (4)

Trial Procedures

Article (52)

Order and Administration of Trial Hearing

The court president shall control and administer the trial hearing, question the accused, hear witnesses, and confer with experts. He may expel anyone who disrupts order from the courtroom. In the event of non-compliance, the court may order detention for twenty-four hours after the incident is reported in the record.

Article (53)

Contempt of Court

If a person violates the dignity or standing of the court during the trial hearing, whether by words or actions, the incident shall be reported in the record which shall be sent along with the offender to the Prosecution for investigation and disposal thereof in accordance with the law.

Article (54)

Continuance and Change of Venue

The court may adjourn the trial to a date of its choice or change the venue thereof within its jurisdiction area for any reason. The court may also move to examine the case or delegate a member to do so. The accused and his attorney may request continuance for any reason, and the court may accept or refuse the same.

Article (55)

Appearance of the Accused

The accused shall appear before court after he is duly notified of the specific date and place. The court may order the apprehension of the accused to be brought before court or his arrest and provisional detention whenever it finds reason to do so.

Article (56)

Mentally Ill Accused

If, during investigation or trial, there is reason to believe that the accused is mentally ill and therefore unable to defend himself, the investigation or trial shall stop and the accused shall be referred to a medical entity for examination. If the accused is proved to suffer from mental illness after the occurrence of the crime, the investigation or trial shall be adjourned until the accused recovers his sanity and becomes able to defend himself. In the meantime, the accused shall be placed in a hospital under medical surveillance. Subject to the foregoing, surveillance of the accused may be entrusted to any willing relative if circumstances so allow. In this case, the persons entrusted with surveillance shall pledge to exercise due diligence regarding the patient and to bring him before the investigation authority or the court when summoned.

Article (57)

Questioning 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 court may rely solely on his confession to render its judgment without the need to hear the witnesses.

Article (58)

Witness Testimony before Armed People's Courts

Witness testimony before Armed People's courts shall be subject to the provisions relating to testimony before the Prosecution. Each witness shall give his testimony in private while other witnesses are held in a different location. Witnesses who have given their testimony shall remain in the courtroom unless authorised to leave by the court.

Article (59)

Hearing the Prosecution Witnesses

Prosecution witnesses shall be heard under oath first by the president and then by the Prosecution, followed by the accused. They may also be confronted with one another. The Prosecution may cross-examine witnesses to clarify the facts of which they testified.

Article (60)

Hearing the Defence Witnesses

Defence witnesses shall be heard after the prosecution witnesses, first by the president, followed by the accused and then the Prosecution. The accused may cross-examine witnesses to clarify the facts of which they testified.

Article (61)

Removal of the Accused from Courtroom

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

Article (62)

Provisions Relating to Witness Testimony

The court 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.

The court member may ask the witnesses or the accused any question, in which case the president shall be asked to address such question.

The court may prohibit asking witnesses any questions that are irrelevant to the case or unacceptable. It may also refuse to hear testimony about facts that it deems sufficiently clear.

The court may prevent any statement, insinuation, or gesture from being addressed by third parties to the witnesses with the intention to intimidate or tempt them. It may also bar any question that contravenes public morals and does not relate to facts upon which depends the truth.

Testimonies shall be reported 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 entries about his interrogation or testimony and the tribunal determines that the reported entries 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 court shall append their signature thereto.

Article (63)

Witness Incompetence

If the court determines that the witness is incompetent to testify due to his inability to recollect facts or understand questions, it shall establish the incompetence of such witness and state the same in the record.

Article (64)

Translation of Statements

If the person present at the investigation or trial is not sufficiently proficient in the Arabic language, questions shall be translated into the language understandable to such person by an interpreter appointed under oath by the court or the investigation authority.

Article (65)

Adoption of Testimonies upon Court Replacement

If, after a court hears a witness and notes his testimony in the record, the court or members thereof are replaced, the bench of the new court may adjudicate based on the previous testimony. The court may, at its own discretion or at the reasonable request of the Prosecution or the accused, summon all or some witnesses to give their testimony again.

Article (66)

Reading Written Evidence

The following shall be read during trial:

1. Documents, papers, reports, registers, and all other written evidence. The court has the right to accept the same as grounds for proving or refuting the crime.
2. Statements that are already made by any witness, expert witness, or accessory to the crime before the investigation authorities or public courts or in the records of statements shall be read from the record or the official copy thereof without having such persons appear before the court if such proves impossible for any reason.

The court may retain any document, written paper, or any other item presented thereto if it deems it appropriate.

Article (67)

Reading Information, Reports and Other Papers

The information concerning the commander of the accused, including his testimony and observations, as well as the accused's ethics record and any official paper containing the expert reports shall be read during trial.

Any 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 give his statement on the conduct of the accused.

The court 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 (68)

Confession of the Accused

The court shall accept the confession of the accused insofar as the confession is given willingly without coercion or threats.

Article (69)

Lack of Jurisdiction

If the court determines during trial that the case presented thereto falls under the jurisdiction of another court, it shall establish the lack of jurisdiction and send the case papers to the Public Prosecutor to dispose thereof. Judgments delivered by a court without jurisdiction shall be appealable before the Supreme Court.

Article (70)

Witness Expenses

The court shall estimate the necessary expenses incurred by witnesses in order to appear in court and give their testimony in accordance with the provisions hereof. The court shall order the reimbursement of such expenses by the competent entity.

Article (71)

Modification of the Act's Legal Description and Amendment of Charges

The court may change or amend the legal description of the charges. It may also rectify any physical error and redress any omission in the bill of indictment. Such shall be read clearly to the accused. The court shall, at the accused's request, give him time to prepare his defence based on the new description or amendment.

Article (72)

Trial for Multiple Crimes

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

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

Article (73)

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 court.

Article (74)

Appearance of New Crimes or Accused Persons

The accused may not be punished for an act differing from the one stated in the bill of indictment or the subpoena. Persons other than the accused subject of the action may not be judged. If it is revealed during trial that the accused has committed a crime not stated in the bill of indictment or covered by the investigation or that a person other than the accused is the principal perpetrator of the crime or an accessory thereto and has not been brought before court, the court shall defer adjudication and refer the case papers to the Prosecution.

Article (75)

Adjudication of Secondary Matters

If the court determines that the adjudication of the current action depends on the adjudication of a secondary matter that falls under the jurisdiction of a different judicial entity, it may order the stay of proceedings pending the final judgment. Examination shall resume when the reason for such stay ceases to exist.

Article (76)

Cases Papers and Contents Thereof

Case papers and contents thereof shall consist of the following:

1. The proceedings report, which includes the name of the court, the date and number of the bill of indictment, the trial date and location, the names of the bench members, the Prosecution member, 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 brief of the Prosecution's opinion, statements of the accused, the prosecution and defence witnesses, expert witnesses, and the current deliberations in their regard, the important matters that occur during trial, and a summary of the submitted papers, documents, and pleas.
3. Attached papers, including the investigation papers referred to court and any retained papers, documents, and reports.

Article (77)

Closure of the Trial and Pronouncement of the Judgment

1. Upon completion of all trial proceedings in accordance with this law, the court president shall announce the closure of the trial and set a date to pronounce the judgment, whereupon the bench shall convene for deliberation.
2. The case papers shall be examined and the court shall assess the probative value of the evidence exhibited during trial. If it deems the evidence sufficient for conviction, it shall convict the accused and note its decision in writing. Otherwise the court shall acquit the accused.

3. The conviction decision shall state the crime of which the accused is proved guilty and the applicable legal article. It shall also state the facts considered the elements of the crime, the fundamental points, the grounds for judgment, the counterclaim, and the main aspects of the defence.

If mitigating or aggravating circumstances arise from the provisions of this law or from the court's belief, such circumstances shall also be noted down. The court shall deliberate the appropriate penalty for the crime and it shall render its judgment and note it down along with the legal article applicable thereto. The judgment shall be dated and signed by the bench, thereafter it shall be publicly read by the court president to the accused and the attendees standing up.

4. The court shall pass its judgment by the majority of members. The newest member shall be consulted first, followed by the second member and so forth and then by the court president. The deliberation may only be attended by the bench.

Article (78)

Contents of the Judgment

The judgment shall contain the name of the issuing court, the date and place of issuance, the names of court members who examined the case and participated in issuing the judgment, and the name of the Prosecution member who attended the hearing. It shall also state the name, surname, description, country, attendance and absence of the accused persons, as well as the names of their attorneys if any, and the text of any requests, defence, or pleas they submitted, in addition to a summary of their factual evidence and legal instruments, the trial stages, and the opinion of the Prosecution. The reasons for judgment and the wording thereof shall be mentioned afterwards. The draft judgment shall be signed by the court's president and members and delivered to the competent clerk who shall prepare an original copy thereof. Upon validating the consistency between the draft and the original, the court president shall sign the judgment.

Article (79)

Acquirement of Copies of Decisions and Judgments

Any person who has legitimate interest in any case filed before the Armed People's courts may acquire a copy of the decisions and judgments delivered by such courts in return for fees, in accordance with the rules applicable in civil courts.

Chapter (5)

Trial in Absentia

Article (80)

Cases of Trial in Absentia

Persons subject to the provisions hereof may be tried in absentia in the following cases:

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

The accused shall only be tried in absentia after a preparatory inquiry is conducted.

Article (81)

Subpoena of the Accused

Upon receipt of the papers pertaining to the accused to be tried in absentia, the court shall subpoena the accused within thirty days from the date of announcement thereof in accordance with the Code of Criminal Procedure. The subpoena shall contain 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 a warning that the trial will be conducted in absentia in case of failure to do so.
3. Obligation of every person who knows his whereabouts to inform the Prosecution thereof.

Article (82)

Pronouncing the Judgment in Absentia

If the accused does not appear in court at the expiration of the period specified in the previous article, trial shall be conducted in absentia. The court shall sentence the accused to the proper penalty and shall prevent him from disposing of his funds. It shall order all competent authorities to apprehend him wherever he may be, compelling any person who knows his whereabouts to report the same.

Article (83)

Funds of the Person Convicted in Absentia

The management of the funds of the person convicted in absentia by the Armed People's courts shall be subject to the provisions of the Code of Criminal Procedure regarding the management of the funds of persons convicted in absentia by criminal courts.

Article (84)

Judgment in Presence and in Absentia

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.

Article (85)

Annulment of Judgment in Absentia

If a person 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 court in accordance with the provisions hereof. Any procedures taken against such person in accordance with the provisions of Article (356) of the Code of Criminal Procedure shall depend on the judgment rendered after the trial in presence.

Article (86)

Referral of the Case to the Prosecution

The court registrar, upon submitting the grounds of judgment, shall refer the case papers along with the original copy of the judgment to the Prosecution.

Chapter (6)

Appeal

Article (87)

The Prosecution and the convict shall have the right to appeal the judgments delivered by permanent courts within thirty days from the date of submission of the grounds thereof, for any legal or objective reason. If the judgment rendered in presence sentences the convict to the death penalty, the Prosecution shall refer the case and all its papers to the Supreme Court within thirty days from the date of judgment. The court shall assign counsel to the accused if he is unable to obtain it. The Prosecution shall report its opinion in a memorandum within fifteen days from the date of referral. The defence attorney shall submit the statement of defence within another fifteen days.

Article (88)

Appeal Procedures

Appeal against judgments of permanent courts shall be effected through a notice submitted to the Prosecution registrar within the specified timeframe. The appellant may renounce the appeal at any stage of the trial. The notice of appeal may be submitted to the prison warden, and the grounds for appeal shall be submitted during the specified period of appeal, otherwise the right to appeal shall be forfeited. However, if the appellant fails to appear at the appeal hearing despite his notification thereof without a justification acceptable to the court, the appeal shall be dismissed even if it meets the nominal appeal requirements. In any case, the appellant may not file another appeal against the same appealed judgment.

Article (89)

Supreme Court Objection

After the nominal acceptance of appeal, the Supreme Court shall review and settle the case. If the appeal is filed solely by the convicted person, the court may only endorse or amend the judgment in favour of the appellant. If the appeal is filed by any person other than the convicted, the court may endorse, annul, or amend the judgment, whether against or in favour of the convicted person.

Article (90)

Case of Judgment Annulment

If the Supreme Court annuls any judgment, the case shall be remanded to the court that issued that judgment to be reviewed by a new bench. The judgment thereof shall remain appealable before the Supreme Court in accordance with the provisions hereof.

Article (91)

Ratification of Death Penalty Judgments

The Public Prosecutor shall submit death penalty judgments to the Secretary of the General Interim Committee for Defence for ratification within thirty days from their endorsement by the Supreme Court. Such judgments shall be marked with his observations.

Article (92)

Execution of Non-Final Judgments

All judgments rendered by the Armed People's courts, with the exception of death penalty, expulsion, and removal judgments, shall be executed even if such judgments are appealed. Nonetheless, the Supreme Court may adjourn the execution of the appealed judgment until the examination of appeal is completed.

Article (93)

Execution of Death Penalty

1. The death penalty shall only be executed after the Supreme Court rules on the case and endorses the judgment. The death penalty may not be executed on religious or national holidays observed by the convict.
2. The convict sentenced to death shall be brought to the execution area after being stripped of all insignia. After the judgment is read to him out loud, he shall be blindfolded and tied to a pillar or post.
3. The convict shall be shot by twelve soldiers under the command of an officer. The execution shall be attended by a member of the Prosecution and a physician. A number of soldiers from the units located in the area of execution may also be brought unarmed at the time of execution.
4. If the convict is a civilian, the penalty shall be executed in accordance with the Code of Criminal Procedure.

Article (94)

Execution of Penalties

Penalties shall be executed in the prisons of the Armed People and may be executed in public prisons in accordance with the law.

Article (95)

Execution of Hudud Penalties

Penalties handed down for *hudud* crimes shall be executed in accordance with the relevant legislation thereof.

Article (96)

Payment of Imposed Amounts

Judgments stipulating the payment of financial sums shall be executed by salary deduction. If the convict's service has ended, the imposed amounts or the remainder thereof shall be paid in one instalment, otherwise such judgments shall be executed through administrative seizure or physical coercion depending on the case and in accordance with the provisions of the law.

Article (97)

Period of Provisional Detention

The period of provisional detention shall be reckoned as part of the detention period to which the accused is sentenced. The duration of the convict's hospitalisation following his conviction shall also be counted as part of the imprisonment or detention period to which he is sentenced, unless his stay in the hospital is determined by a specialised physician to be an act of malingering.

Article (98)

Returning the Judgment Execution Order

Upon execution of the judgment, the executing entity shall return the copy of the execution order to the Prosecution that issued such order indicating thereon any information relating to execution as well as the method of execution, along with the case papers.

Article (99)

Execution of Detention Penalty

The unit commander of the accused shall execute all types of detention penalties in the place designated and the manner instructed by such commander within the limits of the Penal Code of the Armed People and the regulations and directives issued in execution thereof.

Article (100)

Conditional Release

Convicts serving custodial penalties in the prisons of the Armed People may be released on parole on the conditions stipulated by the Code of Criminal Procedure, provided that the conditional release order is issued by the Public Prosecutor at the request of the competent prison warden.

Article (101)

Conditions of Review

Final penalty judgments may be reviewed in the following cases:

1. If a person is convicted of murder, and it is revealed thereafter 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 of the same crime, and the two judgments are contradictory, thus implying the innocence of either convicts.
3. If a witness or expert witness is charged with perjury or with falsification of a paper submitted during trial, and such testimony, expert report, or paper affects the judgment under review.
4. If the judgment is based upon a judgment delivered by another court and such judgment is annulled.
5. 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 (102)

Motion for Review

The right to request review shall be conditional upon the cases stipulated by the previous article with regard to the Public Prosecutor, the convict or the attorney and heirs thereof, or any other person who has an established and legitimate interest therein.

Article (103)

Review Method

The motion for review shall be submitted to the Supreme Court and shall not entail a stay of execution unless the judgment is the death penalty. If the Supreme Court determines that the

motion for review has legal grounds, it shall accept the same and rule on the case in accordance with the provisions of the law.

Article (104)

Rehabilitation, Effects, and Competent Authority

1. Any person convicted of a crime by a court of the Armed People may be rehabilitated. Rehabilitation shall entail the extinction of the judgment, consequential penalties, and all other effects related thereto without prejudice to civil obligations resulting from the conviction.
2. The rehabilitation judgment shall be delivered by the Supreme Court based on a request submitted by the convict to the Public Prosecutor who in turn shall refer it to court by virtue of a memorandum.
3. Rehabilitation requires that the penalty be executed or extinguished in any way, that the convict exhibit good behaviour, and that at least six years have passed from execution of the principal penalty for crimes punishable by imprisonment and three years for crimes punishable by detention. Such period shall double in the event of recidivism.

Article (105)

Rehabilitation de Jure

Rehabilitation de jure occurs when twelve years elapse from the execution of the penalty or pardon thereof without the convict being sentenced to self-executing detention exceeding one year. If the convict is subject to several judgments, he shall not be rehabilitated de jure unless each judgment meets the conditions set forth in the previous article provided that the period is calculated based on the most recent judgment.

Subject to the foregoing provisions, the provisions of the Code of Criminal Procedure regarding rehabilitation shall be applicable.

Article (106)

Extinction of Criminal Case

The criminal case shall be extinguished with respect to the accused against whom the action is filed and to the events attributed to the accused upon the pronouncement of a final acquittal or conviction judgment. In the event of pronouncement of a judgment in the criminal case, it may only be reviewed by appealing such judgment in the manner prescribed by law.

Article (107)

Judgments

Judgments delivered by the Supreme Court or final judgments delivered by permanent and civil courts shall be executed immediately.

Article (108)

Binding Force of Judgments Delivered by Armed People's Courts

The criminal judgment of acquittal or conviction delivered by permanent courts and by the Supreme Court concerning the subject matter of the criminal case shall have the same binding force as the judgments delivered by civil courts on actions that are not settled by final

judgment in terms of occurrence, legal description, and attribution of the crime to the perpetrator.

Article (109)

Forms and Registers

The forms and templates used in the proceedings prescribed by this law shall be determined by decisions issued by the Secretary of the General Interim Committee for Defence.

Article (110)

Non-Acceptance of Civil Claim

Civil claims may not be filed before the courts of the Armed People.

Article (111)

Nullity

Nullity shall result from the violation of the provisions hereof relating to any fundamental procedure. However, the right to claim the nullity of procedures relating to evidence collection, Prosecution investigation, or questioning in the trial hearing shall be forfeited if such procedures occur in the presence of the defence attorney and without any objection thereto.

Article (112)

Applicability of the Code of Criminal Procedure

The provisions of the Code of Criminal Procedure shall be applicable to any matters that are not provided for in this law.