Code of Criminal Procedure
and supplementary laws

We, Idris I, King of the United Kingdom of Libya:

- Upon review of Article (64) of the Constitution;
- And based on what the Minister of Justice presented to us and the approval of the Cabinet;

have as follows:

Article (1)

The Code of Criminal Procedure applicable before Libyan courts shall be repealed and replaced by the Code of Criminal Procedure attached to this decree. The new law shall enter into effect after fifteen days from the date of its publication in the Official Gazette. All contrary provisions shall be repealed.

Article (2)

The Minister of Justice shall implement this decree.

King Idris of Libya

Issued in Al-Khuld Palace on 21 Rabi' al-Awwal 1373 AH
Corresponding to 28 November 1953 AD

By order of the King

Fathi al-Kikhya
Acting Prime Minister

Fathi al-Kikhya
Minister of Justice

Title (1)
On Criminal Proceedings, Collection of Evidence, and Investigation
Part (1)
On Criminal Cases

Article (1)
Filing and Initiating

The Public Prosecution shall be the only entity competent to file and initiate criminal proceedings, which may only be filed by other entities in the circumstances set out in the law.

Criminal cases may not be abandoned, stopped, or obstructed, except in the circumstances set out in the law.

Article (2)
Rightful Party to Initiate Proceedings

The Prosecutor-General, himself or through one of the Public Prosecution members, shall initiate criminal proceedings as set out by law. Other individuals appointed for this purpose as by the law may carry out the functions of the Public Prosecution.

Pursuant to Article (1) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure and Article (1) of Law No. (22) of 1963 amending certain provisions of the Code of Criminal Procedure:

Article (2) bis

Without prejudice to the provisions of Articles (1) and (2), some policemen may be delegated to investigate, file and conduct public actions on misdemeanours and petty offenses. In remote areas, the delegation may include granting the policemen assigned the authority to investigate felonies, provided they refer them to the Public Prosecution to decide on them.

The delegation shall take place upon a decision from the Public Prosecution upon the approval of the Ministers of Justice and Interior. Policemen assigned shall be subordinate to and supervised and guided by the Prosecutor-General.

Article (3)
Complaint of the Affected Party

Criminal proceedings may only be filed based on an oral or written complaint by the victim or his private representative to the Public Prosecution or to a judicial officer, and that for the offenses for which the Penal Code requires the offender to be held accountable for the complaint of the affected party. The complaint shall no longer be accepted three months after the date that the victim learns of the offense and the perpetrator, unless the law provides otherwise.

Article (4)
Multiple Victims and Accused

In the event of multiple victims, it shall be enough that one thereof files the complaint.

In the event of multiple accused and the complaint is filed against one therefrom, it shall be considered as filed against the others as well.

Article (5)
Complaint by Minors

If the victim of the crime has not yet reached fifteen years old in full or has mental problems, the complaint shall be filed by his guardian.

If the crime is financial, the complaint shall be accepted from the guardian or caretaker and shall, in both cases, meet all the foregoing provisions on complaints.

Article (6)
Conflict of Interest between the Victim and Representative or Lack of Representative

If the interests of the victim conflict with the interests of his representative or he does not have a representative, the Public Prosecution shall replace the said representative.

Article (7)
Death of the Victim

The right to complain shall expire upon the victim's death.

If death occurs after the filing of the complaint, it shall not affect the proceedings.

Article (8)
Prosecution at the Request of the Minister of Justice

Criminal proceedings may only be filed and actions taken in their regards upon the written request of the Minister of Justice for the offenses referred to in the last paragraph of Article (224) of the Penal Code, as well as in other cases prescribed by law.

Article (9)
Undertaking Prosecution upon Permission of the Party Concerned

For the offenses referred to in the first two paragraphs of Article (224) of the Penal Code, criminal proceedings may only be filed and actions taken in their regards upon the written permission of the party stipulated therein.

In all cases where the law requires permission or a request from the victim or another party to file criminal proceedings, actions may only be taken in the case after obtaining the permission or request.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (10)
Withdrawal

a. Those who file the complaint or request in the cases referred to in the previous articles may withdraw them at any time until a final verdict is rendered on the case. The criminal case shall expire with the withdrawal.
   In the event of multiple victims, withdrawal shall only apply if made by all those who filed the complaint. Withdrawal with respect to one of the accused shall apply to the rest.
b. In the event of the complainant's death, his right to withdrawal shall not be transferred to his heirs, without prejudice to what is provided for in the second paragraph of Article (402) of the Penal Code regarding adultery cases.

Part (2)
Collection of Evidence and Filing the Case

Chapter (1)
Judicial Officers and Their Duties

Article (11)
Powers of Judicial Officers

Judicial officers shall search for crimes and their perpetrators and collect evidence that requires investigation and prosecution.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (12)
Supervision of the Public Prosecution

Judicial officers shall be subordinate to the Public Prosecution and subject to its supervision with regard to the actions of their functions. The Public Prosecution may request the competent authority to consider the matter of any officer who violates his duties or neglects his work, and may request taking disciplinary action against him. This shall not preclude filing criminal proceedings.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure and Article (2) of Law No. (11) of 1997 adopting certain provisions pertaining to criminal cases and amending provisions of the Penal Code and the Code of Criminal Procedure:

Article (13)
Judicial Officers

First: The following shall be regarded as judicial officers, each within their jurisdiction:

a. Members of the General People's Committee for General Security.

b. Chairmen and members of cleansing committees that are established in accordance with the law.
c. Members of local people's security.
d. Officers, non-commissioned officers, and members of the Armed People who are tasked with border control.
e. Officers and non-commissioned officers of the rank of sergeant and higher of the police, customs guard, municipal guard, and agricultural inspection.
f. Personnel who are granted the competences of judicial officers by law.

Second: The powers of judicial officers may be vested in individuals who are appointed by a decree by the General People's Committee at the proposal of the competent General People's Committees.

Article (14)
Accepting Notices and Complaints

Judicial officers shall accept the notices and complaints they receive on crimes and send them immediately to the Public Prosecution.

Along with their subordinates, they shall obtain all the clarifications and conduct the necessary inspections to facilitate investigation of the facts notified to them or that they declare in any manner whatsoever. They shall take all precautionary means to preserve evidence of the crime.

All the procedures carried out by judicial officers shall be recorded in minutes signed that show the time the action is taken and its place of occurrence.

In addition to the above, such minutes shall also include the signature of the witnesses and experts whom they have heard. Minutes shall be sent to the Public Prosecution with the seized papers and items.

Article (15)
Notifying the Public Prosecution

Any person aware of a crime, for which the Public Prosecution may file a case without a complaint or request, shall inform the Public Prosecution or a judicial officer of the same.

Article (16)
Notification Duties of Public Employees and the Like

Any public employee or person assigned to carry out a public service who is aware of a crime for which the Public Prosecution may file a case without a complaint or request, during or because the performance of his job, shall immediately inform the Public Prosecution or the nearest judicial officer about it.

Any person who assisted, by virtue of his medical profession, in cases that indicate the occurrence of a crime, shall submit a report thereon to the Public Prosecution or a judicial officer within twenty-four hours of providing the assistance. If he fears delay, he shall submit his report

immediately. The report shall include the name of the person or persons who have requested his help, the place and time of the assistance, the name and descriptions of the victim and his necessary data, and other information that enables knowing the incident's circumstances, causes, means, and results.

Article (17)
Prosecution by Civil Right

Any person who claims damage from the crime shall present himself as a civil-right plaintiff in the complaint he files before the Public Prosecution or a judicial officer.

In the latter case, the said judicial officer shall transfer the complaint to the Public Prosecution with the minutes he prepares.

Upon referring the case to the investigating judge, the Public Prosecution shall refer the said case with it.

Article (18)
Declaration Requirement of the Civil Case

Complaints in which the plaintiff does not claim a civil right shall be considered notifications. The complainant shall not be considered a civil-right plaintiff unless he states so in his complaint or in a paper he presents afterwards or if asks for compensation in either of the same.

Article (19)
Collection of Evidence

While collecting evidence, judicial officers shall hear the statements of the persons who have information on criminal facts and perpetrators and ask the defendant about them. They may seek the assistance of physicians and other professionals and request their opinion orally or in writing. They may not make witnesses or experts take the oath unless it is feared that it will not be possible later to hear the testimony under oath.

Chapter (2)
On *Flagrante Delecto*
Article (20)
Definition of *Flagrante Delecto*

The crime is in *flagrante delecto* when being committed or shortly after it is committed.

The crime shall be considered in *flagrante delecto* if the victim follows the perpetrator or the public follows him with shouting upon its occurrence, if the perpetrator is found shortly after the occurrence carrying machines, weapons, luggage, papers, or other items that evidence he is the perpetrator or a partner, or if effects or signs indicating the same are found at this time.

Article (21)

Proceeding to the Crime Scene

When a crime or a felony is committed in *flagrante delicto*, the judicial officer shall immediately proceed to the crime scene and examine the material traces of the crime and preserve the same. He shall also document the status of the crime scene, persons, and all the evidence that serve in discovering the truth. He shall also listen to the persons present or whoever can provide any useful information about the incident and the perpetrator. He shall immediately inform the Public Prosecution that he proceeded to the crime scene.

Once informed about a crime committed in *flagrante delicto*, the Public Prosecution shall immediately proceed to the crime scene.

Article (22)

Power of the Judicial Officer Once He Proceeds to the Crime Scene

Upon proceeding to the scene of a crime in *flagrante delicto,* the judicial officer may forbid the people present from leaving or moving away from the scene until the record is drawn up. He may immediately summon whoever may provide clarifications about the incident.

Article (23)

Disobeying the Judicial Officer's Orders

The judicial officer shall mention in the record if a person present disobeys him in accordance with the foregoing Article or if a person summoned declines to accompany him.

The disobeying person shall be sentenced to detention for not more than one week and a fine not exceeding one hundred piasters, or either of these two sentences.

The Summary Court shall issue such ruling based on the record that the judicial officer draws up.

Chapter (3)

On Arresting Accused, Prisons, and Prisoners' Complaints

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (24)

Arresting Present Accused

The judicial officer may order to arrest the present accused if there is sufficient evidence to charge him in the following cases:

First: In the case of felonies.

Second: In cases of *flagrante delicto,* if the law stipulates a sentence of detention for no less than three months.

Third: If the crime is a misdemeanour punishable by detention and the accused is under police supervision or has been served a notice for being considered a vagrant or accused, or did not have a fixed and known place of residence in Libya.

Fourth: In case of theft, fraud, severe infringement, resistance of public authority officers by force or violence, pandering, or violation of morals and drug abuse.

Article (25)
Arrest Order

If the accused is not present in the cases mentioned in the previous article, the judicial officer may issue an order to arrest him and bring him in. This shall be mentioned in the record.

Bailiffs or public authority officers shall execute the arrest order.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure and Article (1) of Law No. (87) of 1974 adding certain provisions to the Code of Criminal Procedure:

Article (26)
Hearing the Statements of the Arrested

The judicial officer shall promptly hear the statements of the arrested accused. If nothing that proves the latter's innocence is revealed, the officer shall refer him to the competent Public Prosecution within forty-eight hours.

The Public Prosecution shall question the accused within twenty-four hours, then issue an order for his detention or release. Judicial officers may keep the accused of one of the crimes provided for in Part (2), Chapter (1) of the Penal Code for a period of seven days from the date of arrest before referring them to the competent Public Prosecution.

Article (27)
Arrest of the Culprit in *Flagrante Delicto*

Whoever sees the culprit committing a misdemeanour or a felony punishable by provisional detention in *flagrante delicto* shall hand him over to the nearest public authority officers without the need for an arrest order.

Article (28)
Handover of the Culprit in *Flagrante Delicto* by Public Authority Officers

In the event of misdemeanours punishable by detention, public authority officers shall bring the accused caught in *flagrante delicto* and hand him over to the nearest judicial officer.

They may also do this in other crimes if it is not possible to identify the accused caught in *flagrante delicto*.

Article (29)
Arrest when Filing a Case Requires a Complaint

In the event of crimes in *flagrante delicto* for which a case requires a complaint, the accused may not be arrested unless whoever may file a complaint does so. In this case, the complaint may be filed by public authority officers present.

Article (30)
Legality of Arrest

No individual may be arrested or detained without an order from the legally competent authority.

Article (31)
Detention Location

Individuals may only be detained in prisons designed for this purpose.

Prison wardens may only accept detainees pursuant to an order signed by the competent authority and may not keep them for longer than the period set for this order.

Article (32)
Visiting and Searching Prisons

Public Prosecution members, supervision judges, as well as presidents and district prosecutors of first instance and appellate courts, may visit the public prisons under their jurisdictions and verify that none of the inmates is imprisoned illegally. They may also check prison records and arrest and detention warrants, make copies thereof, contact any inmate, and listen to any complaint he would like to state to them. The prison manager and employees shall offer them their utmost assistance to obtain the information they request.

Article (33)
Prisoners' Complaints and Illegal Detention

Any prisoner shall have the right to submit a written or verbal complaint to the prison warden at any time and ask him to notify it to the Public Prosecution or to the competent judge. The warden shall accept it and notify it immediately after documenting it in a specific record at the prison.

Whoever is aware of a person that is being detained illegally or in a place that is not intended for detention shall notify a member of the Public Prosecution or the competent judge.

Any of the latter, once aware, shall immediately proceed to the location of the detainee in question, conduct an investigation, order the release of the inmate detained illegally, and draw up a detailed report on all such facts.

Chapter (4)
On Entering and Searching Houses and Searching Individuals

Article (34)
Entering Populated Locations

It shall be prohibited for authority personnel to enter any populated location except in cases those stipulated by the law, if help is requested from therein, or in case of fire, drowning, or the like.

Article (35)
Searching the Arrested

In the cases where it is legally permissible to arrest the accused, the judicial officer may search him.

If the accused is a female, the search shall be conducted by a female assigned by the judicial officer.

Article (36)
Search of the House of the Culprit *in Flagrante Delicto*

In the event that the accused is caught committing a misdemeanour or a felony *in flagrante delicto,* the judicial officer may search his house and seize the items and documents that serve to reveal the truth, if there are strong signs that such items and documents are found in the house.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (37)
Search of the Houses of Individuals under Surveillance

Even in cases other than *in flagrante delicto* offenses, judicial officers may search the houses of individuals under police surveillance and accuseds, if there are reasons to believe that they have committed a felony or misdemeanour. The search shall be conducted as prescribed in Article (40). For the same reasons, homeless individuals and persons without a fixed known domicile in Libya may be searched.

Article (38)
Searching People during a House Search

In the event of strong circumstantial evidences against the accused in his house or a person present in it during the search indicating that he hides something useful to reveal the truth, the judicial officer shall therefore be entitled to search him.

Article (39)
Objective of the Search

Search may only be conducted to search for items related to the crime for which evidence are collected or which is investigated. However, if items whose possession is an offense or that are

useful to uncover the truth in another crime incidentally appear during the search, the judicial officer may seize them.

Article (40)
Search Procedures

Search shall be conducted in the presence of the accused or whomever he assigns whenever possible and in the presence of two witnesses. The two witnesses shall, as much as possible, be of his adult relatives, individuals residing in the house with the accused, or neighbours. This shall be documented in the record.

Pursuant to Article (3) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (41)

Repealed.

Article (42)
Placing Seals

Judicial officers may place seals on locations with signs or items useful for revealing the truth and they may assign a guard for them.

They shall notify the Public Prosecution of the same immediately, and the latter may order to remove the seals if it deems the procedure unnecessary. If it deems that the seals shall remain, the property holder may file a grievance before the summary judge with a petition submitted to the Public Prosecution, and thereupon the grievance shall be submitted to the judge immediately.

Article (43)
Seizing Crime-Related Items

Judicial officers may seize documents, weapons, instruments, and any object that may have been used to commit the crime, resulted from the commission thereof, or against which the crime was committed, as well as any object useful to reveal the truth.

Such items shall be shown to the accused and he shall be asked for comments thereon. A record shall be drawn up to this effect and it shall be signed by the accused or it shall state that the latter refused to sign.

Article (44)
Placing Seized Objects in Evidence Pouches

Items and documents seized shall be put in sealed evidence pouches, which shall be tied whenever possible and sealed. A strip in the seal shall show the date of the record drawn up on the seizure of such items and indicate the matter for which such items were seized.

Article (45)
Unsealing

Seals put in place in accordance with Articles (42) and (44) shall only be removed in the presence of the accused, his representative, or the person who was in possession of the items seized or after summoning them to attend.

Article (46)
Disclosing the Content of Documents Seized

Whoever becomes aware, due to the search, of information about the items and documents seized and discloses the same to an unrelated third party or takes advantage of them in any way, shall be penalized in accordance with Article (236) of the Penal Code.

Article (47)
Providing a Copy of Documents Seized

In the event that the person who was in possession of documents seized needs them urgently, he shall be provided with a copy of the same certified by the judicial officer.

Article (48)
Seeking the Assistance of Military Force

Judicial officers may request the immediate assistance of the military force for the purpose of fulfilling their duties.

Chapter (5)
On the Prosecution-General's Handling of the Accusation After the Collection of Evidence

Article (49)
Retaining Documents

If the Public Prosecution deems that the case cannot be continued, it shall order to retain the documents.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (50)
Retention Order Announcement

If the Public Prosecution issues a retention order, it shall notify the same by registered letter to the victim, civil plaintiff, and complainant, even if he did not file a civil case. If one of the latter had died, his heirs shall be all notified together at his place of residence.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (51)

Continuing the Proceedings and Delegating the Investigation to a Judge or Counsellor

If, in accordance with the Articles related to petty offenses and misdemeanours, the Public Prosecution deems it valid to file the case based on the evidence heard, the accused shall be summoned to present himself directly before the competent court.

In accordance with the Articles related to petty offenses and misdemeanours, the Public Prosecution may request from the President of the Court of First Instance to delegate the investigating magistrate or proceed to do the same itself, either before or after the start of the investigation.

The competent Chief Prosecutor may request from the Court of Appeal to delegate a counsellor to investigate a particular crime or crimes of a certain type, and the delegation shall be by a decision from the General Assembly. In this case, the delegate counsellor shall be the only person responsible for conducting the investigation as soon as he starts work.

In accordance with the Articles on felonies, the accused may request the delegation of the investigating magistrate and in this case, the President of the Court shall issue his decision after hearing the statements of the Public Prosecution. Such decision shall not be subject to appeal and the Public Prosecution shall continue the investigation until the delegate judge starts it.

Part (3)
On Investigation by the Investigating Magistrate

Chapter (1)
On Conducting the Investigation and Including the Civil Plaintiff and Civil Defendant in the Investigation

Article (52)

Conducting the Investigation

The investigating magistrate shall only conduct the investigation in a particular crime upon its referral to him in accordance with the law.

Article (53)

Judge Investigating Solely

Once the case is referred to the investigating magistrate, he shall be the only person responsible for investigating it.

Article (54)

Right of the Investigating Magistrate to Delegate a Third Party to Carry Out Certain Procedures

The investigating magistrate may assign a Public Prosecution member or a judicial officer to carry out one or more tasks of the investigative work, except for interrogation of the accused. Within the

limits of his delegation, the delegate shall have all the authority of the investigating magistrate. If the case requires taking one or more actions outside his jurisdiction, the investigating magistrate may delegate such actions to the Summary Court judge, a Public Prosecution member, or a judicial officer.

The delegate judge may assign a Public Prosecution member or a judicial officer to carry out such tasks when necessary, in accordance with the first paragraph.

The investigating magistrate shall proceed to carry out this procedure himself whenever the interest of the investigation requires so.

Article (55)

Declaration of the Procedure Delegated to a Third Party

In all the cases where he delegates a third party to conduct certain investigations, the investigating magistrate shall indicate the matters to be investigated and the actions to be taken.

The delegate may carry out any other task of the investigation or question the accused in the cases where he fears running out of time, as long as this is connected to the work he is delegated for and that is necessary to reveal the truth.

Article (56)

Order of the Investigation Session

The investigating magistrate shall have all the powers of the summary court in matters related to the order of the session.

Article (57)

Investigation Clerk

The investigating magistrate shall be accompanied during all his procedures by a court clerk to co-sign reports. Such reports shall be kept with the orders and remaining documents with the court registrar.

Article (58)

Monitoring the Actions of the Investigating Magistrate

The President of the Court shall monitor investigating magistrates to ensure they are carrying out their actions in an appropriately timely manner and abiding by the deadlines set out by the law.

Article (59)

Confidentiality of the Investigation Procedures and Results

Investigative procedures and results arising therefrom shall be considered confidential, and investigators, Public Prosecution members, and their aides, such as clerks, experts, or others connected to the investigation or present for the same because of their profession or occupation, may not divulge them. Violators shall be punishable in accordance with Article (236) of the Penal Code.

Article (60)

Civil Right Claims during the Investigation

Whoever is affected by damages resulting from the crime may claim civil rights during the investigation into the case. The investigating magistrate shall decide on accepting this capacity in the investigation.

Article (61)

Individuals Entitled to Attend the Investigation

The Public Prosecution, the accused, the victim, the civil plaintiff, the civil defendant, and their representatives may attend all investigation procedures. The investigating magistrate may conduct the investigation in their absence when he deems it necessary to reveal the truth. As soon as such necessity ends, he shall permit them to examine the investigation.

However, the investigating magistrate may, in case of urgency, conduct certain investigation procedures in the absence of litigants.

The latter shall have the right to review the papers recorded for such procedures.

Litigants shall always have the right to be accompanied by their representatives in the investigation.

Article (62)

Notifying Litigants of the Investigation Date and Location

Litigants shall be notified of the date the investigating magistrate starts the investigation procedures and their location.

Article (63)

Electing Domicile

The victim, the civil plaintiff, and the civil defendant shall each elect a domicile in the town where the court in which the investigation is conducted is located, if they do not reside in this town.

If they do not elect such domicile, it shall be valid to keep all their notifications with the court registrar.

Article (64)

Public Prosecution Review of Documents

The Public Prosecution may examine the documents at any time to review the investigation, provided this does not result in any delay.

Article (65)

Right of Parties Concerned to Submit Pleas, Motions, and Memoranda

The Public Prosecution and other litigants may submit to the investigating magistrate the pleas and motions they wish to submit during the investigation.

The victim, even if he is not claiming civil rights, may submit memoranda referring to evidence or propose certain actions to reach the truth.

The use of this right shall not entitle the victim to any other right regarding investigation procedures, except as provided by law.

Article (66)

Ruling on Pleas and Motions

The investigating magistrate shall rule on the defences and requests submitted to him within twenty-four hours and indicate the reasons he is basing his rulings on.

Article (67)

Issuing Orders in the Absence of Litigants

If the orders of the investigating magistrate are not rendered in the presence of litigants, they shall be communicated to the Public Prosecution, which shall declare them to the litigants within twenty-four hours from the date of issuance.

Article (68)

Copies of Documents

The accused, the victim, the civil plaintiff, and the civil defendant may request copies of documents of whatever type during the investigation at their expense, unless the investigation was conducted in their absence pursuant to a decision in this regard.

Chapter (2)

On Delegating Experts

Article (69)

Delegation of Experts

If in order to prove the case, it is necessary to seek the assistance of a doctor or other experts, the investigating magistrate shall be present during the work and observe it.

If it is necessary to prove the case without the presence of the judge, due to the need to conduct some preparatory work or repeated attempts or for any other reason, the judge shall issue an order indicating the types of investigations and what needs to be proved.

In all cases, the expert shall conduct his work in the absence of litigants.

Article (70)

Oath of Experts

Experts shall take an oath before the investigator to express their opinion with honesty and integrity and they shall provide their reports in writing.

Article (71)

Deadline for Reports

The investigator shall set a deadline for the expert to submit his report and he may replace him with another expert if he fails to submit the report by the deadline.

Article (72)

Expert Consultants

The accused may obtain the assistance of an expert consultant and request that the latter reviews the documents and all that was provided to the expert appointed by the judge, provided this does not delay the case.

Article (73)

Rejection of the Expert

Litigants may reject the expert in there are strong reasons to do the same. The rejection request shall be submitted to the investigator to decide thereon and shall include the reasons for the rejection. The investigator shall rule on it within three days of its submission.

Such request shall entail that the expert discontinues his work except in urgent cases upon order from the judge.

Chapter (3)

On Travel, Search, and Seizure of Crime-Related Items

Article (74)

Travel of the Investigator

The investigator shall travel to any location whenever he deems it necessary to document the status of locations, items, people, material evidence, and anything that proves the status of the same.

Article (75)

Search Locations

Searching houses are an act of investigation and shall only be resorted to in open investigations and based on a charge against a resident of the house to be searched that he committed a felony or misdemeanour or was an accomplice in the commission thereof. Moreover, searching houses may be resorted to if evidence is found that such resident is in possession of items related to the crime.

The investigator may search any location and seize documents, weapons, instruments, and all that could have been used to commit the crime or that resulted therefrom, that against which the crime was committed, and anything that serves to reveal the truth.

Article (76)

Presence of the House Owner

If possible, the search shall be conducted in the presence of the accused or whomever he chooses to delegate.

If the search is conducted in other than the house of the accused, the owner shall be invited to attend by himself or through whomever he chooses to delegate, if possible.

Article (77)

Notifying the Prosecution of Proceeding to Search

Whenever he deems it necessary to proceed to locations or to search, the investigating magistrate shall notify the Public Prosecution of the same.

Article (78)

Searching Persons

The Investigating Magistrate may search accused and the non-accused persons, if strong signs indicate that they are hiding that which would help reveal the truth. The search shall respect the provisions of the second paragraph of Article (35).

Article (79)

Seizure of Correspondence and Letters

The investigating magistrate may seize in all post offices all correspondence, letters, newspapers, publications, and parcels and all cables in telegraph offices. He may also monitor telephone conversations whenever this serves to reveal the truth.

Article (80)

Prohibition of Seizure of Documents held by the Defense or Counsellors

The investigating magistrate may not seize from the attorney of the accused or the expert consultant documents and papers that the accused handed over to them to carry out the task he assigned to them. Moreover, the investigating magistrate may not seize from them the correspondence exchanged with regard to the case.

Article (81)

Reviewing Seized Documents

The investigating magistrate alone shall review the correspondence, letters, and other documents seized. If possible, he shall do so in the presence of the accused, the sender, and the recipient and he shall write down their comments thereon.

When necessary, he may assign a Public Prosecution member to sort the said documents. Depending on what emerges from the examination, he may order to attach such documents to the case file or return them to their possessor or recipient.

Article (82)

Provisions of Seized Documents

The items seized shall be dealt with pursuant to the provisions of Article (44).

Article (83)

Seizure of Items and Orders to Present them

The investigating magistrate may order the possessor of a certain object to present it if he deems it necessary to seize or check it. The provisions of Article (257) shall apply to violators of such orders, except in cases where the law authorises abstention from testimony.

Article (84)

Notification and Delivery of Seized Items

The accused or recipient shall be informed of the seized correspondence and telegrams or shall be provided with a copy thereof as soon as possible, unless this would harm the investigation progress.

Whoever claims the right to seized items may ask the investigating magistrate to deliver such items to him. If such request is refused, the person alleging the right may file a grievance before the President of the Court of First Instance.

Chapter (4)

On Disposition of Seized Items

Article (85)

Return of Seized Items

An order may be rendered to return the items seized during the investigation period, even before the issuance of the ruling, unless such items are necessary for the conduct of the case or are subject to confiscation.

Article (86)

Persons Authorised to Receive Seized Items

Seized items shall be returned to the person who was in possession thereof at the time of seizure.

If the crime was committed against the seized items or the latter resulted therefrom, they shall be returned to those who lost their possession due to the crime, unless the person who held them at the time of seizure has the right to retain the same by law.

Article (87)

Entity Authorised to Issue the Return Order

The return order shall be rendered by the Public Prosecution, the investigating magistrate, the Indictment Chamber, or the competent court.

Article (88)

Effect of the Return Order

The return order shall not stop the persons concerned from claiming their rights before civil courts. However, the accused or civil plaintiff may not claim such rights if the return order was rendered by the court on the basis of a request filed by any of the two against the other.

Article (89)

Return Order

The return order of seized items shall be rendered even without a request.

Neither the Public Prosecution nor the investigating magistrate may order the return upon dispute. In this case or if there is doubt about who has the right to reclaim the item, the matter shall be presented to the Indictment Chamber to order what it deems appropriate or to refer the litigants to the Civil Court if it deems necessary. In this case, seized items may be put under guard or other precautionary means may be taken.

Article (90)

Treatment of Seized Items during Retention

Upon the issuance of a retention order or the decision to file a case, it shall be decided on how to deal with seized items if this has not yet been decided. This shall also apply when a ruling is issued on a case, if such return has been sought before the court.

Article (91)

Treatment of Non-Claimed Seized Items

Seized items that are not claimed by their owners within a period of three years from the end date of the case shall become the property of the government, and it shall not be necessary to issue a ruling thereon.

Article (92)

Perishable Items and Items with Exorbitant Costs

If the item seized perishes over time or its preservation entails costs that would consume its value, it may be ordered to sell the same by way of public auction when the requirements of the investigation permit so. In this case, the person with the right to such items may claim the price it sells for within the time limit specified in the previous article.

Chapter (5)

On Hearing Witnesses

Article (93)

Hearing Witnesses

The investigating magistrate shall hear the testimony of witnesses requested by litigants, unless he deems it of no benefit.

He may hear the testimony of the witnesses he deems it necessary to hear about the facts that prove or lead to proving the crime and its circumstances and attributing it to the accused or showing his innocence.

Article (94)
Notifying Witnesses and Summoning Them to Attend

The Public Prosecution shall notify the witnesses whom the investigating magistrate decides to hear. They shall be assigned to attend by bailiffs or by public authority officers.

The investigating magistrate may hear the testimony of any witness who attends on his own, and in this case, it shall be documented in the record.

Article (95)
Manner of Hearing Witnesses

The investigating magistrate shall hear each witness separately. He may make witnesses confront each other and the accused.

Article (96)
Information of Witnesses

The judge shall ask each witness to state his name, surname, age, profession, place of residence, and relation to the accused. He shall record this data and the testimonies of witnesses without crossing out or annotations.

No correction, crossing out, or annotations may be adopted unless certified by the judge, clerk, and witness.

Article (97)
Signing Testimonies

Both the judge and clerk shall sign the testimony, as well as the witness, after it has been read back to him and he confirms it. If the latter declines or is unable to sign or mark it with his fingerprint, it shall be documented in the record, indicating the reasons he expresses. In all cases, both the judge and the clerk shall sign each page in sequence.

Article (98)
Provisions on Witnesses

With regard to witnesses, the provisions of Articles (256), (258), (259), (260), and (261) shall apply.

Article (99)
Appearance

Whoever has been summoned to appear before the investigating magistrate to bear witness shall attend based on the summons rendered to him. Failing that, the judge may, after hearing the

statements of the Prosecution, sentence him to a fine up to ten LYD. The judge may summon him to appear again at his expense or issue an arrest order against him.

Article (100)
Exemption from the Fine

If the witness appears before the judge, whether after being summoned to appear again or on his own, and provides valid excuses, he may be exempted from the fine after hearing the statements of the Public Prosecution. He may also be exempted upon a request he submits if he is unable to appear himself.

Article (101)
Declining to Testify or Take the Oath

If the witness appears before the judge and declines to testify or to take the oath, he shall be sentenced to the penalty prescribed in Article (260) of the Penal Code. If he stops declining before the end of the investigation, he may be exempted from the penalty partially or wholly.

Article (102)
Appealing Rulings against Witnesses

Rulings rendered against witnesses in accordance with Articles (99) and (101) shall be subject to appeal in accordance with the rules and conditions prescribed by the law.

Article (103)
Travelling to Hear Witnesses

If the witness is ill or an impediment prevents him from attending, his testimony shall be heard in his location. If the judge travels to hear his testimony and finds the excuse invalid, he may sentence the witness to the penalties prescribed in Article (99).

Article (104)
Fees and Compensation of Witnesses

At the request of witnesses, the investigating magistrate shall estimate the fees and compensation they deserve for their appearance to testify.

Chapter (6)
On Interrogation and Confrontation

Article (105)
Verifying Identity and Informing of Charges

When the accused person appears for the first time in the investigation, the investigator shall verify his identity, inform him of the charges against him, and document his statements in the record.

Article (106)
Attendance of Attorneys

The investigator into felonies shall not question the accused or make him face other accused or witnesses before summoning the attorney, if any, to attend, unless the accused has been caught *in flagrante delicto* or there is a fear that evidence will be lost. The accused shall name his attorney in a report drawn up in the court registrar or in a letter to the prison warden. His attorney may also carry out this acknowledgment or declaration.

The attorney shall not speak unless authorised by the judge. If the judge does not authorise him to do so, it shall be noted in the record.

Chapter (7)
On Summons to Appear and the Arrest Order

Article (107)
Appearance and Arrest of the Accused

In all cases, the investigating magistrate may issue, according to the case, an order for the accused to appear or be arrested.

Article (108)
Order Components

Each order shall include the name of the accused, his surname, profession, place of residence, the charge against him, the date of the order, the signature of the judge, and the official seal.

The order to appear shall also include the summons to appear at a given time.

The arrest order and subpoena shall include the commissioning of public authority officers to arrest the accused and bring him before the judge if he declines to voluntarily appear immediately.

The detention order shall include tasking the prison warden to accept the accused and imprison him, indicating the legal article applicable to the incident.

Article (109)
Notification of Orders

Orders shall be notified to the accused by a bailiff or a public authority officer and he shall be given a copy thereof.

Article (110)
Applicability of the Investigator's Orders

The orders rendered by the investigator shall be applicable in all the Libyan territories.

Article (111)
Order to Arrest the Accused

If after being summoned, the accused fails to appear without an acceptable excuse, if it is feared that he would escape, if he does not have a known place of residence, or if the crime was *in flagrante delicto*, the judge may issue an arrest order against the accused even if the incident does not permit his provisional detention.

Article (112)
Interrogation of the Accused

The investigating magistrate shall immediately interrogate the arrested accused. If he fails to do so, the accused shall be imprisoned until his interrogation. He shall not be imprisoned for more than twenty-four hours. If this period passes, the prison warden shall hand the accused over to the Public Prosecution, which shall request the investigating magistrate to interrogate him immediately. Where appropriate, the Public Prosecution shall request the summary judge, the president of the court, or any other judge appointed by the President of the Court to interrogate him. Otherwise, it shall order his release.

Article (113)
Arresting the Accused outside the Jurisdiction of the Investigation Court

If the accused is arrested outside the jurisdiction of the court where the investigation is being conducted, he shall be sent to the Public Prosecution in the area he was arrested. The Public Prosecution shall verify all his personal data, inform him of the incident attributed to him, and record his statements on the matter.

Article (114)
Objection to Transfer by the Accused

If the accused objects to his transfer or his health does not permit the transfer, the investigating magistrate shall be notified immediately and he shall immediately issue an order on how to proceed.

Chapter (8)
On Detention Orders

Article (115)
Status of Provisional Detention Orders

If it is found after the interrogation of the accused or in the case of his escape that there is sufficient evidence or the incident is a felony or a misdemeanour punishable by imprisonment for more than three months, the investigating magistrate may issue an order of provisional detention against the accused.

The accused may always be held in provisional detention if he does not have a known fixed place of residence in Libya and the crime is a misdemeanour punishable by imprisonment.

Article (116)

Hearing the Statements of the Prosecution Prior to the Order

Before issuing a detention order, the investigating magistrate shall hear the statements of the Public Prosecution.

Article (117)

Prosecution's Right to Request Detention

The Public Prosecution may request the provisional detention of the accused at any time.

Article (118)

Copy of the Order to the Prison Warden

Upon placing the accused to prison based on the detention order, a copy of the latter shall be handed over to the prison warden after he signs the original order to confirm receipt.

Article (119)

Deadline of Enforcement

Arrest and detention orders may not be enforced after six months from their date of issuance, unless the investigating magistrate ratifies them again.

Article (120)

Meeting the Detainee

The prison warden shall not allow any authorities to communicate with the detainee in prison without written permission from the investigating magistrate. He shall write down the name of the person authorised in the prison register, along with the time of the meeting and the permit's date and content.

Article (121)

Separation of the Accused from Other Detainees

The Public Prosecution and the investigating magistrate, in the cases he is delegated to investigate, may order that the accused does not communicate with other prisoners and that no one visit him, without prejudice to the right of the accused to always contact his attorney without the presence of anyone.

Pursuant to Article (1) of Law No. (3) of 2003 on amending certain provisions of the Code of Criminal Procedure:

Article (122)

Prescribed Period of Provisional Detention

Provisional detention of the accused shall definitely end after fifteen days. However, the investigating magistrate may order the extension of detention by one or more terms not exceeding thirty days in total after hearing the Public Prosecution and the accused.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (123)
Extension of the Period of Provisional Detention

If the investigating magistrate deems it necessary to extend the period of provisional detention for longer than the period indicated in the previous article, he shall, before the end of the said period, present the documents to one of the circuits of the Court of First Instance, composed of three magistrates, to issue its order as it deems necessary after hearing the statements of the Public Prosecution and the accused. The said circuit may extend the said period for consecutive terms, each not exceeding forty-five days, until the end of the investigation.

Chapter (9)
On Temporary Release

Article (124)
Provisional Release

After hearing the statements of the Public Prosecution, the investigating magistrate may, at any time, whether on his own or at the request of the accused, order the provisional release of the latter if he has issued the confinement order, provided the accused undertakes to appear whenever requested and not escape the execution of the ruling that may be rendered against him.

Article (125)
Electing Domicile for the Accused

In cases other than when the release is an obligatory duty, the accused shall not be released with or without guarantee before electing a domicile for him in the area where the Court's headquarters are located if he does not reside in the said area.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (126)
Bail

In cases other than when the release is an obligatory duty, provisional release may be conditioned on the payment of bail.

The investigating magistrate or summary judge referred to in Article (123), according to the case, shall assess the amount of the bail and allocate a specific part thereof as a sufficient penalty for the failure of the accused to attend all the investigation and case procedures, present himself to execute the ruling, and carry out all the other duties imposed thereon. The other part shall be allocated to pay the following, in this order:

1. The fees that the civil plaintiff paid in advance.

2. The fees incurred by the government.
3. The financial penalties that may be rendered against the accused.

Article (127)
Payment of Bail

The accused or any other person shall pay the assessed amount of the bail to the court treasury in cash or through government bonds or secured government bonds.

Whoever filled out the pledge may pay the assessed amount of bail if the accused breaches one of the conditions of release. Such pledge shall be documented in the record of the investigation or in a report in the court registrar.

The record or report shall have the effect of an enforceable bond.

Article (128)
Bail Forfeiture

If without an acceptable excuse, the accused fails to implement one of the obligations imposed on him, the first part of the bail becomes the property of the government without need for any verdict.

The second part of the bail shall be refunded to the accused in the event of dismissal or acquittal.

Article (129)
Police Surveillance and Ban on Frequenting Certain Locations

If the investigating magistrate considers that the situation of the accused does not allow him to provide bail, he shall force him to surrender to a police station at the times prescribed to him in the release order, taking into account his personal circumstances. He may also ask him to choose a place of residence other than where the crime took place, and he may prohibit him from frequenting a certain location.

Article (130)
Arrest after Release

The order of release shall not prevent the investigating magistrate from issuing a new order to arrest the accused or imprison him if the evidence against him becomes stronger, if he breaches the imposed conditions, or if circumstances emerge requiring such a measure.

Article (131)
Competent Entity of Release after Referral

If the accused is referred to the Indictment Chamber or to the court, his release (if he is detained) or imprisonment (if he is free) shall be within the powers of the entity he is referred to.

In the event of referral to the criminal court, the action shall be decided outside the hearings under the jurisdiction of the Indictment Chamber.

If a ruling of non-jurisdiction is issued, the Indictment Chamber shall be the entity competent to consider the request for release or imprisonment until the action is filed before the competent court.

Article (132)
Persons Not Entitled to Request Detention

The victim and the civil plaintiff may not request the detention of the accused and their statements shall not be heard in the deliberations regarding his release.

Chapter (10)
On End of Investigation and Treatment of the Case

Article (133)
Sending Documents to the Public Prosecution

When the investigation finishes, the investigating magistrate shall send the documents to the Public Prosecution, which shall submit its requests to him in writing within three days if the accused is detained and within ten days if he is released.

Furthermore, the investigating magistrate shall notify the remaining litigants to submit their statements after reviewing the documents within five days of notification.

Article (134)
Dismissal of Cases

If the investigating magistrate deems that the incident is not punishable by law, the evidence is insufficient, or the conditions to proceed with the case are not fulfilled, or if a reason that dismisses the crime or precludes penalty emerges, the judge shall issue a dismissal order, noting the lack of grounds to file the case, and the accused shall be released if he is not imprisoned for any another reason.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (135)
Referral in Misdemeanours and Petty offenses

If the judge deems the incident a misdemeanour or a petty offense, he shall refer the accused to the summary court. Upon the issuance of the decision of referral, the Public Prosecution shall send all the documents and items seized to the court registrar within two days and notify the litigants to appear before the court in the nearest session and on the dates scheduled.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (136)
Referral in Felonies

If the investigating magistrate deems the incident a felony, he shall refer it to the Indictment Chamber and task the Public Prosecution to send the documents immediately to it.

However, instead of referring the action to the Indictment Chamber, the investigating magistrate may issue an order to refer it to the summary court if he deems that the felony was accompanied by a legal excuse or extenuating circumstances that would reduce the sentence to the limits of a misdemeanour.

The order shall state the excuses or extenuating circumstances it has been drawn upon.

In this case, the Court shall rule lack of jurisdiction if it deems that the circumstances of the action do not justify the reduction of sentence to the limits of a misdemeanour.

Article (137)
Continuation of Detention

In the order rendered on the referral to the summary court or to the Indictment Chamber, the investigating magistrate shall decide on the continuation of the detention of the accused, his release, or his arrest and provisional detention if he has not been arrested or had been released.

Article (138)
Elements of the Referral or Release Orders

The orders rendered by the investigating magistrate in accordance with Articles (134), (135), and (136) shall include the accused's name, surname, age, place of birth, residence, and profession and state the incident attributed to him and its legal description. It shall also include a brief description of the act and the legal reasons of the order.

Chapter (11)
On Appealing the Orders of the Investigating Magistrate

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (139)
Appealing Referral Orders and Dismissal order

1. Referral orders rendered by the investigating magistrate – whether to the summary court or to the Indictment Chamber – shall not be subject to appeal.
2. The Public Prosecution, the victim, and the civil plaintiff may appeal the dismissal orders rendered by the investigating magistrate.
3. The Public Prosecution shall have the right to appeal release orders rendered by the investigating magistrate.

Article (140)
Appealing Jurisdiction Orders

All litigants may appeal orders relating to matters of jurisdiction. The appeal shall not stop the course of the investigation and a ruling of non-jurisdiction shall not entail the invalidity of the investigation procedures.

Pursuant to Article (1) of Law No. (22) of 1963 on amending certain provisions of the Code of Criminal Procedure:

Article (141)
Deadline of Appeals

The appeal shall be filed by virtue of a report in the court registrar of the court with which the investigating magistrate is affiliated within a period of three days from the date of issuance of the order, the notification, or the announcement, according to the case.

The deadline for appeals by the Prosecutor-General shall be fifteen days.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (142)
Entity of Appeals

The appeal shall be submitted through an appellate body to the Court of First Instance with which the investigating magistrate is affiliated and it shall be decided on as an urgent matter. The ruling rendered from this court shall not be subject to any kind of appeal.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure and Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (143)
Effect of Appeals on Release Orders

Orders of provisional release shall not be implemented before the expiration date of the appeal provided in the first paragraph of Article (141) or the appeal is decided, if it is submitted in time.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (144)
Rejection of Appeals

If the appeal filed by the victim or the civil plaintiff is rejected, the court may therefore award the accused compensation for the damages resulting from the appeal.

Chapter (12)
On the Indictment Chamber

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (145)
Formation of the Indictment Chamber

In every Court of First Instance, an Indictment Chamber shall be constituted of the President of the Court or one of the Court's judges delegated by the General Assembly.

Article (146)
Sending Documents to the Court and Notifying Litigants

In cases where the matter should be presented to the Indictment Chamber, the Public Prosecution shall immediately send the documents to the court registrar and notify the litigants to provide their statements and appear within three days.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (147)
Sessions of the Indictment Chamber

The Indictment Chamber shall hold sessions behind closed doors and issue its orders promptly after reviewing the documents and memoranda of litigants and hearing the clarifications it deems necessary to request therefrom.

The investigator may be called to provide all necessary clarifications.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (148)
Supplementary Investigation

When considering orders rendered by the investigating magistrate or the Public Prosecution to refer the case to the Indictment Chamber, the latter may conduct a supplementary investigation. It may also include in the case other facts or other persons, while conducting the necessary investigation for such purpose.

Pursuant to Article (3) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (149)

Repealed.

Pursuant to Article (3) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (150)
Electing Domicile for the Accused

Repealed.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code and Article (1) of Law No. (3) of 2003 on amending certain provisions of the Code of Criminal Procedure:

Article (151)
Power of the Indictment Chamber

Upon hearing the orders referred thereto, the Indictment Chamber shall have the powers of an investigating magistrate as regards the investigation and the order, duration, and extension rules of detention. It may mandate an investigating magistrate or the Public Prosecution depending on the case.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (152)
Completion of the Investigation

When the investigation referred to in Articles (148) and (151) is complete, the litigants shall be notified to review it, then it shall be sent to the Public Prosecution, as stipulated in Article (133).

Article (153)
Treatment of the Case

If upon the referral of the case in accordance with Article (136) by the investigating magistrate or the Public Prosecution, the Indictment Chamber deems the incident a felony, that there is sufficient evidence against the accused, and that the accused likely to be convicted, it shall order to refer the case to the Criminal Court.

It may also refer it to the Summary Court in accordance with Article (136).

If it deems the incident a misdemeanour or felony, it shall order to refer it to the competent court.

If it doubts the description of the charge as a misdemeanour or a felony, it may refer the case to the Criminal Court with the two descriptions so that the latter rules on it as it deems appropriate.

The Public Prosecution shall immediately send the documents to the court which received the case.

If it deems the incident not punishable by law or if the evidence is insufficient, the Indictment Chamber shall issue a dismissal order and order the release of the accused, unless he is imprisoned for another reason.

Pursuant to Article (2) of Law No. (3) of 2003 on amending certain provisions of the Code of Criminal Procedure:

Article (153) *bis*

Expedited Hearing of the Case of Provisional Detainees

In the event that a detained accused is referred to the competent court, the case shall be referred to the competent circuit to be heard in its following session.

In all cases, the case shall be heard before the end of the provisional detention stipulated in accordance with the second paragraph of Article (177), when possible.

Article (154)

Referral of Felonies from the Summary Court to the Criminal Court

If the summary court already ruled on the lack of jurisdiction of the case because it is a felony, whether the action was referred to it by the Public Prosecution, the investigating magistrate, or the Indictment Chamber, the latter – if it deems that there are sufficient grounds to proceed with the case – shall refer it to the Criminal Court. However, if it deems the incident a misdemeanour or a petty offense, it may refer it to the Criminal Court with the two descriptions for the latter to rule on it as it deems appropriate.

Article (155)

Content of the Referral Order

The referral order shall include the crime attributed to the accused with all its constituent elements, all the circumstances which aggravate or attenuate the penalty, and the legal article to be applied.

Article (156)

Related Crimes

If the investigation involves more than one crime within the jurisdiction of courts of the same degree and such crimes are related, they shall all be referred by virtue of one referral order to the court competent to rule on one of such crimes. If the crimes are within the jurisdiction of courts of different degrees, they shall be referred to the court of the highest degree.

Article (157)

Related Crimes within the Jurisdiction of Ordinary and Exceptional Courts

When crimes are connected and the case should be filed for all the crimes before a single court – if some crimes are within the jurisdiction of ordinary courts and others within the jurisdiction of exceptional courts, one case including all the crimes shall be filed before ordinary courts, except in cases when ministers are accused, in accordance with Article (92) of the Constitution.

Article (158)

Provisional Detention

The Indictment Chamber shall decide on provisional detention in accordance with the provisions of Article (137).

Article (159)
List of Witnesses

When the Indictment Chamber issues an order to refer the case to the Criminal Court, it shall task the Public Prosecution, the civil plaintiff, and the accused to submit at once a list of the witnesses whose testimony he requests to hear before the court, stating their names, places of residence, and the facts about which each of them is required to testify. The Indictment Chamber shall draw up a final list of the said witnesses and task the Public Prosecution to notify them, unless it deems that their testimony does not affect the case or that the intent of their attendance is to delay the case or spite other parties. The Indictment Chamber may add other witnesses to this list at a later time upon the request of the accused or civil plaintiff. The Public Prosecution shall be notified of such request twenty-four hours before deciding thereon.

Article (160)
Unlisted Witnesses of Litigants

Each of the litigants shall notify his witnesses who have not been included in the previous list to appear by virtue of a bailiff at his own expense, depositing their travel fees with the court registrar.

Article (161)
Announcing Unlisted Witnesses

The Public Prosecution and other litigants shall notify each other at least three days prior to the session of the names of witnesses they notified and who are not included in the said list, indicating the subject of the testimony of each of them.

Article (162)
Appointing the Defence

The Indictment Chamber shall appoint on its own initiative counsel to defend each person accused of a felony for whom an order to refer to the Criminal Court has been rendered, if he has not elected such counsel.

If the counsel appointed by the Indictment Chamber has excuses or impediments that he insists on, he shall state them without delay. If such excuses or impediments emerge after the case file is sent to the President of the Appellate court and before opening the session, they shall be submitted to the President of the Appellate Court. If they emerge after the opening of the session, they shall be submitted to the President of the Criminal Court. If the excuses are accepted, another counsel shall be appointed.

Article (163)
Sending the Documents to the President of the Appellate Court

The file of each case on which a referral order was rendered shall be immediately sent from the Indictment Chamber to the President of the Appellate court. If the counsel defending the accused requests an appointment to review the case file, the Indictment Chamber or the court shall set a

time for him within ten days, during which the case file shall remain with the court registrar until the counsel reviews it without transferring it from the office.

Article (164)
Notification of the Referral Order

The referral order shall be notified to the Public Prosecution within twenty-four hours from the date of issuance and it shall be notified to the other litigants within a period of three days.

The Public Prosecution shall notify the accused to promptly appear before the competent court, according to the referral order.

Article (165)
Issuance of the Referral Order in the Absence of the Accused

If an order to refer an accused of a felony to the Criminal Court in his absence, then he appears or is arrested, the case shall be reviewed before the court in his presence.

Article (166)
Supplementary Investigations after Referral

If after the issuance of the referral order, something that requires conducting supplementary investigations occurs, the Public Prosecution shall conduct such investigations and submit the record to the court.

Chapter (13)
On Appealing the Orders of the Indictment Chamber

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (167)
Appealing the Orders of the Indictment Chamber

The Public Prosecution, the victim, and the civil plaintiff may challenge the appeal on the dismissal orders rendered by the Indictment Chamber.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (168)
Appealing Referral Orders

The Public Prosecution may challenge the appeal on the orders rendered by the Indictment Chamber to refer the felony to the Summary Court or to consider the incident a misdemeanour or petty offense.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (169)
Competent Court and Challenge Procedures

The appeal referred to in the two foregoing articles shall be submitted through an appellate body to the Court of First Instance within the circuit of which the Indictment Chamber that rendered the challenged order is located. The provisions of Articles (369), (371), (373) *bis*, (375), and (379) and the first paragraph of Article (380) shall apply to the challenge.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (170)
Ruling on the Challenge

The court shall rule on the challenge after hearing the statements of the Public Prosecution and the other litigants.

This verdict shall not be subject to any form of appeal.

Chapter (14)
On Resuming the Investigation Due to the Emergence of New Evidence

Article (171)
Resuming the Investigation

The dismissal order rendered by the investigating magistrate or the Indictment Chamber shall preclude resuming the investigation, unless new evidence emerges before the end of the period prescribed for the dismissal of the criminal action.

The testimony of witnesses, records, and other documents that were not submitted to the investigating magistrate or the Indictment Chamber shall be considered new evidence. They shall such as to strengthen the evidence that was found insufficient or increase the clarification that leads to revealing the truth.

Resuming the case shall only be possible at the request of the Public Prosecution.

Part (4)
On Investigation by the Public Prosecution

Article (172)
Investigation When Sought by the Public Prosecution

Except for crimes that the investigating magistrate is competent to investigate according to the provisions of Article (51), the Public Prosecution shall start to investigate misdemeanours and felonies, in accordance with the provisions for the investigating magistrate, subject to what is stipulated in the following articles.

Article (173)
Claiming Civil Rights

Whoever is affected by damages resulting from the crime may claim civil rights during the investigation into the case. The Public Prosecution shall decide on accepting this capacity in the investigation within three days from filing such claim. If the request is refused, the claimant may appeal the decision before the Indictment Chamber within three days starting from the time of his notification of the decision.

Article (174)
Assigning Judicial Officers to Conduct the Investigation

In the event he is conducting the investigation himself, each of the Public Prosecution members may task a judicial officer to carry out some works within his competence.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (175)
Detention Orders

Detention orders rendered by the Public Prosecution shall only be effective for the six days following the arrest of the accused or his handing over to the Public Prosecution, if he is already under arrest.

Arrest and detention orders rendered by the Public Prosecution shall not be implemented after six months from their date of issuance, unless the Public Prosecution approves them for another term.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code and Article (1) of Law No. (3) of 2003 on amending certain provisions of the Code of Criminal Procedure:

Article (176)
Extension of Provisional Detention

In the event that the Public Prosecution decides to extend the provisional detention, the case file shall be submitted to the competent summary judge to issue an order thereon after hearing the Public Prosecution and the accused, before expiration of the six-day period for arresting or referring the accused.

The judge may extend the provisional detention for one or several consecutive terms provided that the total duration of detention does not exceed thirty days.

The Public Prosecution shall have the right to appeal the order of the judge to release the accused. Such appeal shall be subject to the terms and rules of appeal against the orders of the investigating magistrate regulated by Articles (141) and (143).

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code and Article (1) of Law No. (3) of 2003 on amending certain provisions of the Code of Criminal Procedure:

Article (177)
Expiration of Provisional Detention Prior to the Conclusion of Investigation

In the event that the investigation is not concluded upon expiration of the provisional detention mentioned in the foregoing article, the Public Prosecution shall submit the case file to an appellate panel of the circuit of the court of first instance to issue an order to release the accused after hearing the Public Prosecution and the accused, or on the extension of detention for one or more consecutive terms not exceeding thirty days each and ninety days in total.

However, the matter shall be referred to the Prosecutor General or his delegate to require the aforementioned chamber to extend the term of provisional detention beyond the period prescribed in the foregoing paragraph if the circumstances of the investigation or action so require.

Article (178)
Release of the Accused

The Public Prosecution may release the accused at any time, with or without bail.

Article (179)
Bail

The summary judge shall estimate the bail to release the accused whenever the Public Prosecution requests the extension of provisional detention. The provisions of Articles (126) to (130) shall be applied in this regard.

Article (180)
Search and Seizure of Documents

During the investigation it conducts, the Public Prosecution may neither search persons other than the accused or houses other than the house of the accused nor seize the correspondence and letters in the case referred to in Article (79), except with permission from the summary judge.

Article (181)
Witnesses

In the investigation conducted by the Public Prosecution, the witnesses shall be subject to the provisions prescribed before the investigating magistrate.

Witnesses who refrain from appearing before the Public Prosecution and those who do appear and refrain from answering shall be sentenced by the summary judge in the area where the witness was requested to appear according to ordinary cases.

Article (182)
Dismissal order

If the Public Prosecution deems after the investigation that there is no ground to file the case, it shall issue a dismissal order of the criminal case and order the release of the accused, unless he is imprisoned for another reason.

The Chief Prosecutor or his deputy shall issue the dismissal order of the criminal case in felonies.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (183)
Appealing the Order of the Public Prosecution

The victim and the civil plaintiff may challenge the appeal mentioned in the foregoing article.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (184)
Cancellation of Orders

The Prosecutor-General may cancel the said order within three months from its issuance. He may not cancel it if the Court of First Instance ruled to reject the appeal submitted to it in this regard.

Pursuant to Article (3) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (185)
Witnesses

Repealed.

Article (186)
Resuming the Investigation

The dismissal order rendered by the Public Prosecution, according to Article (182), shall not preclude resumption of the investigation if new evidence emerges according to Article (171).

Article (187)
Referral to the Indictment Chamber

If the Public Prosecution considers after an investigation that the petty offense, misdemeanour, or felony is evidenced enough against one or more persons, it shall file an action before the competent court and notify the accused to appear before the court. In the cases of felonies, the accused shall be notified to appear before the Indictment Chamber.

Pursuant to Article (1) of Law No. (87) of 1974 on adding some provisions to the Code of Criminal Procedure and Article (1) of Law No. (3) of 2003 on amending certain provisions of the Code of Criminal Procedure:

Article (187) *bis* (A)

The Public Prosecution shall conduct the investigation in crimes stipulated in Title (2), Part (1) of the Penal Code, as well as in the crimes related thereto. Upon investigation of such crimes and referral thereof to court, the Public Prosecution shall have all the powers vested in the Public Prosecution and the investigating magistrate.

Pursuant to Article (1) of Law No. (87) of 1974 on adding some provisions to the Code of Criminal Procedure and Article (1) of Law No. (3) of 2003 on amending certain provisions of the Code of Criminal Procedure:

Article (187) *bis* (B)

For crimes cited in the foregoing article, the accused shall be referred to the Public Prosecution within seven days from his arrest. The Public Prosecution shall question the accused within three days from his referral, following which it shall order his placement in provisional detention or release.

The detention order of the Public Prosecution shall only be effective for two weeks. If an extension of the detention is considered, the documents shall be submitted to the competent judge in order to issue the order to release or extend the detention period of the accused after hearing his statements, provided that such detention is extended for one or more successive periods not exceeding forty-five days each, until completion of the investigation.

Pursuant to Article (1) of Law No. (87) of 1974 on adding some provisions to the Code of Criminal Procedure:

Article (187) *bis* (C)

The President of the competent Court of Appeal shall appoint a counsel to defend the accused in any the felonies stipulated in Article (187) *bis* (A), in accordance with Article (162).

Title (2)
On Courts
Part (1)
On Jurisdiction
Chapter (1)
On the Jurisdiction of Criminal Courts in Criminal Matters

Article (188)
Jurisdiction of the Summary Court

The Summary Court shall rule on each act considered by law a petty offense or misdemeanour. It shall also rule on the felonies referred to it by the investigating magistrate or the Indictment Chamber, in accordance with Articles (136) and (153) or that it decides to review in accordance with Article (279).

Pursuant to Article (1) of Law No. (87) of 1974 on adding some provisions to the Code of Criminal Procedure:

Article (189)
Jurisdiction of the Criminal Court

The Criminal Court shall rule on any act considered a felony under the law and on other crimes within its jurisdiction as stipulated by the law.

It also rules on the crimes prescribed in Title (2), Part (1), of the Penal Code, as well as on crimes related thereto.

Article (190)
Assigning Jurisdiction

Jurisdiction shall be assigned in the location where the crime occurred or where the accused resides or is arrested.

Article (191)
Attempted, Ongoing, Repeated, and Serial Crimes

Attempted crimes shall be considered crimes that occurred in any location where an act initiating the crime occurred. For ongoing crimes, the crime scene shall be considered any location where the continuation occurs. In repeated and serial crimes, the crime scene shall be considered any location where an act related to the crime occurred.

Article (192)
Crimes Committed Abroad

If a crime punishable by virtue of the provisions of Libyan law is committed abroad and the perpetrator does not have a place of residence in Libya and was not caught *in flagrante delicto,* the case against him shall be filed before the court competent in the matter in the Libyan capital or the capital of the country where the crime was committed.

Chapter (2)
On the Jurisdiction of Criminal Courts in Civil Matters Depending on Ruling on the Criminal Case

Article (193)
Filing Civil Case

Civil cases of whatever value may be filed to compensate the damage resulting from the crime before criminal courts for consideration alongside the criminal case.

Article (194)
Jurisdiction of the Criminal Court

The Criminal Court shall have jurisdiction in all matters on which the ruling on the criminal case filed before it depends, unless the law provides otherwise.

Article (195)
Dependency of One Case on Another

If the ruling on a criminal case depends on the outcome of a ruling on another criminal case, the first shall be halted until the second has been decided on.

Article (196)
Dependency of the Criminal Case on a Ruling on a Civil Affairs Matter

If the ruling on a criminal case depends on the outcome of ruling on a civil affairs case, the Criminal Court shall halt it. It shall set for the accused, civil plaintiff, or victim, according the case, a later time to submit the said case to the competent entity.

Halting the case shall not preclude taking measures or conducting necessary or urgent investigations.

Article (197)
Expiry of the Term

If the term referred to in the foregoing article expires and the case is not submitted to the competent entity, the Court may disregard the stoppage and rule on the case.

The court may also set a deadline for the litigant if it deems there are acceptable reasons that justify so.

Article (198)
Evidencing

In non-criminal matters which they adjudicate depending on the criminal case, criminal courts shall follow the evidencing methods prescribed by law for such matters.

Chapter (3)
On Conflict of Jurisdiction

Article (199)
Assigning the Competent Entity from the Court of First Instance

If a suit on one or several related crimes is submitted to two investigation or adjudication entities belonging to one Court of First Instance, and each conclusively decides on its jurisdiction or lack

thereof and jurisdiction is exclusive to the two entities, a request to assign the entity that shall rule on the case shall be submitted to the Court of First Instance convened *in camera*.

Article (200)
Assigning the Competent Entity from the Court of Cassation

If two verdicts on jurisdiction or lack thereof are rendered by two entities belonging to two courts of first instance, two criminal courts, or an ordinary court and an exceptional court, the request to assign the competent court shall be submitted to the Court of Cassation.

Article (201)
Submitting the Request

Any of the litigants in the case may submit the request to assign a court to rule on the case along with a petition accompanied by the documents supporting the request.

Article (202)
Procedures

After reviewing the request, the court shall order to deposit the documents in the court registrar for review by the remaining litigants, who shall submit memoranda of their statements within the ten days following their notification of the deposit.

The deposit order shall entail halting the case for which the request is submitted, unless the court deems otherwise.

Article (203)
Ruling on the Request

After reviewing the documents, the Court of Cassation or the Court of First Instance shall assign the court or the entity that shall proceed with the case. It shall also decide on the procedures and rulings rendered by other courts if it has ruled on their lack of jurisdiction.

Article (204)
Rejection of the Request

If the request is rejected, the applicant – if other than the Public Prosecution or its functional equivalent – shall be sentenced before exceptional courts to a fine that shall not exceed five LYD.

Part (2)
On the Courts of Petty Offenses and Misdemeanours

Chapter (1)
On Notifying Litigants

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (205)
Subpoenas

The cases of misdemeanours and petty offenses shall be referred upon an order by the investigating magistrate or the Indictment Chamber or upon directly subpoenaing the accused by a member of the Public Prosecution or the civil plaintiff. Subpoenaing the accused may be dispensed with if he appeared in the hearing, was accused by the Public Prosecution, and accepted the trial.

However, the civil plaintiff may not submit the action before the court by directly subpoenaing his litigant in the event a dismissal order was rendered by the Indictment Chamber, the investigating magistrate, or the Public Prosecution and the civil plaintiff did not appeal within the prescribed term or appealed but his appeal was rejected.

Article (206)
Appearance Date

Subpoenaing the litigants to appear before court shall take place one whole day before the hearing date for petty offenses and three whole days at least for misdemeanours, unless the distance dictates otherwise, upon a petition by the Public Prosecution or the civil plaintiff.

The subpoena shall mention the charge, as well as the legal articles stipulating the penalty.

In the event of *flagrante delicto*, the subpoena shall be of indefinite date. If the accused appeared before the court and requested a fixed deadline to prepare his defense, the court shall then grant him the deadline stipulated in the first part.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure and Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (207)
Serving the Subpoena

The subpoena shall be served directly to the concerned party or to his place of residence through means determined in the Code of Civil and Commercial Procedure.

The subpoena may be served through a public authority officer.

If the search does not reveal the accused's place of residence, the subpoena shall be delivered to the administrative jurisdiction of his last place of residence in Libya. The place where the crime was committed shall be considered the last place of residence of the accused, unless proved otherwise.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (208)
Serving Prisoners, Soldiers, and Police Officers

The subpoena of prisoners shall be delivered to the warden or his deputy. The subpoena of soldiers and police officers shall be delivered to the military administration or police leadership, according to the case.

The recipient of the copy in both above mentioned cases shall sign the original. Should he abstain from receiving or signing, he shall be sanctioned by the Summary Judge with a fine not exceeding five LYD. If he insists afterwards on abstaining from being served, the copy shall be delivered to the Public Prosecution of the competent court issuing the minutes in order to serve him the subpoena or the concerned party personally.

Article (209)
Litigants' Review of the Case Documents

Litigants may review the case documents as soon as they are summoned to appear before the court.

Chapter (2)
On Appearance of Litigants

Article (210)
Appearance of the Accused

The person accused of a misdemeanour punishable by imprisonment shall appear in person.

As for other misdemeanours and petty offenses, he shall be represented by a lawyer to submit his defence, without prejudice to the court's right to order his presence in person.

Article (211)
Verdict in the Absence of the Litigant

In the event the subpoenaed litigant does not duly appear before the court at the date mentioned in the subpoena and does not send an attorney in cases where he is authorised to do so, an *in absentia* verdict shall be rendered after reviewing the documents. However, if the subpoena was delivered to the litigant in person, the court shall – if he did not submit an excuse justifying his absence – decide to consider the verdict *in presentia*, while revealing the reasons upon which it has based its decision.

Article (212)
Persons for Whom the Verdict Shall Be Considered *in Presentia*

The verdict shall be considered *in presentia* for all litigants appearing upon summons on the action, even if the litigant leaves the hearing afterwards or does not appear in deferred hearings without an acceptable excuse.

Article (213)

Action against Several Persons for a Single Incident

If the action is instituted against many persons on one incident, and some appeared while others failed to do so despite being duly subpoenaed, the court shall be entitled to defer the case for a later hearing and order to re-notify the parties who failed to attend, warning them that if they fail to attend this hearing, the verdict may be considered *in presentia*. If they do not appear before the court with no valid excuse, the verdict may be considered *in presentia* for such litigants. In this case, the court shall reveal the reasons upon which it has based its decision.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (214)

Investigation and Objection of the Default *in Presentia* Verdict

In the foregoing cases where the verdict is considered *in presentia*, the court shall investigate the action as if the litigant was present. Failure to appeal the rendered verdict shall be accepted in such cases, unless the convicted party submits a proven excuse of his absence that he could not submit it before the verdict and appeal thereof is impermissible.

Article (215)

Appearance of the Litigant during the Hearing

In the event the litigant appears before the end of the hearing where the *in absentia* verdict was rendered, the case shall be reconsidered in his presence.

Chapter (3)

On Maintaining Order in the Hearing

Article (216)

Control and Management of the Hearing

Controlling and managing the hearing shall be entrusted to its president. Thus, he shall be entitled to expel from the courtroom whoever prejudices the order thereof. If he does not obey and continues, the court may immediately order his imprisonment for twenty-four hours or impose on him a one-dinar fine. This order shall not be subject to appeal. If the disorder is committed by a court official, the court may impose upon him during the hearing the disciplinary penalties that the president is allowed to impose.

The court shall be entitled to revoke such verdict before the end of the hearing.

Pursuant to Article (1) of Law No. (8) of 1971 on amending Articles (217) and (218) of the Code of Criminal Procedure:

Article (217)
Crimes Committed During the Hearing

If a misdemeanour or a felony was committed during the hearing, the court shall be entitled to immediately institute an action against the accused and render a verdict after hearing the Public Prosecution's statements and the accused's defense.

Filing an action in this case shall not depend on a claim or request if the crime is of the nature stipulated in Articles (3), (8), and (9) of the present law.

However, in the case of felonies, the court shall order to refer the accused to the Public Prosecution, and shall in any case whatsoever draw up a record and order to arrest the accused, if necessary.

Pursuant to Article (1) of Law No. (8) of 1971 on amending Articles (217) and (218) of the Code of Criminal Procedure:

Article (218)
Lawyer Accountability

Notwithstanding the provisions stipulated in the foregoing two articles, if during the hearing, the lawyer commits or causes what may be considered a disruption of order or requires being held criminally accountable, the president of the hearing shall draw up a record of the incident.

The court shall be entitled to decide to refer the lawyer to Public Prosecution for investigation if what he committed requires being held criminally accountable and to the president of the court if what he committed requires being held disciplinary accountable.

In both cases, the president or any member of the hearing where the incident took place should not be a member of the body considering the action.

Article (219)
Crimes Committed during the Hearing and Not Considered by the Court

Crimes committed during the hearing shall be considered and ruled upon pursuant to the regular rules if the court did not initiate a related action upon convening.

Chapter (4)
On Removal and Recusal of Judges

Article (220)
Causes of the Removal

The judge shall abstain from participating in considering the action if it was committed against him personally, if he acted as the judicial officer, official of the Public Prosecution, or lawyer of one of the litigants, if he testified, or if he acted as an expert. He shall also abstain from participating in the verdict if he conducted any of the investigation or referral procedures in the action, or from participating in ruling on an appeal if he rendered the appealed verdict.

Article (221)
Recusal

The litigants shall be entitled to recuse judges to render a verdict in the cases mentioned in the foregoing article, as well as all other cases stipulated in the Code of Civil and Commercial Procedure.

Neither members of Public Prosecution nor judicial officers shall be subject to recusal.

The victim in the recusal request shall be considered as a litigant in the action.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (222)
Removal Procedures and Discomfort in Ruling on the Action

If any grounds for recusal apply to the judge, he shall notify the president of the court to rule upon his removal at the council chamber. Nevertheless, the judge shall be entitled – in the event he has reasons leading him to feel discomfort to rule upon the action – to suggest his removal to the president of the court to rule on the same.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (223)
Recusal Procedures

Procedures and provisions stipulated in the Code of Civil and Commercial Procedure shall apply to recusal requests.

Chapter (5)
On Claiming Civil Rights

Article (224)
Civil Plaintiff

Whoever incurs damages from the crime may claim civil rights before the court ruling upon the criminal action in whatever status the action is, until the decision to close pleadings is issued pursuant to Article (248). This shall not be accepted before the Court of Appeal.

A civil action shall be initiated by informing the accused via a record or request during the hearing where the action is ruled upon, if the accused is present. Otherwise, the action shall be deferred and the plaintiff ordered to notify the accused about his requests.

If he is already accepted in the investigation in this capacity, the referral of the criminal case to the court shall include the civil case.

The civil plaintiff's interference shall not entail a delay in ruling on the criminal action. Otherwise, the court shall not accept his intervention.

Article (225)
Minors

If the person damaged by the crime lacks capacity and has no legal representative, the court before which the criminal action is instituted, upon the request of the Public Prosecution, shall appoint legal counsel for him. He shall not be in any way charged with legal fees.

Article (226)
Persons against Whom a Civil Action is Instituted

The civil action to claim damages shall be instituted against a person accused of a crime if he is an adult, and his representative if he is incompetent. In the event he does not have a representative, the court shall appoint him one pursuant to the foregoing article.

A civil action may also be instituted against the civil defendants for the action of the accused.

The Public Prosecution shall include the civil defendants, even in the absence of a civil plaintiff in the action, to be charged with fees due to the government.

It shall not be permissible to institute an insurance action before criminal courts. Moreover, no one may participate in the action other than civil plaintiffs and defendants.

Article (227)
Participation in the Action

The civil defendant shall be entitled to be participate in the criminal action of his own accord at any stage.

The Public Prosecution and the civil plaintiff shall be entitled to oppose his intervention.

Article (228)
Domicile of the Civil Plaintiff

The civil plaintiff shall elect domicile where the court is located, if not resident therein, via an announcement at the clerk's office. Otherwise, he shall be considered duly notified by delivering the papers to the clerk's office.

Article (229)
Payment of Legal Fees and Deposit of Collateral

The Civil Plaintiff shall pay legal fees and deposit in advance the collateral assessed by the Public Prosecution, the investigating magistrate, or the court as fees and fees for the experts, witnesses, and others.

He shall also deposit the supplement collateral that might be imposed during the process.

Article (230)

Objections in Civil Actions

The accused and the civil defendant shall be entitled to object during the hearing to accept the civil plaintiff if the civil action is impermissible or unacceptable. The court shall rule upon the objection after hearing the litigants.

Article (231)

Effect of the Investigating Magistrate or Public Prosecution's Verdict on the Civil Action

Any verdict rendered by the investigating magistrate or Public Prosecution concerning the rejection of the civil plaintiff's action shall not prevent the latter from filing any subsequent civil claim before the criminal court or bringing his action before the civil court.

The verdict rendered by the court concerning the acceptance of the civil action shall not require the nullity of the procedures in which the civil plaintiff has not been involved beforehand.

The investigating magistrate's or Public Prosecution's verdict concerning the acceptance of the civil action shall not be binding for the court before which the action was filed.

Article (232)

Abatement of the Civil Action

The abatement of a civil action shall be according to the period stipulated by the Civil Code.

In the event that a criminal action expires after being filed for any special reason, it shall not in any case affect the civil action proceedings.

Article (233)

Abandonment of the Civil Action

The civil plaintiff shall be entitled to abandon his action at any stage and shall be bound to settle all previous due fees without violating the civil defendant's right to compensation and indemnity, if justified.

Such abandonment shall not affect the criminal action.

Article (234)

Absence of the Civil Plaintiff without an Acceptable Excuse

After the plaintiff presents himself and his case, any failure to appear before the court without an acceptable excuse or without sending a representative or making any request during the hearing, shall be considered abandonment of the action.

Article (235)

Bringing an Action before Civil Courts

In the event that a civil plaintiff abandons an action brought before criminal courts, he shall be entitled to file the same before civil courts, barring any declaration stating cession of the right object of the action.

Article (236)

Effect of Abandonment on the Civil Defendant

In the event that a civil plaintiff abandons his action or the latter is rejected, he shall be excluded from the action if he was a party thereto based upon the plaintiff's request.

Article (237)

Transfer of Civil Action to a Criminal Court

If the party harmed by the crime files an action claiming an indemnity before the civil court, then the criminal case is brought, he shall be entitled to file his case before the criminal court along with the criminal case, if he abandons his civil case.

Article (238)

Halting Adjudication of Civil Actions

If the civil action is filed before the civil courts, ruling upon the same shall be halted until the final verdict concerning the action filed before or during its proceeding is rendered. It shall be noted that in the event a decision on a criminal action is halted due to the insanity of the accused, the decision and ruling upon the civil action shall be rendered.

Article (239)

Procedures of Adjudicating Civil Actions

Rendering a decision on a civil action filed before criminal courts shall be made according to the procedures prescribed in the present law.

Article (240)

Compensation of the Accused

The accused shall have the right to claim compensation for damages from the civil plaintiff before the criminal court for any prejudice resulting from the civil action, if justified.

Chapter (6)

On Ruling on the Action and Order of the Procedures in the Hearing

Pursuant to Article (1) of Law No. (7) of 2014 on amending certain provisions of the Code of Criminal Procedure:

Article (241)

Public Hearings

The hearing shall be public and yet the court shall be entitled to order the action to be heard, whether wholly or partially, in a closed hearing or to ban certain classes from attending, in accordance with public order or to maintain public morality.

The hearing shall be deemed public if it is directly broadcasted to the audience through one satellite channel or more, via public screens, or other means of communication.

Article (242)
Attendance of the Public Prosecution

A member of the Public Prosecution shall attend all criminal court hearings, and the court shall hear his statements and decide on his requests.

Pursuant to Article (1) of Law No. (7) of 2014 on amending certain provisions of the Code of Criminal Procedure:

Article (243)
Attendance of the Accused

The accused shall attend the hearing free from any handcuffs or shackles; however, he shall be closely monitored.

The accused may only be excluded from the courtroom if he shows any disruptive behaviour that requires the same. In this event, the proceedings shall continue until his attendance is not disruptive. When the defendant is expelled from his trial, the court shall keep him apprised of the trial's progress. In cases of necessity where the accused's safety is at stake or his escape is feared, the court shall have the right to make use of modern communication means to connect the latter to the courtroom and take the necessary proceedings in his regard by this method. This process shall apply to all witnesses, experts, plaintiffs, and defendants if the court deems that the conditions of necessity are satisfied according to the trial's circumstances.

Article (244)
Initiation of Investigation at the Hearing

The investigation in a hearing shall begin by calling on litigants and witnesses. The accused shall be asked about his name, surname, age, profession, address, and birth place, then made fully acquainted with the charges brought against him by a referral order or subpoena, whichever is deemed more appropriate. Thereafter, the Prosecution and civil plaintiff, if any, shall submit their requests.

The accused is then asked if he pleads guilty for the charges. If so, the court shall be entitled to consider this confession as sufficient evidence and render its verdict without hearing the witnesses' testimony. Otherwise, witnesses for prosecution shall be called to testify and the Public Prosecution shall address the questions first, followed by the victim, the civil plaintiff, the accused, and the civil defendant.

The Public Prosecution, the victim, and the civil plaintiff shall address questions to the said witnesses for a second time to clarify all incidents they have already testified on.

Article (245)
Witnesses for the Defense

After hearing the statements of the witnesses for the prosecution, the witnesses for the defense shall testify and be questions by the accused first, then the civil defendant, the Public Prosecution,

the victim, and the civil plaintiff. It shall be noted that the accused and the civil defendant shall address questions to the said witnesses for a second time to clarify all incidents they have already testified on.

Each litigant shall be entitled to recall the mentioned witnesses for clarification or investigation of facts they have already testified on or call on other witnesses.

Article (246)
Court Questions and Supervision of all Questions Addressed

In any case, the court shall be entitled to address any question to the witnesses if it deems them necessary to reveal the truth or authorise the litigants to do so.

The court shall forbid any irrelevant or unacceptable questions to the witness. It shall also protect the witness from any explicit or implicit statement or any hint that might confuse or intimidate him.

It shall as well have the right not to hear the testimonies of witnesses concerning facts it deems sufficiently clear.

Article (247)
Interrogation of the Accused

The accused shall not be questioned without his consent.

If upon the pleading and discussion, it appears that some facts need clarification from the accused to reveal the truth, the judge shall draw his attention to the same and authorise him to present the clarifications.

In the event that the accused abstains from answering, or his statements at the court contradict those given during the collection of evidence or the investigation report, the court shall order for the initial statements to be read out.

Article (248)
Discussion of the Action and Closure of Pleading

After hearing the witnesses for prosecution and counter witnesses, the Public Prosecution and accused, as well as the other litigants in the action, shall be entitled to speak.

In any case, the accused shall be the last to address the court.

The court shall be entitled to forbid the accused or his attorney from digressing in the pleading if it is irrelevant to the action in question or a mere repetition of statements.

Thereafter, the court shall order the closure of pleading and render its verdict after deliberation.

Article (249)
Minutes of the Hearing

Minutes concerning the trial proceedings shall be drawn up and signed by the president of the court and the clerk on the next day at the latest.

The minutes shall include the hearing date and state whether it was public or closed. It shall also state the names of the judges, clerk, the present Public Prosecution member, litigants, and attorneys, in addition to the witnesses' testimonies and litigants' statements. It shall also contain the documents read and procedures taken, as well as the requests submitted during consideration of the action, the decisions on sub-issues, and the dispositive portion of the verdict, in addition to the procedures and developments of the hearing.

Chapter (7)
On Witnesses and Other Evidence

Article (250)
Subpoena of Witnesses

Witnesses shall be subpoenaed at the litigants' request through one of the bailiffs or law enforcement officers 24 hours prior to the hearing, unless distance dictates otherwise. However, if the crime was committed *in flagrante delicto*, witnesses shall be subpoenaed at any time, even verbally, through a judicial officer or a law enforcement officer.

The witness shall be entitled to appear before the court confidentially upon the litigants' request.

Upon consideration of the action, the court shall be entitled to summon and hear the statements of any person, even by issuing an arrest order if needed. The court shall also maintain the right to subpoena the latter for another hearing.

The court shall hear the testimony of whoever appears by himself to provide any information concerning the case.

Article (251)
Hearing the Witnesses

Witnesses shall be called on by name, and after answering, they shall be held in a special room from which they exit successively to testify before the court. Whoever testifies shall stay in the courtroom until pleading is closed, unless the court authorises him to leave. If necessary, the witness shall be excluded while the testimony of another witness is being heard and the confrontation between witnesses shall therefore be warranted.

Article (252)
Non-Attendance of Witnesses

In the event that the witness fails to appear before the court after being subpoenaed, the court shall be entitled, after hearing the Public Prosecution's statement, to impose on him a fine not exceeding

one dinar for petty offenses, 10 LYD for misdemeanours, and 30 LYD for felonies. If the court deems that his testimony is necessary, it shall have the right to postpone the action for him to be subpoenaed again and rule to arrest him and force him to appear.

Article (253)

Exemption from the Fine and Failure to Attend Again

In the event that the witness appears after being subpoenaed again or on his own accord and has acceptable excuses, he shall be exempted from the fine after hearing the Public Prosecution statements.

In the event that the witness does not appear the second time, he shall be sentenced to a fine not exceeding the double of the maximum rate defined in the foregoing article. The court shall order to arrest him and force him to appear in the same hearing or another hearing to which consideration of the action was postponed.

Article (254)

Travel to Hear the Witness

In the event that the witness submits acceptable excuses for failure to appear before the court, the latter shall travel to his place to hear his testimony, after notifying the Public Prosecution and other litigants. The litigants shall have the right to attend in person or through their representatives and address to the witness the questions they deem necessary.

Article (255)

Appealing the Verdict on the Fine

In the event that the witness does not appear before court until the verdict is rendered, he shall have the right to challenge the fine ruling by the usual means.

Article (256)

Taking the Oath and Testifying as Evidence

Witnesses who are older than 14 years shall take an oath before testifying, undertaking to tell the truth, the whole truth, and nothing but the truth.

Witnesses who have not attained 14 years of age shall give unsworn testimony for evidentiary purposes.

Article (257)

Abstaining from Taking an Oath or Answering Questions

In the event that the witness has abstained from taking an oath or answering any question in cases not stipulated by the law, the penalty stipulated in Article (260) of the Penal Code shall be applied.

If the witness changed his mind before the closure of pleading, he shall be, totally or partially, exempted from penalty.

Article (258)

Rejection of Witnesses

Witnesses may not be rejected for any reason.

Article (259)

Persons Entitled to Refuse to Testify

The ascendants, descendants, and relatives by blood or marriage to the second degree of the accused, including his spouse, even if divorced, shall have the right to refuse to testify against him, unless the crime was committed against the witness or his relatives by blood or marriage, if the person concerned reported the crime, or in the absence of other evidence.

Article (260)

Preventing a Witness or Exempting Him from Testifying

Rules stipulated in the Procedures Code shall apply before the criminal courts to prevent the witness or exempt him from testifying.

Article (261)

Civil Plaintiff

The civil plaintiff shall be heard as a witness and take the oath.

Article (262)

Reading Out Previous Testimony due to Impossibility of Hearing the Witness

The court may decide to recite the testimony stated during the primary investigation, in the minutes of evidence collection, or before the expert, if it is impossible to hear the witness for any reason whatsoever.

Article (263)

Other Cases to Read Out the Witness's Previous Testimony

If the witness decides that he cannot recall one of the incidents, it shall be permissible to read out the part related to this incident from the testimony he had delivered during the investigation or his statements in the minutes of evidence collection.

The same applies if the witness' testimony delivered during the hearing contradicts his previous testimony or statements.

Article (264)

Other Evidence

The court may order, even on its own initiative upon reviewing the case, the submission of any evidence that it deems necessary to reveal the truth.

Article (265)

Appointment of Experts

The court may, at its own initiative or upon the litigants' request, assign one or more experts for the case.

Article (266)

Clarifications on the Reports of Experts

The court may, on its own initiative or at the litigants' request, order experts to be notified to present to the hearing clarifications regarding the reports they submitted during the primary investigation or before the court.

Article (267)

Delegating an Investigative Judge

If it is impossible to investigate evidence before the court, the latter shall have the right to delegate one of its members or a different judge to find evidence.

Chapter (8)
On Derivative Actions for Forgery

Article (268)

Challenging Forgery

The Public Prosecution and other litigants may, at any stage of the litigation, challenge the authenticity of any document of the case and those submitted within it.

Article (269)

Procedure for Challenging

The appeal shall be filed through a report with the court registrar at the court where the case is being reviewed. The report shall identify the document challenged for forgery and the evidence of its forgery.

Article (270)

Referral to the Prosecution and Halting the Case

If the party looking into the case deems it essential to proceed with investigating the forgery, the documents shall be referred to the Public Prosecution. The latter may halt the case until the forgery is solved by the concerned party, if adjudication of the deliberated case depends on the challenged document.

Article (271)

Rejecting the Claim of Forgery

If the case is halted and the indictment or the rendered verdict rules out the presence of forgery, the party claiming forgery shall pay a fine of twenty-five LYD.

Article (272)

Accepting the Challenge for Forgery

If an official document is judged to be completely or partially forged, the court which rejected its authenticity shall order its cancellation or correction, depending on the circumstances, whereby a record marking the document shall then be drafted.

Chapter (9)
On Rulings

Article (273)
Effect of the Initial Investigation

The court shall not abide by the content of the primary investigation or the minutes of evidence collection, unless the law stipulates otherwise.

Article (274)
Authenticity of Reports in Petty Offenses

In petty offenses, the records filed shall be proof of the incidents confirmed by the competent judicial officers, until proven otherwise.

Article (275)
Bases of Rulings

The judge shall rule in the case according to the beliefs he has freely reasoned. However, he shall not base his verdict on any evidence that was not submitted before him during the hearing.

Article (276)
Pronouncing the Ruling

The sentence shall be delivered during a public hearing, even if the case was deliberated in a closed hearing. It shall be documented in the hearing's minutes and signed by the court's president and clerk.

The court may order to take the necessary measures to prevent the accused from leaving the courtroom before pronouncing the verdict or to ensure his presence during the adjourned hearing intended for announcing the verdict, even if by issuing a detention order, if the incident permits provisional detention.

Article (277)
Conviction and Acquittal

If the incident is not proven or unpunishable by law, the court shall acquit the accused and he shall be released, unless he was detained for another reason.

However, if the incident is proven and punishable by law, the court shall rule according to the penalty prescribed by law.

Article (278)

Ruling on Lack of Subject-Matter Jurisdiction of the Summary Court

Should the Summary Court find that the felony reffered is within the jurisdiction of the Criminal Court, it shall rule that it lacks subject-matter jurisdiction, unless it is investigated with its knowing or the knowing of the investigative judge or the Public Prosecution. It shall order its referral to the Public Prosecution to conduct its works. However, should the misdemeanour be investigated by the investigative authority and it deems the evidence sufficient, it shall refer it to the Indictment Chamber and task the Public Prosecution to immediately send the documents to the intended party. Should it not be investigated, it shall refer it to the Public Prosecution for investigation and disposition.

Should it deem the evidence insufficient, it shall issue a dismissal order. Dismissal orders rendered by the Summary Court shall be subject to appeal according to Articles (139) *ff.*, as if they were rendered by the investigative judge.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (279)

Ruling on Felonies Referred to the Summary Court

If the court deems the act a felony, being one of the felonies the investigative judge may refer to such court according to Article (136), it may issue an order to review the case and rule on it instead of ruling that it lacks subject-matter jurisdiction.

The Public Prosecution may appeal the order rendered to review the felony in this case by way of an appeal to be decided on urgently. The case shall not be reviewed before the expiry of the deadline for appeal or after the appeal is adjudicated.

When adjudicating felonies heard before the Summary Court, whether referred upon a decision from the investigative authority or upon its own decision, the procedures prescribed in the articles on misdemeanours shall apply.

Article (280)

Incidents Subject of the Verdict and Penalisation of the Accused Alone

The accused shall not be prosecuted for an incident other than the one mentioned in the referral order or the subpoena. Only the accused against whom the case is filed may be prosecuted.

Article (281)

Changing the Legal Description of the Act and Amending the Charge

In its verdict, the court may change the legal description of the act attributed to the accused. It may also amend the charge by adding aggravating circumstances proven by the investigation or during the investigative hearing, even upon failure to mention them in the referral order or the subpoena.

It may also correct any material error and rectify any oversight in the charge's wording in the referral order or in the subpoena.

The court shall also draw the attention of the accused to such change and give him some time to prepare his pleading according to the new description or amendment, should he so request.

Article (282)
Ruling on Compensation

Every rendered verdict related to criminal proceedings shall decide on the civil right compensation claimed by the plaintiff or accused, unless the court deems that ruling on such compensation requires conducting a separate investigation that entails adjournment of the criminal case. In this case, the court shall refer the case to the civil court without fees.

Article (283)
Stating the Grounds of the Verdict

The verdict shall include the reasons upon which it was based and each guilty verdict shall include proof of the incident that requires penalty and its circumstances and indicate the legal text under which the ruling was made.

Article (284)
Ruling on Motions

The court shall decide on the motions submitted to it by the litigants and state the reasons upon which it based its decision.

Article (285)
Drawing up and Ratifying Verdicts

The verdict, including its complete reasons, shall be drawn up within eight days of its issuance, as much as possible. It shall be signed by the court's judge and clerk. If the judge who rendered the verdict and personally wrote down his grounds has an impediment, the president of the Court of First Instance may sign a copy of the original verdict himself or delegate one of the judges to sign it based on such grounds. If the judge did not write down the grounds himself, the verdict shall thus be annulled due to absence of grounds.

Article (286)
Delay in Signing

The delay in signing the verdict shall not exceed the eight-day period stipulated in the foregoing article, except for compelling reasons.

In all cases, the verdict shall be annulled upon failure to sign it within 30 days.

Chapter (10)
On Fees

Article (287)

Obligation to Pay Fees

Every accused charged with a crime may be obliged to pay the fees in whole or in part.

Article (288)

Fees of the Appeal

If the ruling on the appeal upholds the initial verdict, the accused filing the appeal may be compelled to pay the fees in whole or in part.

Article (289)

Ruling on Fees at the Cassation Court

The Cassation Court may rule to compel the convicted accused to pay the fees of the challenge, whether his claim is accepted or rejected.

Article (290)

Several Accused in a Single Crime

If several accused are charged for one single crime, whether they are perpetrators or accomplices, the fees as ruled shall be divided among them equally, unless the verdict stipulates their division otherwise or holds them responsible for the same collectively.

Article (291)

Determining Fees

If the verdict does not oblige the accused to pay all the fees, it shall indicate the amount he shall pay.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (292)

Civil Plaintiff

The civil plaintiff shall be obliged to pay the case fees to the government. The assessment of such fees and manner of collecting them shall follow what is prescribed in the Law on Legal Fees.

Article (293)

Fees of the Civil Plaintiff upon Conviction

Should the accused be found guilty of the crime, the civil plaintiff shall be compensated in the verdict for the expenses he incurred. However, the court may decrease such amount should it deem some of the expenses unnecessary.

However, if the verdict does not provide compensation to the civil plaintiff, he shall bear the expenses resulting from filing the case. But if the verdict partially provides him with the compensation he claimed, such expenses may be assessed according to a rate stated in the verdict.

Article (294)
Fees of the Civil Action

The civil defendant shall be treated as an accused with regards to the expenses of the civil action.

Article (295)
Division of Fees between the Accused and the Civil Plaintiff

Should the verdict oblige the defendant to cover the fees of the case in whole or in part, the civil defendant shall be obliged to cover the amount imposed on him by the ruling. In such case, the imposed expenses shall be collected from the two jointly.

Chapter (11)
On Criminal Orders

Article (296)
Imposition of the Sentence upon Order from the Summary Court

In misdemeanours and petty offenses that are not punishable under the law by imprisonment or by a fine that exceeds the minimum of ten LYD, if it deems that it is sufficient to penalize the crime pursuant to its circumstances by a fine of up to ten LYD, excluding ancillary penalties, guarantees, the fees that shall be paid back, and the expenses, the Public Prosecution may ask the judge of the Summary Court that has the jurisdiction to review the case to impose the sentence of the accused by virtue of an order on request rendered based on the records of evidence collection or other substantiations collected through means other than investigation or pleadings.

Article (297)
Extent of the Criminal Order

The criminal order shall only include the fine, ancillary penalties, guarantees, the fees that shall be paid back, and the expenses.

The fine in such orders shall not exceed ten LYD.

Article (298)
Rejection of Issuance of the Order

The judge shall refuse to issue the order should he deem that:

First: Ruling on the case is not possible in its current state without investigation or pleading.

Second: The incident, due to the accused’s criminal record or any other reason, requires imposing a sentence more punitive than the fine allowed.

The judge shall issue his rejection decision by marking the written request submitted to him. Such decision shall not be subject to appeal.

The rejection decision shall entail the obligation of pursuing the case through regular means.

Pursuant to Article (1) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (298) *bis*
Issuance of the Criminal Order by the Public Prosecution

The District Prosecutor at the court with the jurisdiction to review the case may issue the criminal order on the felonies determined in a decision by the Minister of Justice and on petty offenses if the law does not stipulate their penalty by imprisonment or supplementary penalty and if it does require compensation or restitution.

Such order shall not order any other sentence than the fine, which shall not exceed three LYD.

The Chief Prosecutor or his equivalent may cancel the order due to a fault in implementing the law within ten days from its issuance.

This shall entail the annulment of the order and the necessity of proceeding with the case through regular means.

Article (299)
Order's Content and Notification

The order shall specify, in addition to its decision, the name of the accused, the incident for which he was punished, and the legal article applied.

It shall be notified to the accused and civil plaintiff on a form determined by the Minister of Justice. The notification may be executed through a public authority officer.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (300)
Objecting to the Order

The Public Prosecution may declare its rejection of the criminal order rendered by the judge and the other litigants may declare their rejection of the order rendered by the judge or the Public Prosecution's agent. This shall be conducted through a report with the court registrar at the Summary Court with the jurisdiction to review the case within three days of the order's issuance in the case of the Public Prosecution and of the date of notification in the case of other litigants.

This report shall annul the order completely as if it had never been issued.

The clerk shall designate the date that the case is deliberated before the court, taking into account the terms prescribed in Article (206). He shall notify the rapporteur to be present on this day and subpoena the other litigants and witnesses to be present at the timing prescribed in Article (363).

However, if objection to the order not occur according to the aforementioned procedure, the order shall become final and enforceable.

Article (301)
Presence and Absence of the Litigant

If the litigant who rejected the criminal order appears at the scheduled hearing session, the case against him shall be deliberated according to regular measures.

The court shall rule within the limits of the prescribed penalty, if it is more severe than the fine stipulated by the criminal order.

However, should he fail to attend, the order shall regain its power and become final and enforceable.

Article (302)
Multiple Accused

In the event of multiple accused charged according to a criminal order decide to reject the same and some of them appear on the designated date to deliberate the case and some others fail to appear, the case shall be deliberated through regular means for those who appear and the order shall become final for those who failed to appear.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (303)
Objection upon Implementation

If the defendant, upon implementation, claims his right to reject the order is still valid because he was not notified or for any other reason, that *force majeure* prohibited him from attending the scheduled session to review the case, or that another problem occurred during implementation, he shall present the issue to the judge of the summary court with jurisdiction to review the case to decide on the same without pleading, unless the judge deems adjudication impossible in the current state or without investigation or pleading. Therefore, the judge shall schedule a date to review the issue according to regular measures and assign the defendant and other litigants to appear on the said day. Should he accept the issue, the trial shall be conducted according to Article (301).

Chapter (12)
Grounds of Nullity

Article (304)
Reason for Nullity

Nullity shall occur upon non-observance of the law's provisions related to any substantial action.

Article (305)
Nullity for a Reason Related to Public Order

Should the nullity be attributable to the non-observance of the law's provisions related to the constitution of the court, its mandate to rule on the case, its jurisdiction in terms of the type of the

crime submitted before it, or anything related to public order, nullity may be claimed at any stage of the case, and the court shall rule on it even without a motion.

Article (306)
Extinction of the Right to Request Invalidation

In cases other than those mentioned in the foregoing article, the right to request invalidation of evidence gathering, initial investigation, or in-session investigation procedures in felonies and misdemeanours shall be extinguished if the accused has a lawyer, and the procedure has taken place before the attorney and the latter failed to make an objection.

For petty offenses, a procedure shall be deemed correct when no objection is made by the accused who does not need to be accompanied by his attorney.

The Public Prosecution shall lose the right to request invalidation when the Public Prosecution does not make an objection at the time.

Article (307)
Invalidation of Subpoenas

When the accused attends the session by himself or via his legal representative, the accused may not challenge the validity of the subpoena, but may request corrections to be made, or gaps to be filled. The accused may also request some time to prepare his defence before the start of the hearing. The Court shall answer such request.

Article (308)
Correcting Procedures

The judge may correct, even if on his own accord, any procedure that he deems to be invalid.

Article (309)
Effect of Invalidation

Should a procedure be deemed to be invalid, all effects resulting directly from such procedure shall likewise be deemed invalid, and the procedure shall be performed another time as soon as possible.

Article (310)
Correcting Material Errors

In the event of a material error in a verdict or an order by the Investigating magistrate or the Indictment Chamber, and where the error does not lead to invalidation, the body which has issued such verdict or order shall correct the error, either on its own accord or upon a motion by either one of the litigants, upon summoning the litigants to attend.

Chapter (13)
On Mentally-Disabled Accused

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (311)
Supervised Detention

If the matter calls for examination of the accused's mental state, the Investigating magistrate or the Summary Judge may, upon motion by the Public Prosecution or the Court before which the case is heard, order that the accused who is in provisional detention, be committed to supervised detention in a governmental hospital designated for such purpose, for periods of time the total of which shall not exceed 45 days after the statements of the Public Prosecution and the defence are heard, when the accused has someone to defend him.

If this timeframe is used, the matter shall be presented to the Indictment Chamber for a ruling under the provisions of Article (123). If the accused is not under provisional detention, the accused shall be placed under observation in some other location.

Article (312)
Disability Emerging after the Crime

If it is proven that the accused is unable to defend himself because of a mental disability that has emerged after the commission of the crime, the case and trial shall be suspended until mental recovery.

If such is the case, the accused of a felony or misdemeanour that is punishable by imprisonment may be committed by the investigating magistrate or the Summary Judge, upon motion by the Public Prosecution, the Indictment Chamber, or the Court before which the case is being heard, to a mental hospital until such time that a release order is issued.

The case may not be suspended without first conducting the investigations procedures which need to be carried out immediately or which are necessary.

Article (313)
Investigation Procedures

Suspension of the case shall not preclude conducting the investigation procedures deemed urgent or necessary.

Article (314)
Deducting Detention Time from the Sentence

In the cases set forth in Articles (311) and (312), the time spent by the accused under supervision or in detention shall be deducted from the duration of the sentence.

Article (315)
Detention of the Accused in the Case of Acquittal or Case Dismissal

If the case is dismissed or the accused is acquitted on the ground of mental disability, the body that issued the acquittal or case dismissal shall, when the provisions of the Criminal Law so allow, order the detention of the accused in a mental hospital until such time that a competent authority under the said law orders his release.

Chapter (16)
Prosecution of Juveniles

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (316)
Establishing a Juvenile Court

A Juvenile Court shall be established within each Court of First Instance by a judge who shall be delegated to the Juvenile Court.

Article (317)
Competencies of the Juvenile Court

The Juvenile Court shall dictate preventive measures for juveniles and try minors who have completed the age of fourteen but have not yet reached the age of eighteen.

Felony cases shall be directly submitted to the Juvenile Court by the investigating magistrate or the Public Prosecution.

If a perpetrator or an accomplice accompanied the minor accused in the same crime and is above the age of eighteen, the investigator may present the minor to the Juvenile Court and transfer all other accused persons to the Indictment Chamber for transfer to the Criminal Court.

The Juvenile Court shall trial all those accused in misdemeanours and petty offenses.

Homeless juveniles shall also be prosecuted before the Juvenile Court.

Article (318)
Preventive Measures

If the situation calls for the provisional detention of a minor who has completed the age of fourteen, the minor shall be placed in a rehabilitation school, a place designated by the government for such purpose, or a recognized charity, unless the Prosecution or the Court decides to assign the minor to the care of a custodian.

Article (319)
Investigating Minors

In felonies and misdemeanours, and before a ruling is made, an investigation into the minor's social status, the environment he grew up in, and the motivations behind the crime, shall be conducted. The assistance of social workers, specialists, and physicians may be requested to support this task.

Article (320)
Juvenile Court Procedures

Procedures that apply to misdemeanour shall be adhered to before the Juvenile Court in all cases except where a legal text stipulates otherwise.

Article (321)

Obligation to Have an Attorney in Felony Cases

In felony cases, the accused shall have an attorney to defend him before the Juvenile Court. When the accused has not chosen an attorney, the investigating magistrate, the Public Prosecution, the Indictment Chamber, or the Court before which the case is being heard shall appoint a defence attorney. Criminal Court Procedures shall apply.

Article (322)

Civil Rights

Civil rights may not be claimed before the Juvenile Court.

Article (323)

Court Sessions

Juvenile Court Sessions shall be conducted *in camera*. Such sessions shall exclusively be reserved for the relatives of the minor and the representatives of the Ministry of Justice and charity organizations active in the field of juvenile affairs.

Article (324)

Hearing of Witnesses and Pronouncement of Verdicts

The Court may hear the witnesses in the absence of the accused, but may not pronounce a conviction without first presenting to the accused a brief summary of the witness statements. The verdict shall be pronounced in a public session.

Article (325)

Communicating Procedures and Appealing a Verdict

Every procedure which, by virtue of the Law, shall be communicated to the accused, shall be communicated, as much as possible, to his parents or to his guardian, who shall both have the right to resort, on behalf of the minor, to all methods of appeal prescribed in the verdict issued against the minor, provided that such action is based on procedures taken against the minor himself.

Article (326)

Commitment to a Rehabilitation Centre

The accused sentenced to detention in a rehabilitation school or any other place ordered by the Public Prosecution shall be placed therein by virtue of an order on the form prescribed by the Minister of Justice.

Article (327)

Appeal

Juvenile cases shall be appealed before the competent Court of First Instance and shall be heard expeditiously.

Article (328)
Supervising Magistrate

The Juvenile Court magistrate shall supervise the execution of verdicts and preventive measures issued against minors in his jurisdiction.

Article (329)
Error in Estimation of Age

Should an accused be heard and convicted on the grounds that he is above the age of eighteen, then it emerges from official documents that he is below this age, the Prosecutor-General or the Chief Prosecutor shall submit the verdicts that have been issued for reconsideration, and execution shall be suspended. Preventive measures prescribed in the Criminal Code may be imposed. Reconsideration of the case shall be governed by Juvenile Court rules and procedures.

If the accused is sentenced to a juvenile penalty, then it emerges from official documents that he is above the age of eighteen, the Prosecutor-General or the Chief Prosecutor may request the issuing court to reconsider its ruling and issue its verdict in accordance with the Law.

Chapter (15)
On Protecting Minor or Mentally-Disabled Victims

Article (330)
Protecting Minor or Mentally-Disabled Victims

If a felony or a misdemeanour is committed against a minor who has not turned eighteen, the said minor may be assigned, upon an order by the investigating magistrate who shall act of his own accord or upon a motion by the Public Prosecution, or by the Summary Judge upon a motion by the Public Prosecution, or by the Indictment Chamber, or the Court before which the case is heard, to the care of a custodian who shall keep the minor under observation and care for him, or to a charity approved by the Ministry of Justice, until such time the case has been adjudicated.

If a felony or a misdemeanour is committed against a mentally-disabled person, such person may be committed temporarily to a mental hospital or assigned to the care of a custodian, according to the case.

Part (3)
On Criminal Courts
Chapter (1)
On Establishing Criminal Courts and Criminal Court Calendars

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (331)
Establishing the Court

One or more criminal circuits shall be established in each Court of Appeal, according to the Law of the Justice System.

Article (332)
Assigning Counsellors to Criminal Courts

The General Assembly of each Court of Appeal shall, each year and upon a motion by the Head of the Court of Appeal, appoint counsellors to Criminal Courts.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (333)
Venue

The Criminal Court shall hold its session inside the premises of the Court of First Instance and shall have the same jurisdiction. The Minister of Justice may, if necessary and at the request of the president of the Court of Appeal, select another location.

Article (334)
Calendar Period

Criminal courts shall hold their sessions every month unless the Minister of Justice issues a decision stipulating otherwise.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (335)
Start Date of a Calendar Period

The President of the Civil Court of Appeal shall set the start date of each calendar period.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (336)
Docket of Cases

For each calendar period, a docket of cases shall be drawn up. The Criminal Court shall conduct sessions one after the other until all cases on the docket have been completed.

In urgent cases, additional cases may be added to the docket during the calendar period.

Article (337)
Absence of a Counsellor

If a counsellor who has been assigned for a calendar period faces an impediment, the said counsellor shall be replaced by the President of the Court of Appeal with another counsellor.

The deputy president of the Court of First Instance or one of its judges may sit until such time that the counsellor is replaced by another, in which case only one of the above-mentioned may participate in the ruling.

Chapter (2)
On Procedures before Criminal Courts

Article (338)
Summoning Date

The accused and witnesses shall be given eight day's notice to appear before the court.

Article (339)
Absence of a Lawyer from a Session

Except where there is a valid proven reason to skip a session, the attorney who is either appointed by the Indictment Chamber, the President of the Court, or by the accused, must defend the accused or appoint someone in his place, otherwise the Criminal Court shall impose, without prejudice to the disciplinary trial where required, a maximum penalty of fifty LYD.

The court may exempt the attorney from the penalty if it is proven to the court that it is impossible for him to attend the session in person or to assign a replacement.

Article (340)
Fees of the Appointed Attorney

The attorney who is appointed by the Indictment Chamber or the President of the Court may request that his fees be borne by the Public Treasury if the accused is poor. The Court shall assess the fees in its verdict or upon a motion by the attorney following adjudication.

The assessment shall not be subject to appeal in any way.

The Public Treasury may seek an order for the accused to settle the assessed fees when poverty no longer applies to the accused.

Article (341)
Attorneys Entitled to Plead before the Criminal Court

Only those attorneys who are approved to plead before the Courts of Appeal and the Courts of First Instance may plead before the Criminal Court.

Article (342)
Preparing the Docket of Cases

The President of the Criminal Court shall, upon receiving a case file, assign a calendar period for the case. For each calendar period, cases shall be arranged on a separate docket, and copies of the case files shall be sent to the counsellors who have been designated for that calendar period. The head of the Criminal Court shall order that the accused and the witnesses be advised of the calendar period and the day on which their case shall be heard.

Article (343)
Challenging Undeclared Witnesses

The Public Prosecution, the accused, the civil plaintiff, and the civil defendant have the right to challenge the hearing of the statements of witnesses whose names have not been declared in advance.

Article (344)
Arresting the Accused

The Criminal Court may, in all cases, order that the accused be arrested and brought to court, and may also order provisional detention, as well as release with or without bail for the accused who is placed under provisional detention.

Pursuant to Article (1) of Law No. (2) of 1987 amending Article (345) of the Code of Criminal Procedure:

Article (345)
Procedures of the Criminal Court

All verdicts in felonies and misdemeanours shall be followed by the Criminal Court, unless stipulated otherwise.

Criminal Court verdicts shall only be appealed through cassation or reconsideration.

Article (346)
Misdemeanours

If the Criminal Court deems that the case is a misdemeanour, as emerges from the case transfer file and in the pre-session investigation, the Criminal Court may rule that the case does not fall under its jurisdiction and transfer it to the Court of First Instance.

Should the Criminal Court fail to notice until after the investigation, the Criminal Court shall handle the case.

Article (347)

A Misdemeanour Connected to a Felony

If a misdemeanour connected to a felony be transferred to a Criminal Court, and the Criminal Court deems that the connection that was made does not hold, the Criminal Court may separate the misdemeanour and transfer it to the Court of First Instance.

Chapter (3)
On Measures against Absent Accused in Felonies

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (348)

Hearing the Case in Absentia

If an accused transferred to the Criminal Court for a felony fails to appear on the day of the session after being duly summoned, the Court may issue its verdict in absentia. It may also postpone the case and order a re-summons.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (349)

Procedures

During the session, the transfer order and the accused's indictment papers shall be read, and the Public Prosecution and the civil plaintiff, if present, shall make their statements and requests. The Court shall hear witness statements if it deems necessary, then shall issue its ruling.

Article (350)

Accused Residing Abroad

If the accused is residing abroad, the transfer order and the subpoena shall be sent to his place of residence, if known, one month before the session (excluding travel time). If the accused fails to appear after being summoned, the ruling may be issued in absentia.

Article (351)

Appearance for an Absent Accused

No one may attend court to defend or replace an absent accused; however, the accused's legal representative, a relative, or son or brother in-law may attend to give a justification of absence. If the court deems that the reason for absence is acceptable, the court shall set a date for the accused to appear before the court.

Pursuant to Article (1) of Law No. (22) of 1963 on amending certain provisions of the Code of Criminal Procedure:

Article (352)
Posting and Publication of Verdicts

A copy of the verdict on an absconding accused shall be posted on the Court's notice board, and a description of the charge and the dispositive portion of the verdict shall be published, at the request of the Public Prosecution, in the Official Gazette of Libya and in two local newspapers.

Article (353)
Effect of Convictions in Absentia

A conviction in absentia shall entail a deprivation of the right to dispose of and manage money and deprivation of the right to file any case in the absent accused's name, and any act or engagements undertaken by the convicted party shall be void.

The Court of First Instance that has jurisdiction over the monies of the convicted person shall, upon a motion by the Public Prosecution or any person with interest in the same, appoint a guardian to manage the money. The Court may impose a guarantee on the guardian, and the guardian shall report to court on all matters related to this role.

Article (354)
Termination of the Guardian's Role

The role of guardian shall be terminated upon the issuance of a verdict made *in presentia*, or upon the physical death of the accused as prescribed in Civil Status Laws. Upon termination of the guardian's role, the guardian shall submit an account of his performance.

Article (355)
Executing a Verdict Made in Absentia

All sentences that can be executed in absentia in a verdict made in absentia shall be executed.

Article (356)
Damages

Damages shall be executed upon issuance of the verdict. The civil plaintiff shall submit a guarantee, unless prescribed otherwise in the verdict, or unless the Court of First Instance issued an exemption.

The guarantee shall expire five years after the issuance of the verdict.

Article (357)
Extinction of the Penalty

A verdict issued in absentia by the Criminal Court in a felony shall not be extinguished by the lapse of time, but the penalty shall, and the verdict shall become final when the penalty expires.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (358)
Arrest and Death of the Convicted Party

If a person who has been convicted in absentia makes himself available or if he is arrested, before the extinction of the penalty with the lapse of time, the prior verdict shall automatically be annulled, either with regards to penalty or compensation, and the case shall be heard again before the court.

If the verdict prescribed a custodial penalty, the accused shall be presented to court as a prisoner and shall be put to trial at the nearest session.

If the compensation awarded in the verdict had been settled, the Court shall order that the paid amounts be returned, in part or in whole, and if the absconding convicted party dies before presenting himself to court, the compensation shall be re-tried against the heirs.

Article (359)
Effect of the Absconding Accused on the Other Accused

Absconding shall not cause a delay in the trial for the other accused persons.

Article (360)
Absconding on a Misdemeanour

If an accused absconds on a misdemeanour presented before the Criminal Court, the procedures follow before the Appellate Court of Misdemeanours court shall be applied, and the issued verdict may be challenged.

Title (3)
On Appealing Verdicts

Part (1)
On Objections

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (361)
Cases Where Objection Is Accepted

An objection against a verdict issued in absentia for a petty offense or a misdemeanour is accepted when it is lodged by the accused person and the civil defendant within three days from the pronouncement of the verdict (excluding travel time); the declaration may be a summary on a form approved by the Minister of Justice.

However, if the pronouncement is not made to the accused person, the objection period shall start from the day the pronouncement becomes known to the convicted person, otherwise objection is possible until the extinction of the case with the lapse of time.

Article (362)
Civil Plaintiff

Objections by civil plaintiffs shall not be accepted.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (363)
Objection Procedures

The objection may be in the form of a report with the Registrar of the issuing Court. The objection shall entail appearance at a session the date of which shall be set by the Court Clerk on the report. The nearest available session should be selected.

The Public Prosecution shall summon all other persons concerned to appear within 24 hours and shall notify the witnesses to attend the session.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (364)
Effect of Objections

An objection shall entail reconsideration of the case before the court that issued a verdict made in absentia for the benefit of the person that made the objection.

The person who made the objection shall not be in any way harmed by the objection he made.

However, should the person who made the objection fail to attend the session, the objection shall be considered as if it has never occurred.

The person who makes the objection may not in any case object to a verdict made in his absence.

Part (2)
On Appeals

Article (365)
Appealing Petty Offenses and Misdemeanours

Verdicts issued in Criminal Cases by the Court of First Instance in petty offenses and misdemeanours may be appealed:

1. By the accused if the verdict stipulates other than a fine and expenses, or a fine exceeding five LYD
2. By the Public Prosecution if it had requested other than a fine and expenses, or a fine exceeding five LYD, or if the accused has been acquitted, or if the verdict did not stipulate what the Public Prosecution had requested. Appeal by the accused or the Public

Prosecution may not be carried out in any other case, except in the case of an error in the implementation or interpretation of legal texts.

Article (366)
Civil Actions

Verdicts issued in civil actions by the Court of First Instance in petty offenses and misdemeanours may be appealed by the civil plaintiff, civil defendant, or the accused, exclusively in relation to civil rights, if the requested compensation exceeds the amount that the Summary Judge awards in a final verdict.

Article (367)
Connected Crimes

A verdict issued for connected crimes that may not be severed under Article (76) of the Criminal Law may be appealed, even if the appeal is possible for only some of the connected crimes.

Article (368)
Interlocutory and Preliminary Rulings

Interlocutory and preliminary rulings on side matters may not be appealed before a verdict on the case itself is rendered.

When the verdict on the case itself is appealed, the interlocutory and preliminary rulings shall likewise be appealed.

All rulings that the court does not have jurisdiction may be appealed, rulings that the court has jurisdiction may also be appealed if the court does not have the jurisdiction over the case.

Pursuant to Article (1) of Law No. (22) of 1963 on amending certain provisions of the Code of Criminal Procedure:

Article (369)
Appeal Mechanism and Deadline

Appeals shall be filed in the form of a report with the Registrar of the court that has issued the verdict, or before the prison officer, within 10 days from the pronouncement of the verdict for verdicts made *in presentia* and verdicts made under objection, or from the date in which the deadline for objection against verdicts made *in absentia* expires, or from the date of the verdict.

The Prosecutor-General may present the appeal within 30 days from the issuance of the verdict, and may submit the appeal with the Registrar of the Court of Appeal.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (370)
Start of Duration for Default Verdicts Issued in Absentia

The deadline for appealing verdicts made *in absentia* as if in the presence of the accused as prescribed in Articles (211) to (214) shall begin from the date in which the verdict is communicated to the accused.

Article (371)
Setting the Session Date

The Registrar shall set the date of the session in the appeal report, which shall be after at least three full days. The Public Prosecution shall summon all parties to the session.

Article (372)
Appeal Deadline for Other Litigants

If a litigant presented an appeal within the prescribed ten days, the other litigants who have the right to appeal shall have an extended five days to appeal beyond the initial ten days.

Article (373)
Competent Court

Appeals shall be submitted to the Court of First Instance in the jurisdiction of the Court that issued the appealed verdict, within a maximum of 30 days, to the court that has jurisdiction over petty offenses.

If the accused person is in prison, the Public Prosecution shall transfer him in due time to the prison affiliated to the entity where the Court of First Instance sits. Appeals shall be heard within the shortest possible time.

Pursuant to Article (1) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (373) *bis*
Review of Appeals

Members of the circuit entrusted to rule on the appeal shall draft a report to be signed by the members. Such report shall include a summary of the facts, circumstances, evidence for the prosecution and for the defence, as well as all side matters, and the procedures that have been conducted.

After the report is read out, the appellant shall state the grounds upon which he based his appeal, the other litigants shall then make their statements. The accused shall be the last to speak, then, after examination of the documents, the court shall make its decision.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (374)
Extinction of the Appeal

An appeal submitted by an accused who has been punished with an enforceable custodial sentence shall be extinguished if he fails to present himself for execution of the verdict before the session date.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (375)
Hearing Witnesses and Completing the Investigation

The Court of Appeal shall hear by itself, or through a judge assigned with this task, the witnesses that should have been heard before the Court of First Instance. The Court of Appeal shall fill in any deficiency in the investigation procedures.

The court may in all cases order what is deems necessary for the investigation to be completed and witnesses to be heard.

A witness may not be summoned to appear unless ordered by the court.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (376)
Felonies

If the Court of Appeal determines that the crime falls under the jurisdiction of the Criminal Court, the Court of Appeal shall rule that the crime does not fall under its jurisdiction. In the case of a felony where the case has been investigated by the investigation authority or before the Court of First Instance, and the Court of Appeal deems there is enough evidence to convict the accused, then the Court of Appeal shall transfer the case to the Criminal Court, and the Public Prosecution shall immediately transfer the case file. If the case has not been investigated, the Court of Appeal shall transfer it to the Public Prosecution.

The court order to transfer the case to the Criminal Court and the court decision to dismiss the case shall not be subject to appeal.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (377)
Felonies that May Be Considered Misdemeanours

If the Court of Appeal considers that the act that was adjudicated as a misdemeanour is a felony of the type that the Investigating Magistrate may transfer to the Summary Court pursuant to Article (136), the Court of Appeal may issue a ruling to hear the case and issue the verdict.

Such ruling may not be appealed in any case.

Article (378)
Cancellation of Compensation Verdicts

If a compensation verdict is overturn after partial execution, the compensation paid shall be returned as prescribed in the ruling that overturns the previous ruling.

Article (379)
Effect of Appeals

In the event of appeal by the Public Prosecution, the court may uphold, overturn, or amend the verdict for or against the accused.

In the event of appeal by other than the Public Prosecution, the court may not uphold or amend the verdict in favour of the appellant.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (379) *bis*
Challenging an Appealed Verdict

The Court of First Instance procedures shall apply in the case of verdicts made *in absentia* and challenged before the Court of Appeal.

Article (380)
Verdict

If a Court of First Instance issues a verdict on the subject and the Court of Appeal decides there is a nullity in the procedures or in the verdict, it shall then fix the nullity and issue a verdict on the case.

However, if it rules that it lacks jurisdiction or accepts a secondary argument that interrupts proceedings and the Court of Appeal decides to overturn the ruling and that the court has jurisdiction over the subject or to reject the secondary argument and review the case, it shall return the case to the Court of First Instance to rule on the merits.

Part (3)
On Cassation

Article (381)
Cases of Challenge by Cassation

The Public Prosecution and the convicted party, as well as the civil defendant and civil plaintiff, with regard to their rights only, shall have the right to appeal final verdicts rendered by the courts of the last degree before the Court of Cassation, in the following cases:

1. If the appealed verdict is based on a violation of law or an error in its execution or interpretation.
2. If the verdict is null or the procedures involve a nullity that affected the verdict.

The rule shall be to consider that procedures were followed during the case. Nevertheless, the concerned person shall have the right to prove by all possible means that such procedures were neglected or violated, even if they are neither mentioned in the hearing minutes nor in the verdict. If the minutes or the verdict mention that they were followed, non-compliance may not be proven except by challenging the case with forgery.

Article (382)
Verdicts Rendered Before Adjudication on the Merits

Verdicts rendered before adjudication on the merits may not be challenged by appeal, unless they are based on interruption of proceedings.

However, rulings rendered on questions on jurisdiction may be challenged by cassation separately.

Article (383)
Impermissibility of Challenge by Cassation

Challenging a verdict by cassation shall not be permissible as long as appeal by objection is still permissible.

Article (384)
Appeal of Verdicts *in Absentia* for Felonies

The Public Prosecution, the civil plaintiff, and the civil defendant, each in his area of competence, may challenge the verdict rendered by criminal courts in the absence of the person accused of the felony.

Pursuant to Article (1) of Law No. (3) of 2003 on amending certain provisions of the Code of Criminal Procedure:

Article (385)
Deadline for Appeal

The appeal shall be filed by a statement with the registrar of the court that issued the ruling within sixty days from the date the verdict is rendered in the presence of the parties or against the appellant, or from the date the verdict of dismissal is rendered.

The statement of appeal shall be filed with the prison officer within the aforementioned deadline.

Pursuant to Article (1) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (385) *bis*

Subject to the provisions of the foregoing article, if the verdict is issued in the presence of the defendant and the defendant is sentenced to a penalty of death, the case shall be submitted to the Court of Cassation within 30 days from the date of the verdict and the Public Prosecution shall present a file with its opinion on the case within the next fifteen days.

The court shall have the right to challenge the verdict for the benefit of the accused if one of the conditions for appeal by cassation as stipulated in Article (381) of this law is met.

Article (386)

Grounds for Challenging the Verdict

Other grounds before the court other than those already mentioned within the said deadline shall not be stated.

However, the court shall have the right to challenge the verdict on its own accord for the benefit of the accused, if it discovers from the records that there was violation of law or an error in its execution or interpretation, that the court which issued it was not formed according to law or did not have jurisdiction to decide on the case, or if the challenged verdict is subject to a law applicable to the incident subject of the case.

Pursuant to Article (1) of Law No. (3) of 2003 on amending certain provisions of the Code of Criminal Procedure:

Article (387)

Submitting the Grounds for Appeal

With the exception of death or amputation sentences, the grounds for appeal shall be submitted within the period stipulated by Article (385), signed by the appellant's attorney, otherwise the right thereto shall lapse. The appeal may not be referred to the Supreme Court unless its grounds are enclosed. The Public Prosecution shall appoint an attorney for the detainee who shall file the appeal with the prison officer, if he has not appointed one at his own expense. Such attorney shall prepare and file the grounds for appeal.

Article (388)

Surety

If the appeal is not filed by the Public Prosecution or by the accused sentenced to a prison term, for it to be accepted, the person filing it shall pay a surety of five LYD to cover the fine stipulated for in this article. This shall not apply to those who are exempted from depositing the said amount by a decision of the Judicial Assistance Committee.

The clerk shall not accept the report of appeal if it does not have proof of such deposit or an official certificate from an authority proving the poverty of the person submitting the same.

The person who files the appeal shall be sentenced to a fine not exceeding five LYD if the appeal is not accepted or is rejected.

Inflicting such a fine shall be possible in misdemeanours and petty offenses against the person sentenced to a prison term, if his appeal is not accepted or is rejected.

Article (389)
Subpoena

Litigants shall be summoned to attend at the request of the Public Prosecution, at least five days before the hearing.

Article (390)
Procedures

The court shall decide on the appeal after reading the report drafted by one of its members and after hearing the statement of the Public Prosecution and the lawyers of the litigants. The latter shall not speak unless the court allows them.

Article (391)
Verdict in the Absence of the Litigant

If one of the litigants is absent and no attorney appears on his behalf, the case shall be adjudicated in his absence and objection may not be made against the verdict issued unless it is confirmed that the absent accused was not duly notified.

Article (392)
Rejection of the Appeal on the Merits

If the appeal is rejected on the merits, it shall not be possible in any way for the appellant to file another appeal for the same previously challenged verdict for whatever reason.

Article (393)
Verdicts

If the appeal or its grounds are filed after the deadline or the grounds are inacceptable in their relation to the merits, the court shall reject the appeal.

If the appeal is accepted and based on the first situation described in Article (381), the court shall correct the verdict and rule according to the law.

If it is based on the second situation described in the said article, the court shall reject the decision and return the case to the court which issued it to decide on it anew, while constituted of other judges. However, it shall be possible to refer it to another court when necessary.

If the challenged verdict is issued by a misdemeanour court of appeal or a criminal court on a misdemeanour or a petty offense that occurred during its session, the case shall be returned to the competent summary court to decide thereon so it can examine the same according to customary norms.

Article (394)

Errors in the Law or its Texts

If the arguments of the verdict include an error in the law or there is an error in mentioning its texts, the verdict may not be challenged if the penalty sentenced is prescribed by law for the crime. The court shall correct the error that occurred.

Article (395)

Extinction of the Appeal

The appeal filed by the accused sentenced to a prison term shall be extinguished if the latter does not appear for execution before the day of the hearing.

Article (396)

Parts of the Verdict that May Be Challenged at Cassation

Only the parts of the verdict related to the grounds on which the appeal was based may be appealed, unless severability is impossible.

If the appeal is not filed by the Public Prosecution, the verdict is only challenged for the person who filed the appeal, unless the grounds upon which the appeal is based are related to other accused persons in the case. In this case, the ruling shall be appealed for them as well, even if they do not file an appeal.

Article (397)

Cassation at the Request of a Litigant

If the appeal of the verdict is made based on a request of one of the litigants other than the Public Prosecution, there shall be no harm in challenging it.

Article (398)

Obliging the Subject-Matter Court to Comply with the Decision of the Court of Cassation

If the challenged verdict is issued along with a legal plea that interrupts proceedings, and the Court of Cassation overrules it and returns the case to the court which issued it to examine the merits, this court shall not decide otherwise than what the Court of Cassation decided.

Article (399)

Second Appeal

If there is a second appeal against the verdict issued by the court to which the case is referred, the Court of Cassation shall decide on the matter, and in this case, the procedures prescribed in the trial for the crime shall be followed.

Article (400)

Overruling a Death Sentence

If a death sentence is issued, the lawyer of the accused, whether assigned by the client or by the court, shall conduct the procedures of challenging by cassation in the sentence if this is feasible, without prejudice to the right of the accused to file an appeal by himself or by another lawyer.

Article (401)
Appeal of what Exceeded the Court Jurisdiction

With the exception of the previous articles, the Public Prosecution may request the Court of Cassation to rule to overturn any verdict, decision, order, or procedure issued by any judicial authority in penal matters where its authority was abused. This request shall not be accepted as long as it is possible to remedy it in another way.

The request shall be filed through a report with the court registrar stating the reasons. Such request shall be ruled on without pleading.

The request shall only be accepted after thirty days from the date the verdict, decision, order, or procedure subject of the appeal was issued.

Part (4)
On Re-Hearing

Article (402)
Cases of Re-Hearing

It shall be possible to request the re-examination of the final verdicts issuing penalties in misdemeanours and petty offenses in the following circumstances:

1. If the accused has been sentenced for murder, then the alleged murder victim is found alive.
2. If a sentence is issued against a person on a specific matter, then a sentence is issued against another person for the same matter, and there is a contradiction between both verdicts, such that it concludes by exculpating one of the convicted persons.
3. If one of the witnesses or experts is sentenced to a penalty for false testimony under the provisions of the Penal Code, or if a judgment is issued for falsifying a document submitted during the examination of the case, and the testimony or expert report or document had an effect on the ruling.
4. If the sentence is based on a verdict made by a civil court or referred by a Civil Status Court and that verdict was overturned.
5. If facts occur or emerge after the verdict or if documents are submitted that were not known during the trial, and such facts or documents are such as to prove the innocence of the accused.

Article (403)
Filing the Request

In the first four circumstances of the foregoing article, the Public Prosecution and the accused, or his legal representative – if he is incapacitated or missing – his relatives, or his spouse shall have the right to file a request to the Public Prosecution with a petition mentioning the verdict to be re-examined and the ground on which it is based and accompanying it with supporting documents.

The Prosecutor-General shall refer the request, whether it is submitted by himself or others, with the investigations he deems necessary to conduct to the Court of Cassation in a report stating his opinion and the grounds on which he relies.

The request shall be submitted to the court within the next three months to file it.

Article (404)
Emergence of New Facts

In the fifth circumstance of Article (402), the right to ask for re-examination shall be the exclusive right of the Prosecutor-General, whether by himself or based on a request made by persons concerned. If he deems there is a basis for it, he shall submit it with the investigations he deemed necessary to a committee formed of one of the counsellors of the Court of Cassation and two counsellors of the Court of Appeal appointed by the general assembly of the court with which each is affiliated. The request shall indicate the fact or document on which it is based.

The committee shall decide on the request after examining the documents and retaining what it deems necessary of the investigation. It shall order to refer the request to the Court of Cassation if it sees fit to accept it.

The decision made by the said committee, accepting or refusing the request, may not be subject be to challenge.

Article (405)
Surety

The Prosecutor-General shall not accept a request for re-examination filed by the accused or his representative in the first four circumstances of Article (402), unless the applicant deposits at the court treasury an amount of five LYD as surety, designed to cover the fine prescribed in Article (410), unless he is exempted from that deposit by a decision of the Judicial Assistance Committee at the Court of Cassation or if the defendant was sentenced to death.

Article (406)
Scheduling a Hearing

The Public Prosecution shall notify litigants about the session for re-examination of the request before the Court of Cassation, at least three full days before it is held.

Article (407)
Case Examination Procedures

The Court of Cassation shall decide on the request after hearing the statement of the Public Prosecution and the litigants, and after doing what it deems necessary by itself or by whomever it delegates for the same. If it accepts the request, it shall overturn the verdict and acquit the defendant if his innocence is clear. Otherwise, it shall refer the case to the court which issued the sentence, provided it is constituted of other judges, to decide on the matter, unless it decides to do so by itself.

However, if it is not possible to perform a re-examination, as in the case of the death or insanity of the convicted party or extinction of the penal case by prescription, the Court of Cassation shall examine the merit of the case and only overturn of the verdict whatever it deems erroneous.

Article (408)
Death of the Convicted Party

In the defendant dies and the request was not made by one of his relatives or his spouse, the court shall examine the case against whomever the defence assigns to defend his memory. The latter shall be from among his relatives as much as possible. In this case, the verdict, when necessary, shall erase whatever affects this memory.

Article (409)
Effect of the Re-Examination Request

A request for re-examination shall not entail suspension of the verdict's execution, unless it is a death sentence.

Article (410)
Fine upon Rejection of the Request

In the first four circumstances of Article (402), the party requesting re-examination – if other than the Public Prosecution – shall be sentenced to payment of a fine not exceeding five LYD if his request is not accepted.

Article (411)
Publication of Acquittals

Acquittal verdicts issued upon reconsideration of the facts shall be published in the Official Gazette at the request of the Public Prosecution and at the government's expense, and in two newspapers that shall be designated by the person concerned.

Article (412)
Compensation

The overturning of the appealed verdict shall entail invalidation of the compensation awarded; as such, and without prejudice to the principle of extinction of rights with the lapse of time, compensation that has already been paid shall be returned.

Article (413)
Resubmitting a Rejected Motion

If a motion to re-examine a case is rejected, the motion may not be renewed on the same grounds on which is was based earlier.

Article (414)
Appealing a Verdict

Verdicts that are issued based on reconsideration outside the Court of Cassation, may be appealed by any method of appeal prescribed in the law.

The new verdict on the subject may not be more severe than the former verdict.

Pursuant to Article (2) of Law No. (3) of 2003 on amending certain provisions of the Code of Criminal Procedure:

Article (414) *bis*
Common Provisions on Appeal Methods

If the court where the appeal is brought orders suspension of the appealed sentence, it shall hear the appeal within six months from issuing the order of suspension.

Part (5)
On the Force of Final Verdicts

Article (415)
Extinction of the Case for the Accused

The criminal case and the crime attributed to a subject shall expire upon the issuance of a final acquittal or conviction.

If a verdict has been issued, the case may not be reconsidered except through appeal by any method of appeal prescribed in the law.

Article (416)
Reopening Cases

A case that has been closed with a final verdict may not be reopened upon the emergence of new evidence, change of circumstances, or a revised legal description of the crime.

Article (417)
Effect of Criminal Verdicts for Civil Courts

A criminal verdict – either an acquittal or a conviction – issued by a Criminal Court in a criminal case shall have the effect of *res judicata* before Civil Courts in cases where the court has not yet reached a final settlement on the actual occurrence of the crime, on the legal description of the crime, and on the perpetrator of the crime. An acquittal shall have the effect of *res judicata* where the acquittal is based on dismissal of the charge or insufficient evidence, but not when the acquittal is made against an act that is not punishable by the law.

Article (418)
Effect of Civil Verdicts on Criminal Courts

Verdicts issued by Civil Courts shall not have the effect of *res judicata* before Criminal Courts with relation to the actual occurrence of the crime or the legal description of the crime.

Article (419)
Effect of a Personal Status Verdict on Criminal Courts
Verdicts issued by the personal status circuits shall have, within their jurisdiction, the effect of *res judicata* before Criminal Courts in matters on which adjudication of the criminal cases depends.

Title (4)
On Execution

Part (1)
On Enforceable Verdicts

Article (420)
Inflicting Penalties
Penalties prescribed by the law for any crime shall not be executed except by way of an enforceable ruling issued by a competent court.

Article (421)
Enforcement Timeframe
Verdicts issued by Criminal Courts shall only become enforceable after they have become final, except where the Law provides otherwise.

Article (422)
Motion of Execution
Execution of verdicts in criminal cases shall be undertaken upon a motion by the Public Prosecution as prescribed by the Law. In civil cases, issued verdicts shall be executed upon a motion by the plaintiff, as prescribed in the Code of Civil and Commercial Procedure.

Article (423)
Responsibility of the Public Prosecution for Execution
The Public Prosecution shall initiate the execution of verdicts issued in criminal cases. The Public Prosecution may resort to direct military force when necessary.

Article (424)
Verdicts Requiring Immediate Execution
Fines and fees shall be enforced immediately, even when appealed.

In the event of detention sentences for theft, sentences against recidivists, sentences against accused persons who do not have a permanent place of residence in Libya, and in all detention sentences, the verdict shall be executed immediately, except where the accused posts pail whereby he pledges that if the verdict is not appealed, he shall not evade execution upon expiry of the deadline for appeal, and that if the verdict is appealed, he shall attend the court hearing and shall not evade the verdict that shall thence be issued. A corresponding amount of bail shall be set.

If the accused is in provisional detention, the Court may order the temporary execution of the verdict.

Upon issuing its verdict regarding the plaintiff's compensation on civil rights, the Court may order temporary enforcement, even if an appeal is lodged under Article (428).

Article (425)
Ancillary Penalties

Ancillary custodial sentences shall be executed along with the detention sentence if the sentence is executed pursuant to the previous article.

Article (426)
Releasing the Accused

An accused in provisional detention shall be released immediately upon acquittal, if the sentence does not require imprisonment, or if the verdict provides for suspension of the sentence, of if the accused has already served the terms of the sentence in provisional detention.

Article (427)
Suspending Execution

In all other cases, execution shall be suspended until lapse of the deadline for appeal, and during appeals that are duly lodged within the deadline.

Article (428)
Verdicts Issued in Absentia and Compensation

An appeal verdict made in absentia may be executed if the convicted does not challenge it within the deadline.

When issuing a verdict regarding a plaintiff's civil rights, the Court may order temporary execution with surety, even if the verdict is challenged or appealed for part of the amount or the whole amount. The Court may order an exemption from the surety.

Article (429)
Cassation

Appeal by cassation shall not entail the suspension of execution, except in the case of the death sentence or if the verdict is issued pursuant to the provisions of the last paragraph of Article (382).

Part (2)
On Executing the Death Penalty

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (430)
Submission of Documents to the General Secretariat of the General People's Congress and the Timing of Execution

When the death penalty becomes final, the case file shall be immediately submitted to the General Secretariat of the General People's Congress through the Secretary of Justice.

The verdict shall not be executed without the approval of the General Secretariat.

Article (431)
Incarceration of the Convicted

The person sentenced to death shall be detained based on a Public Prosecution order following the template prescribed by the Minister of Justice, up until the execution of the verdict.

Article (432)
Visitation

The relatives of the person sentenced to death may visit him on the execution day, and such reunion shall be in a place away from the execution area.

If his religion requires him to confess or carry out any other religious ritual before death, the necessary arrangements for a cleric to see the convict shall be made.

Article (433)
Executing the Death Sentence

The death penalty may be executed inside the prison, or any other concealed location, upon a written motion by the Public Prosecution demonstrating that the procedures provided for in Article (430) have been fulfilled.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (434)
Attendees

The death penalty shall be executed in the presence of a member of the Public Prosecution, the prison warden, the prison doctor or any other doctor designated by the Public Prosecution. No other person or individual may attend without a special authorization by the Public Prosecution. The defence shall always be authorized to attend.

The dispositive portion of the death penalty verdict shall be read together with the charge based on which the verdict has been issued, to the convict and for all attendees to hear.

If the convict wishes to make a statement, the member of the Public Prosecution shall take minutes of such statement, and upon execution of the death penalty, shall record the minutes with the doctor's certificate of death and time of death.

Article (435)
Days Open for Execution

The death penalty may not be executed on public holidays and on holy days in the religion of the convict.

Article (436)
Pregnant Women

The execution of the death sentence against pregnant women shall be postponed until two months after delivery.

Article (437)
Burial

The government shall bury the body of the convict at its own expense, unless his relatives request to do so themselves.

The burial shall be devoid of any form of celebration.

Part (3)
On Executing Custodial Sentences

Article (438)
Executing Custodial Sentences

Custodial sentences shall be executed in prisons designated for this function, upon a Public Prosecution Order according to the template prescribed by the Minister of Justice.

Article (439)
Sentence Duration

The duration of the sentence shall be calculated from the day that execution begins. The convict shall be released on the next day following the end of the sentence term within the time period designated for prisoner release.

Article (440)
One-Day Detention

If the prison term is for 24 hours, the execution shall end on the next day following the arrest, and the accused shall be released within the time period designated for prisoner release.

Article (441)
Start of the Prison Term

The duration of a custodial sentence shall start on the day of arrest based on the verdict, and the time spent in provisional detention and arrest shall be deduced therefrom.

Article (442)

Innocence and Provisional Detention

If the accused is pronounced innocent of a crime for which he had been placed under provisional detention, the time spent in detention shall be subtracted from any other crime where the accused has been found guilty.

Article (443)

Counting Time spent in Provisional Detention

In the case of multiple custodial penalties, time spent in provisional detention shall be subtracted from the lighter penalty first.

Article (444)

Pregnant Women

If a woman who is sentenced to a custodial penalty is six month's pregnant, execution of the penalty may be deferred until two months after delivery.

If it emerges or it is noticed during the execution of the penalty that the convict is pregnant, the pregnant convict shall be treated as if in provisional detention until lapse of the period mentioned in the paragraph above.

Article (445)

Sickness

If the person sentenced to a custodial penalty suffers from a disease which by itself or as a result of the execution of the penalty may place the life of that person in danger, the execution of the penalty may be deferred.

Article (446)

Insanity

If the person sentenced to a custodial penalty goes insane, the penalty shall be deferred until the person is free of his insanity. The Public Prosecution may order that the person be placed in a mental hospital, in which case time spent in such hospice shall be subtracted from the duration of the sentence.

Article (447)

Husband and Wife in Prison

If a man and his wife are convicted to less than one year in prison, and they are the custodian of a child who has not yet completed 18 full years and have a known place of residency in Libya, execution of the penalty of one may be deferred until such time that the other has completed his sentence, even if the they are convicted on different crimes, provided that they have never been in prison before.

Article (448)
Bail

Where the execution of the penalty may be deferred, the Public Prosecution may request bail with a promise not to evade execution of the penalty after the reason for the deferment no longer obtains. The amount of bail shall be set in the deferment order.

The Public Prosecution may also stipulate provisional conditions to prevent the convicted party from escaping.

Article (449)
Release

A convicted prisoner may not be released before the completion of the prison term, except where otherwise stipulated by the Law.

Part (4)
On Conditional Release

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (450)
Conditional Release

The person sentenced to a custodial penalty may be placed on parole after he has completed three quarters of his prison term, provided his behaviour in prison inspires trust that he will stand correct and be on good behaviour release. Time spent in prison shall not be less than nine months in all cases.

If the penalty is a life sentence, conditional release may take place only after 20 years in prison and only if the subject has fulfilled the financial obligations prescribed by the Criminal Court for his crime, provided such fulfilment is not impossible.

Article (451)
Provisional Detention and Pardon

If the person sentenced to a custodial penalty serves a time period in provisional detention that is supposed to be deducted from the sentence, release shall be based on the term sentenced.

In the event of a pardon that reduces the sentence term, time to be spend in prison shall be calculated based on the reduced sentence term.

Pursuant to Article (1) of Law No. (22) of 1963 on amending certain provisions of the Code of Criminal Procedure:

Article (452)
Release Order

a. Conditional release shall take place by virtue of an order by the Prosecutor-General at the request of the Prison's Director General.
b. The conditional release order shall indicate the terms and conditions that the released person shall abide by in connection with his place of residence and way of living. The conditional release order shall place the released person under discretionary monitoring and control for a period equal to the remaining period in his sentence, provided that this period does not exceed five years and that it is subtracted from the monitoring and control period set in the verdict. The Prosecutor-General may reduce the monitoring and control period, or exempt the convicted person entirely from the same upon a substantiated request by the Prosecutor-General.

Article (453)
Release Warrant

The release order shall be immediately communicated to the Minister of Interior. The prisoner shall be handed over with the release order to the Prison Release Unit, which shall conduct the release immediately and give the prisoner a ticket that shall include his name, the charge, the prison term, the prison term's end date, and the date of conditional release, together with the release terms and conditions, and obligations. The warrant shall also serve to notify the prisoner that the release shall be revoked and that the prisoner shall be returned to prison upon any violation of the release terms and conditions, and obligations, or upon any sign of misconduct.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (454)
Multiple Sentences

In the event of multiple sentences for multiple crimes that had taken place before incarceration, and without prejudice to the provisions of Article (48) of the Criminal Law, release will be based on the total of the terms of all such sentences.

If the convicts commits a crime while in prison, the release shall be based on the remaining term after the commission of such crime and the duration of the sentence for the new crime.

Pursuant to Article (1) of Law No. (22) of 1963 on amending certain provisions of the Code of Criminal Procedure:

Article (455)
Revocation of Release

a. Conditional release shall be revoked by virtue of an order of the Prosecutor-General at the request of the Prosecutor-General if the released prisoner violates the release terms and conditions, fails to perform his obligations, or commits an intentional felony or misdemeanour,

in which case the released prisoner shall be returned to prison to serve the term that remained from his sentence on his release date, and he shall not be entitled to another conditional release.

b. If it is that the release should be revoked, the Prosecutor-General may order the arrest and incarceration of the released prisoner until a decision in his regard is made by the Prosecutor-General. The incarceration time may not exceed 15 days, and should the release be revoked, the time spent in incarceration shall be subtracted from the detention term to be served after the release has been revoked.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (455) *bis*
Conditional Release Converting to Final Release

If the conditional release is not revoked up until the end date of the sentence term, the release shall become final. In the case of a life sentence, the release shall become final ten years into the conditional release.

Part (5)
On Enforcing Financial Penalties

Article (456)
Amounts Due to the Government

When amounts due to the government for fines, compensation, and expenses are to be settled, the Public Prosecution shall inform the convicted person, prior to settlement, of such amounts, unless the amount is assessed in the verdict.

Article (457)
Collection of Amounts Due to the Government

Amounts due to the government may be collected via any of the channels that are prescribed in the Code of Civil and Commercial Procedure, or via administrative channels that are established for the collection of state funds.

Article (458)
Physical Coercion

If the subject fails to settle amounts due to the government, the Public Prosecution shall, by virtue of the provisions of Article (464) and subsequent articles, issue a physical coercion order.

Article (459)
Failure of the Convict to Settle the Amounts Prescribed in the Verdict

If the verdict prescribes a penalty, money to be returned, compensation, and expenses to be paid, and the funds of the convicted person is not enough to cover all amounts, amounts recovered from the convicted person shall be disbursed in the following order:

1. Expenses due to the government;
2. Amounts due to the civil plaintiff;
3. Fines, amounts to be returned, and compensation to the government.

Article (460)
Subtracting Time Spent in Provisional Detention

If a person was held in provisional detention, and was sentenced to only a fine, 500 dirhams for each day spent in detention shall be subtracted from the fine. If the person was punished with a detention term and a fine, and the time spent in provisional detention exceeds the prison term in the verdict, the said amount for each day in excess shall be deducted from the fine.

Article (461)
Grace Period

In exceptional cases, the judge of the summary court where the verdict is executed may grant the accused at his request and upon consultation with the Public Prosecution, a grace period for the payment of amounts due to the government, or may allow the accused to pay such amounts in instalments, provided that full payment is made within a maximum of nine months. The judge's decision on this matter, whether rejection or approval, may not be appealed.

In the event of delay in the settlement of an instalment, the judge may reverse his order if such measure is deemed necessary.

Article (462)
Lapse of the Legal Timeframe for Execution

Issued verdicts shall respect the legal terms prescribed in the Civil Code for the payment of compensation, amounts due to be returned, and expenses. Execution using physical coercion shall not be permissible once the penalty is no longer applicable due to the lapse of the period prescribed for extinction of the penalty.

Article (463)
Death of the Convicted Person

If the convicted person passes away after the final verdict is issued, financial penalties, compensation, and monies and expenses to be returned shall be executed from the inheritance money.

Part (6)
On Physical Coercion

Pursuant to Article (1) of Law No. (5) of 1996 on amending an article of the Code of Criminal Procedure:

Article (464)
Cases where Physical Coercion is Permissible

Physical coercion shall be permissible for the collection of amounts due to the government for an adjudicated crime. Coercion shall be in the form of simple detention, with one day for each 5 LYD or less.

However, in the case of petty offenses, the detention period shall not exceed seven days for the fine, and seven days for due expenses, compensation, and amounts due to be returned.

In the case of felonies and misdemeanours, the coercion period shall not exceed three months for the fine, and three months for due expenses, compensation, and amounts due to be returned.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (465)
Minors

Physical coercion may not be applied on convicted persons who were below the age of 15 when the crime was committed.

Article (466)
Special Cases

The provisions of Articles (444) to (447) shall apply to execution through physical coercion.

Article (467)
Multiple Sentences

In the event of multiple sentences for petty offenses, felonies, or misdemeanours, execution shall be for the overall amount for all the verdicts. The coercion period may not exceed twice the upper limit for felonies and misdemeanours, or 21 days for petty offenses.

In the event of multiple sentences on crimes of different natures, the upper limit for each shall be followed. The coercion period shall not in any case exceed six months for fines, and six months for due expenses, compensation, and amounts due to be returned.

Article (468)
Crimes of Different Natures

In the event of multiple sentences on crimes of different natures, recovered amounts shall cover first misdemeanours, then felonies, then petty offenses.

Article (469)
Execution of Physical Coercion

Physical coercion shall be applied by virtue of a Public Prosecution order according to the template prescribed by the Minister of Justice, and may be initiated any time after the notification prescribed

in Article (456), and after the convicted person has served all custodial sentences set forth in the verdict.

Article (470)
End of Physical Coercion

Physical coercion shall end when the time spent in physical coercion, as calculated pursuant to the previous articles, corresponds to the prescribed amount, after the amounts the convicted party will have settled or amounts that will have been recouped through execution against the convict's properties have been deduced.

Article (471)
Effect of Coercion

The convicted party shall not be discharged from due expenses, compensation, and amounts due to be returned, through the physical coercion applied on him, and the fine shall not be discharged, except at the rate of five hundred dirhams for each day.

Article (472)
Failure to Pay

Should the losing party fail to pay the compensation awarded in the verdict to a third party other than the government after a notice to pay, the Misdemeanours Court in his jurisdiction may, if it is proven to the Court that the subject is capable of making the payment and has ordered the losing party to pay but he did not oblige, may order physical coercion for a period that shall not exceed three months, and no amounts shall be deducted for the physical coercion in this case.

Article (473)
Alternatives to Physical Coercion

The convicted party may at any time before the issuance of the Physical Coercion order request the Public Prosecution to replace physical coercion with any manual or industrial work.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (474)
Labour

The convicted party may engage in work without pay for a government entity or a municipality, for a period of time that is equivalent to his coercion time. The nature of work that convicts can engage in shall be decided through a decision by the competent minister.

The convicted party may not engage in work outside his city of residence or jurisdiction, he should be allotted in each day of work an amount of work that he can finish within six hours, in accordance with his physical powers.

Article (475)
Revoking the Alternative to Physical Coercion

The convicted party with is treated according to the provisions of Article (473) but fails to attend the place of work, makes himself absent, or fails to deliver the daily allotted amount of work, without a reason that is accepted by the competent department, shall be sent to prison to serve physical coercion. The number of days that correspond to the amount of work that the subject had actually performed shall be deducted.

Physical coercion shall be applied to convicts who chose work over physical coercion but no useful work has been found for them.

Article (476)
Deductions against Work Performed

Five hundred dirhams for each day of work by the convicted party shall be deducted from fines due to the government, amounts due to be returned, compensation, and due expenses.

Part (7)
On Problems in Execution

Article (477)
Competent Bodies

Issues related to the convicted party's execution of the verdict shall be raised before the Court that issued the verdict. Issues related to the execution of a verdict issued by the Court of Misdemeanours shall be raised before the Indictment Chamber of the Court of First Instance.

Article (478)
Procedures

The Public Prosecution shall raise the dispute before the Court; the Court shall issue its ruling upon hearing the Public Prosecution and the persons concerned. The Court may conduct an investigation when it deems so necessary, and may in any case order the deferment of execution until the dispute is resolved.

Before the dispute is presented to Court, the Public Prosecution may temporarily suspend the execution of the verdict when it deems such necessary.

Article (479)
Dispute on the Identity of the Convicted Party

Should a dispute on the identity of the convicted party arise, the conflict shall be resolved in accordance with the methods and conditions prescribed in the two foregoing articles.

Article (480)
Disputes over Money

In the case of execution of financial verdicts on the monies of the convicted person, and a person other than the convicted person raises a dispute on monies that are to be executed, the matter shall be raised before the Civil Court in accordance with the provisions of the Code of Procedure.

Part (8)
On Exoneration

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (481)
Exoneration, Effect, and Competent Entities

a. Every person that has been convicted in a felony or a misdemeanour may be exonerated for the verdict and ancillary penalties, and all other related effects, without prejudice to the civil obligations resulting from the conviction.
b. An exoneration ruling shall be issued by the Criminal Court that has jurisdiction over the convicted party's place of residence, upon the subject's request in the form of a petition to the Prosecutor-General.

The petition shall include details of the petitioner's identity, the date of the verdict, and place of residency of the petitioner since the verdict.

Pursuant to Article (1) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (481) *bis*
Terms and Conditions for Exoneration

For exoneration to take place:

a. The penalty shall be fully completed or expired and the subject shall submit proof of proper conduct;
b. Six years shall have elapsed from the execution or expiry of the original penalty for a felony, and three years for a misdemeanour. The time shall be doubled in case of recidivism, criminal tendency, professional criminality, and delinquent criminals.
   Political crimes are exempted from this condition, and for the purposes of this law, political crimes do not include homicide crimes, and felonies and misdemeanours that are damaging to the state, as prescribed in Title (2), Chapter (1), Section (1), of the Criminal Code.
c. The civil obligation, fines, and all other amounts in the verdict shall have been served, or otherwise a proof that the petitioner does not have the capacity to pay should be presented.
d. The petitioner shall not be subject to any preventive measures.

Article (482)
Start Date

If the petitioner is released by virtue of conditional release, the effective time for exoneration shall start on the end date of the penalty or on the date the release becomes final.

Article (483)
Multiple Verdicts

If the petitioner has multiple verdicts against him, exoneration shall not be implemented unless all terms and conditions prescribed in the previous articles are met for each verdict. The calculation of the effective date for exoneration shall be based on the latest verdict.

Article (484)
Investigation by the Public Prosecution

The Public Prosecution shall conduct an investigation into the documents whereby for each place of residence, the Public Prosecution shall check the date the petitioner moved to this residence, the duration of his stay, his behaviour and source of livelihood. In general, the Public Prosecution shall conduct an investigation on any matter it deems important. The Public Prosecution shall attach its investigation and its substantiated opinion on the matter to the petition and submit it to the Court within three months from submission of the petition. The following shall be attached to the file:

1. A copy of the verdict;
2. A copy of the petitioner's criminal record;
3. A report on the petitioner's behaviour in prison.

Article (485)
Examining the Petition

The court shall examine and decide on the petition *in camera*, and it may hear the statements of the Public Prosecution and the Petitioner, and may also complete any missing information.

The petitioner shall be given notice of at least eight days to attend.

The verdict may not be appealed except through cassation on the grounds of improper application or interpretation of the law, within the conditions and deadlines set for appeal through cassation.

Article (486)
Exoneration Ruling

When the terms and conditions provided for in the criminal law are met, the Court shall issue an exoneration ruling provided that the petitioner's behaviour since the verdict inspires confidence in his behaviour.

Article (487)
Communicating the Exoneration Ruling

The Public Prosecution shall send a copy of the exoneration ruling to the Court that issued the sentence to endorse on the margins, with an order for the criminal records registrar to also endorse it.

Article (488)
Multiple Exonerations

A convicted person may not receive more than one exoneration.

Article (489)
Rejection of the Petition

If the petition is rejected on the grounds of the subject's behaviour, the petition may not be submitted again for two years. If the petition be rejected for any other reason, the petition may be submitted again when all conditions are met.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (490)
Revoking the Exoneration Ruling

a. The exoneration ruling may be revoked should it appear that the convicted person has on his records other sentences the Court was not aware of, or if the convicted person has been convicted after the exoneration ruling for a crime that occurred prior to the exoneration ruling. The revocation ruling shall be issued by the Court that issued the exoneration ruling, at the request of the Public Prosecution.
b. The Exoneration ruling shall be revoked by the force of law if the person who has been exonerated committed, within five years from exoneration, an intentional felony or misdemeanour and received for the same a custodial penalty of three years or more.

Article (491)
Exoneration by Force of Law

Exoneration shall be granted by force of law:

First: To a person who is sentenced for a felony or a misdemeanour for theft, hiding of stolen goods, fraud, breach of trust, counterfeiting, or for an attempt to commit such crimes, or for the unjustified killing of an animal of another person, or destruction of plantations, twelve years after these penalties have been executed, pardoned, or lapsed, provided the convicted person has not been issued a penalty for a felony or a misdemeanour during these years.

Second: To a person who is sentenced for any other crime, six years after these penalties have been executed or pardoned if the convicted person has not been issued a penalty for a felony or a misdemeanour during these years, except if the convicted person is considered in the verdict as a

recidivist, or if the penalty was extinguished by the lapse of time, in which cases twelve years should pass before exoneration is granted by force of law.

Article (492)
Exoneration by Force of Law and Multiple Verdicts

If the convicted person has a number of verdicts on his records, exoneration by force of law takes place only if the terms and conditions prescribed in the previous article are honoured for all verdicts. The calculation of the time shall be based on the most recent sentences.

Part (9)
On the Extradition of Criminals

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (493)
Applicable Law

Libyan Law shall govern the extradition of criminals from/to other countries, except where governed by international conventions and norms.

Pursuant to Article (1) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (493) *bis* (A)
Terms and Conditions for Handover to Other Countries

Accused and convicted persons may be extradited when the following conditions are met:

a. The act upon which the extradition request is based is criminalized by Libyan law and the law of the country requesting the extradition.
b. The crime or penalty has not lapsed under Libyan law and the law of the country requesting the extradition.
c. The laws of both countries allow for a criminal case to be brought.
d. The subject of the extradition request is not a Libyan National.
e. The crime is not a political crime or a crime connected to a political crime.

A crime shall be considered to be political if it relates to the political interests of the country or the political rights of an individual, or if it is a normal crime carried out with a political motivation.

Pursuant to Article (1) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (493) *bis* (B)
Conditions for the Transit of Extradited Persons on Libyan Territory

An accused or convicted person who is extradited from one country to another may pass through Libyan Territory if the extradition is based on a decision by the judicial authority in the country

where the accused or convicted person has taken refuge, and if the conditions prescribed in clauses (a), (d), and (e) in the foregoing article are met.

If extradition has been allowed without the interference of the judicial power of the country where the accused or convicted person has taken refuge, then all the provisions of the previous article shall apply.

Pursuant to Article (1) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (493) *bis* (C)
Competent Authority

In matters prescribed in Article (493) *bis* (A), the Minister of Justice may propose and authorize the extradition of an accused or a person who has been convicted abroad.

The Cabinet has the right to determine priorities in the processing of cases that shall be presented to the Cabinet by the Minister of Justice in the event of more than one case.

Article (494)
Conditions to Propose and Authorize

Extradition may not be proposed or authorized if the person subject of the extradition request is being heard before the Libyan judiciary system for another crime preceding the extradition request, or if a criminal verdict has been issued on such case.

The Minister of Justice may impose other conditions as the Minister deems appropriate.

Article (495)
Interference by the Judiciary

An accused or a person who is convicted abroad may not be extradited except by a decision by the Criminal Court that has jurisdiction over the extradited person's place of residence.

Extradition may take place without the matter being presented to the aforementioned court in the following cases:

1. The extradition concerns only one country, and the person subject of the extradition request does not object;
2. The request shall only be for the transit of an accused or a person who is convicted abroad outside Libyan territory from a country that authorized the extradition of this person to another country and if the extradition decision is issued after the interference of the judicial authority of the relevant country.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (496)
Transit Procedures

In the cases prescribed in the last paragraph of the previous article, the Prosecutor-General or his deputy in the transit area shall check the content of the extradition request file, and check that all extradition papers are in good order, and that the conditions prescribed in clauses (a), (d), and (e) of Article (493) *bis* (A) are met; and upon verification, he shall initial all the extradition documents to the effect that he examined them.

If the relevant foreign country has authorized the extradition of the transiting accused or the convicted person without presenting the matter to its judicial authority as prescribed in Libyan law, the provisions of the following articles shall apply as if the extradition were proposed to and requested from Libya.

Article (497)
Arresting the Accused

If a foreign country requests the extradition of a person, and the Minister of Justice approves, the Prosecutor-General shall, based on the Minister of Justice's request, issue an arrest warrant for the person whether he is accused or convicted abroad.

The arrested person shall be presented within 24 hours to the Public Prosecution that has jurisdiction over the area where the person was arrested, the prosecution member shall check his identity, order him to be held, and immediately inform the Prosecutor-General.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (498)
Presenting the Accused to the Court

The Prosecutor-General or Chief Prosecutor that has jurisdiction over the accused or convicted person's place of residence – if any – or the area where he was arrested shall, within three days from the notice of arrest, submit to the head of the Court of Appeals a request to present the person before the Court of Appeals.

Pursuant to Article (2) of the Law of 1955 amending certain provisions of the Code of Criminal Procedure:

Article (499)
Investigation Counsellor

The head of the Court of Appeal shall designate one of the counsellors of the Criminal Court to conduct an investigation, and shall inform the Prosecutor-General of the same. A defence lawyer shall be appointed for the person wanted for extradition unless he has his own lawyer.

Article (500)
Conducting the Investigation

The investigation counsellor shall initiate the investigation and interview the subject within 24 hours from his designation, and he shall have all the powers granted by this Law to the investigating magistrate.

The investigation shall be carried out in the presence of the subject and the Public Prosecution.

Article (501)
Release

If the Minister of Justice decides not to proceed with the extradition, and the person wanted for extradition has been arrested, a release order shall be immediately issued by the Prosecutor-General, the Investigation Counsellor, or the Court.

Article (502)
Procedures

The Public Prosecution shall, within five days from the completion and closing of the investigation, submit a written memorandum to the Criminal Court registrar with all relevant supporting documents.

If the person wanted to extradition is convicted by a foreign court, the Prosecution shall submit a copy of the said verdict with its memorandum.

The person wanted for extradition or his lawyer may present, in the next following days, a defence memorandum with all supporting documents they hold.

Article (503)
Transfer to Court

The Counsellor shall transfer the case to the Criminal Court within two weeks from the closing of the investigation, with a report containing a full summary of the investigation and the pleas of both sides, if any.

Article (504)
Court Session

The Criminal Court shall hold *in camera* a session to study the extradition request, in the presence of the Public Prosecution, the person wanted for extradition, and his lawyer.

The counsellor shall read the report mentioned in the previous article, and the Court shall issue its ruling upon hearing the Public Prosecution and the Defence.

Article (505)
Court Ruling

The Court shall issue its decision on whether to propose or authorize extradition, taking into consideration applicable law as well as conventions that are signed with the country requesting the

extradition and the country requested to extradite, and in accordance with international norms as they pertain to the seriousness of evidence.

If the person wanted for extradition has been convicted, evidence of the charge will be deemed to have been met even if the verdict can be subject to cassation in the country where the verdict has been issued.

Article (506)
Substantiation of the Court Ruling

The Court Ruling shall be always substantiated, otherwise it will be deemed to be void. A negative decision not to propose or authorize extradition shall always be followed by an immediate release of the person wanted for extradition even if the Court ruling fails to mention it.

Article (507)
Appeal

The Prosecutor-General and the person wanted for appeal may appeal the Criminal Court's decision, even on the grounds of formalities, before a Committee of three advisors to the Court of Cassation *in camera*. The decision made by the committee may not be subject to appeal.

Article (508)
Appeal Deadline and Procedures

The decision may be appealed within 18 days from the date the ruling was made.

The procedures prescribed in this Law shall be adhered to before the Court of Cassation.

Article (509)
Execution of the Ruling

A ruling to propose or authorize the extradition may not be executed before it becomes final. Nevertheless, neither this decision nor the acceptance of the person wanted for extradition have binding force on the Minister of Justice to extradite if sees fit to refuse.

Article (510)
Resubmission

A ruling not to propose or permit extradition does not exclude a review of such decision if new justifications that were not presented before to the judiciary come to light.

Part (10)
On Preventive Measures

Article (511)
Supervising Judge

The Summary Judge in the jurisdiction shall be the supervising Judge.

Article (512)
Powers of the Supervising Judge

If the verdict in a criminal trial fails to address preventive measures, the supervising Judge may issue an order with the necessary preventive measures allowed under the Criminal Law.

Article (513)
Residence Abroad

If the person subject of the preventive measures does not have a known place of residency in Libya, the Court that issued the acquittal or conviction shall have jurisdiction.

If the subject has multiple verdicts against him, the Court that issued the last verdict shall have jurisdiction.

Article (514)
Orders by the Supervising Judge

The Supervising Judge shall issue a substantiated preventive measures order with or without a request by the Prosecution.

In the event that the Supervising Judge issues such order on his own accord, the file shall be transferred to the Public Prosecution for opinion.

The Public Prosecution shall give its opinion in a substantiated written memorandum.

Article (515)
Statements by the Person Concerned

Before issuing the preventive measures order, the Judge shall first hear the statements of the person concerned, his sponsor, or guardian.

If the person concerned is a juvenile under the age of 18, the Judge shall hear the statements of his natural parents, guardians, or custodians.

Preventive measure orders issued without hearing the statement of the person concerned or his representative pursuant to the provisions of this article shall be void unless the subject has absconded.

Article (516)
Investigations

The Supervising Judge shall undertake by himself the investigations that he deemed necessary, or otherwise designate a competent officer to conduct the same.

The Supervising Judge may designate medical doctors or social workers to examine the status of the person wanted for preventive measures.

Article (517)
Investigation Procedures

The investigation shall be carried out in the presence of the person concerned, his lawyer, and the Public Prosecution. In the event that the person concerned does not have a lawyer, the Supervising Judge shall appoint a lawyer for him. If the person concerned does not have powers of discernment, the investigation may be carried out and the decision may be issued in his absence.

Article (518)
Deadline for the Issuance and Execution of the Decision

The Supervising Judge shall issue his decision within seven days from the closing of the investigation, and shall notify the Public Prosecution with his decision within 24 hours from the issuance of the decision. The preventive measures order by the presiding Judge shall always be implemented even if subject to appeal.

The Public Prosecution shall execute the decision after notifying the person concerned himself or whoever represents him, if the person concerned lacks legal capacity.

Article (519)
Appeal

The Public Prosecution, the subject, his lawyer, and whoever represents the subject who does not have legal capacity, may appeal the Supervising Judge Order through a report at the Registrar of the Court of First Instance where the Order has been issued.

Article (520)
Deadline for Appeal

The appeal deadline is ten days from the date of notification for the Public Prosecution, and ten days from execution for the person concerned. If the person concerned does not have legal capacity, the deadline for appeal starts when the person who represents the subject has been notified of the preventive measures.

Pursuant to Article (2) of Law No. (18) of 1962 amending certain provisions of the Code of Criminal Procedure and the Penal Code:

Article (521)
Ruling

The Court of First Instance shall make the decision via an appeal committee, and the ruling may be subject to cassation if the cassation is substantiated.

Article (522)
Effect of the Appeal

The Supervising Judge may not take a preventive measure if the Court of First Instance has rejected the preventive measures order or has ordered another preventive measure.

Article (523)
Appealing Verdicts and Preventive Measures

When the Public Prosecution or the accused appeals an initial verdict by a Criminal Court through appeal, objection, cassation, or re-examination, the accompanying preventive measures shall be similarly appealed.

In the event of acquittal with preventive measures, the Public Prosecution and the accused may appeal using any of the modes of appeal prescribed by the law for grievances against court verdicts.

Part (11)
General Provisions

Article (524)
Procedures in the Case of Lost Papers or Verdicts

If the original copy of the verdict is lost prior to execution, or if part or all of the investigation papers are lost before a decision is made, the following procedures prescribed in the following articles shall apply.

Article (525)
Original Copy of the Verdict

An official copy of the verdict may take the place of the original copy.

If the copy is with a person or an entity, the Public Prosecution shall submit a request to the president of the court to issue an order to hand over the copy. The person or entity handing over the copy may request a true copy at no cost.

Article (526)
Effect of Loss of Original Documents

The loss of the original copy of the verdict shall not lead to a re-trial when all forms of appeal have been exhausted.

Article (527)
Re-Trial

If the case is before the Court of Cassation, and a copy of the verdict cannot be found, the Court shall decide that the trial be repeated when all prescribed appeal procedures have been fulfilled.

Article (528)
Loss of Investigation Documents

When part of or all the investigation documents are lost before a decision is made, the investigation on matters covered by the lost papers shall be repeated.

If the case is brought before the Court, the Court shall decide on what the Court deems appropriate.

Article (529)

Loss of Investigation Documents When Verdict Exists

When part of or all the investigation documents are lost, but the verdict exists and the case is before the Court of Cassation, the procedures shall not be repeated unless the Court deems it appropriate.

Article (530)

Calculation of Time Periods

All time periods provided for in this Law shall be calculated using the Gregorian Calendar.