

Law No. (3) of 2013
On the Amendment of the Code of Criminal Procedure

Upon review of:

- The interim Constitutional Declaration issued on 3 August 2011 and the amendments thereof;
- The Penal Code, and the amendments and supplementary legislation thereof;
- The Code of Criminal Procedure and the amendments thereof;
- The rules of procedures of the General National Congress (GNC);
- The conclusions of the GNC session held on 2 Rabi' al-Thani 1434 AH corresponding to 12 February 2013 AD;

The following law has been issued:

Article (1)

Articles 187 *bis* (A) and 187 *bis* (B) of the Code of Criminal Procedure shall be amended as follows:

Article (187 *bis* A) “The Public Prosecution shall conduct the investigation in crimes stipulated in Volume 2, Chapter 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.”

Article (187 *bis* B) “For crimes cited in the previous 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 preventive 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.

Article (2)

Any provision contrary to the provisions of this law shall be repealed.

Article (3)

This law shall be published in the Official Gazette and shall enter in force on the date of issuance thereof.

General National Congress – Libya

Tripoli

24 February 2013