

**Law No. (47) of 1975  
on prisons**

**In the name of the People,**

**The Revolutionary Command Council,**

**Upon review of:**

- The Constitutional Declaration issued on 2 Shawwal 1389 AH, corresponding to 12 December 1969 AD;
- The Penal Code and amending laws thereto;
- The Decree Law issued in [13]75 AH, corresponding to 15 October 1955 AD, on juveniles and the homeless;
- Law No. (19) of 1962 on prisons;
- Law No. (20) of 1962 on the placement of certain sentenced females in special correctional facilities;
- Law No. (6) of 91 AH, corresponding to 1972 AD, on the police;
- Based on the submission of the Minister of Interior and the Minister of Justice, and the approval of the Cabinet;

**issued the following Law:**

**Chapter (1)  
Goals and Types of Prisons**

**Article (1)**

Prisons are places of reform and education whose goal is to reform the conduct of persons convicted of criminal custodial penalties and to rehabilitate them to be good members of society.

**Article (2)**

Prisons are of three types:

- a. Main prisons
- b. Local prisons
- c. Open and semi-open private prisons

**Article (3)**

Prisons of the various types shall be established, their locations specified, and their management organized pursuant to a decree from the Minister of Interior, based on a proposal of the director of the General Directorate of Prisons.

**Article (4)**

Custodial penalties may only be enforced in prisons. Persons who are placed in preventative detention shall be held in local prisons and, when necessary, may be placed in a main prison. It is prohibited to hold persons who are placed in preventative detention anywhere other than in these prisons, unless the public prosecution deems, either in the interests of the investigation or in remote areas, to hold such detainees in other locations prepared for such and attached to competent police stations.

In all cases, the period of detention in such locations may not exceed fifteen days.

#### **Article (5)**

Penalties shall be enforced in main prisons for the persons listed below, who shall be subject to the regulations thereof:

- a. Persons sentenced to the death penalty.
- b. Persons sentenced to life imprisonment.
- c. Persons sentenced to imprisonment.

Persons sentenced to hudud punishments shall be placed in these prisons until the punishment is carried out, if required by law.

#### **Article (6)**

Penalties shall be enforced in local prisons for the persons listed below, who shall be subject to the regulations thereof:

- a. Persons sentenced to imprisonment with labour.
- b. Persons sentenced to imprisonment if such person is a repeat offender.

#### **Article (7)**

Penalties shall be enforced in private prisons for the persons listed below, who shall be subject to the regulations thereof:

- a. Persons sentenced to ordinary imprisonment.
- b. Persons sentenced in traffic offenses and petty offenses.
- c. Persons sentenced to imprisonment who are over the age of sixty.
- d. Sentenced persons who are subject to enforcement by committal in implementation of financial rulings.

Such persons may all be placed in local prisons if no private prisons are available, or if they exhibit poor conduct or there are reasonable fears that they may escape.

#### **Article (8)**

Inmates shall be transferred from a main prison to a local prison and from a local prison to a private prison for the remainder of their penalty, pursuant to a decree from the director-general of the General Directorate of Prisons, on condition that the remaining period is not more than two years in the first case and one year in the second case and the inmate has established their good reputation and conduct throughout their stay in the prison from which they are being transferred.

The provisions set out in the implementing regulations shall be followed with regard to the aforementioned transfer and determination of the type of private prison to which they shall be transferred.

## **Chapter (2)**

### **Acceptance of Inmates**

#### **Article (9)**

Individuals may only be placed in prison pursuant to a written order signed and stamped by the public prosecution, and they may not remain there after the period stated on such order.

#### **Article (10)**

Prison directors or the person acting in their place must, prior to accepting any person into prison, receive a placement order and sign the second copy thereof indicating receipt and return it to the person presenting the inmate, who shall sign the original order.

#### **Article (11)**

When placing an inmate in prison, the placement order shall be recorded in the general record in the presence of the person who presented the inmate, and this person must sign such record.

#### **Article (12)**

A summary of inmate rights and duties shall be read to each inmate when they enter prison, in the presence of the prison director or delegate thereof, and this summary shall be displayed in prominent locations in the prison.

#### **Article (13)**

When being placed in prison, inmates must be searched and any money and valuable or prohibited items that may be on their person shall be seized and recorded in the special registers.

If an inmate has financial obligations to the state set out in the ruling issued against them for the penalty, such obligations shall be fulfilled by any money they might have on their person. If such is not sufficient to fulfil such obligations and the inmate has not satisfied such after being instructed to do so, the public prosecution shall undertake the sale of their possessions in a public auction and use the proceeds of such sale to fulfil said obligations. The sale shall end when it has produced a sum sufficient to fulfil the required amount. Any amounts remaining after fulfilment of the obligations referred to in the preceding Article, if any, shall be placed in the inmate's account in the trust record to use when needed, unless they request it be paid, in full or in part, to a person of their choosing or to their guardian.

In all cases, inmates shall keep five dinars out of the amounts they owe, even if the proceeds of the sale did not fulfil their obligations.

#### **Article (14)**

After one year has passed, the prison administration may transfer valuable items placed in the aforementioned inmate trust account to the public prosecution for sale by public auction and the price thereof shall be kept in the owner's trust account.

#### **Article (15)**

The prison administration shall confiscate any items an inmate hides, avoids turning over, or that a third party attempts to deliver to them in secret. Confiscated items shall be sold by

public auction and the price thereof shall be deposited in an account belonging to the prison treasury to use for inmate care.

#### **Article (16)**

Clothing that appears harmful to public health shall be removed from inmates. All other clothing shall be kept, provided this period does not exceed one year. If the prison term is for a longer period, such clothing shall be turned over to a person selected by the inmate or to the inmate's guardian. If the inmate does not choose someone or the guardian does not collect such items, they may be sold by public auction and the price thereof placed in the inmate's trust account.

#### **Article (17)**

If an inmate is transferred from one prison to another, their file and the full contents thereof must be sent with them as well as their funds held in trust to the prison to which they are being transferred.

### **Chapter (3)**

#### **Division and Treatment of Inmates**

#### **Article (18)**

If an inmate does not submit a request for return of or [sic] the other valuable items kept, that were not sold to fulfil their obligations to the state in accordance with Article (13) hereof, within three years of their release, escape without arrest, or death without the inmate's heirs submitting a request for such after their notification and within that period, such money or proceeds from the sale of other items shall be transferred to the special account referred to in Article (15) hereof, without need for undertaking any procedure for such.

#### **Article (19)**

Inmates at each main or local prison shall be divided in terms of treatment or lifestyle into two categories, each of which shall be isolated from the other. The first category shall contain:

- a. Persons placed in preventative detention.
- b. Persons sentenced in political crimes. In the implementation of this Law, the crimes of murder, felonies, and misdemeanours set out in Book (2), Part (1), Chapter (1) and [sic] of the Penal Code shall not be deemed political crimes.
- c. Persons sentenced in traffic offenses and petty offenses.
- d. Persons sentenced to ordinary imprisonment for the first time.
- e. Persons sentenced to imprisonment who are over the age of sixty.
- f. Persons sentenced who are over eighteen years of age and not yet twenty-one years of age.
- g. Sentenced persons who are subject to enforcement by committal in implementation of financial rulings. The second category shall include all other sentenced persons.

The implementing regulations shall specify the treatment of each category and transfer from the second category to the first category.

#### **Article (20)**

Persons placed in preventative detention shall be housed in locations separate from other prison inmates and may be allowed to stay in furnished rooms for a fee, as resources allow and in accordance with the rules set out in the implementing regulations.

#### **Article (21)**

Persons placed in preventative detention may have the food they need brought in or may purchase it from outside the prison, provided this does not conflict with health or security requirements. Otherwise, they will be given the food provided to inmates.

Prison directors may grant this right to sentenced persons from the first category set out in Article (19) hereof.

#### **Article (22)**

If a sentenced person's prison term exceeds four years, they must pass through a transitional period, to be set out in the implementing regulations, prior to their release. The implementing regulations shall also set out the treatment of inmates during such period so that restrictions are gradually lessened and privileges granted.

#### **Article (23)**

With regard to housing, inmates shall be categorized by their prior convictions, the type of charge, their reformability, and their social and psychological circumstances. The provisions set out in the implementing regulations shall be followed for such.

#### **Article (24)**

Female inmates shall be fully isolated from other male inmates, and inmates under the age of twenty-one shall be isolated from those over this age.

### **Chapter (4) Inmate Housing and Treatment**

#### **Article (25)**

With the exception of Article (4) hereof, the public prosecution may house women placed in preventative detention as well as women sentenced to a custodial penalty or placed under probation in the social welfare institutions specified by the Ministry of Social Affairs and Social Security in agreement with the Ministry of Interior for such purpose.

An order to house sentenced women in these institutions shall be issued by the competent attorney-general based on a request from the director of the General Directorate of Prisons and a report from the Social Welfare Department including the opinion of the competent department at the Ministry of Social Affairs and Social Security.

Pursuant to an order therefrom, female inmates may be returned to prison if they display poor conduct or there is a fear of escape.

The period female inmates spend in a social welfare institution shall be deducted from the term of the penalty to which they were sentenced.

#### **Article (26)**

The by-laws of social welfare institutions shall be issued pursuant to a decree from the Minister of Social Affairs and Social Security wherein the reform of female inmates is assigned to these institutions along with the provision of a proper religious education and training in practicable work and trades that provide them with the means for an honourable life after their release. Social welfare institutions shall be subject to the judicial oversight set out herein.

#### **Article (27)**

Commencing from the sixth month of pregnancy, pregnant inmates shall receive the treatment prescribed by the competent doctor in terms of food, work, and sleep, until she gives birth and for the first forty days after giving birth. Pregnant inmates at any stage of pregnancy and nursing inmates may be granted this treatment if prescribed by the doctor.

#### **Article (28)**

Children shall remain with their inmate mothers until they reach two years of age. When they reach this age or if the mother does not desire to keep the child with her for this period, children shall be turned over to their father or to the person with the right to custody. If a child has no father or relatives supporting them, the prison director must notify the competent body to transfer them to a nursery, notifying the mother of such and enabling her to see the child periodically, as set out in the implementing regulations.

### **Chapter (5) Inmate Employment and Wages**

#### **Article (29)**

Persons placed in preventative detention or sentenced to ordinary imprisonment may not be employed in activities other than those related to cleaning their rooms. Work shall be compulsory for all sentenced inmates whose health condition does not prevent such. The implementing regulations shall specify the types and nature of the activities they shall perform. Inmates shall not work for a period longer than eight hours a day.

#### **Article (30)**

Inmates shall be exempted from work when they reach sixty years of age, unless they do not wish to be exempted and their health permits, as established by a report from the competent doctor.

#### **Article (31)**

Other than in cases of necessity, inmates may not be made to work on Fridays and official holidays. Non-Muslims may not be made to work on their religious holidays.

#### **Article (32)**

Pursuant to an order from the director of the General Directorate of Prisons after approval of the Minister of Interior, inmates may be housed in temporary work camps if they are employed at locations at a distance from the prison site such that they are prevented from returning to prison daily. Such camps shall observe the rules stipulated for inside prisons with regard to order, food, health, discipline, and the necessary security precautions.

In all cases, inmates shall be returned to the prison as soon as the work they have been assigned at the distant location is completed.

#### **Article (33)**

Inmates shall receive compensation for their work in prison. The amount, payment terms, and manner of disbursement of such wage shall be specified by the implementing regulations.

#### **Article (34)**

No more than half of an inmate's wages may be garnished or deducted to satisfy an expense debt or to pay the amounts owed by the inmate as compensation for any prison losses caused by their error. If there is more than one such debt, the priority shall go to alimony debts. Compensation for the losses set out in the preceding paragraph shall be assessed by a committee formed pursuant to a decree issued by the director of the General Directorate of Prisons.

#### **Article (35)**

If an inmate dies, any wages owed thereto shall be disbursed to their heirs. If the deceased has no heirs, such wages shall be transferred to the special account set out in Article (15) hereof.

### **Chapter (6) Inmate Education**

#### **Article (36)**

The provisions of the Social Security Law on work injuries shall apply to prison inmates who perform their work in accordance with the provisions of this Chapter. In application of the aforementioned provisions, inmates shall be commensurate to workers and the Minister of Interior shall be considered their employer.

#### **Article (37)**

Education shall be compulsory for illiterate inmates. The prison administration shall work to educate and provide occupational training to other inmates, taking into consideration their age, readiness, and prison term, and in accordance with the curriculums provided for the State's various educational stages. The Ministry of Interior with the Ministry of Education and the Ministry of Labour and Civil Service shall provide study materials and training in each prison.

#### **Article (38)**

The General Directorate of Prisons shall facilitate all study aids and exam taking for inmates who have a level of education that allows for such and who wish to continue their studies. Inmates may not leave to take exams except by permission from the competent chief prosecutor, and such shall not be permitted with regard to crimes related to state security except by approval of the Ministry of Interior. The exit of such persons may be avoided through the allocation of exam committees for them inside the prison, in accordance with the rules set out for this purpose by the Ministry of Education, in agreement with the Ministry of Interior.

#### **Article (39)**

A library shall be established in each prison containing books for circulation and any other publications that aim to educate and edify inmates. All inmates may make use of such library in their free time. Inmates may have books, newspapers, and magazines legally authorized for circulation brought to them at their own expense.

#### **Article (40)**

The General Directorate of Prisons shall provide various media to inmates and work to hold educational and recreational seminars and lectures for them.

#### **Article (41)**

Inmates shall be granted incentive financial remuneration if, during their prison stay, they are able to memorize either the entire or half of the Quran, or if they earn a general, university, or graduate diploma.

The implementing regulations shall state the amount of remuneration provided for each case.

#### **Article (42)**

Each prison shall have one or more preachers whose job it is to provide religious guidance and assistance in reforming inmates.

### **Chapter (7)**

#### **Medical Care for Inmates**

#### **Article (43)**

Each prison shall have a resident physician aided by a sufficient number of assistants and entrusted with health matters in accordance with the implementing regulations. The required capabilities and medical devices shall be provided thereto.

#### **Article (44)**

If a prison doctor finds that an inmate is at risk of being harmed due to the term that they spend in solitary confinement or due to work or other causes, they must present the matter to the prison director in writing, along with the procedures they deem necessary to prevent the harm. The director must submit the doctor's suggestions to the Minister of Interior immediately, in order for him to order the measures required to prevent the harm.

#### **Article (45)**

If the prison doctor finds that an inmate has an illness affecting their mental powers, he shall present [the matter] to the prison director to handle transfer of the inmate to the competent medical committee in the psychiatric hospital for an examination and evaluation. If the inmate is found to have an illness, the competent attorney-general shall order their hospitalisation, and shall be notified of their return to the prison upon their recovery.

If the aforementioned medical committee finds at any time prior or subsequent that the inmate was feigning illness, such period shall not be deducted from the sentence, and the term of the penalty to which they were sentenced shall be increased by a term equal to that which they spent feigning illness outside prison.



#### **Article (46)**

If a doctor finds that a sentenced person has a life-threatening illness or an illness that puts them at risk of full disability and requires they be released, the director of the General Directorate of Prisons must submit the matter to a medical committee presided over by a forensic physician to be formed pursuant to a decree from the Minister of Interior, in agreement with the Minister of Justice and the Minister of Health, to review the matter of the release of the afflicted person.

If the medical committee deems it necessary to release the afflicted person, the director of the General Directorate of Prisons shall transfer this decision, after approved by the Minister of Interior, to the attorney-general to issue a release decision. This decision shall be enforced immediately upon issue, and the competent chief prosecutor shall be notified thereof, along with the police station affiliated to the released individual's place of residence.

#### **Article (47)**

The police must monitor individuals released due to health concerns in accordance with the provisions of the preceding paragraph and present them every three months, or as required by their condition, to the prison doctor in the area for a medical examination. The doctor shall submit a report on their health condition to the General Directorate of Prisons. If, after being brought before the medical committee again, it is found that the health concerns that called for their release are no longer present, the attorney-general shall, based on the request of the director of the General Directorate of Prisons, issue a decree cancelling the release order.

The provision of the last paragraph of Article (45) hereof shall apply with regard to this period.

#### **Article (48)**

If a sick inmate's condition becomes critical, the prison administration shall notify the police station in the district where the inmate's family resides to inform them of such immediately, and they shall be allowed to visit the inmate. If an inmate dies, their family must be notified and the body turned over to them if they appear and request such. The necessary health measures shall be taken if the deceased had an epidemic disease.

In all cases, the competent chief prosecutor and the director of the General Directorate of Prisons must be notified of the inmate's condition and death, and their body may not be buried except by permission from the public prosecution.

If three days pass from an inmate's death and the family does not appear to receive their body, the inmate may be buried at the state's expense. The burial may take place within 24 hours if required by health exigencies.

### **Chapter (8)**

#### **Social Welfare of Inmates**

#### **Article (49)**

A department of social welfare shall be established within the General Directorate of Prisons. A sufficient number of experts and specialists shall work in such department and it shall have a section in each prison.

This department and the divisions thereof shall hold competence in the following:

- a. Contribute to the preparation and implementation of programs to receive inmates, with regard to examining their personalities and categorizing them.
- b. Participate in establishing inmate treatment, education, training, and qualification program[s] and contribute to overseeing the implementation of these programs and amend such programs in accordance with findings resulting from their implementation.
- c. Prepare social research and psychological studies that assist in rehabilitating inmates to be good members of society.
- d. Monitor the social activity of inmates and study their individual problems, providing the assistance needed to solve such problems.
- e. Psychological, social, and occupational preparation and rehabilitation of inmates, arrangement of suitable work for them prior to their release, and social and material care of inmates and their families throughout the enforcement of the penalty and after their release, in cooperation with the relevant government and public entities and the concerned private institutions.

#### **Article (50)**

The prison's social welfare department shall notify the competent social affairs inspectorate of inmates' names at least two months prior to their release. The latter shall, with the labour inspectorate and the General Authority for Social Security, provide suitable work for released individuals and offer them material assistance, depending upon the circumstances.

#### **Article (51)**

The director of the General Directorate of Prisons may disburse lump sum financial grants of not more than ten dinars from the account set out in Article (15) hereof to released individuals in need, in order to satisfy their immediate needs after release.

### **Chapter (9) Visits and Correspondence**

#### **Article (52)**

Inmates have the right to send and receive mail and receive visitors, as set out in the implementing regulations, without prejudice to the Code of Criminal Procedure's provisions on persons placed in preventative detention.

#### **Article (53)**

An inmate's lawyer shall be permitted to meet with them individually after obtaining written permission for such from the public prosecution or an investigating judge, as the case may be, whether the meeting is at the inmate's invitation or based on the request of their lawyer.

#### **Article (54)**

Each competent chief prosecutor, director of the General Directorate of Prisons, or prison director may permit an inmate's relatives, representative, or guardian to visit them outside of ordinary visiting hours, when necessary.

### **Article (55)**

Prison directors or those delegated to represent them for this purpose may review every piece of correspondence sent to or by an inmate, and shall prohibit the sending or receipt of such if they deem the contents suspicious or a breach of security.

### **Article (56)**

For reasons related to public health or security, any visitor may be searched. If they object, the visitor may be barred from the visit, and the reasons for such shall be stated in the visit record.

The director of the General Directorate of Prisons may decide to bar visits temporarily in any prison for the reasons referred to in the preceding paragraph.

## **Chapter (10) Inmate Leaves**

### **Article (57)**

Inmates sentenced to a custodial penalty shall be entitled to an annual leave of eight days, granted in periods of not more than four days each, pursuant to the conditions set out in the implementing regulations.

### **Article (58)**

Inmates shall be considered to have earned leaves if they meet the conditions therefor pursuant to a decision from the director of the General Directorate of Prisons, who must notify the competent attorney-general of the decision immediately upon its issuance. Leaves may not be granted to individuals sentenced in the crimes set out in Book (2), Section (1) of the Penal Code and in crimes of drug importing and trafficking except by agreement of the Minister of Interior.

### **Article (59)**

The periodic leave periods shall be determined pursuant to a decision from the prison director, based on the inmate's request.

### **Article (60)**

In cases of an emergency, an emergency leave may be granted to sentenced persons, not to exceed 72 hours. Such leave shall be granted pursuant to a decision from the director of the General Directorate of Prisons in the event of the death of one of the inmate's relatives as defined under Article (16) of the Penal Code, and pursuant to a decree from the Minister of Interior in other cases.

### **Article (61)**

In all cases, the leave period shall not count as part of the penalty to which the inmate was sentenced. Leaves shall be calculated from the hour the inmate leaves the prison. If there is a long distance between the prison location and the inmate's destination, the leave period shall be increased to allow for round-trip travel, provided such increase not exceed four days in all cases.

If an inmate does not return at the end of the leave, they shall be deemed to be a fugitive in accordance with Article (277) of the Penal Code.

## **Chapter (11)** **Inmate Discipline**

### **Article (62)**

One of the following disciplinary measures shall be imposed upon an inmate if they display poor conduct or violate order:

- a. Warning
- b. Deprivation from receiving visitors for a period of not more than one month.
- c. Deprivation from wages, not to exceed a week's wages each time, and not more than thirty days a year.
- d. Deprivation from all or a portion of the privileges provided for the inmate grade in their category for a period not to exceed thirty days.
- e. Return transfer of the inmate to a grade higher than their grade for a period of not less than one month and not to exceed six months.
- f. Reduction of inmate's grade to the grade lower than their grade for a period of not less than one month and not to exceed six months.
- g. Solitary confinement for a period not to exceed one month.

### **Article (63)**

Prison directors may impose the following penalties:

- a. Warning
- b. Deprivation from receiving visitors for a period of not more than fifteen days.
- c. Deprivation from wages, not to exceed three days each time.
- d. Deprivation of all or a portion of the privileges provided for the inmate grade in their category for a period not to exceed fifteen days.
- e. Return transfer of the inmate to a grade higher than their grade for a period not to exceed three months.
- f. Reduction of inmate's grade to a grade lower than their grade for a period not to exceed three months.
- g. Solitary confinement for a period not to exceed fifteen days.

The director of the General Directorate of Prisons shall have the authority to impose any punishment among those set out in the previous Article.

The decision issued to impose the punishment shall be substantiated and final.

### **Article (64)**

In all cases, punishments may not be imposed on inmates prior to being notified of the charge attributed to them, their statements heard, and a report drawn up investigating their defence.

### **Article (65)**

All punishments imposed on inmates shall be recorded on a special form kept in their file, and shall also be recorded in the special register for punishments.

#### **Article (66)**

No disciplinary punishment imposed in implementation of this Law shall prevent an inmate's release immediately upon completion of the penalty set out in the judicial ruling issued against them.

#### **Article (67)**

Persons placed in preventative detention shall, with regard to discipline, be treated as sentenced inmates.

### **Chapter (12)** **Administration and Order**

#### **Article (68)**

A General Directorate of Prisons shall be established within the Ministry of Interior which shall have a director-general who oversees the prisons affiliated thereto and the work flow therein, in accordance with this Law and implementing decrees thereof. Each prison shall be run by a director who shall be responsible for implementation of this Law and implementing decrees thereof within the prison they manage.

#### **Article (69)**

Prison officers and non-commissioned officers holding a rank of at least corporal shall hold the capacity of judicial police officer.

#### **Article (70)**

Prison directors shall be responsible for each order they receive from the public prosecution or from an investigating judge or court with a request to present any inmate, and shall observe sending the inmate at the scheduled time.

#### **Article (71)**

Prison directors shall inform the public prosecution and competent bodies immediately of the death of any inmate which occurs suddenly or as a result of an incident, as well as of the serious injury or escape of an inmate, and every felony or misdemeanour committed by or against any inmate.

#### **Article (72)**

Prison directors shall notify the chief public prosecutor, security control, and the director of the General Directorate of Prisons immediately of any disturbance, riot, or collective disobedience occurring in the prison.

#### **Article (73)**

Prison directors shall accept any complaints from inmates, whether verbally or in writing, and undertake the required measures with regard thereto, writing all of this in the record of complaints and requests submitted by inmates. If an inmate wishes to submit their complaint to another body, the prison director must submit it to the public prosecution or to the entity to which the complaint is being submitted.

#### **Article (74)**

No members of the public authorities shall be permitted to communicate with persons placed in preventative detention, except by written permission from the competent public prosecutor, and the prison director must record in the visit record the name of the person that was allowed such, the time of the meeting, permission date, and content thereof.

#### **Article (75)**

Inmates shall be served judicial papers and other documents by delivery of a copy of the notice to the prison director or person acting in his place, and he must undertake all measures to ensure that the inmate is immediately shown the copy of any ruling or document served thereto and that they understand the content thereof. If the inmate expresses their wish to send a copy of the notification to a specific person, it must be sent thereto by registered letter.

In all cases, service and correspondence procedures must be recorded in the record of judicial notices and challenges.

#### **Article (76)**

Reports on appeals or other challenges that an inmate wishes to submit shall be drafted on the form prepared for such and certified by the Minister of Justice. Such shall be written up by the prison director or representative thereof in such matters.

Prison directors shall confirm that these reports are recorded in the record allocated for such and submitted immediately to the registrar of the competent court. Such may be sent by registered letter if the courthouse is in a city far away from the prison location.

#### **Article (77)**

Each prison shall have the following records:

1. General record of all inmates
2. Record of persons placed in preventative detention
3. Record of funds held in trust
4. Record of personal belongings
5. Record of daily transportation
6. Work record
7. Wage record
8. Record of incidents
9. Health care record
10. Visit record
11. Leave record
12. Record of complaints and grievances submitted by inmates
13. Record of prison fugitives
14. Record of confiscated items
15. Record of punishments
16. Record of judicial notices and challenges
17. Record of conditional release

Each prison shall have a special record for official visits wherein the visitor records any observations they deem important.

Any other records whose use the prosecutor general or director of the General Directorate of Prisons deems necessary may be established. The director of each prison shall be responsible for the integrity and orderliness of the aforementioned records.

### **Chapter (13)**

#### **Administrative Inspections**

##### **Article (78)**

Prisons shall have an unit for administrative inspections that employs male and female inspectors to handle the inspection of such prisons and confirm compliance with the regulations in place and implementation of all related laws and regulations, examine any complaints submitted thereto, study the issues assigned thereto, and submit reports on inspector and inspection results to the director of the General Directorate of Prisons.

##### **Article (79)**

The Minister of Interior shall have the right to inspect and visit the prisons. Members of the administration shall not be allowed to enter the prisons, except by permission from the competent chief prosecutor.

### **Chapter (14)**

#### **Judicial Supervision**

##### **Article (80)**

Without prejudice to Articles (32) and (33) of the Criminal Procedure Code, the prosecutor general and members of the public prosecution shall have the right to enter at any time all prison locations, in order to confirm:

- a. Proper implementation of court rulings and decisions, and orders issued by investigating judges and the public prosecution.
- b. That no persons are being detained unlawfully.
- c. Categorization and treatment of prisoners as provided by law.
- d. Examination of records and judicial documents to confirm they are in keeping with the designated forms, properly used, and orderly.

Such persons shall have the right to meet inmates and receive their complaints and, in general, to confirm observation of the laws and regulations and take any necessary measures with regard to any violations. The prison director shall provide them with all requested information.

### **Chapter (15)**

#### **Release of Inmates**

##### **Article (81)**

Inmates shall be released at noon of the day following completion of the penalty term. The state shall bear the expenses of their travel to their town in the Jamahiriya or to any other country chosen thereby whose distance is not further than their town. If they are to be placed under police observation or turned over thereto for any legal reason, or if the released inmate

does not have a permanent residence in the Libyan Arab Jamahiriya, the prison administration shall notify the police at least one week prior to their release and turn them over to them immediately upon their release.

#### **Article (82)**

If, upon release, an inmate does not have clothing or is not able to obtain any, suitable clothing shall be disbursed to them, as set out in the implementing regulations.

### **Chapter (16)** **Implementation of Conditional Release**

#### **Article (83)**

Conditional release of persons sentenced to a custodial penalty shall only be allowed if the person has spent three-fourths of the penalty term in prison, their conduct during such time invites confidence that they have been reformed and their release is not a threat to public security, and the time spent in prison is not less than nine months.

If the penalty is life imprisonment, release may not be requested unless the sentenced individual has spent at least twenty years in prison.

In all cases, the sentenced individual must have fulfilled the financial obligations of their sentence, unless their inability to do so has been established.

#### **Article (84)**

If sentenced to more than one penalty in crimes that took place before the sentenced individual entered prison, the release request shall be on the basis of the total of these sentences.

If, while in prison, a sentenced individual commits a crime, the release request shall be on the basis of the time remaining when the crime was committed plus the term of the penalty for the crime for which they were sentenced.

#### **Article (85)**

Conditional release shall be at the request of the director of the General Directorate of Prisons, and the release order shall be implemented thereby immediately upon its issue.

The order shall be issued in accordance with the rules set out in the Criminal Procedure Code.

#### **Article (86)**

The implementing regulations shall set out the duties that persons granted conditional release must observe, in terms of their residence, lifestyle, and good conduct.

The release order issued must contain a list of these duties.

#### **Article (87)**

Persons granted conditional release shall, upon release, receive a card bearing their photograph drawn up in accordance with Article (453) of the Criminal Procedure Code.

#### **Article (88)**

Released individuals must present themselves immediately upon their release to the police department assigned to monitor them.



### **Article (89)**

If a released individual violates the conditions of their release, the competent police body must notify the chief prosecutor of such in order to issue an order cancelling their release. If cancelled, and a person granted conditional release is returned to prison to complete the remaining term of their sentence, the prison administration must calculate the term of the penalty to which they were sentenced that was remaining on the day of their conditional release as an enforceable period, and increase it by the period of time the person spent out on conditional release.

### **Article (90)**

If a person granted conditional release does not have a permanent residence in the Libyan Arab Jamahiriya, they may be deported after their release. If they return prior to completion of the term of the penalty to which they were sentenced they shall be considered as someone who has violated the terms of release.

### **Article (91)**

The prosecutor-general shall review complaints submitted on conditional release, examine them, and undertake the measures he deems fit to eliminate their grounds.

## **Chapter (17)** **Enforcement of the Death Penalty**

### **Article (92)**

Without prejudice to Articles (433) and (435) of the Criminal Procedure Code, the director of the General Directorate of Prisons shall determine the location, date, and time that the death penalty is enforced and notify the prosecutor general and the Ministry of Interior of such in writing. The death penalty may be enforced from sunset to sunrise.

### **Article (93)**

If a doctor establishes that a sentenced individual is pregnant, the director of the General Directorate of Prisons must notify the prosecutor-general of such so that he may take the necessary measures in accordance with Article (436) of the Criminal Procedure Code.

### **Article (94)**

The prison director must notify relatives of individuals sentenced to the death penalty of the date set for execution. Without prejudice to Article (432) of the Criminal Procedure Code, the relatives may visit them the day before such date.

### **Article (95)**

The prison director shall read aloud to persons sentenced to the death penalty in the execution location the text of the ruling issued for the death penalty and the charge for which they were sentenced thereto, before those present in accordance with Article (434) of the Criminal Procedure Code.

### **Article (96)**

The prison director shall make the necessary arrangements to turn over the body of persons sentenced to the death penalty to their relatives, after enforcement of the ruling. If they do not request such, the necessary measures must be taken with regard to burying the body. In all cases the burial shall take place without a ceremony.

## **Chapter (18) Planning and Development**

### **Article (97)**

A planning board for prisons shall be formed, composed of:

1. Minister of Interior, or a representative thereof, Chairman
2. The Prosecutor-General or a representative thereof, Member
3. Deputy Minister of Justice, Member
4. Deputy Minister of Social Affairs and Social Insurance, Member
5. Deputy Minister of Education, Member
6. Deputy Minister of Labour and Public Service, Member
7. Deputy Minister of Housing, Member
8. Deputy Minister of Health, Member
9. Deputy Minister of Agriculture, Member
10. Director of the National Centre for Legislation and Criminal Studies, Member
11. Director of the General Directorate of Prisons, Member

This board shall hold competence to study penal reform systems in existing prisons and how to apply them, determine ways to improve and advance them to ensure they achieve the goals set therefor as well as elaborate plans to establish and improve prisons and inmate treatment regulations, and review everything related to prisons, submitting its suggestions and recommendations to the Cabinet and the competent ministers. The board shall meet once every six months and as needed at the invitation of its chairperson.

## **Chapter (19) General and Closing Provisions**

### **Article (98)**

Members of the police working in prisons as well as those tasked with guarding sentenced individuals and persons placed in preventative detention inside and outside the prison may use their firearms against such persons under the following conditions:

- a. To end any attack or resistance accompanied by the use of force, if they are unable to stop it by other means.
- b. To prevent the escape of any inmates, if unable to prevent them by other means.

In all cases, opening fire shall commence with one shot in the air as a warning. If an inmate continues their attempt to attack, resist, or escape after this warning, it is permissible to fire at their legs.

### **Article (99)**

Inmates must be notified of the text of the previous Article when entering the prison and when leaving it for any reason during their stay.

### **Article (100)**

As a preventative measure, prison directors may order that an inmate be placed in hand restraints for a period not to exceed 72 hours, if they commit a disturbance or sustained severe aggression or there is a fear they might harm themselves or others.

A prison director may order that a prisoner be placed in leg restraints if there is a fear they may escape during transport and there are reasonable grounds for such fear.

In all cases, the prison director shall immediately inform the director of the General Directorate of Prisons and the public prosecution or investigating judge, as the case may be, of the restraint order. The director shall remove the restraints immediately once the grounds therefor are no longer present. The restraint order, grounds therefor, and procedures thereof shall be recorded in the incident register.

Any such persons may order the removal the restraints, if shown to be unnecessary.

### **Article (101)**

A prison director or prison officer delegated thereby shall have the right to inspect each person inside the prison suspected of possessing prohibited items, whether an inmate, worker, or other person.

### **Article (102)**

Every prison director or any worker who accepts a person into a prison without an order from the competent authorities in accordance with Article (10) hereof or who refuses to obey an order from the such authorities to release a person or unjustly extends the period of their stay in prison shall be subject to the penalty set out in Article (434) of the Penal Code.

### **Article (103)**

Without prejudice to any more severe penalty set out in the Penal Code or any other law, the following shall be subject to a penalty of imprisonment for a period of not less than one month and not to exceed six months and a fine not less than two hundred dinars and not to exceed one thousand dinars, or one of these penalties:

- a. Anyone who brings or starts to bring anything into the prison in violation of the law and regulations in force.
- b. Anyone who brings or removes correspondence or publications in violation of the set regulations.
- c. Anyone who gives an item to a sentenced inmate or person placed in preventative detention during their transportation from one location to another. The penalty shall be imprisonment for a period of not less than six months and a fine of not less than five hundred dinars and not to exceed two thousand dinars, or one of the two penalties, if the crime is committed by someone working in the prison or tasked with guarding inmates.

The provision of the preceding paragraph shall be displayed in visible locations and on the outside door of each prison.

#### **Article (104)**

Foreigners against whom an order of detention or deportation is issued by the Minister of Interior shall be placed in prison temporarily until deportation proceedings are completed.

#### **Article (105)**

The aforementioned Law No. (19) of 1962 shall be repealed as shall any provision that conflicts with the provisions of this Law. The implementing regulations and decrees in force shall remain in force where they do not conflict with the provisions of this law until they are repealed, amended, or replaced in accordance with the provisions thereof.

#### **Article (106)**

The implementing regulations for this law shall be issued by a decree from the Minister of Justice in agreement with the Minister of Interior.

#### **Article (107)**

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

**The Revolutionary Command Council – Libya**  
**Major Abdessalam Ahmed Jalloud**  
**Prime Minister**  
**Gen. al-Khweldi al-Hamedi**  
**Minister of Interior**

**Mohammed Ali al-Jiddi**

**Minister of Justice**

**Issued on 10 Jumada al-Awwal 1395 AH**

**Corresponding to 22 May 1975 AD**

### **Explanatory Memorandum on the draft law regulating prisons**

The revolution brought reform to all aspects of life in the country, and has established legislation to rebuild and organize society on foundations of social justice, inspired by the basic principles of the noble Sharia. The effects of this are reflected in the health and prosperity of society, where every member is provided with resources for effective contribution and constructive participation in building their society. It was seen that the full health and sound structure of society requires a review of the current prison law so as to make the restriction of liberty of sentenced persons into a period of rehabilitation and preparation for them to return to society as useful members of the community, worthy of the honour of belonging to it, and to use this time to equip them with Islamic spiritual sustenance, purifying their spirits, and social therapy to rectify those elements of their circumstances that have deviated from the right path, with an appropriate measure of education and occupational training providing them with qualifications that allow them to live a decent and honourable life. This view is consistent with modern ideas on the philosophy of criminal punishment, wherein the objective is not limited to punishment to

reprimand those sentenced and deter others, but rather aims in equal measure to cleanse them of the causes of their deviance and rectify their conduct with the aim of returning to society – at the end of their sentence – as beings with regard and useful human energy, and reasons not to return to the wrong path, thereby shielding society from such ills.

The attached draft law on the regulation of prisons was prepared on the basis of these ideas. It takes into consideration the achievement of all of the above objectives using the latest provisions, whether as relates to the nature of these institutions and their role, or to the treatment and rights of inmates during their sentence, or to the social support provided to them and their families during that period and after an inmate's release. All successful experiences in the field of penal corrections have been taken into consideration, and the features of the aforementioned latest orientation appear in various aspects of this draft:

1. While the draft has retained the current naming of penal institutions by referring to them as prisons, all of its provisions apply to the dual nature of the role of these prisons, which the draft also notes by explicit provision in Article (1).
2. In Article (2) the draft adds a new type of prison to the traditional prisons, the open and semi-open private prisons, the details of which will be contained in the implementing regulations. These prisons will be allocated to housing persons sentenced for crimes that do not involve a criminal risk, as well as those who have reached the age of sixty, in view of their old age, and those who have established their good conduct and merit for special treatment during their stay in other prisons. This latest type of prison is distinctive in that it places a great amount of trust in the sentenced person, which gives them back a sense of respect and freedom and encourages them to rectify their ways as soon as possible. These prisons do not share the same nature as other prisons in terms of appearance and style of management and guarding, but instead adopt the appearance of work establishments and ordinary shelters in that there are reduced guards or no guards and increased psychological, treatment, and cultural aids.
3. In this draft, the gradation in the treatment of inmates is not limited to distinguishing only among categories and grades of inmates wherein inmates are graded according to their conduct and apparent acceptance of reform within a specific prison. Rather, the draft places great care in determining the transfer of inmates between main, local, and private prisons where they end up in open prisons, based on the trust and merit they have established, as well as the remaining portion of their prison term (Article (8)). The detailed provisions on this will be set out in the implementing regulations. The clear intention of that provision is to bring inmates closer to ordinary life in society by successive steps that end with their exit and integration into society. This is to help avoid facing obstacles in adapting to the life they have been isolated from for varying periods and the psychological shocks caused by the sudden possession of their full freedoms after having been deprived of them for the period of their detention, and the subsequent misuse of these freedoms in a manner incompatible with the rights and traditions of society.
4. As an extension of this same logic, and taking up the concept of gradation, the draft (Article (23)) makes it compulsory for inmates to pass through a transitional period if their prison term exceeds four years. During this transitional period, their restrictions are lessened and their privileges increased gradually until the inmate is ready to transition from a life governed by special rules in prison to a life of complete freedom, even in the

cases where an inmate does not enjoy the privilege of moving among categories or grades or prisons for reasons of their own.

5. Chapter (4) of the draft is devoted to the housing and treatment of female inmates, with special provisions in this regard that take into consideration the characteristics of female nature that make women in general more responsive to reform and more deserving of protection. Thus, as an exception, sentenced females – irrespective of the crime for which they were sentenced [–] and women placed in preventative detention may be housed in social welfare homes selected by the Ministry of Social Affairs for such purpose in agreement with the Ministry of Interior instead of being housed in ordinary prisons (Article (26)).

Women's treatment in such institutions shall be subject to the judicial oversight provided in the draft. The draft assigns the activities of the above exception to the competent attorney-general so that this license is in the hand of an expert who accesses the suitable conditions for their application. The draft has given special care to pregnant or nursing inmates and their young children with regard to treatment and custody (Article (29)).

6. The draft establishes a special account (Article (15)) in each prison to be used for inmate care into which is transferred the value of confiscated items that inmates or others attempt to hide or receive in violation of the rules set, as well as funds held in trust and wages earned that are not requested by their owner or their heirs within three years from an inmates release, escape, or death.
7. Inmate employment in prisons is required for various reasons. It is one of the means of established treatment and an efficacious way to benefit from the human energies of inmates. For these reasons, employment is the optimal use of their time given the benefit to their well-being and the advantage it provides for their future lives in society. Therefore, the draft states that inmate employment is obligatory for all sentenced persons whose health condition does not prevent them from such, with the exception of persons placed in preventative detention and persons sentenced to ordinary imprisonment. For such persons, work is optional, as it is for anyone who has reached sixty years of age, unless they wish to work and their health permits such. In its regulation of inmate labour, the draft introduced two main provisions to protect inmate rights:

First, inmates shall receive wages for their labour from their first day of work (Article (34)) as repayment and to encourage, instil, and affirm the value of work.

Second, inmates are insured against labour risks in that they are provided (Article (37)) a right to financial assistance and compensation in the event of injuries arising from or because of their labour under the rules set out in this regard in the Law of Social Insurance. The draft has reserved to inmate wages the immunity provided from garnishment and deduction (Article (45) of the Penal Code), although it permits deduction of up to one-half of wages as compensation for any losses caused by the inmate to the institution and in implementation of the expense provisions, with expense debts holding precedence.

8. The draft places great importance on inmate education. Chapter (6) is devoted to the provisions set out to aspects of this concern, the elements of which are compulsory education, occupational training, and formal study for those at advanced stages of study,

facilitation of study aids and exam taking, and financial incentives for those who succeed in their study and achievements (38-39). The draft also concerns itself with culture in general, as it requires the establishment of a library in each prison and allows every inmate to have books, newspapers, and magazines legally authorised to circulate brought in at their own expense. This privilege has been granted to all inmates and is no longer restricted to certain inmates or a segment thereof (Article (39)). The General Directorate of Prisons is obliged to provide inmates with various media and to facilitate culture through educational and recreational seminars and lectures (Article (40)). Religious education was given greater concern as the draft requires every prison to have a religious preacher to guide, preach, and contribute to treatment to instil the true values of Islam (Article (42)) and allocates incentive financial remuneration to anyone who sustains themselves during their prison stay by memorizing all or half of the Quran (Article (41)). This remuneration is also provided to those who obtain general or graduate education certificates while in prison.

9. The draft allocates a separate chapter to inmate medical care and social welfare. Chapter (7) deals with the regulation of medical care in a way that provides inmates with the care they need and brings it closer to them by allocating a doctor to each prison (Article (43)). The draft also regulates the release of prisoners due to health concerns and the manner of monitoring individuals released for this reason (47) and what follows.
10. The social welfare provisions contained in Chapter (8) represent something new in this field. They do not stop at the social treatment and monitoring of inmates when they arrive in prison, the use of established psychological and scientific methods in their treatment and reform, and providing them with the psychological and social preparation and occupational qualifications needed to return to society. The provisions go beyond that to after their release by arranging suitable work for them through the competent and concerned official bodies, providing care to inmate families in both cases, during the penalty period and after their release (Article (50)). A specialised department of the General Directorate of Prisons supplied with experts and specialists provides such care through its divisions located in each prison (Article (49)).
11. In order to help inmates prepare to return to ordinary social life, the draft includes a new principle, which is the right to an annual leave of eight days in periods not to exceed four days each, under the conditions set out in the implementing regulations. Inmates acquire this right when they have fulfilled the majority of the term to which they were sentenced and have shown good conduct during such period. Such leaves enable them to connect with their family and initiate connections with familiar social relations.

In addition to that type of leave, the draft provides another type that may be granted to inmates in emergencies, such as the death of one of the family members listed in Article (16) of the Penal Code. These emergency leaves are 72 hours long and granted pursuant to a decree from the director general of prisons in the event of the death of one of the aforementioned relatives, and pursuant to a decree from the Minister of Interior in all other cases. The draft contains a provision to increase the leave term if necessary due to long-distance travel by a maximum of not more than four days round trip.

12. In the draft's regulation of inmate discipline, provisions on the penalty of being deprived of food have been repealed or limited due to being incompatible with the rules of

humanitarian treatment. Such provisions have been replaced with penalties of the type that that withdraw privileges provided to inmates for specific periods (Article (63)).

13. The draft has taken into consideration the need to review and improve prison conditions to ensure that the targeted objectives are realized as well as planning for these prisons in all areas, such as establishment, regulation, and other areas related to inmate treatment. Therefore, it includes the establishment of a prison planning council presided over by the Minister of Interior or representative thereof, and having as members the prosecutor-general or representative thereof, and representatives from all ministries and entities concerned with the affairs of those prisons or the inmates thereof. This council shall perform the indicated competencies in its periodic meetings held every six months and as needed, at the invitation of the council chairperson (Article (97)).

These are the most prominent features of the draft submitted. The draft, and all provisions thereof, is a way to keep pace with the objectives of reform and correction with the goals of prevention and deterrence, through which all the objectives of the philosophy of criminal punishment are achieved in accordance with the conclusions of modern thought.

The matter is submitted to review issuance of the attached draft upon approval thereof.