

Penal Code

General Crimes

Criminal Legislations

* * *

Section 1

General Rules

Article 1

Crimes and Punishments

No crime or punishment shall be ungoverned by law.

Article 2

Succession of Laws

Crimes shall be punishable in accordance with the law in force at the time of their commission.

If, following the act and before the final verdict is rendered, a law that is more advantageous to the defendant is enacted, it shall be the one adopted.

If, following the final verdict, a law that absolves the act for which the criminal was sentenced from punishment, the sentence shall be stayed and its criminal effects shall be terminated.

However, in the event of a lawsuit or a conviction for an unlawful act punishable during a limited period of time, the expiry of this period of time shall not prevent the lawsuit from going forward or the sentences from being carried out.

Article 3

Ignorance of the Criminal Code

Ignorance of the criminal code shall not be used as an excuse to justify the act.

Article 4

Scope of Application of the Criminal Code

This code shall govern every Libyan or foreigner who commits within Libyan territories one of the crimes provided for therein. Libyan territories shall include Libyan aircrafts and ships wherever they may be if they are not governed by a foreign law in accordance with the international law.

Article 5

Crimes Committed Abroad

The provisions of this code shall also govern the following people:

- 1) any person who commits outside the state an act leading to or making him an accessory to a crime all or parts of which take place in Libya.
- 2) any person who commits outside the country one of the following crimes:
 - a. a felony against the security of the state as provided for in Sections 1 and 2 of Title 2 of this code.
 - b. a felony forgery as provided for in Articles 334 and 335 of this code.
 - c. a felony falsified money used internationally in Libya as provided for in Article 326 of this code.
 - d. a felony slavery as provided for in Article 327 of this code.

Article 6

Felonies and Misdemeanors Committed by Libyans Abroad

Every Libyan who commits while outside Libya an act that is considered a felony or misdemeanor by this code, other than the crimes provided for in the previous Article, shall be punishable by virtue of its provisions, should he return to Libya and should the act be punishable by the law of the country where it was committed.

Article 7

Circumstances Preventing Prosecution for a Crime Committed Abroad

A person who was tried in foreign courts which adjudged him not guilty or guilty and who has served his sentence shall not be prosecuted, except under the circumstances provided for in Article 5 of this code.

* * *

Article 11

Special Criminal Laws

The provisions of this title shall govern all codes and special bills, except as otherwise prescribed.

Article 12

Multiplication of Criminal Provisions

Should a matter be governed by several criminal codes or provisions from a particular criminal code, the special laws or provisions of this code shall apply without the general laws or provisions of the code, except as otherwise prescribed.

* * *

Article 16

Definitions

In the criminal code:

- 1) a crime shall be public should it be committed:
 - a. By way of the press or other means of publicity or publication.
 - b. In a public or open place or a place accessible by people, and in the presence of several people.
 - c. In a meeting that is not private given the place in which it took place, the number of people in attendance or the purpose it serves.
- 2) Relatives are ascendants, descendants, the husband, brothers, sisters, brothers-in-law from the same degree, maternal and paternal uncles and their children. In the event of the death of one of the spouses without a succession, brothers-in-law shall not be regarded as relatives.
- 3) Violence against things is taking the thing by force should it result in its destruction, deterioration, modification or a change in its purpose of use.
- 4) A public officer is a person who was entrusted with a public mission at the service of the government, the states or other public institutions, be he employed or hired, a full-timer or temp, with or without wages. This definition shall include drafters of contracts, assistants in courts, arbitrators, experts, translators and witnesses in the performance of their duties.

* * *

Section 2

Of Penalties

Chapter 1

Types of Penalties

Article 17

Types of Penalties

Penalties are principal/predicate or accessory.

Principal penalties are:

- 1) Death
- 2) Imprisonment for life
- 3) Imprisonment

4) Detention

5) Fine

Accessory penalties are:

1) Deprivation of civil rights

2) Deprivation of the practice of professions or artistic works

3) Loss of legal capacity

4) Publication of conviction

* * *

Chapter 2

Principal Penalties

Article 19

Death

Any person sentenced to death shall be shot to death as legally prescribed.

Article 20

Imprisonment for Life

Imprisonment for life means confining the convict in a facility so designed and assigning him to a life of labor as prescribed by the rules of the prisons.

Article 21

Imprisonment

Imprisonment means confining the convict in a prison and assigning him to labor as prescribed by the rules of the prison. Imprisonment shall not be less than three years and more than 15 years, except as otherwise prescribed.

Article 22

Detention

Detention means confining the convict in one of the central or local prisons for the duration of his sentence. In no event shall detention be less than 24 hours or more than three years, except as otherwise prescribed by special laws.

Article 23

Types of Detention

1) Simple Detention

2) Detention with labor

Convicts sentenced to detention with labor shall be assigned to work inside or outside the prisons as provided for in the rules of the prison.

Convicts sentenced to simple detention for a period not exceeding six months shall be entitled to request that instead of carrying out their sentence in confinement, they work outside the prison pursuant to criminal procedures, unless the sentence stipulates they be denied that option.

* * *

Article 26

Fine

The penalty fine means binding the convict to pay to the state treasury an amount determined in the sentence. In no event shall the amount be less than 10 pennies.

* * *

Article 29

Reduction or Substitution of Penalty

Should the circumstances of the crime allow it, the judge may substitute or reduce the sentence as follows:

Imprisonment for life instead of death

Imprisonment instead of imprisonment for life

Detention for no less than six months instead of imprisonment

In any case, should the circumstances of the crime allow it, the judge may reduce the sentence in the event of felonies and misdemeanors to half the minimum limit prescribed by law.

* * *

Article 52

Classification of Crimes

Crimes are classified into felonies, misdemeanors and infractions according to the penalties described for them in this code.

Article 53

Felonies

Felonies are crimes punishable by:

Death

Imprisonment for life

Imprisonment

Article 54

Misdemeanors

Misdemeanors are crimes punishable by:

Detention for more than one month

A fine exceeding 10 pounds

Article 55

Infractions

Infractions are crimes punishable by:

Detention not exceeding one month

A fine not exceeding 10 pounds

* * *

Chapter 3

Attempt

Article 59

Attempt

Attempt means commencing the execution of an act with the intent to commit a felony or misdemeanor should its effects be stopped or go awry for reasons beyond the control of the actor. Neither the mere intention to commit a felony or misdemeanor nor their preparatory actions shall be regarded as an attempt.

Article 60

Penalties for Attempt to Commit a Felony

Attempt to commit a felony shall be punishable by one of the following penalties, except as otherwise prescribed:

Imprisonment for life, should the sentence of the felony be death.

Imprisonment for no less than eight years, should the sentence of the felony be imprisonment for life.

In other cases, the sentence shall be imprisonment with reduction of the limits to half.

Article 61

Penalties for Attempt to Commit a Misdemeanor

Attempt to commit a misdemeanor shall be punishable by the penalties prescribed for the complete misdemeanor with reduction of its limits to half.

* * *

Article 64

Crimes Committed by way of Publications

Taking into account the responsibility of the author and with the exception of cases of participation, should a crime be committed by way of periodic press, the manager or editor who does not prevent the publication in the absence of cases of force majeure, emergency, or financial or moral coercion which cannot be settled, shall be subject to punishment pursuant to the following provisions.

Should the act be a felony or misdemeanor with criminal intent, the penalty prescribed for the committed crime shall be executed with reduction to as much as the half. Should the act be a crime of error or infraction, the penalty prescribed for such a case shall be executed.

In the case of non-periodic publication, should the author be anonymous, non-punishable or outside the state, the previous provisions shall apply to the publisher. Should the latter be anonymous, non-punishable or outside the state, the printer shall be subject to punishment.

Article 65

Classified Publications

The provisions of the previous article shall apply in this case, even if they are not in accordance with the provisions of the special laws governing publications and the distribution of periodic and non-periodic publications. If the persons described in the previous article are anonymous, non-punishable or outside the state, the person who distributed the publications in any form or manner shall be held responsible for the aforementioned crimes.

* * *

Article 99

The Actor and His Penalty

The actor of the crime is

- 1) any person who commits the crime alone or with another person.
- 2) any person who takes part in its commission, if it consists of a series of acts and he willfully

carries out one of these acts.

Every actor shall be punishable by the penalty prescribed for the committed crime.

In the event of special circumstances with respect to one of the actors which require changing the classification of the crime or penalty, their effect shall not affect the others should he be unaware of these circumstances. The same applies in the event of a change in the classification related to the intent of the actor of the crime or how he became aware of it.

Article 100

Accessory

An accessory to a crime is:

- 1) any person who instigates the commission of the act of the crime should this act occur based on his instigation.
- 2) any person who knowingly gives the actor(s) a weapon, machines or anything of the sort that may be used to commit the crime or helps them in any other way in the preparatory, facilitating or completing acts of the crime.
- 3) any person who agrees with another to commit the crime which occurs pursuant to this agreement.

Article 101

Punishment of Accessory

The accessory to a crime shall be punishable as is provided for the punishment of that felony, except as otherwise prescribed.

And yet,

- 1) The accessory shall not be affected by the special circumstances of the actor which require a change in the classification of the crime, should the accessory be unaware of these circumstances.
- 2) Should the classification of the crime change based on the intent of the actor or how he became aware of it, the accessory shall be punishable by the penalty he deserves even if the actor's intent or his awareness of it is the same as the accessory's intent or awareness of it.

* * *

Article 163

The Imperative of Confiscation

The imperative of confiscation shall always affect:

- 1) the things acquired or earned from the crime for which there was a conviction or judicial pardon, should the owner be involved in the crime.

2) the things manufactured, used, carried, held or disposed of during the commitment of the crime, even in the absence of a conviction.

Article 164

The Possibility of Confiscation

In the event of a conviction or judicial pardon, it is possible to confiscate the following:

- 1) the things used or designed for the commission of the crime.
- 2) the things manufactured, used, carried, held or disposed of during the crime, in the absence of a permit for them issued by the administrative authorities.

The previous provisions shall not apply should the owner not be involved in the crime.

* * *

Title 2

Felonies and Misdemeanors against the Public Interest

Section 1

Felonies and Misdemeanors against the Person of the State

Chapter 1

Felonies and Misdemeanors against the State

Article 165

Libyans Taking up Arms against the State

Every Libyan who takes up arms against Libya or joins in any shape or form the armed forces of a state at war with Libya shall be subject to punishment.

Any person who is on enemy ground and was forced to commit the act by virtue of an obligation imposed by the laws of this state shall not be subject to punishment.

Article 166

Conspiring with the Foreign State to Instigate War against Libya

Any person who initiates contact with a foreign state, its officials, or any other person at its service, or conspires with it or them with the intent of turning them against Libya or allowing them to launch an act of aggression against it, shall be punishable by death whether the objective is realized or not.

Article 167

Conspiring with a Foreigner against the Military and Political Standing of the Country

Any person who conspires, in a time of peace, with a foreign state or one of its officials with the intent to harm the military, political or diplomatic standing of the Libyan Arab Jamahiriya shall be punishable by imprisonment.

The same penalty shall apply to any person who willfully destroys, hides or falsifies documents that may be presented as proof of the rights of the Libyan Arab Jamahiriya before the foreign state.

Should the aforementioned crimes be committed in a time of war or should the perpetrator be a public officer or envoy on a general or any other mission he was assigned to carry out, the punishment shall be imprisonment for life.

Article 168

Recruitment or Launch of an Act of Aggression against a Foreign State

Any person who recruits, without the government's permission, soldiers against a foreign state or engages in other acts of aggression that may expose the Libyan Arab Jamahiriya to the danger of war shall be punishable by imprisonment.

Should the act result in the severance of diplomatic relations or an act of vengeance against the Libyan Arab Jamahiriya or its citizens wherever they may be, the punishment shall be imprisonment for life.

Should the act result in war, the perpetrator shall be punishable by death.

Article 169

Bribery from a Foreigner

Should a Libyan, even indirectly, acquire money or any other benefit from a foreigner or a promise of such a benefit with the intent to engage in acts injurious to the interests of the country, he shall be punishable by imprisonment and a fine ranging between 1,000 dinars and 5,000 dinars, should the act be committed in a time of peace.

In a time of war, the crime committed shall be punishable by imprisonment for life.

Should the injurious act actually occur, it shall be punishable by death.

The same sentence shall apply to the foreigner who offered the money or any other form of benefit or made a promise of such.

Article 170

Transgression against the Territories of the State and Facilitation of War Against it

Any person who facilitates the entry of the enemy into the country, hands over cities, forts, facilities, sites, ports, storages, arms factories, ships or aircrafts used or designed to defend the country, means of transportation, weapons, ammunition, military tasks, supplies, food, provides soldiers, manpower, money or services by sending him news, being his guide or instigating Libyans

be they from the military or civilians to join the enemy shall be punishable by death. In general, the same applies to any person who helps in the advancement of the enemy's forces by causing a strife, terrorizing the country's defense forces or civilians, obstructing communication between armed forces, preventing armed forces from meeting the enemy, shaking the national forces' loyalty to the country or in any other way.

* * *

Article 178

The Libyan's Activities abroad against the Interests of the Country

Any Libyan who, while abroad, disseminates or conveys wrong, exaggerated or disturbing news or rumors about the internal state of the Libyan Arab Jamahiriya in a way to damage its reputation or shake the trust therein outside, or engages in any other form of activity that may be injurious to the interests of the country shall be punishable by imprisonment for life.

Article 179

Vandalizing or Destroying Military Facilities

Any person who willfully terminates or destroys weapons, ships, aircrafts, missions, facilities, means of transportation, ports, supplies, food or anything that may be used or was designed to defend the country, or willfully manufactured them with a defect so that they become unusable for his personal gain, to endanger the lives of the people in them or those assigned to use them or result in an accident shall be punishable by imprisonment for life.

In a time of war, this crime shall be punishable by death.

* * *

Article 189

Explanation

In the implementation of the provisions of this section:

- 1) Any person who foregoes his Libyan nationality to avoid serving his country shall remain Libyan.
- 2) "Country" means the territories under the sovereignty or rule of the Libyan state.
- 3) "The Country's Defense Secrets" mean things, documents, data and information which, in the interest of defending the country, must not be known to anyone other than the ones they were intended to.
- 4) The Country's Defense Secrets also include things, documents and information which was classified by an order from the competent government authority, or which aren't classified themselves but their dissemination might lead to the revelation of the country's defense secrets.
- 5) "State of War" means the period during which there's a danger of war should it be

effectively followed by war.

6) Should the crimes provided for in this section be committed against an ally in a time of war, they shall be regarded as crimes committed against the Libyan state.

7) "The country at war with Libya" includes the political groups which are treated as fighting state even if they are not recognized as a state.

* * *

Chapter 2

Felonies and Misdemeanors Injurious to the Internal Security of the State

Article 195

Insulting the Constitutional or People's Powers

Without prejudice to any harsher punishment prescribed by another code, any person who may launch what may be regarded as an attack against the Great Fateh Revolution or its leader shall be punishable by imprisonment.

The same applies to any person who insults the people's power or one of the judicial, defensive or security organizations as well as the related disciplinary organizations, or publicly insults the Libyan people or the state's emblem or flag.

Article 196

Attack against the Constitution

Any person who by force or other means forbidden by the constitutional regime attempts to change the constitution or the structure of the rule shall be punishable by death.

Article 197

Use of Explosives in the Commission of the Previous Crime

Any person who uses bombs or other explosive devices to commit the crime provided for in the previous article or for the purpose of a political assassination shall be punishable by death.

Any person who manufactures, imports from outside, acquires bombs, dynamites or other explosives to commit any of the aforementioned acts shall be punishable by imprisonment for no less than five years.

Explosives include any material used in the composition of explosives, as well as the equipment, machines, tools and things used to manufacture or detonate them.

Article 198

Vandalizing Government Buildings, Armories or Properties

Any person who willfully vandalizes buildings, armories or any other government property shall be

punishable by imprisonment for life or imprisonment for no less than five years.

Article 199

Unlawful Abuse or Attachment to a Military Authority

Any person who, for the purpose of a criminal act, leads an army company or unit, part of a fleet, a military ship or aircraft, a military point, port or city without a governmental order or without legal reason shall be punishable by death.

Any person who, in spite of the government's order, remains in a position of military leadership whatever it may be, and any leader of forces who keeps his soldiers armed or mobilized after the government's order to release them shall be punishable by death.

Article 200

The Use of Forces against the Government's Order

Any person who is authorized to give orders to members of the army or the police and asks or assigns them to obstruct the government's orders to recruit or use them shall be punishable by imprisonment for no less than three years.

Should this order or assignment result in the obstruction of the implementation of the government's orders because the soldiers obeyed this illegal order or assignment, the penalty shall be death.

Those working under his authority such as leaders of troops who obeyed these illegal orders shall be punishable by imprisonment for no less than three years.

Article 201

The Use of Force against the State's Powers

Any person who organizes or participates in any armed operation against the state's powers even if the weapons designed for this operation are in storage but are designed for this use shall be punishable by death.

Article 202

Acts of Vandalism, Looting and Killing

Any person who commits within the state's territory an act aimed at vandalizing, looting or killing people haphazardly to attack the security of the state shall be punishable by death.

Article 203

Civil War

Any person who commits an act to instigate a civil war in the country, shatter national unity or create a divide between the citizens of the Libyan Arab Jamahiriya shall be punishable by death.

Article 204

Attack against the Constitutional Powers

Any person who commits an act to prevent, even temporarily, the head of the state, the people's power or the government either in part or in whole from carrying out their duties or exercising the authorities prescribed by law shall be punishable by death.

* * *

Article 206

Illegal Organizations or Groups

Any person who calls for the establishment of, creates, organizes, runs, funds or sets a meeting place for an illegal group, organization or formation, any person who joins or instigates others to do so in any shape or form, any person who provides any kind of assistance, any person who receives or acquires directly or indirectly in any shape or form money or benefits of any kind or from any person or authority for the purpose of the illegal establishment, organization or formation or paving the way for it shall be punishable by death.

The same penalty shall apply to the leader and the subordinates no matter how low their position may be in the group, organization or formation, whether this gathering takes place internally or abroad.

Article 207

Promotion for an Act against the State's Systems

Any person who promotes in any shape or form theories or principles aimed at changing the fundamental principles of the constitution or the fundamental rules of the social structure, at overthrowing the state's political, social and economic systems, destroying any one of the main systems of the social structure by resorting to force, terrorism or any other illegal means shall be punishable by death.

Any person who owns books, flyers, drawings, slogans or any other material aimed at favoring the aforementioned acts, or favors these acts in any shape or form shall be punishable by imprisonment for life.

Any person who receives or acquires either directly or by way of an intermediary money or any other kind of benefits from any person or authority be it inside or outside the country in order to promote the acts provided for in this article shall be punishable by imprisonment for life.

Article 208

Establishment of or Joining International Non-Political Organizations without Permission

Any person who sets up, founds, organizes or runs in the country without a permit from the government or with a permit issued based on false or missing data international non-political

organizations, committees or systems or branches of them shall be punishable by detention.

Any person who joins the aforementioned organizations, committees or systems shall be punishable by detention not exceeding three months and a fine not exceeding 200 dinars. The same applies to any Libyan residing in the country who joins or participates in any shape or form without a government permit in any of the aforementioned organizations which are based abroad.

* * *

Article 211

Agreement to Commit Crimes and the Formation of Organizations and Gangs to Commit Crimes

Should several people agree to commit one of the premeditated crimes provided for in Chapters 1 and 2 of this section and punishable by death, imprisonment for life or imprisonment, form or create an armed or non-armed organization or gang to commit one of those crimes, every party to the agreement or member of the organization or gang shall be subject to punishment.

Any person who causes the agreement, founds, organizes or leads the organization or gang and any person who organizes, is party to the agreement or a member of the organization or gang shall be subject to the same punishment.

* * *

Article 217

Violation of the Citizen's Political Rights

Any person who prevents others from exercising a political right in part or in whole and by force, threat or deceit; and any person who forces others to exercise this right against their will shall be punishable by detention.

Chapter 3

Felonies and Misdemeanors against Foreign States

Article 218

Attack against Heads of Foreign States

Any attack against the life, safety and personal freedom of a head of a foreign state is a serious attack inside the Libyan territories and is punishable by imprisonment for life should the attack target the life, and by imprisonment for no less than five years in the other cases.

Should the act result in the death of the victim, the perpetrator shall be punishable by death should the attack target the life, and by imprisonment for life in the other cases.

Article 219

Attack against the Freedom of Heads of Foreign States

Every person who attacks, on Libyan territories, the freedom of the head of a foreign state in the cases not prescribed in the previous article shall be punishable by imprisonment between one year and 10 years.

Article 220

Defamation of Heads of the Foreign States

Every person who publicly defames or attacks the dignity of the head of a foreign state while on Libyan ground shall be punishable by imprisonment not exceeding five years.

Article 221

Attack against Representatives of Foreign States

The provisions of the previous three articles shall also apply in the event of an attack against the representatives of foreign states recognized by the Libyan government as heads of diplomatic missions, and for or in the performance of their duties.

* * *

Article 223

Condition of Reciprocal Treatment

The provisions of Articles 218, 219, 220, 221 and 222 shall not apply unless the laws of the foreign state provide for equality in criminal protection based on reciprocal treatment. Heads of diplomatic missions shall not be treated as heads of foreign states pursuant to Article 221 unless these states provide for equality in the criminal protection of heads of Libyan diplomatic missions.

In the absence of such a protection, the general provisions of the criminal code shall apply.

* * *

Section 5

Crimes against Public Safety

Chapter 1

Crimes of Violence that Represent a General Danger

Article 296

Random Killing

Every person who with intent to kill commits acts that jeopardize the public safety without attacking the safety of the state shall be punishable by imprisonment for no less than ten years.

Should the act result in the death of a person or more, the penalty shall be death.

Should the act result in the bodily harm of a person or more, the provisions of various crimes shall

apply.

Article 297

Fire

Every person who willfully starts a fire on other people's property shall be punishable by imprisonment not exceeding seven years.

Every person who starts a fire on his property shall be punishable by imprisonment not exceeding five years, should the act result in the burning of other people's property or endanger public safety.

Article 298

Disasters

Every person who endangers public safety by causing the flooding, sinking or capsizing of a ship or any other floating vessel, the crashing of a plane, a rail road accident, the collapse of a building or any other disaster shall be punishable by imprisonment from three to ten years.

In the event of the sinking or capsizing of a ship, crashing of a plane or a railroad accident the penalty of imprisonment shall increase should the act be combined with the destruction, removal or concealment of lights or other signs, and the use of misleading signs or any other forms of deception.

Article 299

Disasters and Risks Emanating from Damages

- 1) Every person who sets his own property on fire for the mere purpose of damaging the property of others shall be punishable by detention for no less than six months, should his act put the property of others at risk of fire or disaster.
- 2) The same penalty shall apply to any person who destroys or damages one of the facilities designed for the collection or disposal of water, or for warding off the danger of water and flooding or spoiling the earth, should the act be committed with intent to cause a damage resulting in a disaster.
- 3) Should the act provided for in the previous two paragraphs result in a fire or any other disaster, the penalty of imprisonment shall not exceed seven years.

Article 300

Extreme Circumstances

The penalties prescribed in Articles 297 and 299 shall increase by no more than the half should the act be committed against one of the following buildings or facilities:

- 1) Public buildings or those designed for public use or worship, memorials, cemeteries, their

annexes, forests or woods.

2) Inhabited or residential buildings, factories, work spaces, quarries, mines, aqueducts, water-dispensing facilities or any facility related to the collection or disposal of water.

3) Ships, floating vessels or aircrafts

4) Railroads, sea ports, runways, public storages, warehouses, armories, or storages for flammables or gas.

Article 301

Attack against the Public Safety

Taking into account the provisions of the previous articles, any person who endangers the safety of public transportation, derails, disconnects or hinders communication, or commits an act against the maintenance facilities or any other means designed for the production or distribution of electric power, lighting or industrial gas shall be punishable by imprisonment from one year to six years, should the act endanger public safety.

The same penalty shall apply to any person who commits an act intended to destroy a building, in part or in whole, or causes another disaster, should the act endanger public safety.

Every person who throws hard projectiles or bombs on vehicles designed for public transportation while in motion shall be punishable by detention not exceeding two years.

In the criminal code, "means of transportation" include land, maritime and air means; "communication" includes the telephone, fax, wireless units, television and radar.

* * *

Article 304

Smuggling Explosives and the Likes

Any person who smuggles explosives or flammable material on trains or any other vehicle designed for the transportation of passengers, thus violating transportation rules, shall be punishable by detention and a fine not exceeding 100 pounds or one of these penalties.

The same penalty shall apply to an employee who allows such an unlawful act.

Article 305

Epidemic

Every person who causes an epidemic by spreading harmful bacteria shall be punishable by imprisonment for no less than ten years.

Should the act result in the death of one person, the penalty shall be imprisonment for life. Should the act result in the death of more than one person, the penalty shall be death.

Article 306

Poisoning Water or Food

Any person who poisons water or food before it is distributed to or reaches the consumer shall be punishable by imprisonment for no less than five years.

Should the act result in the death of one person, the penalty shall be imprisonment for life. Should the act result in the death of more than one person, the penalty shall be death.

* * *

Section 6

Crimes against General Security

Article 317

Instigation to Commit a Crime

Any person who publicly instigates the commission of a crime or more without consequence shall be punishable by the following penalties:

- 1) Detention, should he instigate the commission of felonies
- 2) Detention not exceeding six months or a fine between 10 and 30 pounds, should he instigate the commission of misdemeanors or infractions

The penalty shall be imprisonment should he instigate the commission of a misdemeanor or more with an infraction or more.

Article 318

Causing a Strife between Confessions

Every person who publicly instigates hate or contempt for a confession or several confessions in a way to disturb general security, shall be punishable by detention not exceeding one year and a fine between 20 and 100 pounds or one of these penalties.

Article 319

Instigation for Disobeying the Laws

Any person who publicly instigates others to disobey the laws shall be punishable by the penalties prescribed in the previous article or shall be legally cited for a felony or misdemeanor.

* * *

Article 321

Criminal Gangs

Should three people or more form a gang to commit several felonies or misdemeanors, every participant therein shall be punishable by imprisonment for no less than three years, should the purpose be the commission of felonies; and confinement, should the purpose be the commission of misdemeanors.

The person who leads, forms or organizes the gang shall be punishable by imprisonment for no less than three years, should the purpose be the commission of felonies; and imprisonment from two to five years, should the purpose be the commission of misdemeanors.

The penalty shall increase by no more than the half, should the members of the gang open fire in the country or on public roads.

Any gang member who reports the gang and its members to the authorities or causes its dissolution in any way before the commission of any of the crimes the gang was formed to commit and before the start of criminal proceedings against it shall be absolved from punishment.

Leaders and founders shall not be absolved unless they disband the gang.

Article 322

Aiding and Abetting Gang Members

Every person who lodges or supplies criminal gang members shall be punishable by detention not exceeding two years, should he not be an accessory to or facilitate the crime.

There shall be no punishment for any person who commits these acts in the interest of a relative.

Article 323

Acts of Vandalism and Looting

Every person who commits any act of vandalism, stealing or looting shall be punishable by imprisonment, should the act be committed for a purpose other than an attack against public safety.

Should the act affect weapons, ammunitions or supplies in a place for sale or storage, the penalty shall be imprisonment for no less than five years.

Article 324

Terrorizing People

Every person who threatens to commit crimes against public safety or acts of vandalism, stealing or looting, and terrorizes people shall be punishable by detention not exceeding two years.

Article 325

Terrorizing People by Using Explosives

Every person who detonates bombs, explosive material or any such device to terrorize people or cause turmoil or unrest shall be punishable by detention, should he not commit a more dangerous

crime.

* * *

Chapter 3

Falsification of Documents

Article 341

Falsification of Public Documents by a Public Officer

Every public officer who files a falsified document, in part or in whole, or falsifies a true document in the performance of his duties shall be punishable by imprisonment for no less than three years.

* * *

Article 350

Fake Passports

Every person who falsifies a passport, ticket, pass or anything of the sort, or uses something of the sort without knowingly taking part in its falsification shall be punishable by imprisonment not exceeding five years. Should the falsifier be a public officer, the provisions related to public officers shall apply.

* * *

Title 3

Crimes against the Person of People

Section 1

Crimes against Individuals

Chapter 1

Crimes against the Life or Safety of the Individual

Article 368

Murder in the First Degree with Premeditation

Every person who willingly kills someone with premeditation or ambush shall be punishable by death.

Article 369

Premeditation

Premeditation is determination before the act to commit a crime against a person and arranging

the necessary means to meticulously execute the crime.

Article 370

Ambuscade

☞Ambuscade☞ is watching someone on a destination or more for a long or short period of time with the intent to kill that person or commit an act of violence against him.

Article 371

Poisoning

Every person who willfully murders someone using substances that cause immediate or belated death is considered murderer by poison irrespective of the means of use of these substances, and shall be punishable by death.

Article 372

Murder in the First Degree without Premeditation or Ambuscade

Any person who willfully murders someone without premeditation or ambuscade shall be punishable by imprisonment for life or imprisonment.

Should the crime be committed against the ascendants, descendants, husband, brother or sister, should the motive be petty reasons, and should the crime be brutal and savage, the penalty shall be imprisonment for life.

And yet, the actor of this felony shall be sentenced to death, should it be preceded, combined with or followed by another felony. Should the purpose be the preparation for, facilitation or actual commission of a felony, or aiding the actors of the felony or their accessories to escape or evade punishment, the penalty shall be death or imprisonment for life.

* * *

Article 379

Simple Injury

Every person who injures the person of someone in such a way to lead to an ailment shall be punishable by detention not exceeding a year or a fine not exceeding 50 pounds.

Should the ailment not exceed ten days, and in the absence of one of the extreme circumstances prescribed in Article 382, the actor shall not be punishable for the crime unless the victim files a complaint.

Article 380

Grave Injury

Injury to the person shall be grave and shall be punishable by detention not exceeding two years

or a fine not exceeding 100 pounds, in one of the two circumstances:

- 1) Should the injury result in an ailment that endangers the life of the defendant or puts him at risk of being incapable of performing his normal duties for no more than 40 days.
- 2) Should the act be against a pregnant woman, resulting in a hastened delivery.

Article 381

Dangerous Injury

Injury to the person shall be dangerous and shall be punishable by imprisonment not exceeding five years, should the act result in the following:

- 1) an ailment with no hope of or possible hope of recovery
- 2) the loss of or permanent damage to one of the senses
- 3) the loss of, permanent damage to, the loss of use of one of the limbs or organs, the loss of reproductive ability or permanent and grave difficulty in speech
- 4) permanent disfiguration of the face
- 5) the miscarriage of the pregnant woman who was assaulted

* * *

Chapter 2

Crimes against Personal Freedom

Article 428

Kidnapping

- 1) Every person who kidnaps or detains a person, or denies him his freedom in any way or form, by force, threat or deceit shall be punishable by imprisonment not exceeding five years.
- 2) The penalty shall be imprisonment not exceeding seven years, should the act be committed:
 - a) against one of the ascendants, descendants or the husband
 - b) against a public officer, thus crossing the limits of the authorities related to his position
 - c) for the purpose of acquiring a benefit in exchange for the release. Should the actor get his way, the penalty shall be imprisonment not exceeding eight years.

Article 429

Use of Violence To Coerce Someone

Every person who coerces someone by means of violence or threat to commit, possibly commit or

refrain from committing an act, shall be punishable by detention not exceeding two years.

Should the threat be aimed at coercing others to commit a crime, or be in writing, the penalty shall be detention.

Should the actor acquire an illicit benefit to injure others, the penalty shall be imprisonment not exceeding five years.

The penalty shall be increased by one third should the violence or threat be carried out by means of a weapon, by a group of people or a person in disguise.

Article 430

Threat

Every person who threatens others with illegal injury shall be punishable by detention not exceeding six months or a fine. The lawsuit shall not be initiated unless the victim files a complaint.

In the event of a threat to commit a crime against the person, to acquire money, to reveal dishonoring information or in any other shape or form prescribed in the last paragraph of the previous article, the penalty shall be detention not exceeding one year. The lawsuit shall not strictly be based on the complaint filed by the victim.

* * *

Chapter 2

Other Felonies and Infractions Related to Public Safety

Article 477

Manufacturing or Trafficking Weapons without Permit

Every person who manufactures or causes to be manufactured, imports into or exports from Libya, offers or exposes for sale, or traffics weapons without permit shall be punishable by detention not exceeding six months or a fine not exceeding 20 pounds.

Article 478

Unlawful Possession of Weapons

Any person who possesses weapons or ammunitions without duly notifying authorities shall be punishable by detention not exceeding one year and a fine not exceeding 20 pounds.

* * *

Article 480

Carrying Weapons without Permit

Every person who carries a weapon outside his residence or annexes without legal permit shall be

punishable by detention not exceeding two years and a fine not exceeding 50 pounds.

The penalty shall be detention and a fine not exceeding 100 pounds should the act be committed in an assembly, gathering, or at night in a residential neighborhood.

Article 484

Definition of Weapons

In the previous provisions, "weapons" mean:

- 1) firearms and all kinds of devices designed by nature to injure people.
- 2) Bombs and any device or instrument containing explosive substance, explosive substances themselves, or suffocating, blinding or harmful gazes in any way or form.

* End of Excerpt *