

X IN THE NAME OF GOD THE MERCIFUL
AND THE MOST COMPASSIONATE

REPORT OF THE DELEGATION OF
THE LIBYAN ARAB REPUBLIC
TO

THE FIFTH UNITED NATIONS CONGRESS
ON PREVENTION OF CRIME AND TREATMENT
OF OFFENDERS
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ON
THE POLICE ROLES IN
THE LIBYAN ARAB REPUBLIC

TRIPOLI IN 13th SHABAN, 1395 H.Y.
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This report attempts to clarify the new roles of the police in the Libyan Arab Republic. This clarification will be by means of a brief discussion of the police in the past and at the present time. While explaining this topic, the emphasis will be on the reorganization of the police structure itself, and the ways and methods by which to protect the individual and the society alike.

This report consists of three main parts, these are the following:
The first part: deals with the new role of the police and the development of relations between the people and the police.

The second part: deals with the reorganization of the police structure in accordance with modern scientific methods.

The third part: deals with the police role in the punishment establishments in view of the new prisons law.

THE FIRST PART

THE NEW ROLE OF THE POLICE
AND THE DEVELOPMENT OF RELATIONS
BETWEEN THE PEOPLE AND THE POLICE

The people of the Libyan Arab Republic were colonized, and colonialism shaped the life of libyans. That is to say the police during colonialism treated the libyan citizens in an inhuman fashion. Furthermore, the colonists mobilized their police forces to enslave the libyan arab people. This situation led to a feeling of hatred toward all forms of colonialism, including its police forces. The hatred between the libyan people and colonialism led to a lack of any cooperation and trust with the police.

Since the First September Revolution, the relation between the police and the people underwent a drastic change; in other words the honest serious efforts began to appear to correct the old concept of the police and to replace it with a new one based on the principle: " The Police is to Serve People ".

In order to carry out the roles of the police, the necessity emerged to make the people and the policemen as well aware of the new roles. The main purpose of this new role is to create cooperation and trust between the police and the people on one hand, and to take out from the minds of the people what colonialism had left (police is a force of terror) on the other hand.

It should be stated that the Ministry of Interior is working in accordance with scientific methods which can be evident in different meetings, seminars and conferences held to modernize the various grades and levels of the policemen and also these meetings were held between the policemen and the people in order to make the later aware of the

new role and the human goal of the police. During the meetings between the policemen and the people, the later were made fully aware that there is no any favoritism or discrimination among citizens. As a result of these efforts the citizens turned to be very cooperative and understanding of the new roles of the police in the Libyan Arab Republic. In addition, the citizens began to offer their help and assistance in both identifying and preventing society from different crimes.

One of the best examples of the cooperation between the police and the people is the expansion of the Police Friends System. Those are a group of concerned citizens who volunteer with some of their time to help the policemen in preventing society from crimes. Another better example is the development of the Police Children. Those are a group of boys, between the ages of 8 and 12 years old. They are selected and trained to direct the traffic movement wearing traffic-men uniforms.

The Police Children program is carried out in all cities of the Republic. Parents admired this program and asked the police authorities to recruit their children to contribute and take part in this program. In the near future the Police Children program will be the foundation of another special traffic program to supervise and direct the traffic movement near the schools of the Republic.

Again, the Ministry of Interior in cooperation with other specialized institutions is still making every effort to update the policemen into the required modern standards, and by the same token to update the libyan arab citizens to the standards of modern good citizen who by himself respects the law and discipline in his society.

THE SECOND PART

THE REORGANISATION OF THE POLICE
STRUCTURE IN ACCORDANCE WITH
MODERN SCIENTIFIC METHODS

In order that the police achieve its roles, the First September Revolution gave special concern with the reorganisation and development of the police system. This reorganisation could be seen in the following areas:

1- The development of the police structure as can be seen in the creation of specialized departments such as criminal research, personality identification, training, general relations, officers affairs, policemen services affairs, organization and administration, inspection, moral crimes prevention and juvenile delinquency.

Also the Republic is divided geographically in order to provide protection and security for all citizens. The regulations to organize the above stated departments have been issued in such a way that the function and roles of each department became very clear. Also the regulations are adapted from the most modern theories in the police systems.

2- The development of services requirements especially in respect to appointment and qualification. This has been implemented by appointing men in the police with good training and even university degrees. It has also been the policy of the training to encourage those policemen who are seeking learning or participation either in national or international conferences, meetings and studies.

3- The introduction of modern scientific methods in the conduct of police work such as computer, modern communication methods, audio-visual aids, criminal laboratory research, and criminal finger prints.

4- The recruitment of qualified men for the investigation departments. The police investigations are divided in such a way that the identification of crimes are becoming easier. To facilitate crime discovery a department of investigation is established and equipped with trained police dogs.

Since crime statistics are helpful to both policemen and legislators to know the trends of crime in a given society, thus a special care is given to crime statistics, that is to say specific crime statistics on both national and regional levels are prepared and made clear and accessible to legislators and researchers in their studies and legislations.

THE THIRD PART
THE POLICE ROLE IN THE PUNISHMENT
ESTABLISHMENTS IN VIEW OF THE
NEW PRISONS LAW

The authorities in the Libyan Arab Republic follows, in preventing crime, the recommendations of social defense conferences, especially in what is suitable to the local conditions of the libyan arab society and also the Islamic Sharia (jurisprudence). Again, the Islamic Sharia is the most important source of the libyan legislation in connection with preventing crime and treatment of offenders.

The Revolutionary Command Council has issued recently the law No. 47 of 1395 H.Y. corresponding to 1975 A.D. This law consists of one hundred and five articles and deals with the reorganization of prisons which are conceived as institutions for education and citizenship training rather than places for punishment and terror. By examining the prisons law, there are nine principles on which prisons are organized, and the prisoners or offenders are treated. These nine principles are the following:

- 1- The Islamic Sharia is the theoretical basis on which the prisons are organized and offenders are treated
- 2- The idea of gradualism in the sense that the law regulates the treatment of offenders and their promotion from one type of prison to a higher and better type, the encouragement of offenders to be useful citizens in their society when they leave prison.
- 3- The differences between males and females in the sense that females offenders are given special treatment due to their special nature. Female offenders may be kept in social organizations or welfare centers. Pregnant females as well as nursing mothers have special privileges in

order to secure the best treatment and care for the child.

4- Work as a treatment: with the exception of short time prisoners, all other prisoners must work as a kind of treatment, and utilize their energy and time. The prisoners work is regulated by two significant rules, these are (1) payment for the prisoner's work, and (2) insuring him against work hazards.

5- Education and learning are encouraged in three important forms:

(1) general and religious education: illeterate prisoners should have special courses in reading and writing; (2) vocational learning and (3) secondary and university education. The new prisoners law encouraged and regulated the above three types by offering every facility needed.

6- The medical care. The law is very much concerned with medication and health welfare of prisoners. Each prison should have one physician or more, the new prisoners law also allows the release of the offender under grave sickness, but this release is subject to an approval of a medical committee chaired by the Minister of Interior.

7- The social care: this means that the offenders must be treated in accordance with psychological and social practises. The social welfare of the prisoner is conducted by a staff of professional psychologists and social workers. The law further entitles the offender to 8 days vacation for the purpose of keeping him in contact with ordinary life and his family, but this vacation is given in two periods not less than 4 days each period. The new prisoners law entitles the prisoner for emergency leave such as the death of one of his parents or children.

8- The planning principle: this is evident in the creation of the Higher Council for Prisons Planning. This Council is headed by the Minister of Interior.

9- The vocational training: the Ministry of Interior materialized this principle by providing prisons with modern technical workshops in the areas of mechanics, shoemaking, sewing, electricity, typing, blacksmithing, hydrolics and construction. The purpose of such training and workshops is to train the prisoner to be a useful citizen when he is due to be released. As an outcome of such efforts many prisoners, after their release, obtained skilled jobs. Furthermore, the Ministry of Interior helped many persons with past criminal records to find honest means of living in the society.

CONCLUSION

It has been seen in this report that the police in the Libyan Arab Republic began to contribute positively in the protection of the individual and the society as well. Furthermore, the police in the libyan arab society began to relate and cooperate its functions and roles with the people on one hand and with other concerned social agencies on the other hand. The police may keep the offender in prison and then follow up his behaviour to ensure that he is a good citizen. Final word is that the police in the Libyan Arab Republic follows in its organization the most advanced principles of social defense theories in its practises and treatment of the offender.

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This report is prepared from the following sources:

1- The Libyan Arab Republic Ministry of Interior, The Police in Five Years 1970-1974, Tripoli, Al-Galla Press, August, 1974.

2- Major KAWEILDI AL-HEMEDI Speech, member of the Revolutionary Command Council and Minister of Interior in the opening of the Third Arab Conference for Police and Security Officers in the Arab Countries, held in Tripoli City, Libya, April, 1975.

3- Prisons Law No.47 of 1395 H.Y. corresponding to 1975 A.D. in the reorganization of prisons, issued by the Revolutionary Command Council, 22nd May, 1975.

4- The Explanatory Memorandum to the Prisons Law No.47 of 1395 H.Y. corresponding to 1975 A.D.

SUMMARY OF THE ROLE OF
CRIMINAL JUSTICE LEGISLATION
IN THE LIBYAN ARAB REPUBLIC

As a result of the increase in crimes connected with drinking alcohol and specially traffic accidents, and the failure of all the penalties - no matter how severe they were - for the eradication of this bad habit of drinking led the Government of the Libyan Arab Republic to issue a law by which it prohibited the production of alcoholic drinks, importation thereof as well as its consumption. Those who violate this law shall be severely punished. Despite the short period of the execution of this law, preliminary statistics have shown a tangible drop in traffic accidents as a direct result of this law which prohibited drinking as well as trade with alcoholic drinks.

In fact the Libyan Arab Republic has not drugs addiction problems, however the **drugslaw** is very severe towards those who are found in a **possession** of drugs or use of it. Security forces are very active in protecting the country from being a corridor for illicit drugs traffic to the neighboring countries or its consumption in the country.

The Libyan Arab Republic has noticed a new phenomina of slavery - that is the illegitimate trade in man power, and its utilization in the vast projects all over the country. As a result of this inhuman act, the Government of the Libyan Arab Republic issued a legislation in September 1969 by which it prohibites trade in man power. This legislation caused the revocation of every labour contract which includes a third party between the employer and the labourer. The new legislation protects all labour rights established by law. Also a severe penalty is applicable against those who violate the rules of this legislation.

We have to point out here that there is no problem of unemployment in the country due to the vast development projects in the fields of industry agriculture and education- these vital projects engage all national manpower as well as the guest labourers who come into the country in a way not to create any labour problems or social troubles which lead to crime or assist in its creation.

We have to observe that most of the penal procedures before penal courts are essential and constitute the basic guarantees for the individuals. It seems very difficult and non-acceptable to overlook these procedures or to attempt its reduction. The procedures which should take place till the parties appear before the court, and the hearing of the statements and the investigation of the defence by hearing the witnesses of the parties, and seeking the opinion of the experts etc., all this takes a long time.

Any attempt for the simplification of these procedures before the penal courts will have limited effects and the omission of any of these procedures means a breach to the basic guarantee to fair and legitimate trial.

In the Libyan Arab Republic we tried to simplify litigation procedures, and this attempt was restricted to price control contraventions. Accordingly the simplified procedures, the public prosecutor should move immediately to the site of the offence, and he should interrogate the accused and hear the witnesses. The public prosecutor is obliged to raise the penal suit for these contraventions within 24 hours of its commitment, and a judgement should be issued within three days from the date of raising the case. The judgements issued in such cases are not subject to appeal or opposition unless the fine exceeds one hundred libyan dinars or the accused was convicted and sentenced to detention. The procedures for these cases were simplified; the judge is contented with reading the statements of witnesses before the preliminary investigations without any need for the appearance of these witnesses before the court. The judge in cases

may order the seat of the court to be in the site of the offence or any other place of his choice outside the court's palace.

There is no doubt that the success of this simplified penal procedures shall be extended to cover other types of offences and specially those without criminal intent and which happen very frequently.

In all the established judicial systems, the judge and his aids shall be always the backbone of the judiciary bodies, and they should be in sufficient numbers to meet the urgent needs of the society. It is unbelievable to commit a juvenile or a minor to a reformatory or a social centre before establishing his responsibility for the offence subject of charge, or the establishment of his criminal intent. The commitment of a minor or a juvenile to a reformatory or a social center involves restriction of freedom of the individual, and this restriction should not be decided by other than a qualified competent judicial authority.

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