

Lebanese Republic
Chamber of Deputies
Law No. (463) of 17/09/2002
Official Gazette No. (54) of 26/09/2002

Law
on enforcement of penalties

Single Article

The draft law on enforcement of penalties, as amended by the joint parliamentary committees and the Chamber of Deputies, has been ratified.

This Law shall enter into force upon its publication in the Official Gazette.

Law
on enforcement of penalties

Article (1)

Contrary to any other text, a penalty reduction for good conduct and behaviour may be granted to prisoners sentenced to custodial penalties by granting them a reduction of their penalty in accordance with the provisions stipulated in this Law.

Article (2)

A committee in each governorate shall be responsible for submitting the proposal for penalty reduction. Each committee shall be comprised of the following:

- A full-time judge appointed by the Minister of Justice upon the approval of the Higher Judicial Council – President.
- Head of the Central Prisons Company with regard to the prisons subordinate thereto.
- Commander of the platoon to which the prison or prisons of a specific area are subordinate upon studying the conditions of prisoners therein.
- Two doctors: The first a prison doctor for all matters related to organic diseases, and the second a specialist in mental and psychological illnesses, to be nominated by the Minister of Justice.
- Social worker, to be appointed by the Minister of Justice.

Article (3)

The committee shall draft a detailed and reasoned proposal in the first half of June and the first half of December of each year. The proposal shall include the names of the prisoners that deserve to have their penalties reduced. It shall examine the condition of each prisoner and, when drafting the proposal thereof, shall take into consideration the following foundations and principles:

1. Shall have obtained proof of the prisoner's good conduct and confirmed that the release thereof will not pose a threat to either the prisoner or any other person in light of the prisoner's psychological, mental, physical and social state.
2. The prisoner shall have been sentenced to imprisonment for a minimum of six months.
3. The prisoner shall have met the conditions required by the category to which they belong in accordance with the category breakdown specified in Article (4) of this Law.

Article (4)

Prisoners shall be classified into the following categories:

Category 1:

- Prisoners sentenced on misdemeanours or temporary felony penalties.

- Each prisoner shall benefit from penalty reduction at an average rate of between one-sixth and one-half thereof if the prisoner has served a minimum of half of their penalty and has met the general conditions specified in Article (3) of this Law.

Category 2:

- Prisoners sentenced to felony life sentences.
- Each prisoner shall benefit from penalty reduction if they have already served a minimum of ten years of their penalty and has met the general conditions. The remaining penalty after reduction shall be a minimum of ten years and a maximum of twenty years.

Category 3:

- Prisoners that become afflicted, while in prison, with blindness, hemiplegia or any incurable terminal disease, prisoners that suffer from a dangerous illness that poses a threat to either their lives or the lives of other prisoners, or prisoners that have become disabled and are unable to take care of themselves or perform any type of work.
- The aforementioned persons may be exempted from the remainder of their penalty if the Committee confirms that they have become afflicted with an illness specified in Paragraph (1).

Article (5)

The Committee shall submit its proposals to the competent court.

Article (6)

A Court of Appeals chamber in Beirut shall be entrusted with the task of adjudicating the reduction of prisoner penalties. The chamber shall be appointed by virtue of decree on the distribution of functions. The President of the Committee entrusted with the submission of proposals shall join the staff of the chamber without being granted the right to vote.

Article (7)

The Court shall have the right to take the necessary measures to verify the contents of each file referred thereto and to ensure that the conditions stipulated in this law have been met. It may bring the prisoner affiliated with the proposal before it in person in order to hear his statements, or may request to receive the records and documents necessary to allow the Court to uncover the truth. All Court staff may visit the prison or any other area of isolation in order to closely observe the conduct of the prisoner whose file it is adjudicating.

Article (8)

The Court shall adjudicate the files referred thereto in chambers. It shall issue a decision thereon within a maximum period of two months from the date the file is received.

Article (9)

The Court shall sufficiently justify each of its decisions with evidence from the actual bases it adopted for each legal conclusion reached.

Article (10)

Decisions issued by the Court shall enjoy executive force and shall not be subject to any form of ordinary or extraordinary review.

Article (11)

Reductions shall not extend to subsidiary or additional penalties, or to precautionary measures.

Article (12)

The Court shall base penalty reductions on the following obligations:

1. The prisoner shall pay bail, the amount thereof to be determined by the Court.

The bail shall be returned to its provider if, within two years for short-term and misdemeanour penalties and five years for felony penalties, the prisoner does not commit crimes that are equal to or more severe than the crimes for which their penalty was reduced.

2. The prisoner shall either submit a forfeiture of their personal rights or prove that he has satisfied the compensations awarded.

Article (13)

The prisoner may be subject to social oversight by means of a social worker appointed by the Court. The duties and duration thereof shall be specified by the Court and this duration shall not exceed two years for misdemeanours and violations and five years for felonies.

Every three months, the social worker shall, by their own accord, provide the Court with a report specifying the extent of the prisoner's successful reform and integration into society.

The Court shall listen to the prisoner and the social worker and discuss the topic of the report therewith if necessary.

Article (14)

The prisoner shall forfeit the penalty reduction awarded and serve the remaining duration of their original penalty in the following cases:

1. If they fail to abide by the obligations stipulated by virtue of Article (12) of this Law.
2. If the Court deems, through the social worker's report and the investigations performed thereby, the failure of the prisoner to be successfully reformed and integrate into society.
3. If the prisoner is arrested within a period of two years for misdemeanours and violations and five years for felony penalties for committing a crime equal to or more severe than the crimes for which their penalty was reduced, on the condition that a final verdict issued by the competent court rules that he has committed the new crime.

The court that decides upon the reduction of the penalty shall be competent to issue a justified decision to revoke the prisoner's penalty reduction on the basis of a request submitted by the competent public prosecution.

In the event of the revocation of a prisoner's penalty reduction, the competent public prosecution shall rule that he serve the remaining duration of the reduced penalty.

Article (15)

The following crimes shall be exempt from being awarded a reduction:

- Crimes of collective endangerment: Terrorism, intentional arson, forgery and spread of currency, slave trafficking and drug trafficking, excluded is the promotion or use of drugs.
- Armed gangs and assemblies of troublemakers.
- Crimes stipulated in Article (549) of the Penal Code.
- Crimes of the rape of minors.
- Crimes committed against national security and public funds.

Repeat offenders shall also be exempted from being awarded a reduction.

Article (16)

The mechanism for implementing the reduction of penalties shall be determined by virtue of a decree issued by the Council of Ministers, on the basis of a proposal submitted by the Minister of Justice within a period of three months from the date of this law's entry into force.

Article (17)

This Law shall enter into force upon its publication in the Official Gazette.

Mandating Reasons

Whereas Article (58) of the Penal Code stipulates that any person sentenced to a custodial penalty of at least three months shall be entitled to improved prison treatment for good behaviour, which shall cover food, type of labour, number of working hours, the silence rule, recreation, visits and correspondence;

And that all of the foregoing shall be determined by this law on penalty enforcement;

And given that this Law has not yet been issued;

And whereas Article (108) of Decree No. (14310) of 11/02/1949 on the organisation of prisoners stipulates the following: “On 15 June and 15 December of every year, a proposal may be submitted for the penalty reduction for prisoners that have obtained a certificate of good conduct or pardon. These proposals shall be individual and shall be submitted by the commander of the gendarmerie battalion in the form of a detailed report on each individual deserving prisoner;”

And whereas this article fails to specify a viable authority to enforce the proposal or the mechanism that shall be utilised to carry out this implementation;

And whereas the pardoning of a prisoner from his penalty or the reduction thereof outside of the personal pardons framework constitutes work of a legal nature, it is necessary to establish an authority that shall be responsible for such work pursuant to this Law, whereby this process modifies the legal status of a prisoner and is thus related to the organisation of prisons and the proper functioning of this public utility;

And whereas the legislator repealed Articles (173) et seq. of the Penal Code in 1948 for reasons, the most important of which is the failure of said law or the Code of Criminal Procedure to outline a specific mechanism and procedures for implementing clear and precise regulations for the execution of this Article in a way that prevents the use of discretion and falling under the influence of connections and favouritism. In addition, Articles (173) et seq. mentions all prisoners without distinguishing between them. It adopts a unified equation for the reduction of penalties in the form of a quarter of the penalty to which the prisoner is sentenced, without taking into consideration the types of crimes that were committed or the extent of their effect on the stability of the social structure. Meanwhile, the proposed Law specifies varying equations for penalty reductions for deserving prisoners and is open to modification;

And whereas similar legislation, specifically the French Code of Criminal Procedure, appoints a specific judicial institution that shall be entrusted with the reduction of prisoners’ penalties, on the basis of precise standards, with a focus on the desire to encourage those prisoners that exhibit positive repentance reflected by their good conduct;

And whereas this requires the issuing of legislation in observation of the following facts:

1. A viable authority shall be established for reducing prisoners' penalties, which shall be comprised of a minimum of three judges. Reduction shall be limited to the original penalties;
2. A set of conditions that must be met shall be specified in accordance with the objective standards precisely stipulated by this Law. It shall be made possible to join penalty reduction with one of the obligations stipulated in Article (170) of the Penal Code;
3. The competent judicial authority shall adequately justify its decisions. The justification thereof shall display the actual bases on which the conclusion was reached;
4. The decisions of the competent authority shall enjoy executive force;
5. The competent authority shall have the right to retract any of its decisions in the event that the beneficiary commits a different crime within a specific period;

Thus,

We present the honourable Parliament with the attached draft law that we wish to adopt.

Mechanism for Enforcing Penalty Reductions

First: Immediately after the Judicial Bureau in the Roumieh prisons receives the summary of the ruling issued with regard to a prisoner that has been sentenced for more than one year, the Judicial Bureau shall proceed to fill out Attachment No. (1), which shall then be submitted to the leadership of the company concerned, or to the prison platoons that are not headed by an officer.

Second: The leadership of each company shall inspect the file and deliver it directly to the Secretariat of the Committee for Penalty Reduction, who shall proceed to archive it in a special program, noting the category of the crime.

Third: Each disciplinary penalty issued for prisoners on the basis of the prisons system specified by Decree No. (14310) of 12/02/1949 and all amendments thereof shall be directed in the form of a notice to the aforementioned Committee and shall be entered into the file maintained for the prisoner by the Secretariat of the Committee.

Fourth: After the completion of one-half of the duration of the executed penalty, requests shall be delivered by prison commanders on behalf of these prisoners. Requests shall be accompanied by the instructions of the commanders and shall include all information related to the health and social state of the prisoner pursuant to the reports, as well as the behaviour of the prisoner and disciplinary penalties imposed thereon. They shall be sent to the leadership of the company tasked with the inspection thereof, which shall approve or reject the request and refer it directly along with all accompanying documents to the Secretariat of the Committee for Penalty Reduction.

Fifth: In addition to the abovementioned Item (3), a folder shall be prepared in this regard for each prisoner and shall contain the following information:

- Marital status, health status, behaviour and disciplinary penalties imposed thereon. This folder shall be kept in the prisons and by the designated company leadership.

Sixth: The Committee shall adjudicate requests within a period of 15 days after receiving them. It shall proceed with the inspection thereof and issue a decision for each request on its own. It shall then refer the request to the authority designated in Articles (6) and (7) of this Law.

(This mechanism shall be issued by virtue of a decree issued by the Council of Ministers on the basis of a proposal submitted by the Minister of Justice and the Minister of Interior and Municipalities).

Decree No. (16910)
Issued on 6 May 2006
on specifying the mechanism for implementing the reduction of penalties
of 17/09/2002
on enforcement of penalties

The president of the Republic,

- On the basis of the constitution;
- On the basis of Law No. (463) of 17/09/2002 on **enforcement of penalties**, especially Article (16) thereof;
- On the basis of the proposal of the Minister of Justice;
- After consulting the State Shura Council, Opinion No. (155/2005-2006) of (28/02/2006);
- Upon the approval of the Council of Ministers in its session convened on 16/03/2006;

has decreed the following:

Article (1)

The titles included in this decree shall have the meaning indicated adjacent to each one:

- Law: Law No. (463) of 17/09/2002 on **enforcement of penalties**.
- Committee: The relevant committee stipulated in Article (2) of Law No. (463) of 2002.
- Court of Appeals: The competent chamber in the Court of Appeals in Beirut stipulated in Article (6) of Law No. (463) of 2002.

Article (2)

Prisoners sentenced to a custodial penalty by virtue of a final verdict and that meet the conditions stipulated in this law may submit a written request for a reduction of the penalty they are currently serving to the Committee either in person, through their lawyer, or through a legal representative. Attached thereto shall be the documents supporting the request.

The head of the prison shall, by their own accord, submit a proposal to the Committee for Penalty Reduction for prisoners that have met the legal conditions, especially those that fall under Category 3 as stipulated by the Law.

Article (3)

The request shall be recorded in the Committee Bureau immediately after it is received. The President of the Committee Bureau shall request the delivery thereof from the head of the prison accompanied by the following documents:

1. A copy of the final ruling or rulings being executed with regard to the applicant.
2. A copy of the judicial record for the applicant that shall be dated no more than one month from the date the request is submitted.
3. A copy of the file of the person submitting the request from the prison's or prisons' management in which the prisoner's penalty was served or is being served. Designated therein shall be the start date for the execution of the penalty, the remaining period, and disciplinary and administrative measures taken in their regard during the execution of the penalty.

4. A report from the head of the prison on the activities of the applicant in the prison.

Article (4)

The President of the Committee shall request that the prisoner, their lawyer or legal representative, or any other judicial or administrative authority, provide them with the documents necessary to enable the Committee to adjudicate their request. These documents shall include the following:

1. A copy of the case file for which the final verdict was issued.
2. Documents that indicate the prisoner's marital, health, financial and professional status.
3. A statement of the course of the prisoner's civil obligations, those that have been enforced, and the reasons why they were not enforced.

Article (5)

If necessary, the President of the Committee shall entrust one of its members with drafting a report on the prisoner. The report shall evaluate his health, mental and psychological state.

Article (6)

If the prisoner falls under Category (3) as stipulated by Article (4) of this law, the President of the Committee shall assign a competent person to assess the state of their health and the extent to which they meet the conditions stipulated in this law.

Article (7)

After the collection of necessary documents and completion of investigations, the President of the Committee shall organise a report containing a brief on the available information. They shall then transfer the same to the Committee with their proposal in regards to the request attached thereto.

Article (8)

The Committee shall convene a meeting with all of its members, on the basis of an invitation from the Committee President, in which it shall adjudicate in light of the President's report concerning a penalty reduction request. It shall make a justified decision in this regard.

If necessary and before issuing its decisions, the Committee shall listen to the prisoner or anyone else it deems necessary. It shall also perform additional investigations or request that it be provided with additional documents if necessary.

Article (9)

The Committee shall issue decisions through a majority vote or consensus. If the votes are tied, the President shall have the deciding vote. Decisions shall be signed by the President of the Committee and the members. Anyone in opposition shall record and sign off on their opposition.

Article (10)

The Committee shall periodically submit its proposal with all necessary files and documents to the Court of Appeals. This shall be done during the period specified in Article (3) of the Law. It shall then notify the prisoner, their lawyer or legal representative of whether the proposal for reduction has been accepted or rejected.

Article (11)

The Court of Appeals shall issue its decision in regards to the request in chambers within a maximum period of two months from the date the file is received.

The Court shall make its decision through a consensus or majority vote. Any member in opposition shall record and sign off on their opposition.

The decision shall be justified and shall include the actual and legal justified reasons and a summary of the Committee's proposition.

The decision shall entail either the rejection or acceptance of the request. If necessary, the duration of the penalty reduction shall be specified.

Article (12)

If necessary and prior to issuing a decision, the Court of Appeals shall take the necessary additional measures, including the following:

1. Hear the prisoner, who may request the presence of their lawyer or legal representative.
2. Assign anyone it deems suitable and has the necessary experience or specialization to evaluate the prisoner's health, marital, social, financial, and professional status and submit a report thereon.
3. Transport the Court and all members or representatives thereof to the prison for an inspection of the prisoner's state or the documents available in the prison. A record thereof shall be prepared and added to the file.
4. Call upon anyone it deems necessary hear.

Article (13)

The prisoner, their lawyer or legal representative may provide the Court with a written brief containing the comments thereof prior to the issuing of its decision.

Article (14)

The Court shall notify the prisoner, their lawyer or legal representative, as well as the concerned prison warden and the public prosecutor's office at the Court of Appeals of Beirut of its decision to either accept or reject the request for a penalty reduction.

Article (15)

The Court shall bear responsibility for correcting any purely material errors, whether written or computational, by issuing a decision on its own or on the basis of a request from the public prosecutor's office at the Court of Appeals in Beirut or the person concerned.

If necessary, the Court shall explain the decision issued upon the request of the prisoner or the public prosecutor's office at the Court of Appeals in Beirut.

A correction or explanation decision shall be issued in chambers and the relevant parties mentioned in Article (14) shall be notified thereof.

Article (16)

If the Court decides to reduce a penalty, this decision shall be contingent on the enforcement of the stipulations of Article (12) of the Law. However, the Court may rule to divide the personal compensations over a period of no more than two years, upon the approval of the prisoner. If the Court decides to reduce a penalty, the beneficiary shall be subject to social oversight in accordance with the stipulations of Article (13) of the Law.

Article (17)

The reduction decision shall not be executed unless the beneficiary satisfies the judicial expenses to which he is subject.

Article (18)

If the reduction of the penalty is accompanied with a mandate to subject the beneficiary to social oversight, they shall be responsible for the following obligations:

1. Abide by the directions and instructions of the social worker that aim to secure their integration into society.
2. Periodically visit the social worker's office at the times designated therefor.
3. Provide all information and documents requested by the social worker in order to accomplish the purposes of social oversight.

Article (19)

Anyone subject to social oversight shall maintain the right to object before the Court of Appeals to a request made by the social worker for them to implement or adhere.

The objection thereof shall not suspend the implementation of the request made by the social worker unless decided otherwise by the Court.

The Court of Appeals shall listen to the person objecting and the social worker if necessary. It shall adjudicate the objection in chambers within a period of three days and its decision shall enter into force upon the issuance thereof.

Article (20)

The social worker, within the scope of social oversight, shall provide the Court with a report every three months indicating the extent to which the beneficiary of the penalty reduction is responding to their obligations, their behaviour, the development of their personal, marital, social, professional and financial state, and the extent to which they are integrating with society.

The Court shall send a copy of the report to the public prosecution subordinate thereto.

Article (21)

The beneficiary of the reduction decision shall submit a letter to the Court in writing stating the complete address of their place of residence before the decision is implemented. They shall immediately inform the Court in writing of any change in their place of residence.

The Court shall relay this address through the public prosecution to the police station to which the beneficiary's place of residence is subordinate. The police station shall inform the Court through the public prosecution of any change to the stated address in which the beneficiary is present. It shall also inform the Court of any information it receives in relation to the beneficiary's conduct and behaviour, and the extent to which they are abiding by the conditions dictated by the reduction verdict.

Article (22)

The prisoner shall forward the reduction awarded to them and serve the remaining duration of their original penalty if any of the circumstances specified in Article (14) of the Law are met.

Article (23)

The Court shall decide that the reduction awarded to a prisoner be revoked on the basis of a request submitted by the public prosecution affiliated thereto in the cases specified by virtue of the Law.

Article (24)

The Court, before issuing its decision in regards to the revocation of the awarded reduction, shall hear the prisoner after calling upon them, using the address they indicated, to appear before it. If the Court is unable to notify the prisoner due to their lack of presence in the location, it may hear anyone it deems necessary and perform any investigations it deems necessary.

The Court shall issue its decision on the acceptance or rejection of the request for the revocation of reduction within a maximum period of one month from the date the request is received.

The decision shall be issued in chambers by a unanimous or majority vote. Any members in opposition shall record and sign off on their opposition.

The decision shall be justified and include the actual and legal justifying reasons behind the result.

Article (25)

The decision to revoke a reduction shall enter into force in its original form and shall lead to the reimplementation of the remaining duration of the original penalty that had been reduced.

This decision shall not be subject to any form of ordinary or extraordinary review in implementation of the stipulations of Article (10) of the Law.

The decision shall be relayed to the Circulation Office in the General Directorate of Internal Security Forces so that the necessary persons may be informed of the contents thereof, as is the case for judicial notices and criminal rulings.

Article (26)

Anyone from whom a reduction has been revoked and who is unable to appear before the Court due to the reason stipulated in Article (24) shall have the right to submit a memorandum containing their comments on the decision and the reasons that may justify a

reversal thereof within a maximum period of ten days from the date they turn themselves in or are arrested in execution of the revocation decision. This notice shall not lead to the suspension of its implementation.

Article (27)

The Court shall adjudicate the memorandum in chambers and shall carry out the investigations it deems suitable, including hear the submitter of the memorandum.

If the Court becomes aware of new facts revealing evidence that undermines the reasons on which the decision to revoke the reduction was based, the Court shall decide to reverse its decision and the case shall return to its previous state before the issuing of the ruling.

Article (28)

The decision on the reduction of a penalty shall be added to the prisoner's criminal record and shall not be deleted until after they have been rehabilitated.

Article (29)

The Minister of Justice shall determine the standards for selecting the doctors, social workers, and Committee members mentioned in Article (2) of the Law. They shall determine the same for social workers entrusted with supervising the enforcement of social oversight and the regulations for determining their remuneration and the disbursement thereof.

Article (30)

The Minister of Justice shall draft a table containing the names of the doctors and social workers they wish to employ and that meet the required standards, from which they will select the relevant Committee members stipulated in Article (2) of the Law.

Article (31)

The Minister of Justice shall be responsible for the following:

1. Maintain the central registry for persons benefiting from the provisions of the Law, i.e. prisoners to whom penalty reductions have been awarded.
2. Organise a file for each person who has had a decision for a penalty reduction issued in their regard containing all documents related thereto.
3. Coordinate work between national entities and associations and cooperate therewith in order to implement the provisions of the Law and this decree, especially to prepare and train social workers to perform what is required of them in this regard.
4. Draft reports and statistics to evaluate the implementation of the law on penalty reduction.
5. Issue instructions for the designated doctors and social workers upon the approval of the Minister of Justice.

Article (32)

A central office shall be established in the General Directorate of Internal Security Forces by virtue of a decree issued by the Minister of Interior and Municipalities. This office shall be responsible for organising and regulating administrative affairs related to prisons and related to ensuring the implementation of the provisions of this decree.

Article (33)

Until the issuing of a decree specifying the standards for selecting doctors and social workers and the drafting of a table therefor, the Minister of Justice shall request, on behalf of the Ministry of Justice and the Ministry of Social Affairs, that the various national associations propose a list of names of social workers to whom the tasks stipulated in this decree may be assigned. The doctors stipulated in this decree shall be nominated by the Doctors' Union.

The Minister of Justice shall draft a table of the doctors and social workers they wish to employ during the transitional period, to be distributed amongst the committees stipulated in Article (2) of the Law. The necessary persons shall be informed of this table.

Article (34)

The funds necessary for covering the expenses related to the implementation of the provisions of this decree shall be transferred from the general reserve budget to the Ministry of Justice budget, especially the funds for remuneration of the designated doctors and social workers.

Article (35)

This Decree shall enter into force upon its publication in the Official Gazette.

Baabda on 6 May 2006

Signed by: Émile Lahoud