

**Prison Organization & Treatment of Inmates Act, 1992
(22.2.1992)**

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Provisional Regulations**

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Prison Organization & Treatment of Inmates Act, 1992
(22.2.1992)
Chapter One
Provisional Regulations

- Name of the Act:** 1. this law shall be called the "Prison Organization and Treatment of Inmates Act, 1992"
- Interpretation:** 2. in this act, and unless the context requires otherwise, the words herewith (defined in the Police Act, 1999) shall have the same meanings attached to them and the following words and phrases shall have the meanings stated opposite each:¹
- "Prison"** means the place where a person sentenced by a court of competence or the one detained by order of a competent authority as required by law, including open and semi-open camps,
- "Federal Prison"** means a prison which is run by the General Directorate for Prison & Reformation Police,
- "State Prison"** means a prison established in any of the states and overseen by the state's Directorate of Prison & Reformation Police,
- "The Committee"** means the "Prison Committee" established pursuant to the provisions of Article 4,
- "The Sentenced"** means a person sentenced by a court of competence or held in prison for failure to pay *Diyyah* (blood money), a fine, debt, compensation or failure to provide bail,
- "The Director"** means a Prison & Reformation police officer appointed to run a federal, state, locality or any other prison designated by the Director General,
- "Imprisoned Without Sentencing"** means a person put in a prison by a competent authority, and includes those detained for reasons pertaining to security and justice,
- "Sanatorium"** means the place where those mentally or psychologically afflicted,
- "Inmate"** means a person who is sentenced and those not sentenced.
- "Application"** 3. Without prejudice to the provisions of the Police Force Act of 1999, this law shall apply to the Prison & Reformation Police and any other category the Minister issues a decree in regard thereto.

¹ Act No. 40 for the year 1974.

Chapter Two The Establishment of the Prison Committee

Establishment of the Prison Committee

4. 1. The Minister shall, pursuant to a decree, establish an advisory committee to be called "the Prison Committee" and formed as follows:²
- | | |
|--|----------|
| a. Director, general Directorate of Prison & Reformation | Chairman |
| b. a representative for the Ministry of Justice | member |
| c. a representative for the Judiciary | member |
| d. a rep for the Min of Finance & National Economy | member |
| e. a representative for the Social Welfare | member |
| f. a representative for the Ministry of Health | member |
| g. a representative for the Ministry of Education | member |
| h. a rep for the Ministry of Guidance & Endowments | member |
| i. a rep for the Ministry of Labor & Admin Reform | member |
| j. a representative for the Ministry of Youth & Sport | member |
| k. a representative for the Zakat Chamber | member |
| l. a representative for the Community Security Police | member |
2. The Committee may invite any person it deems fit to express their opinion on any issue presented before the committee.
3. The Committee shall convene upon call of the director of the General Directorate of Prison & Reformation Police as required.
4. The Committee shall issue an internal regulation to organize procedures of its business.

Committee Duties

5. The Committee shall:
- a. strive to develop prison institutions and installations and to upgrade their standards of efficiency and to train and rehabilitate inmates.
 - b. provide advice on the establishment of new correction reformatory institutions, in accordance with the minimum standards of treatment of inmates.
 - c. cater to any other issues that require provision of advice and consultation on perfecting correction and reformatory institutions.

Chapter Three Prison Types & Establishment

Division of Prison Units

6. 1. Prison units shall be divided into:³
- a. federal units,
 - b. state units

² Act No. 40 of 1974

³ Act No. 40 of 1974

2. Regulations shall specify the location of each prison unit.

**Establishment of
Prison**

7. Prisons are to be established by a decree from the Minister, upon recommendation from the Director General and the director of the General directorate of Prison & Reformation Police, in accordance with the minimum standards of treatment of inmates.

Prison Types

8. 1. Prison types are to be as follows:⁴

- a. federal prisons,
- b. state prisons,
- c. locality prisons,
- d. center prisons,
- e. open camps,
- f. semi-open camps,
- g. sanatorium for the mentally/psychologically sick,
- h. Waiting houses.

2. Present prisons of types described in sub-article 1 are to remain operative as if they were established pursuant to the provisions herewith.

Chapter four Means & Bases of Treatment of Inmates

**General Principles
to Follow**

9. 1. The principle that prisons are for rehabilitation, reformation and correction is to guide the way inmates are treated, in accordance with the minimum standards of treatment of inmates.

2. Discipline and order are to be kept without exceeding the degree required for establishing security.

3. All healthcare, educational, social and religious means and efforts are to be employed in rehabilitating, reforming and correction of inmates.

**Checking &
Classifying
Inmates**

10. 1. A physical, mental, psychological and social examination of inmates is to be conducted to determine the most appropriate rehabilitation programs for each category of inmates.

2. Inmates are to be classified into categories according to gender, age, length of sentence, type of crime, criminal record and health condition; to facilitate better rehabilitation and correction.

3. Regulations shall determine the controls on placement of inmates in separate prisons or in separate sections in prisons, to ensure

⁴ *ibid*

effective implementation of rehabilitation and correction programs.

4. Women have to be separated in wards separate from men, those waiting separate from convicted and juveniles separate from adults.

**Special Treatment
of Pregnant Inmates**

11. Pregnant inmates are to be guaranteed special treatment and care in punitive institutions and arrangements are to be made to allow them to give birth in a hospital as much as possible; and should a baby be born in prison, it is prohibited to mention so in official birth register, and the baby is to be provided with means of care. Regulations are to specify the means and how inmates and their babies are to be treated.

Spouse Visits

12. A spouse may be allowed to visit their spouses, following *shar'i* (legal) ascertainment of the establishment of wedlock. Regulations are to determine how that is done.

**Special Treatment
of Inmates**

13. Regulations are to determine conditions and privileges of special treatment of inmates and the categories eligible and the means of implementing that.

Educating Inmates

14. Inmates enjoy the right to education and vocational training. Regulations are to determine methods means and syllabi of education and vocational training.

**Religious and Moral
Correction**

15. The prison administration shall strive to sow in religious and ethical values and provide inmates with worship venues. Regulations are to determine means and ways of implementing that.

**Exercise, Cultural
& Entertainment
Activity**

16. The prison administration shall provide inmates with means of performing physical exercise and cultural and entertainment activity. Regulations are to determine means and ways of implementing that.

**Healthcare
for Inmates**

17. The prison administration shall provide inmates with health care. Regulations are to determine means and ways of implementing that.

**Inmate Rations
& Clothes**

18. The prison administration shall provide inmates with sufficient food and clothing items and regulations are to determine means and ways of implementing that.

Social Care

19. The prison administration shall provide inmates with social care and regulations are to determine means and ways of implementing that.

Post-release Care

20. The prison administration shall provide inmates with care after

release of those sentenced, in cooperation with the competent authorities, and regulations are to determine means and ways of implementing that.

**Individual or
Collateral Bail**

21. A person who is imprisoned for the first time may be granted the privilege of individual or group bail in the manner designated by regulations.

**Restrictions on
Keeping Minors
in Prisons**

22. No child may be kept with their inmate-mothers after attain two years of age. They must be handed over to those who legally have the right to custody. Should a physician decide that the child's health condition does not allow so, or in case of absence of guardian, the child must be handed over to the authority in charge of a childcare home; unless the director permits their stay in with their mothers in consideration of the interest of the child, provided that appropriate care and custody are guaranteed for the child.

Work

23. 1 Each sentenced inmate must be employed in a productive activity in exchange for a reasonable wage, except in cases of disability or sickness. Regulations are to determine rates of wage, reward and bonuses in exchange for work.
2. Those imprisoned but not sentenced may be employed in prison-cleaning jobs, as required.
3. In case an inmate is injured on the job, the Labor Act (1997) and the Job-related Injuries Act (1981) shall apply.⁵

Chapter Five Release of Inmates

Special Release

24. Without prejudice to the provisions of Chapter Six of the Criminal Procedures Act of 1991, the President of the republic may order a special release of any inmate, upon the recommendation of the Minister, at time of religious and national celebrations.⁶

**Releasing inmates who
Memorize the Quran**

25. The Minister may, upon the recommendation of the Director General, release any inmate who memorizes the Quran while serving their sentence, upon the recommendation of a religious committee to be set up by the Prisons Administration in consultation with the Ministry of Guidance & Endowments, provided that this does not contradict the provisions of the *Shariah* law.⁷

**Release on cancellation
on the rest of imprison
period**

26. (1) The Minister may, upon the recommendation of the

⁵ Act no. 40 of the year 1974.

⁶ *ibid*

⁷ *ibid*

Director General, release any inmate who is serving for period/s more than six of which three fourth have lapsed and is proved to be of good conduct in the period thereof

(2) Sub paragraph (1) shall not apply to inmates sentenced for failure to provide for a civil debt, fine, *Diyyah* or compensation unless such is being paid

Release for health reasons or old age

27. The President of the Republic, pursuant to chapter 6 of the Criminal Procedures Act, 1991 may release, upon recommendation of the minister, any inmate who is suffering from an incurable disease or is affected by a chronic disability that endangers his / her life or attained seventy years of age. Such shall be recommended by a medical committee whose composition and jurisdiction shall be determined by a decree from the Minister⁸

Temporary health release

- 28.
- (1) The Minister may, upon recommendation of the general Director may temporarily release an inmate who is affected with a disease that his / her life or other people life for period not exceeding six months for treatment purpose. Such shall be recommended by a medical committee whose composition and jurisdiction shall be determined by a decree from the Minister
 - (2) An inmate released pursuant to sub paragraph (1) must present to the prison warden where the inmate is serving the sentence a monthly medical report from a medical committee whose composition and jurisdiction shall be determined by a regulations
 - (3) Any policeman shall have the right to arrest, without obtaining an arrest warrant, any inmate released according to sub paragraph (1) failed to submit the medical report mentioned in sub paragraph (2)
 - (4) Regulations shall determine guarantees necessary to grant temporary health release and due arrangements to return an inmate upon recovery to complete the rest of the sentence
 - (5) Temporary health release shall be deducted from the sentence awarded to the inmate

Chapter Six

Execution and Execution by Crucifixion

Execution and Execution by Crucifixion

29. Effecting of execution and execution by crucifixion shall be carried out at the federal, state or locality jails where such trial took place unless the director of the General Administration Police and Prisons orders otherwise⁹

Restrictions on effecting execution and execution

⁸ *ibid*

⁹ *ibid*

by crucifixion

30. (1) Effecting of execution and execution by crucifixion shall not be delayed more than twenty four hours after notifying the sentenced of the time of execution
- (2) Execution and execution by crucifixion shall not be effected on pregnant women before delivery is nor shall execution and execution by crucifixion shall not be effected on mothers who breastfeeding until a period of two years lapses for such
- (3) Without prejudice to the Criminal Act, 1991 and criminal Procedures Act, 1991 execution and execution by crucifixion shall not be effected on persons of over seventy years of age or below than eighteen years
- (4) The director shall notify, for the purpose of sub paragraph (2) (3), the competent court as to reasons for delaying the execution

Responsibility of effecting execution and execution by crucifixion

31. The director shall be responsible of effecting execution and execution by crucifixion. Execution must be attended by a medical doctor, who shall make a report on death occurrence. Regulations shall identify how to preserve the executed and the executed by crucifixion and procedures and means of effecting execution and execution by crucifixion

Implementation of the *qissas* (restitution) punishment other than capital punishment and *Hidud* amputation

32. (1) The director shall be responsible for Implementation of the *qissas* (restitution) punishment other than capital punishment and *Hidud* amputation according to the Islamic *Sharia*. The director and the doctor in charge must attend the implementation.

(2) The director must promptly notify the court upon implementation of the sentence specified in sub paragraph

Chapter seven Use of firearms and Escape

Informing Inmates of Cases where the police may use firearms against Inmates

33. Upon entering prison, inmates are to be informed of the situations stated for in Article 35 whereby the prison police may use firearms against inmates.

Escape

34. Procedures shall be taken according to law and regulations in case of escape or attempt to escape of any of the inmates.

Use of Firearms

35. 1 Firearms are to be used to an appropriate extent, according to the law, against any inmate, upon the order of the director; and may be used without an order from director should it become impossible to contact him, provided that the director is to be immediately informed of that; in any of the following cases:
- a. To overcome an attack by an inmate on a policeman or any other person; or to suppress resistance accompanied by such force that it is feared to result in death or grave harm.
 - b. To prevent escape that can not otherwise be prevented, and in such case, the inmate is to be called upon to stop escaping before being shot at. If the escapee does not stop, they are to be fired on immediately.
 - c. To prevent serious acts of sabotage on any building by any inmate, or to prevent damage or death-threatening risk or a danger that may result in grave harm.
 - d. To defend against any external attack on the prison or the inmates that is feared to result in death, grave harm or serious acts of sabotage.
2. The director is to immediately inform the director of the General directorate of Prisons & Correction Police use of any firearms against any inmate; and the director must carry out an investigation into the matter and submit a report on it to director of the General directorate of Prisons & Correction Police.
3. In case of a rebellion or disobedience that is expected to result in death, grave harm or serious damage to public property, the director is to notify the competent prosecutor or judge to come to the prison.

**Bearing & Loading
Firearms**

36. 1. No firearms may be carried unless per an order from the director or whom he may authorize.
2. No firearm may be loaded unless it is expected that any of the situations mentioned in Article 35 is going to take place.
3. No firearms may be carried inside the prison in normal circumstances.

**Chapter Eight
Miscellaneous**

Official Visitors

37. the Head of the Judiciary, Minister of Justice, Undersecretary of the Ministry of Justice, justices of the

Supreme Court, members of the Committee and the General Advisors in the Ministry of Justice, Justices of the Appeals and the General courts of competence, competent head of General Prosecutor's and the Higher Prosecutor's offices of competence are considered ex officio official visitors. They may:¹⁰

- a. view prison's records and documents and writings on inmates.
- b. visit prison units and meet inmates.
- c. inspect and taste inmates' food and make certain that the quantity of food allotted to them is delivered.
- d. ensure that competent legislation and issued instructions are appropriately applied.
- e. enter their remarks in the prison's visitors' log and write a report on the findings of their visit to the director.

- Authority to Issue Regulations** 38. The Minister may issue necessary regulations to implement the provisions of this Act; and, without prejudice to the generality of the foregoing, these regulations may organize the following issues:
- a. treatment of inmates,
 - b. disciplinary procedures against inmates and the implementation of penalties,
 - c. training and rehabilitation of inmates,
 - d. any other issues that are likely to enhance the implementation of the provisions herewith.

**Authority to Issue
Standing Orders**

39. 1 without prejudice to the regulations issued pursuant to the provisions herewith, the director general and the director of the General Directorate of Prisons & Correction police may issue permanent instructions binding on all members of the force.
- 2 without prejudice to standing orders and regulations issued pursuant to the provisions herewith, the director may issue instructions particular to his own unit to be applied, within his own domain of authority.

¹⁰ Act No 40 for the year 1974.