The Criminal Procedures Law number (9) of 1961

Chapter One
Preliminary provisions
Public Prosecution and civil Action

Article 1:

This law shall be called the "Criminal Procedures Law of 1961" and shall come into force within one month of its publication in the Official Gazette.

Article 2:

1. The public prosecution shall have the power to start and exercise the prosecution of crimes. The initiation of the criminal proceedings shall only be done by the public prosecution and any other body which is given such power according to the law.
2. The public prosecution is obligated to initiate the criminal proceedings if the injured party acted as the plaintiff in a civil action according to the conditions stated in the law.
3. The criminal proceedings which were initiated by the public prosecution shall not be abandoned or halted unless such halt or abandonment is done according to the conditions stipulated in the law.

Article 3:

1. In all instances where the law requires the presence of a complaint or a civil action by the victim or anyone else in order to initiate the criminal proceedings, no action shall be taken in the case unless such complaint or civil action had already taken place.
2. If the victim of the crime is below the age of fifteen or he/she is mentally impaired the complaint shall be submitted by his/her legal guardian. If the crime is committed against the property of such person then the complaint shall be submitted by the custodian or the protector of such person.
3. If the interest of the victim contradicts with the interest of his/her representative or he/she has no one to represent him/her, is such case the public prosecution shall be such person's representative.
4. If the victim was a body or an institution then the complaint of the civil action can be done by the body or the head of such institution through a written request.

Article 4:

Any person who is the subject of criminal proceedings is a defendant. Such person shall be called the "accused" if he/she is accused of committing a misdemeanor or the "indicted" if he/she is indicted with committing a felony

Article 5:

1. The criminal proceedings shall be initiated against the defendant before the competent judicial body at the place where the crime was committed or the place where the defendant resides or at the place where the defendant was arrested. No place shall have any priority over the other. Only the date when the criminal proceedings were initiated shall give the place where the proceedings were initiated such priority.
2. In case there is an attempt to commit a crime, such crime (the attempt crime) shall be considered as taking place in any place where a material act was conducted. In continuing crimes the place of committing the crime shall be any place where the continuing criminal act takes place. In subsequent and habitual crimes the place of committing the crime shall be the place where any of the acts constituting the crime takes place.
3. If a crime which falls under the provisions of the Jordanian law was committed outside the country and there is no known place of residence for the perpetrator of such crime in the Hashemite Kingdom of Jordan and he/she is not arrested in the Kingdom, the criminal proceedings against such defendant shall be brought before the judicial bodies located within the Capital.
4. It is allowable to initiate the criminal proceedings against the defendant before the Jordanian Judiciary if the crime is committed through electronic means from a location outside the Kingdom and the effects of such crime were partially or wholly were materialized in the Kingdom or affected one of its citizens.

Article 6:

1. The civil action (compensation for harm caused) proceedings related to the criminal proceedings can be brought before the same judicial body presiding over the criminal case or it could be brought separately before the civil courts. In such case (bringing the civil action before a civil court) the proceedings shall be stopped until the criminal court issues its final judgment in the criminal case.
2. If the plaintiff in the civil action brought his/her claim before the civil courts, he/she cannot change venue and bring it before a criminal court.
3. If the public criminal proceedings were brought by the public prosecution, then the plaintiff in the civil action can transfer his civil claim to the criminal court provided that the civil court did not issue a judgment related to the civil claim's subject matter.

Article 7:

1. A taken procedure shall be announced as void and null if the law expressly stated such effect or if it was affected by a major defect because of which the objective of the procedure was not realized.
2. If the invalidation of the procedures is due to failing to adhere to the provisions of the law related to the composition of the court or its competency to hear the case or its subject matter jurisdiction or any other similar reason which is related to the public order , then it is allowable to present such argument (that the procedures is null and void) at any stage of the trial and the court might rule that the procedure is null and void without by itself without receiving a request to this end.
3. The right to invalidate a procedure can be dismissed if the party to whose benefit such invalidation was enacted explicitly or implicitly relinquishes such right except when the invalidation is related to the public order.
4. The invalidation of a certain procedure does not entail the validation of pervious procedures taken before the defective one. AS to the following procedures it can only be invalidated if it was based on the defective procedures.

First Book
The Judicial Police
Chapter One
The Judicial Police

Article 8:

1. Members of the Judicial Officers Corps are required to seek out information and conduct the preliminary investigation of the crimes in addition to the collection of evidences and the arrest of the perpetrators of such crimes in order to refer them to the competent courts which have the authority to punish them.
2. The public prosecutor and his/her assistants in addition to the conciliation courts' judges in areas where there is no assigned prosecutor shall perform the judicial officers functions and duties according to the rules stated in the law.

Article 9:

1. The public prosecutor shall be assisted in his/her judicial policing functions by :

- Administrative governors.
- The Director of Public Security.
- Police Directors (Cheifs).
- Heads of Security Centers.
- Police officers and members.
- Officials who perform criminal investigation duties.
- Mokhtars (local communities' chiefs).

- Captains of sea and air ships.

An all other officials who are given the power to perform the duties of the judicial police according to this law or any other related regulations or laws.

2. The above mentioned officials shall perform the duties of the judicial police within the powers given to them according to this law and the laws regulating their status.

Article 10:

Villages' privet and public watch in addition to companies monitoring officials, health inspectors, customs officials, forests rangers, antiquities guards, all have the right to issue infractions according to the laws and regulations which they have to implement and enforce. They have to submit the reports and documents of such infractions to the competent judicial author

Second Chapter
The Public Prosecution

Article 11:

1. The public prosecution functions shall be performed by judges who perform the duties and functions given to them by the law. The members of the public prosecution are governed by the rules of the hierarchal authority and shall report in administrative matters to the Minister of Justice.
2. The administrative staff members of the public prosecution are obliged in all their functions and requests to follow the written orders issued by their superiors or by the Minister of Justice.

Section One
The Public Prosecution before the Cassation Court

Article 12:

1. The public prosecution before the Cassation Court shall be headed by a judge whose title shall be (The Head of Public Prosecution), he/she shall be assisted by one or more assistants according to the work's needs.
2. The Cassation Court's "Head of Public Prosecution "shall review all criminal cases submitted before the court in order to render his/her opinion in relation to such cases and to supervise the work of the attorney Generals who perform the prosecution functions before the courts of appeals in addition to the work of their assistants and the work of the public prosecutors. He /she has the power to inform such prosecution members of his/her notes and comments on their performance which results from the review of the above mentioned cases, either through written

letters or general notes. All the above mentioned prosecution members shall be under the supervision and control of the "Head of Public Prosecution" in relation to their judicial functions.

Section Two

Article 13:

The public prosecution before each court of appeal shall be headed by a judge whose title shall be "the Attorney General". Each Attorney General shall be assisted in his/her work by a number of assistants, who shall perform their duties before the courts of appeals each of them in his/her area of jurisdiction which is defined by the applicable laws. The performance of all public prosecutors and officials of the judicial police shall be under the competent attorney general's supervision and control.

Article 14:

A judge whose title shall be (the Public Prosecutor) shall be appointed to perform the prosecution functions before each court of first instance and the conciliation courts which fall within his/her area of jurisdiction (work).

Section Three
Duties of the Public Prosecutor

Article 15:

1. The public prosecutor is the head of the judicial police in his/her area of jurisdiction, and all the judicial police members shall be under his/her supervision and control.
2. The public prosecutor's assistants who assist him/her in performing the judicial police functions and defined in articles (9 and 10) of this law, do not fall under his/her supervision except in the functions and activities they perform which are related to the stated jobs.

Article 16:

1. The public prosecutor shall supervise the process of justice and shall also monitor the prisons and detention places in addition to the enforcement of laws. He/she shall represent the Executive before the courts and the other judicial bodies. He/she has the power to directly communicate with all related authorities.
2. The public Prosecutor is the one who initiate the public criminal proceedings and enforce the criminal judgments.

Article 17:

1. The public prosecutor is obliged to investigate crimes and pursue the perpetrators of such crimes.

2. Such functions shall be similarly carried out by the specialized prosecutors defined in article (5) of this law.

Article 18:

In instances specified in articles (7 to 13) of the Penal Code, the functions stated in the previous article shall be carried out by the public prosecutor who has jurisdiction over the place of residence of the defendant or the place where the defendant was arrested or the last domicile of such defendant.

Article 19:

The public prosecutor and all the judicial police officials have the right to directly request the assistant of armed force during performing their official functions.

Article 20:

The public prosecutor shall receive all complaints and tips submitted to him/her.

Article 21:

Members of the judicial police shall immediately inform the public prosecutor of any serious crime they become aware of and shall execute his/her instructions in relation to the legal procedures to be taken.

Article 22:

If the judicial police members dawdled in the performance of their duties, the public prosecutor shall reprimand them and he/she can suggest to the competent authority the disciplinary measures that might be taken against them.

Article 23:

The public prosecutor shall initiate legal pursuits in crimes which he/she becomes aware of personally or according to an order issued to him/her by the Minister of Justice or one of his/her superiors.

Article 24:

1. A judge shall not hear a case where he/she assumed the role of the public prosecutor in such case.
2. The conciliation judge can hear a case where he/she investigated such case as a public prosecutor provided that he/she was not the one who charged the accused in the case.

Section Four
Duties of the Public Prosecutor

Article 25:

1. **Informing and Notifying the Public Prosecutors of the Commission of Crimes:**

Any official authority or public servant who was informed during the performance of his/her official functions and because of it , that a felony or a misdemeanor toke place, he/she has to immediately report such crimes to the competent public prosecutor and shall send him/her all the information , minutes and papers related to such crime.

Article 26:

1. Any person who witnesses an assault against the public security or the life of a person or such person's property, he/she has to inform the competent public prosecutor of such assault.
2. Any person who through other ways becomes aware of the commission of a crime, he/she has to notify the public prosecution of such crime.

Article 27:

1. The report (which informs about the crime) shall be written by the person who informs about the crime or his/her representative or the public prosecutor if he/she was requested to do so .Each page of the report shall be signed by the public prosecutor and the person who informed him/her about the crime or his/her representative.
2. If the person who informed the prosecution of the crime could not write his/her signature, his/her signature shall be replaced by his finger's print and if he/she refused such refusal shall be officially documented.

Article 28:
2. Flagrante *Delicto*:

1. A Flagrante Delicto crime (is a crime which had been witnessed by somebody during its commission or immediately after).
2. Other crimes shall be considered as Flagrante Delicto crimes such as crimes where the perpetrator/s is caught due to peoples' screams shortly after Shortly after the commission of the crime or when such perpetrators are caught carrying things or weapons or documents which leads to believe that they are the perpetrators of such crime. This has to be done within the first twenty four hours which follow the commission of the crime or if during such period the perpetrators caught have marks which lead to believe that they committed the crime.

Article 29:

1. If the Flagrante Delicto crime warrants a felony punishment, the public prosecutor shall immediately move to the crime scene.
2. If the public prosecutor moved to the place where it is believed that the crime was committed and he/she does not find what imply that such a crime was committed or what warrant his/her move , he/she through the Enforcement Department can collect from the person who informed about the crime the full expenses that are associated with his/her move to the crime scene and he/she also can charge him/her with the crime of providing false information.

Article 30:

1. The public prosecutor shall organize an official report concerning the incident and how it happened and the place where it toke place and he/she shall also document what the witnesses who saw the incident have to say in addition to anyone who might have any information about it that might benefit the investigation.
2. The persons who were quoted in the report shall sign on such report and in the event of their refusal the report shall indicate this.

Article 31:

1. The public prosecutor has the right to ban anyone present at the residence or the place where the crime was committed from leaving until a report concerning the status of the crime scene is drafted.
2. Anyone who defies such ban imposed by the public prosecutor shall be detained at the detention center and brought before the conciliation judge in order to try and sentence him/her after hearing his/her defenses and the argument of the public prosecutor.
3. If it wasn't possible to arrest such person and he/she did not appear before the court after being notified, he/she shall be tried in absentia.
4. The penalty which the conciliation court can impose in such case is disciplinary imprisonment or a fine which does not exceed five Dinars.
5. The judgment issued by the conciliation judge shall be final and cannot be appealed or objected against in any way.

Article 32:

1. The public prosecutor shall seize the weapons an anything that might appear that it was used in the commission of the crime or was prepared for such purpose. He/she shall also seize whatever he/she sees of the crimes effects and all other items that might help in revealing the truth.
2. The public prosecutor shall interrogate the defendant and quiz him/her about the seized items after displaying such items. The public prosecutor shall organize a report of all these proceedings and sign it with the defendant, if the defendant refuses to sign such refusal has to be indicated in the report.

Article 33:

If the nature of the crime indicates that papers and items which are under the procession of the defendant could be used in order to prove his/her commission of the crime, the public prosecutor or whomever he/she delegates shall move immediately to the defendant's residence in order to search for such items which might reveal the truth.

Article 34:

1. If the search of the defendant's residence yielded papers or items which might support the defendant's guilt or innocence, the public prosecutor has to size such items and organize an official report of the procedures taken.
2. Only the public prosecutor and the persons identified in articles (36 and 89) have the right to review such papers before ordering its seizure.

Article 35:

1. The seized items shall be kept in a way which preserves its condition when seized. The items might be backed or put in a jar if its nature required this and in any case it shall be stamped.
2. If banknotes (cash money) were found and keeping the same banknotes is not required in order to reveal the truth or to protect the rights of the two parties or a third party, then the public prosecutor might allow such banknotes to be kept at the treasury safe.

Article 36:

1. The search procedures stated in the above mentioned articles shall be carried out in the presence of the defendant whether he/she is under arrest or not.
2. If the defendant refused to witness the search or it was impossible to have him/her present, the search process shall be done in the presence of his/her representative or the elder (Mokhtar) of his/her place of residence or in the presence of two members of his/her family or in the presence of two witnesses who are called upon to attend the search by the public prosecutor.
3. The seized items shall be displayed to the defendant or anyone who represent him/her in order to sign on their recognition , if the defendant refuses to sign , his/her refusal shall be documented in the official report (minutes).

Article 37:

1. In case of in Flagrante Delicto crime which necessitate the imposition of a felony penalty, the public prosecutor has to order the arrest of any person who is present at the crime scene provided that there are reliable and strong evidences that he/she might be the perpetrator of the crime.
2. If the person who is suspected of committing the crime is not present, the public prosecutor shall issue an arrest warrant against such person. The warrant issued is called a "Supboena".
3. The public prosecutor shall immediately interrogate the person brought before him/her.

Article 38:

1. The public prosecutor, the prosecution clerk (minute's taker) in addition to the persons stated in article (36) shall sign each page of the report which is drafted according to the pervious provisions.
2. If such person were not available and could not attend, the public prosecutor shall organize the official reports without their attendance provided that such absence is documented in the report.

Article 39:

If revealing the criminal act or its conditions is based on knowing some technical or professional issues, the public prosecutor shall take with him/her to the crime scene one or more of such experts.

Article 40:

If someone is dead due to murder or for unknown reasons which leads to suspicions, in such case the public prosecutor shall use the assistant of one or more physicians in order to draft a report concerning the causes of death and the status of the diseased corps.

Article 41:

1. Physicians and experts stipulated in articles (39 and 40) of this law shall take an oath before they start their duties which states that they will carry on the mission with honesty and dignity.
2. The public prosecutor shall define a date for the expert in order to submit the his/her written report. If the expert did not submit such report at the defined date, the public prosecutor might decide to retrieve the all or part of the fees paid to the expert and to replace him/her with another one.

Article 42:
3. Crimes Committed inside Dwellings:

The public prosecutor shall investigate the crime according to the legal provisions which regulate the investigation of the in Flagrante Delicto crimes, if a felony or a misdemeanor toke place inside a dwelling -and it was not in Flagrante Delicto crime- and the owner of the dwelling requested from the public prosecutor to investigate such a crime.

Article 43:
4. Not Witnessed Crimes:

If the public prosecutor in instances other those defined in articles (29 and 42) became aware through informing him/her or through any other way that a felony or a misdemeanor was committed within his/her area of jurisdiction or he/she became aware that the person accused of committing such a crime is staying in his/her area of jurisdiction, the public prosecutor has to initiate the criminal investigations and personally move to the crime scene if it is necessary to do so in order to draft the requested report according to the investigation's procedures stipulated in this law.

Chapter Three

The Judicial Police Assistants and their Duties

Article 44:

In centers where there are no assigned public prosecutors, the heads of police stations and police officers and members shall receive information and reports related to the crimes committed within their areas of jurisdiction and they shall immediately inform the public prosecutor of in Flagrante Delicto crimes.

Article 45:

In centers where there are no heads of police stations or police officers the reports and information related to the crimes committed shall be submitted to the judicial police member who practice such powers.

Article 46:

The judicial police officials stipulated in article (44) are obliged in instances of in Flagrante Delicto crimes or when they are called upon by the dwelling owner to prepare the official report and listen to the witnesses' testimonies in addition to conducting the investigations and dwellings' search and all other procedures and actions which are the duty of the public prosecutor. The judicial police officials shall perform such duties in accordance with the legal rules and provisions stipulated in the section related to the "performance of the public prosecutor's duties".

Article 47:

1. If a prosecutor and one of the judicial police officials were present at the place of investigation (crime scene) the public prosecutor shall perform the duties of the judicial police.
2. If the judicial police officer who was present at the crime scene started to perform the judicial police duties before the arrival of the public prosecutor , the later might assume the investigation by him/herself or order that the official who started it complete such task.

Article 48:

1. The public prosecutor has the right while performing the duty stipulated in articles (29 and 42) to delegate to one of the judicial police officers -based on his/her area of specialty- some of the powers and duties which he/she has if such delegation was seen necessary except the interrogation of the defendant.
2. In instances other than the ones stated in paragraph (1) of this article , if the public prosecutor delegated part of his/her duties to one of the judicial police officers according to he provisions of this law , he/she shall issue a written memo containing such delegation of powers. The delegation

memo shall- whenever it is possible- contain the time and place of executing the content of the memo.

Article 49:

The judicial police officials and the public prosecutor's assistants shall submit to the public prosecutor without any delay any crime reports or seizure minutes they draft with the rest of the related documents and papers.

Article 50:

If the judicial police officials were informed of the commission of a felony or a misdemeanor, which the law does not give them the authority to investigate, they have to immediately send such report to the public prosecutor.

Article 51:

1. If the act committed constituted a felony or a misdemeanor which falls under the jurisdiction of the first instance court , the public prosecutor has to complete the investigations which were initiated or submitted to him/her by the judicial police officials and shall issue his/her decision accordingly.
2. If the act committed constituted a misdemeanor which fall under the jurisdiction of the conciliation court, the public prosecutor has the authority to directly refer the papers to the competent court.
3. In all instances the public prosecutor shall attach his/her arguments to the referred materials and request whatever he/she deems necessary.

Chapter Four
Investigation Procedures

Article 52:
1. Complaints:

Taking into consideration the rules stated in article (58) of this law, every person who deems him/herself as being injured by the commission of a felony or a misdemeanor has the right to submit a complaint - where he/she takes the standing of a plaintiff- to the public prosecutor or the competent court according to the rules stated in article (5) of this law.

Article 53:

Once the complaint is submitted to the public prosecutor, he/she becomes competent to investigate it.

Article 54:

Complaints shall be regulated by the rules stated in article (27) which are related to the reporting of crimes.

Article 55:

The complainer shall not be considered as a plaintiff unless he/she explicitly takes such standing in his/her complaint or through a written request submitted later but before the court hearing the case finishes hearing the public prosecution evidences and he/she shall also pay all the legal fees related to the compensation requested by him/her.

Article 56:

The plaintiff in the civil action shall be exempted from immediately paying the fees and costs if he/she was able to secure a decision to his favor which delay the payment of such fees and costs according to the Courts' Fees Regulation.

Article 57:

The plaintiff in the civil action might be exempted from all or part of the delayed fees and costs if the court banned the prosecution of the defendant or he/she was declared innocent and it was proven that the plaintiff was acting out of good faith and will.

Article 58:

The complainer has the right to assume the role of the civil action plaintiff. In such instance he/she has to submit his/her claim before the court finishes hearing the prosecution evidences.

Article 59:

The plaintiff in the civil action, who does not reside within the public prosecutor's area of jurisdiction, has to name a place within such are in order to serve him/her any judicial notifications. If the plaintiff did not do so, he/she loses the right to claim that he/she was not notified of the judicial papers that the law provides for its notification to him/her.

Article 60:

If the complaint was submitted to an incompetent public prosecutor, such prosecutor has to issue a decision submitting such complaint to the competent one.

Article 61:

The public prosecutor if he/she finds out that the complaint is not sufficiently reasoned or that the perpetrator is unknown or the attached papers do not sufficiently support the complaint, has the right to initiate the investigation in order to indentify the perpetrator and in order to achieve this, he/she has the

right to hear the person or persons indicated in the complaint according to the provisions stated in article (68) and the articles that follows.

Article 62:

1. If a person was investigated based on the fact that the complainer acted as a plaintiff in the civil action according to article (52) and the investigation was concluded with a decision to ban the prosecution of such person, he/she has the right to request compensation from the plaintiff before the competent body.
2. Such action shall not preempt the initiation of the public criminal proceedings against such plaintiff (complainer) for the commission of crime of slander stated in the Penal Code.

Article 63:

1. When the defendant appears before the public prosecutor, the later has to verify his/her identity and read on him/her the charges and request his/her answer to such charges. The public prosecutor shall warn the defendant that he/she has the right not to answer any question except in the presence of an attorney. Such warning by the public prosecutor has to be documented in the investigation minutes and if the defendant refused to appoint an attorney or if the attorney he/she named refused to attend the proceedings within the next twenty four hours, the investigation shall be conducted without the presence of an attorney.
2. In cases of urgency and where it is feared that the evidence will be lost and based on a reasoned decision , it is allowable to ask the defendant about the charges against him/her before inviting his/her attorney to attend. If such procedure was followed the defendant's attorney shall have the right to review his/her client's affidavit.
3. If the defendant gives any testimony, it has to be documented (written down) by the clerk , who has to read it to the dependent in order to sign it with his/her signature of finger print. Shall testimony (affidavit) shall be certified by the public prosecutor and the clerk. If the defendant refused to sign such document with his signature or finger print, the clerk has to document his/her refusal in the minutes and state the reasons behind such refusal before singing it by the public prosecutor and the clerk.
4. The public prosecutor failure to adhere to the rules stated in paragraphs (1, 2 and 3) of this article shall result in the nullification of the testimony given by the defendant.

Article 64:

1. The defendant and the person responsible for compensation in addition to the plaintiff in the civil claim and their representatives, all have the right all the investigation procedures except the hearing of witnesses.
2. All persons stipulated in the first papragraph of this article have the right to review all the investigations which were done during their absence.
3. The public prosecutor has the right to decide to conduct the investigation without the presence of the above mentioned persons in cases of urgency or when he/she deems that such decision is important for the sake of revealing the truth. The public prosecutor's decision is not subject for any review and he/she is obliged after the end of such investigation to make it available for the related persons for their review.

Article 65:

1. Both parties can only retain the assistant of one attorney to represent them before the public prosecution.
2. The attorney is allowed to speak during the investigation provided that he/she gets the investigator's permission to do so.
3. If the investigator does not allow the attorney attending the investigation to speak , his/her decision shall be documented in the investigation minutes and the attorney will still have the right to submit a memo that include all his/her notes and remarks to the public prosecutor.

Article 66:

1. The public prosecutor has the needed authority to ban any communications with the detained defendant for a period not to exceed ten days. Such period is subject to renewal.
2. Such ban shall not include the defendant's attorney, who can communicate with his/her client at any time and without the presence of anyone.

Article 67:

1. If the defendant -during the his/her interrogating- presented a defense which is related to the incompetency of the prosecutor or that the case should not be heard or that the criminal responsibility shall be dismissed because of expiration of the statute of limitation or because the act committed does not require a punishment, in all such claims that public prosecutor has after hearing the plaintiff in the civil actions response to such claims to decide over such claims within a week from its presentation.
2. The public prosecutor's decision regarding such claims shall be subject to appeal before the attorney general within two days from its notification to the defendant. Such appeal shall not stop the investigation process.

Article 68:
2. Hearing Witnesses:

The public prosecutor has the right to summon the persons whose names are mentioned in the report or complaint in addition to the persons who he/she thinks might have information related to the crime or its circumstances and the persons identified by the defendant.

Article 69:

The summons shall be served on the witnesses at least twenty four hours before the day scheduled for hearing them.

Article 70:

The public prosecutor in the presence of his/her clerk shall hear each witness separately and he/she might make the witnesses confront each other if the investigation requires doing this.

Article 71:

The public prosecutor has to verify the witness's identity and ask him/her about his/her name, nickname, age, profession, domicile and if he/she is in the service of one of the parties or is related to such party and the degree of relationship. After doing so the public prosecutor has to make the witness swear that he/she "will tell the truth and only the truth without any addition or omission". All such actions shall be documented in the minutes.

Article 72:

1. The testimony of each witness shall be documented in separate minutes which also include the questions directed to such witness and his/her answers to such questions.
2. The testimony of the witness has to be read to him/her in order to certify it by signing or fixing his/her thump print (in case he/she is illiterate) on each page of the testimony. If the witness refuses to sign or it was impossible for him to do so, such refusal or inability shall be documented in the minuets.
3. The number of the pages which includes the witness's testimony shall be indicated at the last page of the minutes and the public prosecutor shall sign and the clerk shall sign each page.
4. The same procedures shall be followed in relation to all affidavits (testimonies), which the public prosecutor notes down in the official minutes.
5. At the end of the investigation a table shall be drafted which shall contain all the names of the persons who testified before during the process and the date on which they were heard and their affidavits' number of pages.

Article 73:

1. The investigation minutes shall be free of any scraping or any filling between the lines and if it is necessary to scrap or add a word to the minutes, the public prosecutor and the clerk in addition to the person being interrogated all have to sign and certify such scraping or addition at the margin of the minutes.
2. Any scraping or addition filling which is not certified shall be null and void.

Article 74:

The testimony of persons who are under fourteen years of age shall be heard only in order to obtain information. Such persons shall give their testimony without taking any oath stated in article (71) if the public prosecutor finds that they do not understand the meaning of the oath.

Article 75:

1. Any person summoned to give his/her testimony, he/she is obliged to appear before the public prosecutor and give such testimony.
2. In case the witness does not appear before the public prosecutor, the later has the right to order him/her brought by force and fine him/her with a fine up to twenty Dinars. The public prosecutor might drop such fine if the witness absence was for a good reason.

Article 76:

The provision of article (76) has been abolished by the amended law number (16) of 2001.

Article 77:

The public prosecutor shall decide based on a request submitted by the witness, the expenses such witness deserve for coming and giving his/her testimony.

Article 78:

If the witness is residing in the public prosecutors area of jurisdiction and he/she could not appear to give his/her testimony due to an illness which proved by a medical report or due to any other reasonable reason , the public prosecutor shall move to such witness dwelling to hear his/her testimony.

Article 79:

The public prosecutor – when the witness resides in area outside his/her jurisdiction – has the right to delegate the public prosecutor of the area where the witness resides in order to hear his/her testimony. The public prosecutor shall define in the delegation memo all the facts which the witness is requested to testify about.

Article 80:

The public prosecutor who has been delegated according to the above mentioned two articles is obliged to execute the delegation memo and send the send the testimony minutes to the delegating public prosecutor.

Article 81:
3. Search and the Seizure of Items related to the Crime:

It is prohibited to enter or search residences unless the person whose place to be entered and searched is suspected of committing a crime or an accessory to a crime or an accomplice in a crime or he/she possess items which are related to the crime or hiding a person who is a defendant in the crime.

Article 82:

Taking into consideration the previously stated provisions, the public prosecutor has the right to collect evidences and information in all places which there might be items or persons the discovery of which might help in revealing the truth.

Article 83:

1. The search shall be conducted in the presence of the defendant if he/is under detention.
2. If the defendant was not under arrest and refused to attend the search or he/she could not attend or was detained in an area outside the area where the search shall take place or he/she was absent, the search shall take place in the presence of the local elder (Mokhtar) or anyone who performs his/her duties or in the presence of two of the defendant's relatives or two witnesses who are invited to attend the search by the public prosecutor.

Article 84:

If the defendant was not detained and was present at the place of the search, he/she shall be invited to attend the search. It is not mandatory to notify him/her of the search in advance.

Article 85:

1. If the search is supposed to be conducted at the dwelling of someone other than defendant, such person shall be invited to attend the search.
2. If such person was absent or he/she could not attend , the search shall be done in the presence of the local elder (Mukhtar), or anyone who performs his/her duties or in the presence of two of the defendant's relatives or two witnesses who are invited to attend the search by the public prosecutor.

Article 86:

1. The public prosecutor has the power to search the defendant or any other person if there were strong indications that such person is hiding things that might reveal the truth.
2. If the person to be searched is a female, then the search has to b done by a female who is delegated to conduct such search.

Article 87:

The public prosecutor shall be accompanied by his/her clerk and shall seize or order the seizure all the items he/she deems as necessary to reveal the truth. He/she shall organize an official report and make sure that such items are kept according to the provision of article (35) of this law.

Article 88:

The public prosecutor has the power to seize all letters, communications, newspapers and printed materials located at the post offices in addition to cables and telegrams located at telegram offices. He/she also has the right to monitor (tab) all phone calls when such action might reveal the truth.

Article 89:

1. If it is important to search for papers, only the public prosecutor or the delegated judicial police official has the right to review such papers before its seizure.

2. Seals shall not be broken and papers shall not be separated after being seized unless the defendant or his/her representative is present. Such action shall be taken even in the absence of the defendant or his/her representative if they were invited to attend according to the applicable rules. Such procedures shall be followed to the extent possible unless it is important to do otherwise.
3. Only the public prosecutor shall have the power to review seized letters and cables the moment he/she receives such papers in its sealed envelopes. He/she shall keep the letters and cables which are deemed to be useful in revealing the truth or which would harm the investigation if delivered to its recipient. The rest of such communications, cables shall be delivered to the defendant or the person to whom such communications were originally sent.
4. The originals of all seized letters and cables shall be sent to the defendant or the person it is intended to reach at the nearest time possible, unless receiving such communications would harm the investigation.
5. The provision of the second paragraph of article (35) shall be applicable in the case of banknotes.

Article 90:

Seized items which are not claimed by their owners within three years of the conclusion of the case, shall become the property of the state without the need for issuing a judgment confirming this.

Article 91:

If the seized item is subject to expiration due to the passing of time or keeping it costs more than its value, the public prosecutor can order the sale of such item through public auction when the investigation interest allows such sale. In such case the legal owner of the sold item has the right to claim -within the period stipulated in the above article- the sale price.

Article 92:

1. The public prosecutor has the right to delegate one of the conciliation court judges or another public prosecutor who is working in his/her area of jurisdiction to conduct one of the investigation's procedures in the areas which fall within the jurisdiction of the delegated judge. He/she also has the right to delegate one of the judicial police officials to conduct any investigation procedure except the interrogation of the defendant.
2. The delegated judge or judicial police officer shall assume the functions of the public prosecutor in relation to the acts defined in the delegation memo.

Article 93:

Any police or *(Darak)* officer has the right to enter any dwelling or place without a warrant and to collect evidences at such place:

1. If he/she has the reason to believe that a felony is being committed inside such place or it was committed short time ago.
2. If the occupant/s of such place requested the assistant of the police or the (Darak).
3. If one of the individuals present inside such place requested the assistant of the police or the (Darak) and there were what leads to believe that a crime is being committed inside such place.
4. If he/she was following a person who fled his/her legal place of detention and entered such place.

Article 94:

Except for the instances mentioned in the previous article, any police or (Darak) member who is empowered by a warrant or without is prohibited from entering any place and search inside such place for any person or item unless he/she is accompanied by the local elder (Mukhtar) or by two individuals from the same area.

Article 95:

The person who is conducting due diligence whether equipped with a memo or without has to draft a list that contains all the items that has been seized and the places where such items were found. Such list has to be signed by the person/s who attended the process. In case such person/s cannot write they should use their finger print.

Article 96:

The person who resides in the place where the due diligence process is taking place or any other person who represents him/her has the right to attend the process and receive a copy of the list of items seized signed or finger printed by the witness/s.

Article 97:

1. If a person becomes under suspicions that he/she hides an item or material which is being sought by the search and inspection of the place, he/she shall be immediately searched.
2. All items found with such person and seized have to be listed in a table that has to be signed by the witnesses according to the procedure stated in article (95). The person with whom the items were found shall be given a copy of the table (list) if he/she required having such copy.

Article 98:

If the public prosecutor sees that it is important to display any document or item related to the investigation or the trial or sees that displaying such item constitutes a good idea, he/she might issue a memo directed to any person who he/she thinks that such item might be under such person's possession or custody, requesting him/her to appear before the public prosecution at the time and place indicated in the memo or to display the document or the item.

Article 99

Any judicial police official has the power to order the arrest of the present, where there are sufficient evidences which might grant his/her indictment or accusation in the following instances:

1. In felonies.
2. In misdemeanors provided that the crime is in Flagrante Delicto and is punishable by imprisonment for more than six months.
3. If the crime committed constitutes a misdemeanor punishable by imprisonment and the defendant is under police surveillance or he/she has no fixed and known place of residence inside the Kingdom.
4. In theft, grave assault, forcefully resisting public officials, pimping, violating public morals, and robbery crimes.

Article 100:

1. In instances where the defendant is arrested according to article (99) of this law , the judicial police official has to perform the following under the penalty of nullifying the procedures taken by him/her :

a) Prepare and sign a special report (minutes) that should be notified to the dependent or his/her representative. The report shall contain the following :

1. The name of the official who issued the arrest warrant and in addition to the name of the official who executed it.
2. The name of the defendant, the date and place of his arrest and the reasons behind such arrest.
3. The date and time of booking the at the detention place.
4. The name of the person who initiated the drafting of the report and hearing the defendant.
5. Sign the report by the persons stipulated in subparagraphs (2, 3 and 4) of this paragraph and by the defendant. In case the defendant refused to sign his/her refusal has to be indicated in the report with the reasons behind such refusal.

b) Hearing the defendant's testimony immediately after arresting him/her and sending him/her within twenty four hours to the competent public prosecutor along with the report mentioned in subparagraph (a) of this paragraph. The public prosecutor has to document in the report the time the defendant was brought before him/her for the first time and he/she has to start the investigation's procedures within twenty four hours.

2. The rules stipulated in paragraph (1) of this article shall be applicable to all instances where a person is arrested according to the provisions of this law.

Article 101:

Anyone who sees the perpetrator of a crime while he/she is in the process of committing a felony or a misdemeanor which the law provides for the detention of its perpetrator , he/she has the right to arrest such perpetrator and hand him/her to the nearest public authority without the need of an arrest warrant.

Article 102:

If the committed in Flagrante Delicto crime is of the type that requires a complaint in order to initiate the criminal proceedings against its perpetrator , it is prohibited to arrest the defendant unless a complaint is submitted by the person who has such right. The complaint in such instance can be submitted to anyone of the public authority officials who is present at the time.

Article 103:

It is prohibited to arrest or imprison any human unless the order to arrest him/her is issued by the competent authority.

Article 104:
7. Prisons and Detention Places:

Prisons and detention centers shall be defined and regulated according to legal regulations.

Article 105:

No human shall be imprisoned except in prisons dedicated for such purpose. The warden of any prison shall not accept any human at the prison unless there is an order which is signed by the competent authority and shall not keep such person after the expiration of the period stated in the detention order.

Article 106:

1. The " Head of the Public Prosecution " , the Attorney General in addition to the heads of the first instance courts and the courts of appeals have the right to inspect public prisons and the detention centers located within their areas of jurisdiction. Such visits shall be conducted in order to make sure that there is no one who is illegally detained or arrested. In order to be able to do so they have the right to review the registrars of the rehabilitation centers and the detention orders and take copies of such documents. They also have the right to communicate with any detained or imprisoned person and hear his/her complaints which he/she might wish to submit. The prison's warden and officials have to provide them with all the assistance needed in order to obtain the information they might request.
2. The public prosecutor or the conciliation judge – in areas where there is no public prosecutor- is obliged to inspect the prisons located within his/her area of jurisdiction at least once every month in order to carry on the duties stated in the previous paragraph.
3. The chief judges of the criminal courts and the public prosecutors in addition to the conciliation judges – in areas where there is no public prosecutor- might order the wardens of the prisons

located within their areas of jurisdiction to take the measures needed to facilitate the interrogation and the trial processes.

Article 107:

Every detained or imprisoned person has the right to submit at any time to the prison's warden a written or an oral complaint and request him/her to refer such complaint to the public prosecution. The prison's warden is obliged to accept such complaint and refer it immediately after documenting it in a special registrar to the public prosecution.

Article 108:

1. Anyone who learns that a person is being illegally detained or imprisoned or placed in a place which is not designated for detention or imprisonment, he/she has to inform one of the public prosecution members of such incident. The public prosecution member upon learning of the incident has to immediately move to the location where such person is being imprisoned or detained and shall investigate the incident and order the release of the illegally detained person and draft an official report of the incident.
2. If the public prosecution member/s neglected such information related to the illegal detention or imprisonment, he/she shall be considered as an accomplice to the crime of illegal detention and shall be prosecuted accordingly.

Article 109:
8. Verifying the Identity of the Perpetrators:

The minister of justice upon the approval of His Majesty the King might develop the regulations related to verifying the identity of the prisoners whether through photographing them or noting down their physical description or their fingers imprint and recording the marks which prove their identity.

Article 110:

1. Anyone who is charged with the commission of a crime and is legally detained because of such charges, he/she has to comply with any procedure that might be taken in order to secure the verification of his/her identity and the capturing of his/her image with all the physical marks or his/her fingers' imprints and all other distinction marks that might prove his/her identity. Such procedures could be taken according to the request of any police or (Darak) officer or a prison's warden.
2. Anyone who refuses to comply with identify verification procedures or objects to it , shall be considered the perpetrator of a crime and shall be punished by the conciliation judge by imprisonment up to fourteen days . The penalty does not relief such person of his/her obligation to comply with the related rules and regulations.

Section two
Request for Appearance, Summons and Arrest Warrants

Article 111:

1. The public prosecutor in felony and misdemeanor cases might only issue a request for appearance warrant which can be replaced by an arrest warrant after interrogating the defendant and the investigation required taking such measure.
2. If the defendant did not appear before the public prosecution or it was afraid that he/she might flee, the public prosecutor shall issue a summon warrant in order to bring such defendant before him/her.

Article 112:

1. The public prosecutor shall immediately integrate the defendant who has been asked to attend through a request for attendance warrant while he/she has to interrogate the summoned defendant within twenty four hours after booking him/her into the holding cell.

Article 113:

If the defendant is detained based on a summon warrant and stayed at the holding cell for more than twenty four hours without being interrogated or brought before the public prosecutor according to what is stated in the previous article, his detention shall be considered as an arbitrary act and the official responsible shall be prosecuted for the commission the crime of illegal detention stated in the Penal Code.

Article 114:

1. After interrogating the defendant the public prosecutor might issue an arrest warrant against him/her for a period not to exceed fifteen days if the charge constitutes a crime punishable by imprisonment for two years or less or by a temporary criminal penalty provided that there is sufficient evidence which can connect the defendant with the crime committed. The public prosecutor can renew the detention period whenever he/she finds that such extension will serve the interest of the investigation provided that such extension does not exceed six months in felonies and two in misdemeanors. The defendant shall be released after he/she spend such periods unless his/her detention has been renewed according to paragraph (4) of this article.
2. Despite of what is stated in paragraph (1) , the public prosecutor might issue an arrest warrant against the defendant in the following instances:

a) If the charge directed to the defendant constitutes a battery or an unintentional battery or a theft crime.
b) If the defendant does not have a fixed and known place of residence inside the Kingdom. if the charge against him/her constitute a crime punishable by imprisonment for a period not more than two years and he/she provided a guarantor approved by the public prosecutor who shall secure his/her appearance before the public prosecution whenever needed, such defendant shall be released despite the fact that he does not have a fixed and known place of residence in the Kingdom.

3. If the defendant is charged with an act punishable by the death penalty or life with hard labor or life detention and there were sufficient evidence that connects him/her with the act, the public prosecutor and after interrogating the defendant shall issue an arrest warrant against him/her for a period of fifteen days renewable for similar period for investigation purposes.
4. If interest of the investigating requires the continuing detention of the defendant after the end of the periods stated in paragraph (1) of this article, the public prosecutor has to submit the case file to the court component to hear the case. The court after reviewing the public prosecutor's argument and hearing defendant or his/her representative and reviewing the investigation documents, might extend the detention period for a another period not exceeding one month every time provided that the total extended period does not exceed in any instance two months in felony crimes and or it might order the release the detained defendant on bail or without.
5. The public prosecutor might decide during the investigation process in misdemeanor crimes to retain the detention warrant provided that the defendant shall name a place of residence where he/she can be notified of all the notes related to the investigation or to the judgment's execution.

Article 115:

All request for attendance, summon and detention warrants shall be signed by the public prosecutor who issued them and shall be stamped with his/her department's stamp and shall contain the name of the dependent, his/her nickname, his distinguishing marks in addition to the charge's type.

Article 116:

The detention warrant shall contain the crime which led to its issuance and the crime's type in addition to the incriminating article and the detention period.

Article 117:

The defendant shall be notified of all requests for attendance, summons and detention warrants and shall be given a copy of each warrant issued against him/her.

Article 118:

The request for attendance, summons and detention requests shall be valid in all the Jordanian territories.

Article 119:

Any defendant who does not comply with the summon warrant or who trays to flee shall be forced to comply. In cases of necessity the person who is enforcing the warrant shall be assisted with the armed force available in the nearest place.

Article 120:

The person authorized to execute the detention warrant shall take with him/her a sufficient armed force able to arrest the defendant from the nearest post. The commander of such post shall respond to what is stated in the request.

Section Three:
Release of Defendants:

Article 121:

The public prosecutor might decide to release any person who is detained on misdemeanor charges on bail if such measure is necessary. The court can decide the release on bail after the court had been referred to it or during the trial.

Article 122:

The request for release on bail in misdemeanor crimes shall be submitted to:

1. To the public prosecutor if the investigation is still in progress.
2. To the court which hears the case against the defendant, if the case was referred to the court.
3. To the court which issued the judgment or to the court which the judgment has been already appealed.

Article 123:

1. Any defendant charged with a crime which is punishable with the death penalty or life with hard labor or life detention shall not be released from detention. The court before which such case had been referred has the power to release such defendant provided that it takes into consideration what has been stated in paragraph (2) of this article.
2. Taking into consideration what is stated paragraph (1) of this article, the court might release the defendant who is charged with the commission of a felony crime if it found that such release will not affect the investigation or the trial process and will not affect the public security. The release request shall be submitted to :

a) The court before which the defendant is supposed to be tried if the case wasn't already referred to such court.
b) The court before which the defendant is being tried.
c) The court which issued the judgment or the court entitle with hearing the objection to such judgment.

Article 124:

It is permissible to appeal the decision to release or not to arrest the defendant which is issued by the public prosecutor or the conciliation judge before the courts of first instance and the decision issued by the first instance court has to be appealed to the court of appeals within three days which shall start in

relation to the attorney general from the date the papers reached his/her clerks' office and in relation to the defendant from the day he/she was notified of the decision.

Article 125:

The release request shall be submitted through a petition which shall be reviewed after knowing the public prosecution's standing on the issue.

Article 126:

1. The court or the public prosecutor or the conciliation judge to whom the request for release on bail is submitted, has the right to accept such request or deny the release or reconsider his/her previous decision in this matter.
2. Any person, whose release on bail request is approved, has to post a bail bond which includes the amount set by the body which accepted the bail or he/she shall sign a promissory note in the amount stated by the same body which accepted the bail request. Both the bail bond and the promissory note require that the defendant shall attend the investigation process in addition to the trial and the execution of the judgment and whenever he/she is requested to be present.
3. The body which issued the release on bail decision might allow the posting of a cash amount instead of the bail bond.
4. Both the bail bond and the promissory note shall be organized before :
   a) The conciliation judge, if he/she is the person who ordered the release of the defendant on bail provided that the financial competency of the guarantor is verified by an elective body.
   b) The notary public if the decision was issued by the public prosecutor or the court provided that the notary public shall verify the guarantor financial competency.

5. When a person who has been released on bail is requested to attend a certain procedure, his/her guarantor shall be notified to bring such person and make sure that he/she is present. If such person was released based on the signing of a promissory note, he/she shall be personally notified of importance of his/her attendance. The note send to the defendant or the guarantor shall be signed in both cases by the public prosecutor or the court's chief judge or the conciliation judge as it might be the case.

Article 127:

If the person was released on bail or through submitting a promissory note according to the provisions of this law, the court or the conciliation judge or the public prosecutor has the right to:

a) To issue an arrest warrant against such person , if he/she has any information which leads him/her to reconsider his decision of releasing the defendant. He/she can cancel his/her pervious decision or replace whether by increasing the amount of the bail bond or by requesting the defendant to submit other guarantors or by increasing the amount f the promissory note.
b) To issue an arrest warrant against such person and detain him/her , if the competent body decides to revoke the release order or if the released person violated any of the conditions that were included in the amended release order as indicated in paragraph (1) of this article.

Article 128:

1. Any person who is the guarantor in any bail bond has the right to submit at anytime to the court or the public prosecutor or the conciliation judge (whoever ordered the bail bond) requesting the revocation of such bail bond , either entirely or just what is related to him/her in such bail bond.
2. According to the submission of the request stated above the court or the public prosecutor or the conciliation judge shall issue a request for attendance or a summon warrant according to the conditions, against the person who had been released ordering his/her presence. The guarantor shall not be relieved from guaranteeing the presence of the defendant unless the later presents him/her to the body which issued the arrest warrant.
3. If the person mentioned in the arrest warrant was brought or voluntarily surrendered , the bail bond shall be revoked and the defendant shall be requested to provide another finically capable guarantor/s or to post a cash amount according to the provisions of paragraph (3) of article (126) of this law. If the defendant does not do what is stated in this article, he/she shall be detained.

Article 129:

1. If the conditions stated in the bail bond or the promissory note weren't met, the competent court – before which the conditions were supposed to be enforced- has the right to issue a summon warrant against the person who was released on bail and order his/her detention.
2. The competent court has the right to decide the confiscation of the cash amount posted for the interest of the treasury by the defendant or that he/she pays the amount of the bail bond or the promissory note if he/she did not post any cash amounts.
3. The court might when issuing the above stated decision or after issuing it , reduce the amount it ordered to be seized or paid up to more than half of it or to nullify such decision without any condition if the released defendant appeared before it or was brought before it by the guarantor before a judgment was issued in the case or within three months from the date of the confiscation or payment decision or for any reasons provided that it is documented in the official minutes.
4. Any decision taken according to the provision of paragraph (3) of this article which orders the confiscation of the money or the payment of any amount to the treasury shall be a valid excusable decision. Despite this the injured person (against which the decision was issued) has the right to appeal it as if it was a decision issued in a civil case brought by the attorney general against the person against which the decision was issued. The orders to pay shall be enforced by the Enforcement Department.
5. If the guarantor died before the confiscation or the collection of the bail bond amount, his inheritance shall be free of any obligation related to such bail bond. The body which ordered the bail bond might issue a summon warrant or an arrest warrant against the bailed defendant. When the defendant appears before the competent body, he/she shall be obligated to bring another competent guarantor or to post a cash amount according to the provision of paragraph (3) of article (126). If the defendant does not comply, he/she shall be detained

Section Four:
The Public Prosecution's Decisions After The End of the Investigation Phase:

Article 130:

a. If the public prosecutor finds out that the act does not constitute a crime or there is no evidence that could prove that the defendant is the perpetrator of the crime or the criminal act has lapsed because of prescription or death or general amenisty, he/she has to – in the first two instances – decide to ban the prosecution of the defendant. As for the other instances he/she has to dismiss the criminal proceedings and send the case's file immediately to the Attorney General.
b. If the Attorney General finds that the public prosecutor's decision to be valid, he/she shall within three days from receiving the case file, issue a decision certifying the public prosecutor's decision and order the release of the defendant if he/she is detained. If the Attorney General finds that there is a need for more investigations in the case, he/she orders that the case file be sent back to the related public prosecutor in order to complete the shortcomings in the investigation.
c. If the Attorney General finds that the public prosecutor's decision is not a valid one , he/she shall order the revocation of such decision and proceed in the case according to the following manner:

   Of the act constitutes a felony crime the Attorney General shall indicate the defendant and if the act constitutes a misdemeanor or an infraction , he/she shall order the trial of the defendant and send the case file back to the related public prosecutor in order to prosecute the case before the competent court.

Article 131:

If the public prosecutor finds that the act constitutes an infraction, he/she shall refer the defendant to the competent court and order his/her release unless the defendant is detained for another reason other than the infraction he/she committed.

Article 132:

If the public prosecutor finds that the act constitutes a misdemeanor crime, he/she shall accuse the defendant of committing such crime and refer the case file to the competent court in order to try him/her.

Article 133:

1. If the public prosecutor finds that the act constitutes a felony crime and there are sufficient evidences to refer the defendant to the court, he/she shall accuse him/her of committing such crime in order to be tried before the competent criminal court. The public prosecutor has to send the case fine to the Attorney General.
2. If the Attorney General fins that the public prosecutor's decision is valid, he/she shall indict the defendant of committing the crime and send the case file back to the related public prosecutor in order to submit it to the competent court which will try the defendant.
3. If the Attorney General finds that there is a need for more investigations in the case, he/she shall send the case file back to the related public prosecutor in order to conduct such investigations.

d. If the Attorney General finds out that the act does not constitute a crime or there is no evidence that could prove that the defendant is the perpetrator of the crime or the criminal act has lapsed because of prescription or death or general amenity, he/she shall revoke the decision of the public prosecutor and ban the trial of the defendant in the first three instances. As for the other instances he/she has to dismiss the criminal proceedings and order the release of the defendant unless he/she is detained for another reason.
e. If the Attorney General finds that the act does not constitute a felony but a misdemeanor, he/she shall revoke the public prosecutor's decision in relation to the legal qualification of the crime and accuse the dependent with the misdemeanor in addition to sending the case file back to the public prosecutor to be submitted to the competent court for trial.

Article 134:

1. Detaining the defendant in felonies is mandatory and the indicted person shall be referred to the court while he/she is under detention or released on bail.
2. The detention order which is issued against the defendant shall be valid until the Attorney General issues his/her decision in the case. If the Attorney General decides to indict the defendant or that there is a need to try him/her, the effect of the detention order shall stay in place until the end of the trial or the release of the defendant according to the provisions of the law.

Article 135:

All the decision which are stated in this chapter and issued by the public prosecutor or the Attorney General shall contain (when it is necessary), the name of the complainer , the name of the defendant , his/her nickname , age , place of birth , domicile , if he/she is detained the date of his/her detention. The decision issued shall also include a brief description of the act committed , the date of its commission in addition to its type and legal qualification , the incriminating article , the prosecution evidences and finally the reasons behind the decision taken.

Article 136:

In concurrent crimes (derived from the documents before the Attorney General), he/she shall issue one decision regarding such crimes. If some of the concurrent crimes are misdemeanors and some are felonies, the case in its entirety shall be referred by the Attorney General to the court that is competent to try all such crimes.

Article 137:

Crimes are concurrent in one of the following instances:

1. If the crimes are jointly committed at one time by several people.
2. If the crimes are committed by several people at different times and places on the basis of an agreement between them.
3. If some of the crimes are committed in preparation of others or preliminary to their commission or completion, or to insure that the defendant remains unpunished.
4. If several people participate in concealing all or some of the objects stolen or embezzled or acquired by means of a felony or a misdemeanor.

Article 138:

If new evidences which support the charges against the defendant (whose trial was banned by the public prosecution due to the lack of evidences or due to the insufficiency of such evidences), the public prosecutor who issued the decision banning the trial has to conduct a new investigation. He/she is entitled during such investigation to issue a detention memo against the defendant even if such defendant was released.

Article 139:

New evidence includes the testimony of witnesses the prosecution was not able to summon and hear at the time and documents and minutest that were not examined, if their examination is conducive to strengthening the evidence which was found to be insufficient at the time of the investigation or to shedding new light on the facts useful to the manifestation of the truth.

Second Book
Trials
First Chapter
Jurisdiction

Article 140:

The first instance court in its capacity as a trial court (first level court) shall try according to its jurisdiction all misdemeanors referred to it by the public prosecutor or whoever is acting in such capacity, which fall outside the jurisdiction and function of the conciliation courts. It also hears in its capacity as felonies court all felony crimes in addition to misdemeanors crimes which concur with any felony referred to it according to an indictment.

Section one:

Preserving Order During Hearing Sessions and Crimes against the court's Dignity and Respect:

Article 141:

1. Marinating order during the hearing session and its administration is the responsibility of the presiding judge.
2. If a person present during the hearing session displays a sign of approval or protest, causes noise in any way, or otherwise disrupts the orderly progress of the session, the judge shall order him/her evicted from the court.

3. If such person refuses to comply or returns after being evicted, the presiding judge shall sentence him/her to imprisonment for a term not more than three days. Such sentence shall be final.
4. If the disruption is done by someone who performs an official function in the court, the presiding judge may impose on him a disciplinary penalty which his/her superior is entitled to impose.

Article 142:

1. If a person commits a misdemeanor or an infraction during a hearing session and the court has jurisdiction over the trial of such crime, it may try him/her immediately and after hearing the statement of the representative of the public prosecution and the defense of such person, sentence him/her to penalty prescribed by the law. The court's judgment is amenable to all forms of challenge to which all the courts' judgments are subject to.
2. If the crime committed during the hearing lies outside the court's jurisdiction, it shall organize minutes of the incident and transfer the defendant under arrest to the public prosecution.
3. The trial of the defendant in such case is not conditioned on a complaint or a request or a civil action if the crime committed is of the sort whose prosecution requires such condition to be met.

Article 143:

If the crime is a felony, the presiding judge has to organize minutes of the incident and orders the detention of the defendant and his/her transfer under custody to the public prosecution in order to take the required legal action.

Article 144:

Crimes committed during the hearing session and the court does not rule on them immediately, such crimes shall be heard according to the regular rules.

Article 145:

If during or by reason of performance of his/her duties , the attorney of one of the parties commits an act which makes him/her criminally liable or which may be qualified as a violation of the hearings order, the presiding judge shall organize minutes of the incident . The court may decide to send the minuets to the Attorney General in order to conduct an investigation if the act might raise the attorney's criminal liability or to the President of the Bar Association if the act might raise civil liability. Neither the presiding judge nor members of the trial panels shall be members in the panel which will try the attorney.

Chapter two:

Serving Judicial papers

Article 145:

Judicial papers shall be notified through a notfier or one of the Darak or police members according to the rules and procedures prescribed in the Criminal Procedures Law with consideration to the privet rules stated in this law.

Chapter Three:

Article 147:

1. The defendant is innocent until proven guilty.
2. Proof in felonies, misdemeanors and infractions shall be established by all means of proof and the judge shall rule according to his personal conviction.
3. If the law provides for the use of a particular measure of proof, the court shall adhere to such measure.
4. If the proof that the indicted or the accused or the defendant had committed the crime was not established, the court has found him/her innocent of the crime he/she is accused of.

Article 148:

1. A judge can only relay on evidence submitted during the trial and which the parties publicly discussed.
2. The testimony of a defendant against another defendant can depended on provided that there is evidence which supports such testimony. The other defendant or his/her representative has the right to examine such testimony.

Article 149:

If a civil action is attached to the criminal case, the judge has to follow the rules of evidence which are applicable to the civil action.

Article 150:

The court shall relay on the Minutes and reports organized by members of the judicial police in misdemeanor and infraction cases which they are obliged to prove according to the applicable law. The defendant has the right to rebut such evidence using all available means of proof.

Article 151:

In order for such minutes and reports to have a probative force, the minutes have to fulfill the following conditions:

a. The official who organized them must have acted within the limits of his/her authority and he/she did so while performing the functions of his/her post.
b. They must be noted by the person who personally investigated the incident or who was personally notified thereof.
c. They must fulfill all the requirements related to formalities.

Article 152:

The criminal incident could not be proven based on the exchanged communications between the accused or the defendant and his/her lawyer.

Article 153:

Testimony given by the ascendants or decedents or spouse of the defendant shall be heard by the court even if the testimony was made after the end of the marriage. Such relatives have the right to refrain from testifying against the defendant or his/her accomplices who are charged with the same criminal act.

Article 154:

If the decedents, ascendants or spouse of the indicted or the accused are invited to testify in his/her defense, their testimony – whether delivered during the interrogation or during the public prosecution cross examination – may be relied upon in order to prove the crime he/she is charged with.

Article 155:

The testimony of the ascendants, decedents or spouse shall be admissible in criminal proceedings which are brought by one of them against the other because of bodily harm or because one of them used violence with the other or in cases related to adultery.

Article 156:

Hearsay testimony shall be admissible before the court provided that such witness was informed of the information by a person who was present at the time when the crime took place or just before or shortly after its commission and the testimony is directly connected to the crime or any incident related to the crime and the person who informed the hearsay witness of the information is him/herself is a witness in the case.

Article 157:

The testimony of a person who was told by the victim of an assault about the assault and the testimony is related to such assault or the circumstances surrounding it if the victim informed the witness when the

assault toke place or immediately thereafter or when it became possible to submit a complaint regarding such assault or if what the victim said is connected to the assault in a way that makes it a part of the circumstances surrounding the commission of the crime. The same is also applicable if the victim told the witness about the assault when he/she was dying or he/she thought that he/she is dying as a result of the assault even if the victim who told the witness of the assault did not appear before the court as a witness or could not appear because of his/her death or illness or being outside the Hashemite Kingdom of Jordan.

Article 158:

1. It is admissible to hear the testimony of witnesses who are below fifteen years of age without having to take the oath. Such testimony is admissible for informative purposes only if it was proven that they don't understand the nature and ramifications of the oath.
2. Testimonies given for informative purposes are no sufficient to convict unless supported by another evidences.
3. With due consideration made to article (74) of this law and paragraphs (1 and 2) of this article, the public prosecutor or the court can use the new technologies available in order to protect witnesses who are below eighteen years of age if such a measure is necessary provided that these technologies allow any party in the case to examine and cross examine the witness's testimony during the trial. Such testimony shall be considered admissible evidence in the trial.

Article 159:

The testimony given by the indicated, the accused or the defendant in the absence of the public prosecutor, in which he/she admits that he/she made a crime, the testimony will not be accepted unless the prosecutor provide a proof on the surrounded circumstances of committed crime and the court is convinced that the indicated, the accused or the defendant committed the crime as per their sole discretion and option.

Article 160:

1. In order to prove the identity of the indicted or the accused or the defendant or the identity of any person who is related to the crime, it is admissible to use finger prints, palm prints and foot prints during the trial or the investigation provided that such evidence is submitted by a witness/s and is supported by technical evidence. It is also admissible to use photographs as evidence in order to identify their subject.
2. When applying this article the provisions of the third chapter of the second book of this law shall be taken into consideration.

Article 161:

1. All reports which indicate that they are issued by the official responsible for the state's chemical laboratory or by the state's chemical analyst and are also signed by such analyst and include the results of the chemical tests that he/she conducted by him/herself regarding any suspicious substance, such reports shall be deemed admissible as an evidence in criminal proceedings without the need to call such state's official or the analyst to testify as a witness before the court.
2. Despite the rule stated in paragraph (1) of this article the state's official or the analyst has to appear as a witness before the court in criminal proceedings if the court or the judge deemed that such appearance is crucial for justice.

Article 162:

1. If it was impossible to bring a witness - who testified during the initial investigation phase after taking the oath- to testify before the court because of his/her death or disability or he/she is outside the kingdom or for any other reason which the court sees as banning it from hearing his/her testimony, the court might order his/her testimony to be read during the trial as an evidence in the case. In misdemeanors where the law does not require a preliminary investigation as part of the proceedings, the court can disregard any witness who cannot appear before it for any of the reasons stated above in this article.
2. The court even by itself has the right at any stage of the trial to order the submission of any evidence and summon any witness it deems necessary to reveal the truth.

Article 163:

If the witness who has been properly notified does not appear before the court, the court shall issue a writ of summons or attachment against him/her and may sentence him/her to a fine up to twenty Dinars.

Article 164:

If the witness who has been fined for not appearing before the court did appear whether during or after the trial and provided the courts with a legitimate excuse for his/her absence, the court might relieve him/her of the fine.

Article 165:

If the witness refuses without a legal excuse to take the oath or answer the questions directed to him/her by the court, the court may sentence him to imprisonment for a term not to exceed one month. If during his/her incarceration and before the end of the proceedings, he/she agrees to take the oath and answer the questions directed to him/her by the court, he shall immediately be released from the prison upon doing so.

Chapter Four:

Criminal Procedures applied in Misdemeanor Cases before the First Instance Courts

Article 166:

1. No one shall be tried before a first instance court for crimes which fall outside the jurisdiction of the conciliation courts, unless the public prosecutor issues a decision accusing him/her of committing the related crime.
2. The public prosecution representative and the court's clerk shall be present in order for the first instance court hearing sessions to convene.

Article 167:

In trial before the conciliation judge and other trials where the law does not require the representation of the public prosecution, the complainer or his/her representative might attend the hearing and play the role of the prosecution representative as to naming the evidence and submitting it in addition to interrogating the witnesses, cross examining the defense and requesting the use of expertise.

Article 168:

1. The accused of committing a misdemeanor which is not punishable by imprisonment may be represented in the hearings through a representative unless the court decides that he/she shall attend in person.
2. Despite of what is stated in paragraph (1) of this article , if the accused is a legal person , it can in felony cases retain a lawyer in order to represent it before the court unless the court orders such legal person representative to attend the hearing in person.

Article 169:

If the accused does not appear before the court in the date and time stated in the judicial memo which was served on him /her according to the applied rules, the court might try him/her in absentia even if he/she was released on bail and it also has the right in such instance to issue an arrest order (memo) against him/her.

Article 170:

If the plaintiff in the civil action or the accused appeared before the court during the trial and then left for any reason or if he/she attended only one hearing session and stopped attending the following sessions, the trial shall be considered as prima facia trial and the appeal period shall start from the date when he/she is notified of the judgment according to the applicable civil procedures.

Article 171:

The trial shall be held through public hearings unless the court decides to hold it in camera in order to preserve public order or morals. In any instance the court can ban juveniles or any type of persons from attending the trial hearing sessions.

Article 172:

1. At the beginning of the trial the court's clerk shall read the accusation decision and the other papers and documents if there are any. The public prosecution representative and the plaintiff in the civil action or his/her representative shall clarify the facts of the case. After doing so the court shall as the accused about the charges directed against him/her.
2. If the accused confessed to committing the crime, the presiding judge shall order that his/her confession be documented by using words which are close to the words and phrases used by the

accused. After documenting the confession the court shall convict him/her and sentence him to the penalty prescribed for the crime committed unless there were enough reasons which would make the court believe otherwise.

3. If the accused refused to answer, he/she shall be considered as not confessing to the crime and the presiding judge shall order the documentation of this in the hearing minutes.
4. If the accused denied the charges or refused to respond or the court was not convinced of his/her confession, the court shall start hearing the evidences according to below illustrated order.

Article 173:

1. The court shall call upon the prosecution and the plaintiff in the civil action witnesses in order to directly hear their testimonies. The court shall show the witnesses the criminal evidences (if available). The public prosecution and the plaintiff in the civil action have the right to direct questions to each witness. The accused or his/her attorney has the right to direct similar questions to the witnesses and disuses the answers with them.
2. If the accused has no attorney to represent him/her in the trial, the court when interrogating each witness might ask the accused if he/she wishes to direct any questions to such witness and order the documentation of his/her questions and the witness's answers in the trial minutes.

Article 174:

1. The presiding judge before hearing each witness shall ask the witness about his/her name, nickname, profession, domicile and if he/she is in the service of one of the parties or related to any of them and the degree of such relation after this the he/she shall order the witness pronounce the oath "I swear by the great Allah to only say the truth without any addition or omission". All the above mentioned procedures shall be documented in the trial minutes.
2. The previous testimony (in case it exists) which the witness might have given before shall be read to him/her and he/she shall be asked to reconcile between the two testimonies if there were any discrepancies between the previous testimony and the testimony he/she gave before the court.

Article 175:

1. After hearing the prosecution evidences the court might decide that there is no case against the accused and issue its final judgment accordingly or it might ask the accused if he/she wishes to give a statement defending him/her. If such statement was given by the accused, the prosecution representative shall have the right to cross examine the accused statement.
2. After the accused gives his/her statement the court shall ask him/her if he/she has witnesses or other evidences which support his/her defense. If he/she indicated that there are witnesses, the court shall call them to hear their testimony.
3. The defense witnesses shall appear on the accused expense unless the court decides otherwise.
4. The accused or his/her representative has the right to question the defense witnesses and the prosecution representative and the plaintiff in the civil action has the right discuss the testimony provided with such witnesses.

Article 176:

After hearing the evidences the plaintiff in the civil action shall announce his/her requests, the prosecution representative shall provide his argument and the accused and the responsible for

compensation shall provide their defense. After this the court might immediate issue its final judgment or it might issue such judgment in another hearing session.

Article 177:

If it is proven that the accused had committed the crime he/she is charged with, the court shall sentence him/her to the penalty prescribed by the law and shall include in the same judgment the civil compensation he/she has to pay.

Article 178:

If it appeared that the action does not constitute a crime or that the accused is innocent and did not commit such action, the court shall pronounce him/her not responsible or announce his/her innocent. The court shall also order the plaintiff in the civil action to pay the compensation requested by the accused if it finds that the civil action was malicious.

Article 179:

1. If the act committed constitutes an infraction or a misdemeanor which has to be heard by a conciliation court, the court has to rule on the case's subject matter and on the personal compensation if needed.
2. If the action is concurrent to a misdemeanor which falls under the jurisdiction of the first instance court the court shall rule on both cases in one single judgment.

Article 180:

If the court finds that the action committed constitutes a felony crime, it shall announce its incompetency to try the case and if the public prosecutor insisted on his decision after the case fine was transferred to him/her by the court, then the dispute concerning competency shall be solved through "the appointment of the competent court" method. The court shall still have the right to issue the needed detention mimeo if it is necessary to do so.

Article 181:

1. The case's fees and costs shall be decided according to the provisions of the Courts Fees Regulation.
2. The plaintiff in the civil action who lost the case might be exempted from the all or part of the fees and cost if the court found him/her acting out of good will.

Article 182:

The final judgment shall contain the compiling reasons and justifications which led to the judgment in addition to the legal article applicable on the action and whether the judgment is subject to appeal or not.

Article 183:

1. The court's judges shall sign the draft judgment before its being explained. The draft then has to be signed by court's clerk he/she reads it aloud.
2. If the judgment is lacking the needed signature, the clerk has to be fined with one to ten Dinars.
3. The court shall issue its judgments unanimously or by simple majority.
4. The presiding judge or whomever he authorizes shall read the judgment during a public hearing. The judgment shall be dated with the same date it was explained.
5. The judgment shall be registered at a special registrar after its issuance. The original copy of the judgment shall be kept with the case documents in the case file.

Article 184:

Any person who is convicted in absentia has the right to challenge (object against) the judgment within then days starting from the day that follows his/her notification of the judgment. This shall be done through a petition that shall be – whether directly or through the court of his/her place of residence- submitted to the court which issued the judgment.

Article 185:

1. Any objection against a judgment has to be dismissed if submitted to the court after the period stated in the previous article.
2. If the convicted person was not personally notified of the judgment or it was proven that he/she did not know that a judgment against him/her was issued, the court shall accept the objection until the penalty is dismissed because of the expiration of the statute of limitation.

Article 186:

The objection shall be dismissed if the convicted person does not appear in the first hearing of the objection or he/she was absent before the court decides to accept his/her objection.

Article 187:

If the objection was accepted by the court, the in absentia judgment shall be treated as if it never existed. Attention has to be made to article (180) of this law which deals with the detention memo issued by the court.

Article 188:

1. It is not possible to object to the in absentia judgment which rejects the objection. Such judgment is subject to appeal according to the procedures illustrated later in this law.
2. Such appeal shall include the first in absentia judgment issued by the court.

Article 189:

1. In absentia judgments (deemed as judgments issued in the presence of the parties) shall not be objected to, it rather can be appealed according to the procedures illustrated in this law.
2. If the in absentia judgment included that it is subject to objection and it was not, the court has to reject the objection and the convicted objector has to appeal the judgment during the legal period which starts from the day that follows the rejection of the objection or the day that follows his/her notification of the rejection if it was rendered in absentia.

Article 190:

At the end of every fifteen days of each month the court shall send the Attorney General a table which contains all the judgments issued by the court during such period.

Article 191:

Judgments issued in misdemeanors are subject to appeal which has to be done according to the rules and provisions stated in the appeals chapter of this law.

Article 192:

Judgments shall not be executed before the expiration of the appeal period or before the court issues its judgment regarding the appeal if such appeal was submitted.

Article 193:

If the accused or defendant is detained and the first level court announced him/her innocent, he/she shall be immediately released despite the appeal of such judgment. If the court sentenced him/her to imprisonment or fine he/she shall be released upon the completion of such sentence.

Chapter Five:

Section One:

Summery Procedures:

Article 194:

The following summary procedures shall be applicable in all infractions committed against the municipal, health, and transportation laws and regulations.

Article 195:

1. When an infraction against one of the above mentioned laws and regulations takes place and the infraction calls for a *Takderi* Penalty, the report concerning such infraction has to be sent to the competent judge, who shall issue a sentence based on the law without notifying the defendant in order to appear before the court.
2. The judge has to issue the judgment within ten days unless the law provides for a shorter period.

Article 196:

1. The judge has to accept the validity and truthiness of the facts stated in the infraction's report as long as the report was organized according to the law.

Article 197:

The sentencing judgment shall include the act, its description and the applicable article.

Article 198:

Such judgments shall be subject to all notification and review procedures.

Article 199:

The summary procedures stated in this section shall not be applied when there is a civil plaintiff in the case.

Chapter Six:

Criminal Procedures followed before the First Instance Courts:

Section One:

The Criminal Court's Chief Judge Duties and Functions:

Article 200:

The Chief Judge of the criminal court shall run the hearing sessions and shall take all procedures and actions necessary to guarantee the smooth processing of all trials.

Article 201:

1. The criminal court's chief judge has the authority which gives him/her the needed powers to take all necessary actions and procedures needed in order to guarantee the service of justice.
2. The law leaves to his/her honor and conscious to given his/her outmost effort in order to achieve such goal.

Section Two:

The Duties and Functions of the Public Prosecutor:

Article 202:

The public prosecutor shall personally or through one of his/her assistants prosecute the defendant's who are charged with committing the crimes stated in the indictment decision. He/she is not permitted to add any charges to the defendants which lay outside the wording of the indictment decision.

Article 203:

Immediately after receiving the indictment decision the public prosecutor shall concentrate his/her efforts on drafting the indictment list and a list of the witnesses' names. The indictment list in addition to the indictment decision shall be notified to the indicted person. After submitting the case file to the court, the public prosecutor shall complete all the initial transaction and take all the necessary procedures in order to start the trial on its assigned date.

Article 204:

The public prosecution representative shall attend al the trial hearings in addition to the judgment's pronouncement hearing.

Article 205:

The public prosecution member shall request in the name of the law from the court whatever he/she deems necessary and the court has to document such requests in the hearing minutes and decide upon it.

Section Three:
The Procedures:

Article 206:

1. No person shall be tried for the commission of a felony unless he/she had been indicted for the commission of such crime by the attorney general or any person who is performing his/her duties.
2. The indictment list shall contain the name of the indicted, the date he/she was detained, the type of crime he/she is indicted of, the date the crime took place, the charges details in addition to the legal provisions and articles the indictment is based on and the name of the victim of the criminal act.

Article 207:

A copy of the indictment decision, the indictment list and the list of witnesses has to be notified to the indicted at least seven days before the trial date.

Article 208:

1. After the public prosecutor submits the case's file to the court and in cases punishable by the death penalty or life imprisonment with hard labor or life detention the court's chief judge or the judge he/she delegates for such function shall bring the indicted person and ask him/her if he/she had appointed an attorney for his/her defense. If the indicted did not appoint an attorney and his/her financial status does not allow him/her to do so , the court's chief judge or his/her deputy shall appoint a defense attorney for the indicted person
2. The attorney who is appointed according to the procedures stated in the previous paragraph shall be paid from the stat's treasury the amount of ten Dinars for each hearing he/she attends provided that the total attorney fees shall not be less than two hundred Dinars and not more than five hundred.

Article 209:

The indicted person attorney has the right to copy on his/her own expense all papers and documents he/she deems useful for the defense.

Article 210:

If the perpetrators of the same crime or some of them were issued spate indictment decisions, the court might decide to unify the case against them either by itself or according to a request submitted to it by the prosecution representative.

Article 211:

If the indictment decision included various unconnected crimes, the court might by itself or according to a request submitted to it by the prosecution's representative or the defense, decide not to try the indicted individuals but only for some of the crimes and not all of them.

Article 212:

1. The indicted shall appear before the court without any being restricted by any chains or handcuffs rather he/she shall be properly guarded and supervised. He/she shall not be expelled from the hearing room during the trial proceedings unless he/she causes disturbance which calls for his/her expulsion. In such instance the court shall continue with the proceedings until the hearing can continue with his/her attendance. The court has to update the indicted with any procedures that were taken during his/her absence.
2. If the indicted who has been notified of the hearing date, did not appear before the court despite the fact that he/she appeared before the public prosecutor, the court has the power to try him/her in absentia. If the indicted person appeared at one of the hearing sessions and did not appear thereafter, his/her trial shall be considered as "as if in the defendant's presence". If the judgment was issued as a result of an in absentia trial, such judgment shall be subject to objection according to the procedures stated in articles (184 to 189) of this law. If the judgment was issued as a result of an "as if in the defendant's presence", such judgment shall be subject to appeal within the stated periods.

Article 213:

1. The presiding judge shall ask the indicted about his/her name, nickname, age , profession , place of residence , place of birth and if he/she is married in addition to whether if he/she had been convicted before.
2. The trial shall be held in public unless the court decides to hold it in camera in order to protect the public order or the public morals or if the trial is related to an illness. The court in all instances has the right to ban certain categories of people from attending the trial.

Article 214:

The court's clerk shall note down upon an order from the presiding judge all the trial incidents and procedures in the hearings minutes which has to be signed by the presiding panel.

Article 215:

1. The presiding judge shall bring to the defense attorney (in case there is one) attention, that he/she should defend his/her client in a way that confirms and does not violate the law.
2. The presiding judge shall remind the indicted that he/she has to carefully listen to everything which is going to be read to him/her. After this the presiding judge shall order the court's clerk

to read aloud the accusation and indictment decisions in addition to the indictment list, the witnesses' list of names and any seized evidences and documents.

3. After such procedure the presiding judge shall summarize to the indicted the meaning of the charges directed to him/her and shall warn him/her that he/she should pay close attention to the evidences against him/her.

Article 216:

1. After the court's clerk reads aloud the decisions and documents stated in the previous article and after the public prosecution representative clarify the facts of the case and the plaintiff in the civil action or his/her representative the complaint, the presiding judge shall ask the indicted about the charge against him/her.
2. If the indicted confessed to the charge, the presiding judge shall order that such confession be documented in words that are similar to the words used in phrasing the confession. The court might be satisfied by such confession and then it shall convict him/her and impose the penalty such crime requires unless the court deems otherwise.
3. If the indicted refused to answer the judge's question, he/she shall be considered as not confessing to the crime and the presiding judge shall order this in the hearing's minutes.
4. If the indicted denies the charge or refuses to answer or if the court is not convinced with his/her confession, the court shall start hearing the prosecution's witnesses.

Article 217:

The public prosecutor and the plaintiff in the civil action shall not be allowed to call in any new witnesses whose names does not appear on the witnesses' list unless the indicted or his/her attorney were notified of such witness in advance.

Article 218:

The presiding judge shall take when it is necessary all the needed measures in order to ban the witnesses from mangling with each other before they testify.

Article 219:

1. Each witness has to separately give his/her testimony.
2. The presiding judge shall ask every witness before hearing the testimony about his/her name, nickname, age, profession, domicile or place of residence, if he/she knows the indicted from before the commission of the crime, if he/she is in the service of one of the parties or if he/she is a relative of such person and the degree of relation. After noting down all the information related to the witness, the presiding judge shall make him pronounce the following oath "I swear by great god that I will only say the truth without any additions or omissions".
3. The court might not take into account the testimony of any witness who did not take the oath or refused to take it.

4. If the witness confirmed that he/she does not remember any incident of the incidents of the case it is permissible to read from his/her testimony which was given during the investigation the parts related to the forgotten incident.
5. The witness's previous statements shall be read and the presiding judge shall order the court's clerk to note down any discrepancies between the previous statements and the current ones after asking the witness about the reasons behind such discrepancies.

Article 220:

1. When the witness finishes his/her testimony the presiding judge shall ask him/her if indicted person who is attending the hearing is the person meant by his/her testimony and after this the judge shall ask the indicted about any objections he/she might have against the witness or his/her testimony.
2. The court might before or during or after the witness testimony , order the indicted person or persons to leave the hearing's room and keep in the room whomever it wishes in order to examine some of the facts of the case with him/her alone. The trial shall not proceed before notifying the indicted of all the procedures that were taken during his/her absence.
3. The public prosecution representative has the right to request the court to conduct such procedure.

Article 221:

1. After the court finishes hearing the witness's testimony, the indicted or his/her attorney might direct through the court any questions to any witness who was called in order to proof the charge. Such procedure might include the complainer if he/she was called as a witness. The public prosecution might direct such questions related to the issues which were raised during the trial and it might also direct questions to the defense witnesses. The defense has also the right to direct questions related to the issues that were raised during the discussion.
2. The court might question the witness about whatever it deems helpful in revealing the truth.
3. Whatever said during the examination and cross examination of the witnesses in addition to any objection that were raised during the trial, have to be noted in the hearings' minutes.

Article 222:

The witness shall not leave the hearing's room unless he/she is allowed to do so by the presiding judge.

Article 223:

After hearing the public prosecution and the plaintiff in the civil action witnesses the court shall hear the defense witnesses.

Article 224:

During the hearing of the witnesses' testimonies the court might order any witness to leave the hearing's room or to call any of the witnesses who were ordered to leave to come back to the hearing room in order to rehear their testimony either with or without the presence of the other witnesses. The public prosecution or the indicted representatives can request the court to take such action.

Article 225:

If it was revealed during the trial that one of the witnesses has lied during his/her testimony, the court by itself or based on a request by the public prosecutor has to immediately order the detention of such witness and refers him/her to the public prosecutor for investigation. The referral of the witness to the public prosecution shall not halt he proceedings in the case.

Article 226:

1. The court has the right to call whomever during the trial any person in order to hear his/her statements as a witness, if it deems that such action will help in revealing the truth. It also has the right to issue a summon warrant if it is necessary to do so. The court has the right to hear the testimony of any person who appears by him/herself and offer any information related to the case.
2. The court shall display to the indicted and the witnesses in addition to anyone who is related to the case all the documents and evidences related to the crime and which might be play a role in the proof process and shall ask every one of them about such evidences.

Article 227:

1. If one of the indicted persons or of the witness does not speak Arabic language, the presiding judge shall appoint an interpreter whose age shall not be less than eighteen years. The interpreter shall take an oath confirming that he/she will translate between such person/s and the court with honesty and trust.
2. If the provisions of this article were not applied the action/s taken shall be null and void.

Article 228:

The indicted and the public prosecution representative might request the dismissal of the appointed interpreter provided that they provide the reasons behind such request and the court shall deicide on such matter.

Article 229:

The interpreter shall not be chosen from among the witnesses or members of the judicial panel presiding over the case even, such selection shall render all actions and procedures taken as null and void even if it was approved by the indicted and the public prosecution.

Article 230:

If the indicted person or the witness were deaf and mute and does not know how to write, the presiding judge shall appoint a specialized interpreter who knows how to communicate with such persons using the signals or any other technical method.

Article 231:

If the deaf and mute indicted person or witness knows how to write, the court's clerk shall write down to him/her the court's questions and notes and then hand it to him/her in order to respond to it by writing. The court's clerk shall perform such procedure during the hearing session.

Article 232:

If the court becomes convinced after finishing hearing the evidences submitted by the prosecution that there is a case against the indicted , it shall ask him/her if he/she wishes to give a statement for his/her defense. If the indicted gives such statement, it is the right of the prosecution to discuss such statement with him/her. After hearing the indicted person's statement the court shall ask if he/she has any witnesses or other evidences that support his/her defense and if he/she stated that there are witnesses the court shall hear their testimonies if they are present at the hearing or it shall postpone the hearing and issue a request for attendance to be notified for such witnesses.

The defense witness's expenses shall be sustained by the indicted unless the court decides otherwise.

Article 233:

1. Whenever the public prosecutor thinks that the indicted person suffers from a mental or psychological illness, he/she shall but him/her under necessary medical supervision in order to make sure that he/she is in an acceptable mental and psychological condition. Such procedure shall not halt the investigation process with indicted.
2. If the court realizes that the indicted person suffers from a mental or psychological illness, it shall decide to put him/her under the supervision of three state's doctors who specialize in mental and psychological illnesses for the period it deems necessary in order to provide the court with a medical report concerning the indicted person's state of health.
3. If as a result of the medical supervision, the court is convinced that the indicted does suffer from a mental illness, it shall order him/her to stay under the medical supervision until he/she becomes fit to stand trial. If the mental illness is of the kind that cannot be cured, then the court has to order that the indicted person be admitted to a mental health hospital.
4. If the court reaches the conclusion that the mentally ill person had committed the crime he/she is charged with while he/she was suffering from such illness which made him unable to understand the nature of his/her actions and that it is prohibited to commit such action or inaction that constitutes the crime, in such case the court shall convict him/her and declare that he/she is not responsible for the acts committed and apply article (193) of the Penal Code on him/her.
5. If the court becomes convinced from the medicinal supervision it ordered that the indicted person is mentally retarded and he/she had committed the crime, the court in such case shall convict him/her and declare that he/she is not responsible for the acts committed. It shall also put him/her under the supervision of the Behavior Supervisor for a period that could extend from one to five years. There is nothing that ban the court from admitting the mentally retarded convict to the National Center of Mental Health or any other specialized institution in order to cure him/her from the dangerous behavior which might be a characteristic of his/her illness.

Article 234:

The court might amend the charges according to the conditions it deems just and fair provided that such amendment shall not be based on facts that were not included in the submitted evidences. If amending the charges would result in tougher penalty, the trial shall be postponed to the period which the court deems necessary in order to enable the indicted person from preparing his/her defense to the amended charges.

Article 235:

After finishing hearing the evidences the public prosecutor shall submit his/her argument and the plaintiff in the civil action shall submit his/her requests while the indicted person and the responsible for compensating shall submit they defenses and after this being done the trial shall be concluded.

Section Four:
The Judgment:

Article 236:

1. After the court's presiding judge announces the conclusion of the trial, the court's panel shall convene at the review room and review the indictment decision, the seizure reports, the arguments and defenses of the public prosecution representative, the plaintiff in the civil action and the indicted person. After such review the panel shall discuss all issues and shall draft its judgment either by consensus or by the majority of the panel's members.
2. The court shall announce the guilt (conviction) of the indicted person when the criminal act has been proven during the trial and shall announce the innocence of the indicted when there is no supporting evidences or when the evidences present were not sufficient to convict. It shall announce that the indicted person is not criminally responsible when the act committed does not constitute a crime or it does not require a punishment.

Article 237:

1. The court's decision shall contain a summary of the incidents stated in the indictment decision and those appeared during the trial in addition to a summary of the requests of the public prosecution, the plaintiff in the civil action in addition to those of the indicted person. It shall also include the evidences and the reasons for convicting or acquitting. The judgment's decision shall include the legal article applicable to the criminal act in case there is a conviction in addition to the penalty and the civil compensations.
2. The judges have to sign the judgment before it is read aloud in the presence of the indicted person, the public prosecution representative. The presiding judge shall notify the convicted person that he/she has the right to appeal his/her conviction within fifteen days.

Article 238:

If the court announced the innocence of the indicted person or that he/she is not responsible, he/she shall be immediately released unless he/she is detained for another reason.

Article 239:

The court has the right to order the person convicted of a crime other than the crimes punishable by the death penalty or life imprisonment with hard labor or life detention, to pay the court's fees and all costs resulting from such trial in addition to all or part of expenses endured by the witnesses. Fees shall be collected according the same way fines are collected.

Article 240:

The plaintiff in the civil action shall be ordered to pay all the trial fees and expenses if he/she was not correct in his/her claim. The court might exempt him/her from all or part of such costs if it was proven that he acted out of good faith provided that the court decisions shall be full detained and reasoned.

Article 241:

If the court decides that the act which the indicted person is charged of committing does not constitute a felony rather it constitutes a misdemeanor or an infraction it shall keep hearing the case and issue a final judgment in it.

Article 242:

1. The judgment's summary shall be documented at the court's judgment's registrar. The original copy of the judgment shall be kept with the related case documents and papers.
2. The court shall send the attorney general at the end of every fifteen days a table which contains all the judgments that were issued during such period.

Chapter Nine:

The Trial of the Fugitive Indicted Person:

Article 243:

1. If the attorney general decided to indict a person who has not been arrested or did not surrender, he/she shall issue with the indictment decision an arrest warrant. Such warrant shall give all the security forces members the authority to arrest such person and hand him/her to the public prosecution.
2. The public prosecutor after he/she receives the case documents including the indictment decision , has to draft an indictment list and a list of the names of all the witnesses which shall be sent with the copy of the indictment in order to be served at the indicted person last know place of residence. After the notification is made he/she has to send the case to the court for trial.
3. The court's chief judge after receiving the case file has to issue a decision which gives the indicted person ten days to surrender to the judicial authorities. Such decision shall contain the felony type and the order to arrests him/her in addition to a statement ordering any person who knows his/her place to inform the competent authorities.
4. If the indicted person did not turn him/herself in during the ten days period, he/she shall be considered as a fugitive and all his/her properties shall be placed under the administration of the government as long as he/she stays a fugitive in addition to banning him/her from conducting any transaction related to such properties. He/she shall be also banned from bringing any lawsuit before the courts. Any action he/she performs or obligation he/she takes on after declaring him/her as a fugitive, such action or obligation shall be null and void.

Article 244:

1. The decision which includes the grace period given to the indicted person shall be published in the Official Gazette and in one of the local newspapers, it also has to be fixed at the indicted person's last know place of residence or in his/her hometown main square or the court's of first instance main door.
2. The public prosecutor has to immediately notify such decision to the related registration clerk in order to mark down his/her property with the attachment signal.

Article 245:

After the expiration of the ten days period stated in article (243) the criminal court shall start the trial of the indicted person as an in absentia trial.

Article 246:

1. The indicted person shall not have a representative to represent him/her before the court, if he/she is being tried in absentia.
2. If the indicted person is outside the Jordanian territories or he/she was not able to attend the trial, his/her relatives and friends can submit to the court his/her excuse for not attending and prove its legitimacy.

Article 247:

If the court accepts the excuse , it shall decide to postpone the trial of the indicted person and the placement of his/her property under the administration of the treasury for a suitable period of time taking into consideration the nature of the excuse and the distance between the indicted and the court.

Article 248:

1. Except in the instance stated in the above article, the court after making sure that the notification and publication of the indictment decision has been done shall decide to try the fugitive person in absentia.
2. The court's clerk shall read aloud the indictment decision, the indictment list, the list of witnesses, and the accusation decision in addition to the other documents. After reading the before mentioned documents , the court shall start hearing the persecution's and the plaintiff in civil action evidences and shall decide the case in the manner it finds as just and fair.
3. If it is impossible to hear some of the witnesses, their previously taken statements shall be read aloud in addition to the responses of the indicted person's accomplices. The court has the right to order the reading of any of the papers which it deems as necessary to reveal the truth.

Article 249:

If the fugitive person is convicted of committing the crime and immediately after the judgment becomes excusable, his/her properties shall be subject to the procedures applied in the administration of absent persons. Such properties shall not be handed to him/her or to the people who are entitled to it after him/her until the in absentia judgment is dismissed.

Article 250:

The summary of the judgment issued against the indicted person shall be announced within ten days from the date the judgment was issued with the knowledge of the public prosecution. The judgment shall be published in the Official Gazette or in one of the daily newspapers or by fixing it at the door of the last know residence of the convicted person or at the main square of his/her hometown or at the main door of the first instance court. The judgment shall also be notified to the related registration officer.

Article 251:

The judgment shall come into force the day after its publication in the Official Gazette.

Article 252:

1. The absence of one of the indicted persons shall not constitute by itself a reason to postpone or delay the trial of the other indicted persons.
2. The court has the right after trying the attending indicted persons to decide to hand in the evidences kept at the court's evidences warehouse, if such items are requested by its owners. It also can hand in such items on the condition that it should be submitted to the court when the court requests its submission.
3. The clerk before handing such items has to organize a report which shall include its number and description.

Article 253:

During the time the properties of the fugitive convict are under the administration of the treasury, his/her spouse, children and any other persons he/she legally supports, shall be given a monthly allowance from the proceeds of such properties. The mount of the allowance shall be decided by the comp competent court. It is also possible that the plaintiff in the civil action to obtain from the same court a decision which gives him/her the right to collect part of the compensation that was awarded by the court. The payment of such amount could be conditioned on posting a bond by the plaintiff.

Article 254:

If the fugitive turns himself/herself in to the government or is arrested before the expiration of the penalty imposed, the judgment issued against him/her in addition to all other actions taken beginning from the issuance of the arrest warrant or the decision announcing the grace period to surrender, shall all be null and void and the related person shall be retried according to the ordinary procedures.

Article 255:

1. If the fugitive convict was not convicted again after he/she turned him/herself in, the court might relief him/her form the fees and costs of the in absentia trial and it might decide to publish the new judgment in the Official Gazette.
2. Taking into consideration the rules stated in paragraph (2) of article (212) of this law, the procedures and rules stated in this section shall also be applicable to indicted persons who escape from prison.

Chapter Eight:
Ways of Challenging Judgments
Section One
Appeal

Article 256:

The following judgments can be challenged through appeal:

1. Judgments issued by any court of first instance in its criminal or first instance capacity.
2. Conciliation courts' judgments which the Conciliation Courts Law states that it shall be appealed before the courts' of appeals.
3. Judgments and decisions where there is a special legal provision in any other law which states that it could be appealed.

Article 257:

1. Except for the judgments and decisions stated in the previous article , preliminary decisions and decisions ordering the investigation of tax decisions and other decisions issued during the trial of the case shall not be appealed unless there is a judgment in the case's subject matter and it shall be appealed with such judgment.
2. The voluntary execution of such decisions shall not be considered as complying with it.

Article 258:

The first instance court in its appellate capacity shall review the criminal cases which it has the authority to review according to the provisions of the Conciliation Courts' Law or any other law. The court shall review the appeal through the review of the written briefs submitted by the parties unless the court decides otherwise or if one of the parties involved requested that that the court conduct hearing session to hear the arguments and the court approved such request.

Article 259:

It is allowed to object against an in absentia judgment issued by the first instance court in its appellate capacity if the review before the court was done through oral arguments. The objection shall be submitted within the period stated in the law which govern the objection against the in absentia judgment issued by the court of first instance.

Second Section:
Procedures Applied before the Courts of Appeals:

Article 260:

1. The judgments issued by the first instance courts in felonies and misdemeanor shall be appealed before the court of appeals.
2. The right to appeal the courts' judgments is granted to the public prosecution, the convicted person, the plaintiff in the civil action and the person responsible for compensation.
3. The death penalty and any other felony penalty which is more than five years imprisonment shall be subject to appeal even if the convicted person does not request such appeal.

Article 261:

1. The appeal shall be submitted to the competent appellate court through a written petition whether directly or through the court which issued the appealed judgment. The appeal shall be submitted within fifteen days from the day which follows the date the judgment was issued at if such judgment was issued in the presence of the convicted person and from the date of its notification if it was an in absentia judgment.
2. The attorney general and the public prosecutor or whoever carries out their duties has the right to appeal the first instance court judgment whether such judgment contained a conviction or an acquittal or the dismissal of the charges or that the indicted person is not responsible, within sixty days as for the attorney general and thirty days as for the public prosecutor. The appeal period shall start from the date the judgment was issued at.
3. If the appeal is submitted after the expiration of the periods stated above it shall be rejected on ground of not fulfilling the formality requirements.
4. If the convicted person appealed the in absentia judgment against him/her and the court of appeals decided to revoke the judgment and send the case back to be heard again and such person did not attend the new hearing, he/she shall not be given the right to appeal the new judgment unless he/she proves that his/her absence was for legitimate reasons accepted by the court. If the court decides to confirm the judgment, challenging it shall not halt its enforcement.
5. The appeal of the convicted person or the person responsible for the civil compensation shall not result in toughening the penalty or increasing the compensation.

Article 262:

The appeal by the attorney general or the public prosecutor gives the courts of appeals the right to issue any judgment it deems that the lower court should have issued unless the appeal is limited to one side of the judgment then the court jurisdiction is limited to this side.

Article 263:

1. If the appeal is submitted to the trial court, it should send it with the case's documents to the public prosecutor in order for him/her to send it to the court of appeals through the attorney general. This shall be done within three days from the date the appeal is submitted.
2. The first instance court by itself shall send the case documents to the court of appeals through the attorney general or the public prosecutor if the judgment is subject to mandatory appeal according to what is stated in article (260) of this law.
3. The attorney general shall submit the case documents to the court of appeals attached to his/her requests and arguments.

Article 264:

1. All appeals shall be done through oral arguments if the appealed judgment contains a death penalty or life imprisonment with hard labor or life detention. Except for such penalties all other criminal judgments issued by the courts of first instance or the conciliation courts, shall be reviewed by the court of appeals through written briefs submitted to it by the concerned parties unless the court decides otherwise or the convinced person requested that oral arguments be allowed and the court approved his/her request or the attorney general request such procedures to take place. Except in death penalty, life imprisonment with hard labor and life detention cases it is not mandatory to hear the evidences again unless the court decides it is necessary to do so.
2. It is not allowed to revoke the judgment declaring the indicted or the accused or the defendant innocence and convict him/her unless after conducting a trial and hear the evidences.

Article 265:

The plaintiff in the civil action can lone appeal the part of the judgment related to the civil compensation.

Article 266:

Appellate hearings shall be subject to the same pervious articles related to the publicity of the trial and its procedures in addition to the requirements of the final judgment, the imposition of fees, costs and the objections against in absentia judgments. The court of appeals has the powers stated in the section related to the trial of fugitive persons in case such person escaped from prison or did not appear before the court despite the fact that he/she was notified of the hearing's date.

Article 267:

If it appears to the court of appeals that the appealed judgment does confirm with the law and procedures, it shall affirm such judgment.

Article 268:

If the court decides to revoke the appealed judgment due to the fact that the act committed does not constitute a crime or does not entail a penalty or that that there is no sufficient evidence to convict, the

court shall in two first instances decide that the convicted person is not responsible and in the third instance (the lack of sufficient evidence) it shall pronounce that he/she is innocent of the charges.

Article 269:

If the judgment is revoked by the court of appeals because it contradicts with the law or for any other reason, the court shall try the case and decide upon its subject matter or send it back to the court which issued the appealed judgment accompanied with directions which the trial court has to follow.

Section Three
Challenging Judgments before the Cassation Court

Article 270:

All criminal judgments issued by the courts of appeals in addition to the decisions banning the trial of a person in a criminal case issued by the attorney general which, all such judgments and decisions might be challenged before the Cassation Court.

Article 271:

1. Except for the rules stated in the previous article, preliminary decisions, decisions ordering the investigation and decisions related to the context of the evidence in addition to other similar decisions which might be issued during the trial, could not be challenged before the Cassation Court unless a judgment in the case's subject matter has been issued. The challenging of the before mentioned decisions can only be done in conjunction of appealing the final judgment in the case.
2. The voluntary enforcement of the above mentioned decisions shall not be considered and complying with such decisions.

Article 272:

Judgments and decisions cannot be challenged before the Cassation Court if it still subject to objection or appeal.

Article 273:

Challenging judgments and decisions before the Cassation Court shall be given to:

a) The convicted person and the person responsible for civil compensation.
b) The plaintiff in the civil action only in relation to the civil compensation.
c) The attorney general or the Head of the Public Prosecution.

Section Four
Reasons for Challenging Judgments and Decisions before the Cassation Court

Article 274:

Challenging judgments before the Cassation Court can only be accepted for the following reasons:

First:

a) Violating the procedures which the law provides for the nullification of any measure or action that contradicts with such procedures.
b) Violating other procedures in cases where the opposing party requested the compliance with such procedures and the court did not respect such request provided that such procedures have not been corrected in the subsequent trial phases.

Second: Violating the law or erring in applying or interpreting it.
Third: violating the rules of jurisdiction or that the lower court exceeded its legal powers and authorities.
Fourth: The court did not decide on one of the requests in the case or decided in a way that exceeds the request of the concerned party.
Fifth: The issuance of two contradicting judgments in one case.
Sixth: The judgment lacks the reasons which called for it or such reasoning is not sufficient or ambiguous.

Section Five
Requirements Related to Formalities

Article 275:

1. Periods governing the challenging of final criminal judgments issued by the criminal court except the judgments which include the death penalty or life with hard labor or life detention :

a) The convicted person, the person responsible for compensation and the plaintiff in the civil action are given fifteen days to challenge such judgment. The fifteen days period shall start from the day after the day the judgment was issued if it was issued in the presence of the above mentioned persons or from the day the judgment was notified to such person if it was an in absentia judgment.
b) The Head of the Public Prosecution shall have sixty days to appeal the judgment while the attorney general shall have thirty days. The period in both instances shall start from the day after the issuance of the judgment.

2. As for the death penalty or the life imprisonment with hard labor or the life detention, such judgments shall be subject to challenge before the Cassation Court without the request of the convicted person, where the chief clerk at the court which issued such judgment has to submit them to the attorney general in order for him/her to send it to the Cassation Court for its review.

Article 276:

1. Challenging a judgment before the Cassation Court shall be done through the submission of a petition which has to be registered at the *Diwan* of the court which issued the challenged judgment or at the *Diwan* of the Cassation Court. The petition shall be signed by the court's Chief Judge or the court's Chief Clerk on the date of its submission.
2. The petition submitted has to be signed by the petitioner or his/her legal representative and shall include the reasons for challenging the judgment. The absence of such requirements might cause the rejection of the petition by the court.
3. The reasons behind challenging the judgment can be illustrated in a special list which might be attached to the petition or submitted independently during the legal period stated above.
4. No reasons for challenging the judgment shall be submitted before the Cassation Court except those submitted during the legal period stated by the law.

Article 277:

1. The Head of the *Diwan* of the court which issued the challenged judgment shall notify the convicted individual in person if he/she is under detention or notify him/her at the related place of residence a copy of the petition challenging the judgment which has been submitted by the public prosecution or the plaintiff in the civil action. Such notification shall be done within a week starting from the date of registering the petition at the court.
2. The convicted person has the right to submit within ten days from his/her notification of the petition, to submit a response to the reasons behind challenging the judgment through the Diwan of the court which issued the challenged judgment.

Article 278:

1. When the cassation file is completed the Head of *Diwan* at the court shall send the cassation file, the case file attached to them a certified table containing the content of both files to the attorney general, who in return has to send all papers received to the Head of Public Prosecution.
2. The sent papers has to be registered in a special registrar before being submitted by the Head of Public Prosecution to the Cassation Court accompanied by his/her views and requests. He/she shall submit the documents to the Cassation Court within a week from its registration at his/her *Diwan*.

Section Six
Procedures Applied before the Cassation Court

Article 279:

The Cassation Court shall review the cassation file sent to it. If it finds that the petition is submitted by someone who does not have the right to challenge the judgment before the Cassation Court or that one of the formalities requirements is missing or the action was not taken within the legally specified period, the court shall decide to reject the petition on grounds of not fluffing the formalities requirements. The

court might reconsider reviewing the case if it appears to it that its rejection of the petition in violation of the law.

Article 280:

1. If the petition is accepted on grounds of formalities there is no need to issue a special decision by the court indicating such acceptance, rather the court shall start reviewing the reasons behind challenging the judgment and decide upon such reasons.
2. If the convicted person is the one who is challenging the judgment, the court might revoke such judgment by itself if it becomes convinced that the judgment is based on a violation of the law or on a mistake in applying or interpreting it or that the court which issued the judgment was not composed according to the law or it had no jurisdiction to try case or if after issuing the judgment a law which can apply on the facts of the case is enacted.

Article 281:

If all the reasons provided for revoking the challenged judgment were dismissed and the court does not find any reason for such revocation by itself according to the provision of the previous article, in such case the court shall dismiss the petition submitted to it.

Article 282:

If the judgment's reasons included a mistake in law or there were a mistake in quoting a legal provision or in describing the crime or in the convicted person capacity but the penalty was correctly applied on the crime according to the proven facts in the judgment, in such instance, the Cassation Court shall correct the mistake in the judgment and dismiss the petition submitted in order to challenge the judgment.

Article 283:

The court shall send a copy of the judgment dismissing the petition challenging the original judgment to the Head of Public Prosecution within week for its issuance in order to refer it to the attorney general serving before the court which ordered the challenged judgment.

Article 284:

If the Cassation Court accepts one of the reasons stated in challenging the judgment or it finds such reason by itself according to article (280), it shall decide to revoke the judgment and return the papers and documents to the court which issued the revoked judgment in order for it to try the case again.

Article 285:

1. Only the parts of the judgment which are related revocation reasons shall be affected by the Cassation Court's order unless it is impossible to divide the judgment into separate parts.

2. If the petition to challenge the judgment is not submitted by the public prosecution, the revocation of the judgment shall only be effective towards the party/s who submitted the petition.
3. If the petitioner is one of the convicted persons and the reasons on which the petition is based are related to another convicted person in the same case, the revocation of the judgment shall also apply to such defendants who did not challenge the judgment.

Section Seven
The Effect and Impact of the Cassation Court's Judgments:

Article 286:

The dismissal of the judgment's challenging petition submitted to the Cassation Court shall render such judgment as a final one against the petitioner and he/she shall not be allowed to challenge the judgment again.

Article 287:

If the judgments is revoked as a result of a petition submitted by one of the parties (excluding the public prosecution), such petitioner shall not be harmed by his/her petition.

Article 288:

The lower court has to follow the directives given to it by the cassation court, if its revoked judgment included rejecting the case because it lacks the jurisdiction to try it or because such case had been dismissed due the expiration of the statute of limitation or for any legal reason which bans the processing of such case.

Section Eight:
<u>Challenging the Revoked Judgment before the Cassation Court:</u>

Article 289:

In instances other than the ones stated in the previous article, if the court of appeals to which the Cassation Court had sent the revoked judgment, violated the what had been stated in the revocation, and the new judgment issued by the court of appeals is challenged before the Cassation Court for the second time for the same reasons previously accepted by the Cassation Court , in such incident the Cassation Court shall review the petition and if it decides to revoke the judgment for the same reasons that made it revoke the first judgment , it might do the following :

1. To send the case back to the court which issued the judgment and this time the lower court has to abide by the revocation judgment and the directions sent by the Cassation Court.
2. The Cassation Court itself tries the case and issues a judgment in it that is compatible with the law and justice.

Article 290:

If the judgment issued after the revocation of the first judgment by the Cassation Court is challenged before such court using reasons which differ from the reasons used at the first time, the Cassation Court shall review such petition according to the provisions of section four of this chapter.

Section Nine
Cassation by Written Order

Article 291:

1. If the Head of the Public Prosecution receives a written order from the Minister of Justice ordering him/her to submit a case file to the Cassation Court because during the trial of the case a procedures was taken which violates the law or it includes a decision or a judgment that was taken in contradiction with the law and such judgment or decision became final and never been reviewed by the Cassation Court , he/she has to submit the case file to the Cassation Court attached to it the written order of the Minister of Justice and shall request the court based on the reasons stated in the written order to nullify the faulty procedure or revoke the judgment or decision.
2. The Head of Public Prosecution if requested to do so by the convicted person or the person responsible for the civil compensation, he/she has the right to challenge the judgments and decision issued in misdemeanor cases by the court of appeals for the same reasons stated in the previous paragraph.
3. If the Cassation Court accepted the listed reasons, it shall revoke the decision or nullify the challenged procedure. In such cases and when necessary the judicial police official or the responsible judges shall be prosecuted for violating the applicable law.
4. The revocation issued according to paragraph one of this article shall not have any impact unless it was decided for the benefit of the person who is responsible for civil compensation or the convicted person. The revocation done according to paragraph two shall be for the benefit of the law and no party shall base his/her refusal to enforce the revoked judgment on it. The revocation shall only be noted down on the margin of the revoked judgment.

Chapter Nine
Retrial

Article 292:

It is permitted to request a retrial in felony and misdemeanor cases regardless of the court which tried the case or the penalty such court imposed provided the existence of the following instances:

a) If someone was convicted of murdering a certain person and after his/her conviction sufficient evidences appeared which prove that the alleged victim of the crime is still alive.
b) If someone was convicted with the commission of a felony or a misdemeanor and another person was later convicted of committing the same crime and it was impossible to reconcile the two judgments and it results in what supports the innocence of one of the two convicted persons.

c) If someone was convicted of committing a crime and after the issuance of the judgment , the court convicts the witness who testified against him/her of perjury .The testimony of the convicted witness shall not be accepted at the new trial.
d) If after the conviction new events happened or new documents surfaced which were not known during the trial of the case provided that such events or documents would have proven the innocence of the convicted person.

Article 293:

The right to submit the retrial request is granted to:

1. The Minister of Justice.
2. The convicted person or his/her legal representative if he/she was an incompetent person.
3. The convicted person's spouse, children and hires if the convicted person was dead or absent and his/her absence was confirmed by a judicial judgment.
4. Anyone the convicted person explicitly authorized to request the retrial.

Article 294:

1. The retrial request shall be submitted to the Minister of Justice.
2. The Minister of Justice shall refer the retrial request to the Cassation Court. In case the request was based on a weak reason/s the Minister shall not refer it to the Cassation Court.

Article 295:

1. If the judgment which is the subject of the retrial request has not been executed, such execution shall be halted from the date the Minister of Justice refers the retrial request to the Cassation Court.
2. The Cassation Court has the power to order the execution of the judgment to be halted in its decision accepting the retrial request.

Article 296:

If the Cassation Court decides to accept the retrial request, it shall refer the case to a court of the same level and degree of the court which issued the original judgment.

Article 297:

If it is impossible to conduct the new trial through oral hearings in the presence of all persons related to the case due to the death of the convicted person/s or escape or absence or being not criminally responsible or because of the dismissal of the case or the judgment due to the expiration of the statute of limitation, after the Cassation Court takes a decision confirming that it is impossible to have a public hearing for one of the reasons indicated above , it shall try the case by itself in the presence of the plaintiffs in the civil action (if available) and in the presence of representative for the convicted persons appointed by the court if such convicted person were dead. The court shall nullify the wrongfully issued prior judgments.

Article 298:

1. The new judgment announcing the innocence of the convicted person which is issued as a result of the retrial, has to be hang at the court's entrance and other public places in the town where the first judgment was issued and in the place where the crime was committed and in the domicile of the person/s who requested the retrial in addition to the last know place of residence of the convicted person if he/she was dead.
2. The new judgment must be published in the Official Gazette and shall also be published – if requested by the persons who requested the retrial- in two local newspapers. The State shall bear the publication coast.

Third Book
Special Procedures to be applied in Certain Cases
First Chapter
Forgery Cases

Article 299:

1. In all forgery cases and immediately when the allegedly forged document is submitted to the public prosecutor or the court, the clerk shall organize a detailed report which shall reflect the status of such document. The report has to be signed by the public prosecutor or the judge or the court's chief judge and the person who displayed such document and his/her opponent in the case if available. The persons stated shall also sign each face of the document itself in order to prevent its replacement. It has to be kept at the investigations' department or the court's clerk's office.
2. If some of the attendees were not able to sign the paper and the report or the declined to do so, such incident has to be documented in the report.

Article 300:

If the paper which allegedly had been forged is brought from an official department, the responsible official shall sign such paper according to the procedures stated in the previous article.

Article 301:

It is allowed to allege the forgery of papers if such papers were used in judicial proceedings or other transactions.

Article 302:

1. Any state's official or regular person who has under his/her possession a paper which is suspected to be a forged one, he/she has to hand in such paper if ordered to do so by the court or by the public prosecutor through a reasoned decision.

2. The decision and the handing in report shall discharge the person who the forged paper was deposited with him/her from any liability towards the related party.

Article 303:

The provisions of the pervious articles shall apply to papers presented to the public prosecutor or the court for authenticity testing purposes.

Article 304:

1. Officials shall be force – under the threat of being penalized- to surrender whatever papers they might have in their possession which would serve in authenticity tests.
2. The decision issued in this instance and the handing in report shall discharge the discharge the person from any liability towards the party which deposited such papers with him/her.

Article 305:

1. When it is needed to bring an official document, a copy of such document shall be left with the person in charge which has to be certified by the court's chief judge of this person's place of residence who has to explain such procedure at the end of such copy.
2. If the paper was deposited with a state's official, the certified copy which has to be given to him/her shall replace the original until the original is retrieved. The official might give copies of the certified copy with the explanation stated on it.
3. If the requested document is attached to a registrar where it could not be removed, the court might decide to bring the registrar to the court and disregard the procedures stated above.

Article 306:

1. Ordinary papers shall be used for authentication purposes if the two parties agreed on such use.
2. If the person who has possession of such paper is not a state's official, he/she shall not be forced to hand it in immediately even if he/she confesses that the paper is under his/her possession. The court or the investigator after summoning such person in order to hand in the paper or after revealing that reason/s behind his/her refusal to surrender it , shall oblige him/her to surrender it if it was found that his/her refusal is not based on an acceptable reason.

Article 307:

Whoever cites a paper which it is claimed to be a forged one, he/she shall be ordered to sign if it is reviled that he/she has access to such paper.

Article 308:

If the party claiming the forgery claimed that the person displaying the document is the one who forged it or is an accomplice in its forgery or if the investigations reveal that the person who forged the document or the accomplice in such act is still alive and the forgery case was not dismissed because of the expiration

of the statute of limitation, in such instance the forgery case has to be criminally investigated according to the previously mentioned procedures.

Article 309:

1. The court which hears the case has the right – when there is a claim of forgery – to continue hearing the case or to halt the proceedings after consulting with the public prosecutor.
2. If the case is limited to personal compensations, the court shall postpone the proceedings until there is a final judgment in the forgery case.

Article 310:

If one of the parties claims during the investigation or the trial that the paper displayed is a forged one, his/her adversary has to be asked if he/she is intending to use such paper in the proceedings.

Article 311:

1. If the adversary (the other party) responds that he/she does not intend to use the papers – which is claimed to be a forged one- or did not answer the question, then such paper shall not be used in the proceedings.
2. If the adversary affirmed that he/she is intending to use such paper, then the court shall proceed with the forgery case according to the law.

Article 312:

The court in the forgery case has the right to order the accused or indicted person to give hand writing sample before its experts and if he/she refuses to do so, such refusal has to be noted in the hearing's minutes.

Article 313:

1. If the court – criminal or civil – becomes aware during the trial that there is suspicions that forgery was committed and such there are evidence which signal to the perpetrator of such forgery, the presiding judge or the public prosecutor shall refer the necessary documents to the competent public prosecutor of the place where the crime was committed or where the perpetrator is residing.
2. The presiding judge or the public prosecutor has the right to issue an arrest warrant against the defendant if he/she is attending the proceedings.

Article 314:

1. If it is proven that the official documents are entirely or partial forged, the court hearing the forgery case shall order the nullification of such document or returning it back to its original status by striking down what has been added to it or reinstating what has been omitted from it.
2. A summary of the judgment has to be noted at the end of such document.

3. The papers which were used for authentication purposes have to be returned to its source or to one of the persons who submitted it.

Article 315:

The investigation of forgery crimes shall be conducted according to the procedures applicable to all other crimes.

Chapter Two
Hearing the Testimony of Certain Officials

Article 316:

Members of the diplomatic cord have to be served the request for attendance warrants through the Ministry of Foreign Affairs.

Article 317:

If the person requested to attend before the judiciary is a current member of the armed forces, he/she shall be notified through the head of his/her brigade.

Article 318:

Except for the officials stated in the previous articles, all other witnesses regardless of who they are shall be requested to attend before the judiciary in order to hear their testimonies according to the procedures related to the hearing of witnesses stated in this law unless the court deems otherwise.

Chapter Three
Stolen or Destroyed Documents and Judgments related to the Case

Article 319:

If the originals of the issued judgments in felony or misdemeanor cases or the documents of still bending investigations or trials were missing or such judgments and documents were destroyed as a result of fire, flood or any other unusual reason or was stolen or it was impossible to rearrange it, the following rules shall be applied.

Article 320:

1. If the judgment's summary or its legally certified copy are found it shall be considered as the original judgment and shall be kept it its place.
2. If the summary or the above mentioned copy is in the possession of a regular person or a state's official, the chief judge of the court which issued the judgment shall order him/her to hand such document to the court's clerks' office.
3. The person or official who has the summary or the certified copy of the destroyed or stolen or missing judgment has the right to obtain a free copy of such document.
4. The person who is ordered to hand in the summary or the certified copy of the judgment shall be discharged of his/her obligations towards the parties related to such document.

Article 321:

1. If the judgment's original document was missing and it was not possible to find a certified copy of such judgment but rather a copy of the accusation or indictment decision was found , then a new trial shall held and a new judgment issued.
2. If there were no accusation or indictment decision then the whole process has to be repeated starting from the point where the paper are missing.

Chapter Four
Appointing the reference which has the Right to Move the Case from one Court to Another
Chapter One
Appointing the reference

Article 322:

1. The dispute of jurisdiction shall be solved through the appointment of a reference if a crime was committed and two courts started hearing the case thinking its within their powers to do so or if the prosecutor of the court decided that they done have the authority to prosecute or try the case or a court decided that it does not have the needed jurisdiction to try a case referred to it by the public prosecutor or the public prosecution and this lead to a dispute over jurisdiction which halted the process of justice.
2. The rule stated in this article shall be applicable when such dispute arises between a regular and a special court or between two special courts or between the public prosecutors serving before such special courts.

Article 323:

1. The public prosecution, the plaintiff in the civil action, and the defendant, all has the right to request the appointment of the reference through a petition that has to be submitted to the Cassation Court.
2. If the request is related to a dispute over jurisdiction between two courts or two public prosecutors or a court and a public prosecutor which report to the same court of appeals, then the request has to be submitted to such court of appeals.

Article 324:

If the request to appoint the reference is submitted by the plaintiff in the civil action or the defendant, the Cassation Court or the court of appeals chief judge shall order the notification of a copy of the request to the opposing party and to send the public prosecution at the two competing judicial bodies a copy of the request in order to comment on it and provide the court (the Cassation or the Appellate court) a copy of the case file.

Article 325:

The plaintiff in the civil action in addition to the defendant has to respond to the request submitted or order to appoint the reference which has been notified to him/her. The Head of the Public Prosecution or the attorney general have to comment on such request within a week from the date of his/her notification of the request.

Article 326:

1. If the dispute regarding competency and jurisdiction was between two courts or two judges where each of them decided that he/she has the right to hear the case, they both have to stop the issuance of the judgment immediately after seeing the request of appointing a reference in order to solve the dispute between them (the judges or the courts).
2. As for temporary actions and investigations it could continue until a decision identifying the competent body is issued.

Article 327:

1. The Cassation Court shall review the request of appointing the reference through the written briefs submitted to it and after consultations with the Head of the Public Prosecution. In its decision the court shall appoint the competent judicial body from the two disputing ones, which is competent to investigate or hear the case. It shall also announce the validity of the procedures taken by the court or investigator which the court ruled as lacking the needed jurisdiction.
2. The court of appeals shall review the request submitted to it according to the previously stated rules and it decision in this regard shall be final.

Section Two
Moving the Case from on Court to Another

Article 328:

The court of appeals has the right within its area of jurisdiction to order moving a felony or a misdemeanor case according to a request submitted by the attorney general from one public prosecutor to second or from one court to another provided that the other court is of the same level as of the first one. Such procedure shall be applied when the investigation or the trial of the case at the area of jurisdiction of the public prosecutor or the court might violate the public order and security.

Article 329:

The court of appeals shall decide on the request of moving the case through reviewing the written request. If the court decided to move the case it shall announce in the same decision that validity of all procedures and actions taken by the court or the public prosecutor who the court decided to move the case from.

Article 330:

The rejection of the request concerning the moving of a case shall not ban the submission of another request to move the case if the new request is based on new reasons which became known after the first request was rejected.

Fourth Book
Chapter One
The Strength of Final Judgments and the Dismissal of the Case and Penalty

Article 331:

Unless there is another legal provision which states otherwise, the criminal case and the acts it contains shall be concluded, when a final judgment in the case is issued (whether the judgment decides the innocence or the lack of responsibility or the dismissal of the case or the conviction of the defendant).

Article 332:

The criminal judgment issued by the criminal court in the subject of the criminal case (whether such judgment decides the innocence or the lack of responsibility or the dismissal of the case or the conviction of the defendant), such judgment shall have an overriding power before the civil courts in cases that are not totally decided yet in issues related to the commission of the crime or its legal description or the conviction of its perpetrator. The judgment which decides the innocence shall have such power whether it was based on the fact that there was no charge or there were no sufficient evidences. The judgment shall not have such power it is based on the fact that the committed action does not constitute a crime.

Article 333:

Judgments issued by the civil courts shall not have such overriding power before the criminal courts in relation to the commission of the crime and the guilt of the perpetrator.

Article 334:

The judgments issued by the personal status courts within the limits of such court's jurisdiction shall have an overriding power before the criminal court in issues which are imperative for concluding the criminal case.

Chapter Two
The dismissal of both the Criminal Proceedings and the Civil Action

Article 335:

1. The criminal proceedings shall be dismissed in case of the defendant's death or by general amnesty or the expiration of the statute of limitation.
2. The criminal proceedings shall also be dismissed in case the civil action was dismissed according to the instances stated in the law.

Section One
Dismissal Due to the Death of the Defendant

Article 336:

1. The criminal proceedings and the penalty imposed shall be dismissed as a result of the defendant's death, whether such penalty is an original or an extra penalty.
2. If the seized items were legally banned items, then it should not be returned to the deceased heirs.
3. The injured party shall still have the right to bring a civil action against the deceased heirs before the civil court.

Section Two
Dismissal by General Amnesty

Article 337:

1. The criminal proceedings shall be dismissed as a result of general amnesty.
2. The compensation claim shall stay under the jurisdiction of the court which had the case when the general amnesty as issued. If the case was not submitted to the court for trial, then the competent court in hearing the compensation claim is the related civil court.

Section Three
Statute of Limitation

Article 338:

1. The Dismissal of the Court due to the Expiration of the Statue of Limitation:

1. The criminal and the civil cases shall be dismissed after ten years from the date the felony was committed at, unless the criminal proceedings were initiated during this period.
2. The two cases shall be dismissed after ten years from the date of the last procedure that was taken if the case was borough before the court and no judgment was issued.

Article 339:

The criminal and the civil cases shall be dismissed after three years from the date the misdemeanor was committed at, unless the criminal proceedings were initiated during this period.

Article 340:

1. The criminal and the civil cases shall be dismissed after one year from the date the infraction was committed at, even if the infraction was investigated during this year.
2. If a judgment was issued within a year from committing the infraction but the judgment was appealed , then the criminal case and the civil case shall be dismissed after one year from the date the appeals was submitted.

Article 341:

2. The Dismissal of the penalty due to the Expiration of the Statue of Limitation.

1. The expiration of the statute of limitation shall stop the enforcement of the penalty and the precautionary measures.
2. The expiration of the statute of limitation shall not apply to rights deprivation penalties and precautionary measures or on confiscation or.

Article 342:

1. The statute of limitations period for the death penalty and life term penalties shall be twenty five years.
2. The statute of limitations period for other temporary felony penalties shall be twice the penalty's time provided that it does not exceed twenty years or be less than ten.
3. The statute of limitations for any other felony penalty shall be ten years.

Article 343:

1. The statute of limitations shall start running from the date of issuing the judgment if it was an absentia judgment and from the date the convicted person escaped from the enforcement of the judgments in case the judgment was issued in the presence of the convicted person.
2. If the convicted person escaped while serving a freedom's restraining penalty, half of the period served shall be deducted from the statute of limitation expiration period.

Article 344:

1. The statute of limitation expiration period on misdemeanor penalties hall be twice the penalty time imposed by the court provided that it does not exceed ten years and be less than five.
2. The statute of limitation expatriation period for any other misdemeanor penalty shall be five years.

Article 345:

1. The statuette of limitation shall start running according to the following :

a) In judgments which are issued in the presence of the defendant, the statute shall start ruining from the day the judgment is issued (if the judgment is final and cannot be appealed or objected against) and from the date it becomes final (if the judgment can be appealed or objected against).
b) In absentia judgments the statue shall start ruining from the date of notifying the convicted person of the judgment in person or through serving the judgment at his/her place of residence.

2. If the convicted person was detained, the astute of limitation shall start from the day of his/her escape. In such case half of the imprisonment period shall be deducted from the statute of limitation period.

Article 346:

The statute of limitation for infractions shall expire after two years, which shall start according to what is stated in the above article.

Article 347:

1. The statuette of limitation period for precautionary measures is three years.
2. The statute shall not start ruining before the day the precautionary measure becomes enforceable or after the expatriation of the statute of limitation related to the penalty accompanying such measure provided that the judge does not issue before the passage of seven years a decision which indicates that the convicted person still poses a threat to the public security. In such case the precautionary measure shall be enforced.

Article 348:

Any rehabilitation measure shall not be enforced, if such measure was not enforced within a year from its issuance unless the juvenile court issues a decision upon a request submitted to it by the public prosecution in order to enforce such measure.

Article 349:

1. The statute of limitation period shall be calculated from the day after it starts running till the day it ends.
2. The running of the statute of limitation shall be halted by any legal or physical impediment which made it impossible to execute the penalty or the precautionary measure. Such impediment shall fall outside the will of the convicted person.
3. The following shall stop the ruining of the statute of limitation :
   a) The investigation or trial producers taken by the competent authorities in the same crime.
   b) Any action taken by the authorities related to the execution of the judgment.
   c) If the convicted person committed a new crime which is equal or more serious than the first crime, in such case the statute of limitation period shall not be extended for more than twice the original period.

Article 350:

The previously stated articles shall not ban taking into consideration the statute of limitation periods stated in special laws related to some types of felonies, misdemeanors and infractions.

Article 351:

If someone was convicted in absentia and the penalty against him/her was dropped due to the expiration of the statute of limitation, he/she shall not have the right to request that the court dismiss his/her in absentia trial and retry him/her again.

Article 352:

1. The compensations ordered to be paid in the final judgment issued in a criminal case, shall be dismissed because of the expiration of the statute of limitation according to the provisions related to civil judgments.
2. Fees and costs ordered to be paid for the state's treasury shall be dismissed according to the expiration of the statute of limitations related to public properties. The running of such period shall be halted if the convicted person is in person serving another sentence.

Article 353:

1. The public prosecutor before the court which issued the judgment or his/her delegated person, shall be responsible for the enforcement of such judgment.
2. In courts where there is no public prosecutor, the conciliation judge shall be responsible for the enforcement of the issued criminal judgments.

Article 354:

The Enforcement Department shall enforce all civil obligations ordered by the court according to the provisions governing the enforcement of civil judgments.

Article 355:

If the convicted person was jailed for not paying the imposed fines or fees and during his/her imprisonment expressed his/her willingness to pay such fines or fees to the state's treasury, the public prosecutor or whoever is executing his/her powers shall order the release of such person and bring him/her before the public prosecution in order to pay the due amounts after deducting the equivalent of the period the convicted person had spent in prison. Each day in prison equals (500 Fills).

Article 356:

1. If the convicted person during his/her arrest paid the whole amount he/she was ordered to pay, he/she shall be released immediately and the decision of replacing the fine or fees with imprisonment shall be immediately dismissed.
2. In case the convicted person was absent or underage, the collection of the imposed fine and fees shall be done according to the provisions of the Public Properties Collection Law.
3. The same shall be applicable in case the convicted person died.

Article 357:

1. When a death sentence is issued the Head of the Public Prosecution shall submit to the Minister of Justice the case's documents and papers accompanied by a report which contains a summary of the case facts , the evidences supporting the verdict and the reasons which support the imposition of the death penalty or calls for its replacement with another penalty.
2. The Minister of Justice has to submit the case's documents and the report to the Prime Minister in order to refer it to the Council of Ministers.
3. The Council of Ministers shall review the case's documents and the Head of the Public Prosecution Report and shall give its view of whether to carry out the death sentence or replace it with another penalty. The reasoned decision made by the Council of Ministers shall be submitted to His Majesty the King.

Article 358:

If His Majesty the King approves the death penalty, the convicted person shall be hanged inside the prison's building or in any other place if such place has been assigned by the Royal Decree. The execution of the death penalty shall not take place during any religious holiday related to the convicted person or during any of the official or community holidays. Pregnant women can only be executed three months after the delivery of the baby.

Article 359:

The execution of the death penalty shall be done after notifying the Ministry of Interior through a written request by the Head of the Public Prosecution. The request shall indicate that the death penalty shall be carried out in the presence of the following persons:

1. The attorney general or one of his/her assistant.
2. The clerk of the court which issued the judgment.
3. The prison's doctor.
4. A clergyman representing the sect of the condemned person.
5. The prison's director or his/her deputy.
6. The Police Chief in the capital or the police director in the governorates.

Article 360:

The attorney general or his/her assistant shall ask the concerned person if he/she has something to say. Whatever said by the condemned person shall be noted down by the court's clerk and signed by the attorney general and the rest of the persons present.

Article 361:

The court's clerk shall draft a report regarding the execution of the death penalty which has to be signed by the attorney general and the rest of the persons present. The report shall be kept in a special folder by the public prosecutor.

Article 362:

The government shall bury the body of the executed person when he/she has no hires that would him/her. The burial shall not be accompanied with any ceremony.

Article 363:

1. Any dispute regarding the enforcement of the judgment raised by the convicted person shall be submitted to the court which issued such judgment.
2. The dispute shall be submitted without any delay to the court by the public prosecution. Related parties shall be notified of the hearing date. The court shall decide in the dispute after hearing the public prosecution and the related parties. The court shall have the power to conduct any investigations which it deems necessary and it also has the power to suspend the enforcement of

the judgment until it rules in the dispute. The public prosecution and before submitting such dispute to the competent court might temporarily order the suspension of the judgment.

3. If there is a dispute regarding the identity of the convicted person, such dispute has to be settled according to the way and procedures stated in the previously mentioned two paragraphs.
4. The court's judgment is such dispute shall be final.

Article 364:

1. Except for individual convicted of treason and spying crimes and taking into consideration paragraph (3) of this article , it is permissible to rehabilitate through a judicial decision any individual who had been convicted of the commission of any felony or misdemeanor provided that the following conditions are present:

a) The imposed penalty had been fully executed or it was dropped due to a general amnesty or the expiration of the statute of limitations.
b) The period between completing the execution of the penalty or the issuance of the general amnesty and the rehabilitation request shall be more than six years in felony crimes and three years in misdemeanors. The periods stated above shall be doubled if the related person is a repeated offender according to the law.
c) The civil obligations stated in the judgment had to be fully paid or were dismissed or dropped due to the expatriation of the statute of limitations or the convicted person is able to prove that he/she still in financial hardship which prevents him/her from paying the civil obligations. In bankruptcy cases the bankrupted person shall prove that he/she paid the debt or was relieved from it.
d) The court has to be convinced that he/she has a good record since his/her conviction.

2. If the person requesting his/her rehabilitation was convicted of more than one sentence, he/she shall not be rehabilitated unless all the conditions stated in paragraph (1) had been met for all the judgments issued against him/her. The rehabilitation periods in such case has to be calculated according to the last judgment.
3.
   a) Any person sentenced to imprisonment due to being convicted of the commission of a misdemeanor has to be rehabilitated according to the law within five years from the end of his/her sentence provided that he/she is not sentenced to imprisonment or with a tougher sentence during such period.
   b) Any person sentenced to pay a misdemeanor fine , has to be rehabilitated according to the law within three years , if he/she was not sentenced to a misdemeanor penalty or a tougher sentence from the date his/her fine sentence was completed.
4.
   a) The rehabilitation judgment shall be nullified if the court learns that the rehabilitated person was the subject of other judgments the court was not aware of when it issued the rehabilitation judgment or if he/she is convicted of committing a crime before his/her rehabilitation and the conviction was issued after the rehabilitation judgment.
   b) The court which issued the rehabilitation judgment might revoke and nullify such judgment based on a request submitted by the public persecution.

Article 365:

1. The rehabilitation request shall be submitted in writing to the public prosecutor serving at the competent first instance court. The request shall include all the necessary information related to the person who is requesting the rehabilitation and his/her place of residence. The following has to be submitted with the request :

a) A certified copy of the judgment issued against the related person.
b) A certificate issued by the security departments indicating the previous convictions of the person and judicial record.
c) A report concerning his/her conduct in the prison.

2. The public prosecutor shall submit the request with the all the attached papers and documents to the competent first instance court in addition to his/her point of view regarding the request. The public prosecutor shall submit the request within three months from the date it was received.
3. The court shall review the request and decide upon it without the need to hold any hearings. The court has the right to hear the statements of any person it deems necessary and to request any information from any party or institution. Its request for information can be objected against before the Cassation Court if the request contains a mistake in applying the law or its interpretation. The objection shall be subject to the periods and procedures governing the objection against judgments before the Cassation Court.
4. If the rehabilitation request is denied for reasons related to the conduct of the convicted person , the request shall not be renewed unless after two years from the date the decision of denying the request was issued. If the request is denied for any other reason, it could be renewed at any time provided that the all the legal conditions for submitting such request are met.
5. Any person who has been rehabilitated after being convicted of committing embezzlement, bribery dishonesty , or any other crime which violates the public morals and trust , such person shall be banned from working at the judiciary or any Ministry or be a member of the Parliament.

Article 366:

In order to fulfill the objectives of this law, the following rules shall be applied when calculating the periods:

1. If the period is indicated by a number of days starting from the day the incident takes place or an action is carried out or in relation to periods related to objections and appeals or any other grace periods, the period shall not include the day the incident takes palace or the actions is carried out.
2. Holidays shall not be part of the stated period when it is related to appeal, objection or other grace periods unless it comes at the end of such period.

Article 367:

All periods indicated in this law shall be calculated according to the Gregorian calendar.

Nullifications:

Article 368:

The following laws and regulations shall be nullified:

1. The Ottoman Criminal Procedures Law with all its amendments.
2. The Law Amending the Criminal Procedures Law number (37) of 1946 published in issue number (880) of the Official Gazette on the 25th of December 1946 in addition to any amendments.
3. Pursuing of Persons and Search of Places Law published in issue number (157) of the Official Gazette on the 1st of June 1927.
4. The Criminal Procedures Law (Arrest and Investigations), the thirty third chapter of the Palestinian Laws Compilation.
5. The Amended Criminal Procedures Law (Arrest and Investigations) number (11) of 1942 published in issue number (1204) of the Palestinian Gazette on the 25th of June 1942.
6. The Criminal Procedures Law (Evidences), the thirty fourth chapter of the Palestinian Laws Compilation.
7. The Criminal Procedures Law (Evidences)(Amended) number (22)of 1944 , published in the issue number (1368) of the Palestinian Gazette on the 27th of October 1944.
8. The Criminal Procedures Law (Evidences) (Amended) by the Defense Legislations number 30 of 1945, published on issue number (1436) of the Palestinian Gazette on the 4th of September 1945.
9. The Release on Bail Law number (28) of 1944, published in issue number (1359) of the Palestinian Gazette on the 14th of September 1944.
10. . The Amended Release on Bail Law number (52) of 1946, published in issue number (1525) of the Palestinian Gazette on the 30th of September 1946.
11. .The Criminal Procedures Law (Criminal Procedures before the Central Courts number (70) of 1946), published in issue number (1543) of the Palestinian Gazette on the 21st of December 1946.
12. . The Criminal Procedures Law (Indictments) the thirty sixth chapter of the Palestinian Laws Compilation.
13. .The Amended Criminal Procedures Law (Indictments), published in the Edited Legislations' Issue of 1937. Issue (660) of the Palestinian Gazette on the 22nd of January 1937.
14. .The Amended Criminal Procedures Law (Indictments) number (44) of 1939, published in issue number (164) of the Palestinian Gazette on the 23rd of December 1939.
15. . The Amended Criminal Procedures Law (Indictments) number (31) of 1944, published in issue number (1368) of the Palestinian Gazette on the 27th of October 1944.
16. . The Amended Criminal Procedures Law (Indictments) number (22) of 1946, published in issue number (1485) of the Palestinian Gazette on the 31st of March 1946.
17. .The Amended Criminal Procedures Law (Indictments) number (40) of 1947, published in issue number (1608) of the Palestinian Gazette on the 26th of August 1947.
18. .The Criminal Procedures Regulation (Identity Verification), published in the Third Book of the Palestinian Laws Compilation on page number (1956).
19. . The Criminal Procedures before the Central Courts of 1938, published in issue number (757) of the Palestinian Gazette on the 10th of February 1938.

20 . The Criminal Procedures Law number (76) of 1951 and its amendments.
21 . Any provisions of the Courts' Contempt Law number (9) of 1959, published in issue number (1413) of the Official Gazette, which might contradict with this law.
22 . Any Jordanian or Palestinian legislation issued before the enactment of this law to the extent it contradicts the provisions of this law.

Article 369:

The Prime Minister and the Ministers of Justice, Interior and Defense are obliged with executing the provisions of this law.