Rules of Penal Trials Code

No. (9) For the Year 1961

And the Amended Code No. (16) For the Year 2001

Initial Provisions

Common Right and Personal Right Lawsuits

Article (1):

This code shall be called **(Rules of Penal Trials Code for the year 1961)**. It shall be effective one month after being published in the official gazette.

Article (2):

1- The public prosecution shall have jurisdiction over instituting the common right lawsuit, which shall not be instituted except by the public prosecution except in the cases illustrated in the law.

2- The public prosecution shall be bound to institute the common right lawsuit if the injured party institutes himself as a personal complainant in accordance with the specified conditions in the law.

3- The common right lawsuit shall not be stayed or suspended except in the cases illustrated in the law.

Article (3):

1- In all cases in which the existence of a complaint or a personal claim by the victim or others is stipulated by law, any procedure shall not be taken in respect of the lawsuit except after lodging the complaint or presenting the claim.

2- If the victim of the crime has not reached fifteen years of old or if he was mentally disabled, then the complaint shall be lodged by his guardian. If the crime was related to properties, then the complaint might be lodged by the guardian or the steward.

3- If the interest of the victim was incompatible with that of who represents him or he has no one to represent him, then the public prosecution shall substitute for him.

4- If the injured party was an organization or a department, then the complaint might be lodged upon a written request from the organization or the head of the injured department.

Article (4):

Any one against whom a common right lawsuit has been instituted is considered as defendant, and he shall be called as suspect if it was suspected that he has committed a delict or as accused if he was accused of a felony.

Article (5):

1- The common right lawsuit shall be instituted against the defendant before the competent judicial authority to which the place of committing the crime, the domicile of the defendant or the place where he was arrested is located within his area of jurisdiction.

2- In case of attempt, the crime shall be considered as committed in each place where any act of attempt takes place. In case of permanent crimes, each place where the state of continuity occurs shall be considered as the place of committing the crime.

3- If a crime was committed abroad and was one of those on which the provisions of the Jordanian law are applied, and its perpetrator has no known place of residence in the Hashemite Kingdom of Jordan, and was not arrested there, then the common right lawsuit shall be instituted against him before the judicial authorities in the capital.

Article (6):

1- The personal right lawsuit might be instituted following the common right lawsuit before the judicial authority where this lawsuit is instituted, and it might be instituted separately before the civil judiciary. In this case, looking into this lawsuit shall be suspended until the issuance of a final judgment regarding the common right lawsuit.

2- If the personal claimant has instituted his lawsuit at the civil judiciary, he shall not abolish it and institute it before the penal authority.

3- If the public prosecution has instituted a common right lawsuit, the personal claimant has transferred his lawsuit to the penal court except if the civil judiciary has rendered a judgment regarding the merits of the lawsuit**.**

First Volume

Judicial Police and Its Functions

Part 1

Judicial Police

Article (7):

1- The proceeding shall be invalid if the law has stipulated its invalidity explicitly or if there is a substantial defect in the proceeding because of which the purpose of the proceeding has not been accomplished.

2- If the invalidity was related to the non-observance of the provisions of law concerning the forming of the court, its jurisdiction over rendering a judgment in the lawsuit, its jurisdiction of value, or other things which are related to the public order, the invalidity might be adhered to whatever the state of the lawsuit was, and the

court shall pass a judgment of the invalidity even if no request has been made.

3- The invalidity shall be cancelled if the one to whose benefit the invalidity was issued has explicitly or implicitly waived it with the exception of the cases where the invalidity was related to the public order.

4- The invalidity of the proceeding shall not result in the invalidity of the prior proceedings. As for the following proceedings, they shall not be invalid unless they were based on the invalid proceeding.

Article (8):

1- The judicial police officers are charged with investigating the crimes, collecting its evidence, arresting its perpetrators, and referring them to the court which has jurisdiction over punishing them.

2- The public prosecutor and his assistants may carry out the functions of the judicial police. In the centers where there is no public prosecutor, the magistrates may substitute for the public prosecutor in accordance with the rules specified in the law.

Article (9):

The public prosecutor shall be assisted in carrying over the functions of the judicial police by the following persons:

Governors.

Director of Public Security.

Directors of Police.

Heads of police stations.

Officials commissioned with investigation and criminal investigations.

Mayors.

Heads of ships and aircrafts.

In addition to all the officials who are entrusted with the authorities of the judicial police by virtue of this law and the related laws and provisions.

The aforementioned officials shall carry out the functions of the judicial police within the extent of the authorities granted to them in this code and the laws related to them.

Article (10):

The public and private guards of villages, officials of companies control, health inspectors, customs governors, forest governors, and the antiques controllers shall have the right to organize contraventions in accordance with the laws and regulations that they entrusted to apply, and deposit them at the minutes of the contraventions at the competent judicial authority.

Part 2

Public Prosecution

Article (11):

The public prosecution shall be undertaken by judges who practice the authorities granted to them by law. These judges are connected to the authority hierarchy rule and are administratively subject to the Minister of Justice.

The public prosecution officials are bound in their applications and written demands to follow the written orders issued to them by their heads or the Minister of Justice.

Chapter 1

Public Prosecution at the Cassation Court

Article (12):

1- The public prosecution at the cassation court shall be headed by a judge called (the head of public prosecution) assisted by one assistant or more in accordance with what the necessity requires.

2- The head of public prosecution at the cassation court shall illustrate his findings in the penal lawsuits instituted in this court and shall superintend the progress of the acts done by the attorneys general at the court of appeal, their assistants and the public prosecutors, and he may inform them about the notices that he observes from verifying the aforementioned lawsuits through letters or proclamations, and they shall be subject to his superintendence in all their other judicial acts.

Chapter 2

Public Prosecution at the Court of Appeal, First Instance Court and the Magisterial Court

Article (13):

The public prosecution at each court of appeal shall be headed by a judge called (the attorney general) supported by a number of assistants who shall all perform their functions at the court of appeals, each of them in his area in accordance with the valid laws, the acts of the prosecutors and all the officials of judicial police shall be subject to his superintendence.

Article (14):

At each court of first instance, a judge called (the public prosecutor) shall practice the function of the public prosecutor at the first instance court and the magisterial court within his area of jurisdiction.

Chapter 3

Functions of the Public Prosecutor

Article (15):

The public prosecutor is the head of the judicial police in his area, and all the judicial police officials shall be subject to his superintendence.

The assistants of the public prosecutor for the functions of the judicial police specified in article (9 and 10) shall not be subject to his superintendence except for the acts related to the mentioned functions they carry out.

Article (16):

The public prosecutor shall oversee the progress of justice, superintends the prisons, lock-up houses and the implementation of laws. Besides, he shall represent the executive power at the courts and the judicial departments and contact the competent authorities directly.

The public prosecutor shall institute the common right lawsuit and implement the penal rules.

Article (17):

1- The public prosecutor is commissioned to investigate the crimes and pursue their perpetrators.
2- The competent prosecutors shall do the same in accordance with the provisions of article (5) of this code.

Article (18):

In the cases illustrated in articles (7-13) of the penal code, the mentioned functions in the previous article shall be carried out by the public prosecutor to which the domicile of the defendant, place of his arrest, or his last place of residence is located within his area of jurisdiction.

Article (19):

The public prosecutor and all the judicial police officials may ask for the assistance of armed force right after carrying out their functions.

Article (20):

The public prosecutor shall receive the intimation and the complaints that reached him.

Article (21):

Once they are acquainted with any serious crime, the judicial police officials shall inform the public prosecutor immediately and implement his instructions regarding the legal proceedings.

Article (22):

If the judicial police officials have been negligent in performing their tasks, the public prosecutor shall warn them, and he may suggest to the competent authority the appropriate disciplinary measures.

Article (23):

The public prosecutor shall carry out the pursuits with regards to the crimes that he comes to know whether by himself or upon the order of the Minister of Justice or any of his heads.

Article (24):

1- The judge may not render a judgment in the lawsuit in which he has occupied the position of public prosecution.
2- The magistrate may look into a lawsuit which he has investigated as a public prosecutor provided that he has not rendered a delict indictment in it.

Chapter 4

Functions of the public prosecutor /Intimations

Article (25):

Each official authority or official has come to know during performing his tasks about a felony or delict shall inform the competent public prosecutor promptly and send him the information, minutes and documents related to the crime.

Article (26):

Any one who saw an assault against the public security or the life or properties of some one shall inform the competent public prosecutor of this.

Any one who comes to know about a crime shall inform the public prosecutor of it.

Article (27):

1- The intimation shall be organized by the informant, his deputy, or the public prosecutor if he was asked to do so, and the public prosecutor, informant, or his deputy shall sign each page of the intimation.

2- If the informant or his deputy is unable to read, then he shall make a fingerprint. If he refrains from doing so, then this shall be indicated.

2) Flagrant Delict

Article (28):

1- The flagrant delict is the one that is seen during or after committing it.

2- It shall also include the crimes whose perpetrators are captured based on the screaming of people following the committing of the crime, or if things, weapons or documents that indicate that they are the perpetrators are found with them during twenty hours from

committing the crime, or if indications or signs indicating that they are the perpetrators have been found during that time.

Article (29):

1- If a flagrant delict entailing a penal punishment was committed, then the public prosecutor shall move immediately to the place of committing the crime.

2- If the public prosecutor has moved to the place where it has been said that a crime has been committed, and he has not found any evidence indicating that a crime has been committed or if he has found that there was no need to his move to this place, then the public prosecutor may collect through the execution department the full costs of his transportation from the informant or the signatory of the intimation, and he may institute a case of false accusation or false representation as the state requires.

Article (30):

1- The public prosecutor shall organize a minutes of the incident, how it occurs, and register the testimonies of the witnesses, and any one who has information about it or information useful for the investigation.

2- The one whose testimony has been heard shall sign his testimony. If he refrains from doing so, this shall be indicated in the minutes.

Article (31):

1- The public prosecutor may prohibit any one who was present in the house or the place where the crime was committed from leaving it until he organizes a minutes.

2- Any one who has not observed this prohibition shall be put in the place of arrest. Then, he shall be brought before the magistrate to be litigated, and a sentence shall be issued against him after hearing his defense and the claim of the public prosecutor.

3- If the concerned authority was not able to arrest him, and he has not attended after being notified of the process, a judgment in absentia shall be rendered.

4- The penalty that might be imposed by the magistrate is the offensive imprisonment of a fine up to five dinars.

5- The judgment in all cases shall not be appealable.

Article (32):

1- The public prosecutor shall seize the weapons and all the tools that appear to be used in committing the crime or prepared for this purpose. Besides, he shall seize all the signs indicating the crime and all the things that help in showing the truth.

2- The public prosecutor shall investigate the defendant about the seized things after presenting them before him. Afterwards, he shall organize a minutes signed by him and the defendant. If the latter has refrained from signing, this shall be indicated in the minutes.

Article (33):

If the nature of the crime has indicated that the documents and the things caught with the defendant might be evidence that the defendant has committed the crime, the public prosecutor or any one deputized by him may move promptly to the house of the defendant to search for the things that may lead to showing the truth.

Article (34):

1- If papers, or other things proving the accusation or the innocence were found in the house of the defendant, the public prosecutor shall seize them and organize a minutes in their regard.

2- The public prosecutor solely and the persons specified in articles (36 and 89) shall have the right to be acquainted with the papers before issuing a decision of seizing them.

Article (35):

1- The seized things shall be kept in their original condition; they shall be packed or put in a container if their nature entails that, and they shall be stamped in both cases by an official stamp.
2- If paper monies were found, and the necessity does not entail to keep them to show the truth or to keep the right of the parties or the others, the public prosecutor may permit to deposit them in the treasury fund.

Article (36):

1- The inspection procedures specified in the previous articles shall be carried out in the presence of the defendant whether he was arrested or not.
2- If the defendant has refrained from attending, or his attendance was impracticable, the procedures shall be carried out in the presence of his deputy, mayor, two of his family members or two witnesses summoned by the public prosecutor.
3- The seized things shall be presented before the defendant or his deputy to approve and sign them, if he refrains from doing so, this shall be indicated in the minutes.

Article (37):

1- In case of flagrant delict entailing penal punishment, the public prosecutor may order to arrest each one of the attendees that he has substantial grounds to believe that he is the perpetrator.
2- If that person has not attended, then the public prosecutor shall an issue a writ of summons.
3- The public prosecutor shall investigate the summoned person promptly.

Article (38):

1- The public prosecutor, clerk, and the persons mentioned in article (37) shall sign each page of the search documents which are organized by virtue of the previous provisions.

2- If the attendance of those persons was impracticable, then the public prosecutor may organize minutes apart from them, and he shall indicate that in the minutes.

Article (39):

If distinguishing the nature of the crime depends on knowing some arts or handicrafts, then the public prosecutor may accompany one or more of the handicraftsmen.

Article (40):

If some one has died by murder or for unknown and suspicious reasons, then the public prosecutor may ask for the help of a physician or more to organize a report of the reasons of the death and the condition of the corpse of the dead.

Article (41):

1- The physicians and experts indicated in article 39 and 40 shall swear before undertaking the task to perform the task entrusted to them honestly.

2- The public prosecutor shall specify an appointment to the expert to present his report in writing. If default in presenting the report in the specified date occurred, then the public prosecutor may decide that the expert shall refund the charges he has received totally or partially and to replace the expert by another one.

3) Crimes Occurring Inside Houses

Article (42):

The public prosecutor shall undertake his investigations in accordance with the specified rules of flagrant delict if felony or delict occurred

and was not flagrant inside the house, and the owner of the house has requested from the public prosecutor to make an investigation in this regard.

4) The Non-Flagrant Delict

Article (43):

If the public prosecutor has come to know in states other than those stipulated in article (29 and 42) by means of intimation or any other way that a felony or delict has been committed in his area of jurisdiction, then he shall undertake investigations and move to the place of incident if necessity requires to organize the required minutes in accordance with the investigation procedures stipulated in this code.

Volume 3

The Assistant Judicial Police Officials and Their Functions

Article (44):

In stations where there is no public prosecutor, the head of the police stations and the police officers shall receive the intimations related to the crimes committed in the place where they practice their functions and inform the public prosecutor promptly about the flagrant delicts.

Article (45):

In stations where there is no head of police station or police officers, the intimation shall be presented to the one who substitutes for any of them of the judicial police officials.

Article (46):

The judicial police officials mentioned in article (44) are obliged in case of a flagrant delict was committed or once the owner of the house requests from them to organize the search documents, hear the testimonies of the witnesses, search the house and all the other

procedures, which are in these cases the functions of the public prosecutor in accordance with the specified rules in the chapter of the functions of the public prosecutor.

Article (47):

1- If in the place of investigation, one public prosecutor and one of the judicial police officials were present, the public prosecutor shall perform the tasks of the judicial police.

2- If any of these specified officials who have come to the place of investigation, then the public prosecutor may undertake the investigation by himself or order the one who has commenced the investigation to complete it.

Article (48):

1- The public prosecutor may during the performance of his tasks in the states illustrated in articles (29, 42) entrust part of his functions to one of the judicial police officials if he deems that necessary with the exception of investigating the defendant.

2- In cases other than those illustrated in paragraph (1) of this article, if the public prosecutor has entrusted part of his functions to any of the judicial police officials in accordance with the provisions of this code, he shall issue a written memorandum of this including the specified date and place to validate its contents if possible.

Article (49):

The judicial police officials, the assistants of the public prosecutor, shall deposit the intimation they organize as well as the rest documents, in the cases where it is allowed to them to organize such intimation, with the public prosecutor.

Article (50):

If the judicial police officials were informed of a felony or delict that they are not entitled by law to investigate it directly, they shall send this intimation directly to the public prosecutor.

Article (51):

1- If the act was a felony or delict of the jurisdiction of the court of first instance, the public prosecutor shall complete the investigation he started or whose documents have been referred to him by the judicial police officials and shall issue his decision.
2- If the act was a delict of the jurisdiction of the magisterial court, he may refer the documents to the competent court directly.
3- In all these cases, he shall enclose his claim with the referral and ask for what he deems necessary.

Part 4

Chapter 1/ Investigation Proceedings

1) Complaints

Article (52):

Any person who deems himself injured by means of a felony or delict may lodge a complaint in which he shall hold the capacity of personal claimant with the public prosecutor or the court in accordance with the provisions of article (5) of this code.

Article (53):

Whenever the complaint is lodged with the public prosecutor, he shall have the jurisdiction over investigating it.

Article (54):

The provisions of article (27) related to the intimation shall be applied on the complaints.

Article (55):

The complainant shall not be considered as personal claimant unless he has held this capacity explicitly in the complaint or in a subsequent written request before the issuance of the judgment and paying the legal fees stemming from the claimed compensations.

Article (56):

The personal claimant shall be exempt from accelerating the fees and expenses if he obtained a decision of deferring in accordance with the regulation of courts fees.

Article (57):

The personal claimant might be exempted from the costs and fees of the deferred case totally or partially if the trial of the defendant was prevented or if the bona fide of the defendant regarding his complaint has been ascertained.

Article (58):

The complainant may hold the capacity of personal claimant. In this case, he shall present his claim before the court looking into the lawsuit has finished hearing the evidence of the prosecution.

Article (59):

The complainant who does not reside in the attorney general area shall specify a place of notification. Otherwise, he shall not object to not being notified of the documents that he should be notified about by the law.

Article (60):

If the complaint was lodged to a non-competent public prosecutor, then he shall refer it to the competent public prosecutor.

Article (61):

If the public prosecutor has been ascertained that the reasons of the complaint are not clear, the doer unknown, or that the exhibited documents do not support the complaint sufficiently, then he may

commence investigation to know the doer, and he may hear the intended person(s) in the complaint in accordance with the rules specified in article (68) and the following articles.

Article (62):

1- If the investigation was carried out against some one based on the complainant's taking the capacity of the personal claimant in accordance with article (52) and ended with the judgment of prohibiting the trial, then the defendant may claim compensation from the claimant before the competent authority.
2- This shall not prevent instituting the common right lawsuit related to the false accusation crime stipulated in the penal code.

Article (63):

1- When the defendant appears before the public prosecutor, the public prosecutor shall verify the identity of the defendant, read his accusation, and ask him to give his answer notifying him that he shall have the right to refuse to answer any question except in the presence of his attorney, and he shall record this notification in the minutes of investigation. If the defendant has refused to appoint an attorney or has not brought an attorney within twenty four hours, then the investigation shall be carried out apart from him.
2- In some cases in which the loss of evidence is feared, the defendant might be asked about his accusation before asking his attorney to attend provided that reasons of this decision shall be clarified and the attorney shall be acquainted with the testimony of his client.
    - When the defendant gives his testimony, the clerk shall write it and then read it before him, and then the defendant shall sign it or make a fingerprint on it and it shall be also endorsed by the public prosecutor and the clerk. If the defendant refrains from doing so, the clerk shall indicate

that in the minutes with clarifying the reasons of refraining, and the attorney general and the clerk shall endorse it.

- If the public prosecutor has not observed the provisions of paragraphs (1), (2), and (3) of this article, this shall lead to the invalidity of the testimony given by the defendant.

Article (64):

1- The defendant, guarantor, the personal claimant, and their attorneys shall have the right to attend all the investigation procedures with the exception of hearing the witnesses.

2- The persons mentioned in the first paragraph shall have the right to be acquainted with the investigations that have been carried out in their absence.

3- The public prosecutor shall have the right to decide to make an investigation apart from the persons mentioned in case of urgency or if he found that necessary to show the truth. His decision in this regard shall be deemed final. After completing the investigations, he shall acquaint the concerned persons with it.

Article (65):

1- The litigant parties may not have more than one attorney before the public prosecutor.

2- The attorney may intervene during the investigation by a permission of the investigator.

3- If the investigator has not allowed him to intervene, this shall be indicated in the minutes, and he shall keep the right of presenting a memorandum of his notes.

Article (66):

1- The public prosecutor may decide to prevent contacting the detained defendant for a renewable period not exceeding ten days.

2- This prevention shall not include the attorney of the defendant who can contact him at any time and apart from any guard.

Article (67):

1- If the defendant has given during investigation a plea to jurisdiction, not hearing the lawsuit, the extinguishment of the lawsuit or that the act does not entail a punishment, the public prosecutor shall after hearing the personal claimant decide in the plea during one week from giving it.

2- His decision in this regard shall be appealable by the attorney general during two days from the date of notifying the defendant with the decision, and this examination shall not stop the progress of the investigation.

2) Hearing the Witnesses

Article (68):

The public prosecutor may summon the persons mentioned in the intimation and the complaint as well as the persons that he learnt that they have information about the crime or its circumstances and the persons specified by the defendant.

Article (69):

The witnesses shall be notified of the writ of summons prior twenty hours of the specified day of hearing their testimony at least.

Article (70):

The public prosecutor shall hear each witness separately in the presence of his clerk, and he may make the witnesses face each other if so required by the investigation.

Article (71):

The public prosecutor shall verify the identity of the witness and then ask him about his name, surname, age, profession, place of residence, and whether he works for one of the two parties or if he is relative to

one of the parties and the degree of kinship, and he shall make him swear that he will give his testimony with no addition or elimination, all of this shall be registered in the minutes.

Article (72):

1- The testimony of each witness shall be registered in a minutes including the questions addressed to him and his answers to them.
2- The testimony of the witness shall be read before him, and he shall approve it and sign each page of it or make a fingerprint on it if he was illiterate. If he refrains from doing so, or if this was impracticable, this shall be indicated in the minutes.
3- At the end of the minutes, the number of pages including the testimony of the witness shall be indicated, and each page of it shall be signed by the public prosecutor and his clerk.
4- The same rules shall be applied regarding all the testimonies registered by the public prosecutor in the minutes.
5- Upon the end of the investigation, a table of the names of the witnesses whose testimonies have been heard, the date of hearing, and the number of pages of their testimonies minutes shall be organized.

Article (73):

1- No abrasion or annotation shall be made in the investigation minutes. If necessity requires deleting or adding a word, the public prosecutor, clerk, and the investigator shall sign and endorse the deletion and addition in the margin of the minutes.
2- Any annotation, deletion, or addition not indorsed shall be cancelled.

Article (74):

The testimony of the persons not reaching fourteen years of old shall be heard for purposes related to getting information from them, and they shall not take the oath stipulated in article (71) if the public prosecutor deems that they do not understand the oath.

Article (75):

1- Any one who is summoned to give his testimony is bound to appear before the public prosecutor and give his testimony.
2- The public prosecutor may decide in case the witness has failed to appear to summon him and impose a fine up to twenty dinars on him, and he may exempt him from the fine if his nonappearance was due to a reasonable cause.

Article (76):

This article has been cancelled by virtue of the amended law No. (16) for the year 2001.

Article (77):

The public prosecutor shall decide upon the request of the witness the costs that he shall be entitled to in return of his appearance to give the testimony.

Article (78):

If the witness was living in the public prosecutor's area, and he was unable to appear because of sickness proven by a medical report or due to another reasonable cause, the public prosecutor shall head for his house to hear his testimony.

Article (79):

If the witness was living outside the public prosecutor's area, the public prosecutor may deputize another public prosecutor that the residence place of the witness falls within his area of jurisdiction to

hear his testimony, and he shall specify the facts that should be clarified in the writ.

Article (80):

In accordance with the two previous articles, the deputized public prosecutor shall carry out the writ and send the writ minutes to the deputizing public prosecutor.

Article (81):

The houses shall not be entered and searched unless the person whose house is intended to be entered and searched was suspected to be a perpetrator or an accomplice of a crime, or laying hands on things related to a crime or hiding an accused person.

Article (82):

Subject to the previous provisions, the public prosecutor may inspect all places where it is likable to find things or persons whose finding may help in finding the truth.

Article (83):

1- The search shall be made in the presence of the defendant if he was detained.
2- If he was not detained and refused to attend, his attendance was impracticable, if he was detained outside the area that should be searched or if he was absent, then the search shall be made in the presence of the mayor of his district, any one substituting for him, in the presence of two of his relatives, or two witnesses summoned by the public prosecutor.

Article (84):

If the defendant was not detained and was present in the place of search, he shall be summoned to attend the search, and he shall not be notified of the search in advance.

Article (85):

If the search of the house of some one other than the defendant was necessary, this person shall be summoned to attend the search.

If he was absent, or if his attendance was impracticable, then the search shall be made in the presence of the mayor of his district, any one substituting for him, in the presence of two of his relatives, or two witnesses summoned by the public prosecutor.

Article (86):

1- The public prosecutor may search the defendant and he may search other persons if substantial signs were ascertained that he is concealing things that may be useful in revealing the truth.

2- If the inspector was female, the search shall be made with the acquaintance of a female delegated to perform that.

Article (87):

The public prosecutor shall bring his clerk with him and seize or order to seize all the things that he deems necessary to reveal the truth, organize a minutes of this and keep it in accordance with the provisions of the first paragraph of article (35).

Article (88):

The public prosecutor may seize all the letters, newspapers, printed matters, and parcels at the post offices, and all the telegraphic letters at the telegraph offices, and he may wiretap whenever that is necessary to reveal the truth.

Article (89):

1- If the condition requires searching for papers, then the public prosecutor solely or the delegated judicial police official may read them in accordance with the rules before seizing them.

2- The stamps shall not be broken, and the papers shall not be separated after being seized except by the presence of the defendant, his deputy, this might be done in their absence if they were summoned duly to attend and did not attend. Besides, the person who has organized the motion of summoning them. These rules shall be followed if possible unless a necessity entails otherwise.

3- The public prosecutor shall solely read the seized letters and telegrams once he receives the documents in their stamped envelop, he shall keep the letters and telegrams that he deems necessary to reveal the truth or those that the acquaintance of others with them shall prejudice the investigation, the rest of letters shall be submitted to the defendant or to whom they have been addressed.

4- All or some of the original seized letters or telegrams or copies of them shall be sent to the defendant or to the person to whom they have been addressed as soon as possible except those that the acquaintance of others with them shall prejudice the investigation.

5- The provisions of the second paragraph of article (35) shall be applied on the paper money.

Article (90):

The seized things that are not demanded by their owners until three years from the date of the close of the relevant lawsuit shall be the property of the state without the need to issue a judgment of this.

Article (91):

If the seized thing was of the things that are damaged by the passage of time and its keeping requires costs exceeding its real value, the public prosecutor may order to sell it in the public auction whenever allowed by the investigation requisite. In this case, the holder of the right of this thing may demand its selling price in the time specified in the previous article.

Article (92):

1- The public prosecutor may delegate one of the magistrates in his area or another public prosecutor to carry out a proceeding of the investigation proceedings in the places which fall within the area of jurisdiction of the delegated judge, and he may delegate one of the judicial police officials to carry out any investigating proceedings with the exception of investigating the defendant.
2- The delegated magistrate or the judicial police official shall assume the functions of the public prosecutor in the matters specified in the writ.

4) Entering with no warrant

Article (93):

Any police commissioner may enter any house or place with no warrant and make the required investigation in the following cases:

1- If he has substantial grounds to believe that some one is committing a delict currently, or a delict has been committed in this place recently.
2- If the resident has asked for the help of the police.
3- If one of the persons present in this place has asked for the help of the police and there were substantial grounds to believe that a crime has been committed there.

4- If he was pursuing some one who has escaped from the place where he was detained legally and entered that place.

Article (94):

With the exception of the cases mentioned in the previous article, any police officer commissioned with or without a warrant may not enter any place and search in it for any person or any thing unless he was accompanied by the mayor of the district or two persons of the district.

Article (95):

The person who is carrying out the search whether with or without a search warrant shall organize a list of all the things that he has seized and the places where he has found them. This list shall be signed by the persons who have attended the search. In case they were unable to read, then they shall make a finer print on it.

Article (96):

The resident in the place that is searched or any one deputizing him may attend the search and shall obtain a copy of a list of the seized things signed or fingerprinted by the witness or witnesses.

Article (97):

1- When searching a place, if some one was suspected to be concealing some thing which is searched for, then he might be searched promptly.

2- A list of the things found with that person and seized shall be organized and signed by the witnesses in the manner illustrated in article (95) and he shall be given a copy of it upon his request.

5) Exhibition Note

Article (98):

If the public prosecutor found it necessary to exhibit any document or thing related to the investigation, search, trial or preferred exhibiting it, he may issue a note to any person that he thinks that he possesses or takes the possession of it in which he entrusts him to appear before him in the date and place specified in the note or to exhibit that document or thing.

Article (99):

Any judicial police official may order the arrest of the attendant defendant if there are sufficient proofs to accuse him in the following cases:

1- In felonies.
2- In cases of being red- handed in delicts if they are punishable by law for a period not exceeding six months.
3- If the crime was a felony punishable by imprisonment and the defendant was put under the surveillance of the police or if he has no known residence place in the Kingdom.
4- In the felonies of theft, rape, severe assaults, resisting the men of the public authority by violence, and leading people to the indecency and violating morals.

Article (100):

1- In the cases in which the defendant is arrested in accordance with the provisions of article (99) of this code, the judicial police official shall do the following at the risk of the invalidity of the proceedings:

A) Organize a special minutes signed by him and notified to the defendant or his attorney (if any) including the following:
   1. The name of the official issuing the warrant of arrest and the one who has implemented it.

2. The name of the defendant, the date of arresting him, place of arrest, and reasons of arrest.
3. The time of arresting the defendant, its date, place of arrest or detention.
4. The name of the person who has organized the minutes and heard the testimonies of the defendant.
5. Signing the minutes by the persons mentioned in articles (2), (3), and (4) of this paragraph as well as the defendant. If he refrains from signing, this shall be indicated in this minute with clarifying the reason.

B) Hearing the testimonies of the defendant once he is arrested. If he is not convinced by them, he shall refer him to the competent public prosecutor within twenty four hours with the minutes indicated in article (A) of this paragraph, and the public prosecutor shall indicate in the minutes the date and time in which the defendant has appeared before him for the first time and shall commence the proceedings of the investigation duly within twenty four hours.

2- The provisions of paragraph (1) of this article shall be applied on all cases in which any person is arrested in accordance with the provisions of this code.

Article (101):

Any one who has seen a criminal red-handed in a felony or delict punishable by imprisonment by law may arrest him and handed him to the nearest public authority men without a need to a warranty of arrest.

Article (102):

If the prosecution of a flagrant delict is based on a complaint, then the defendant might not be arrested unless a complaint was lodged by the

concerned party. In this case, the complaint might be lodged with the present public authority men.

Article (103):

No one might be arrested except by a warranty of the competent authorities by law.

Article (104):

The prisons and places of arrest shall be organized and determined by legal ordinance.

Article (105):

No one might be arrested except in the prisons assigned for that, and no police commissioner may admit any person in it unless by virtue of a warranty signed by the competent authority, and he may not hold him after the period specified in the warranty.

Article (106):

1- The head of public prosecution, attorney general, and the head of first instance courts and the courts of appeal may visit the public prisons and the places of arrest in the centers that fall within the area of their jurisdiction, and make sure that there no person has been detained illegally, and they may be acquainted with the registers of the rehabilitation centers as well as the warranty of arrest, take copies of them, contact any detained and hear his complaint that he would like to express. The director and officials of the prison or the place of arrest shall provide them with the possible assistance to get the information they require.

2- The public prosecutor or the magistrate in the places where there is no public prosecutor may visit the prisons which fall within his area of jurisdiction once a month at least for the purposes illustrated in the previous paragraph.

3- The heads of the criminal courts, the public prosecutors, and the magistrates in the places where there is no public prosecutor may order the directors of arrest and prisons which fall within the area of jurisdiction of their court to take the measures required by the investigation and trial.

Article (107):

Each detained or prisoner shall have the right to lodge at any time a complaint with the prison officer whether in writing or verbally and ask him to inform the public prosecution of it, the officer shall accept it and notify it promptly after being recorded in the register special for that.

Article (108):

1- Any one who knows about a person who has been detained illegally or in a place not assigned for detention shall inform any of the public prosecution staff who shall in return move immediately to the place of the detained, make the required investigation, order the release of the detained or prisoner who has been detained illegally, and shall organize a minute of all of this.
2- If they were negligent in performing the aforementioned tasks, they shall be considered as accomplice in the crime of the deprivation of the personal liberty, and they shall be prosecuted because of this.

8) Verifying the Identity of the Criminals

Article (109):

The Minister of Interior may by the approval of His Majesty, the King, set the regulations to verify the identity of the prisoners whether by taking photos of them, take their physical descriptions or fingerprints and register the signs proving their identity.

Article (110):

1- Any one who has been accused of committing a crime and was arrested legally because of this accusation shall abide by carrying out any specified procedure to verify identity and taking a photo of him with his physical descriptions, fingerprint, and all the signs proving his identity upon the request of any police officer or prison officer.

2- Any one who rejects to abide by carrying out any specified procedure to verify identity shall be considered as committing a crime and shall be punished by the magistrate by imprisonment up to fourteen days; however, he shall not be exempted from acting by virtue of this regulation.

Chapter 2

Process, Subpoena and Warranty of Arrest

Article (111):

The public prosecutor may settle for issuing a process provided that he shall substitute it after investigating the defendant with a warranty of arrest if investigation entails that in the lawsuits related to a felony or delict.

If the defendant has not attended or it was feared that he may escape, the public prosecutor may issue a subpoena against him.

Article (112):

1- The public prosecutor shall investigate the defendant who has been mentioned in the process promptly, while he shall investigate the defendant who has been summoned by a subpoena within twenty hours from putting him in the lock-up house.

3- As soon as the twenty four hours have passed, the commissioner of the lock-up house shall lead the defendant by himself to the public prosecutor to be investigated.

Article (113):

If the defendant was arrested by virtue of a subpoena and stayed in the lock-up house for more than twenty four hours without investigating him or brought to the public prosecutor in accordance with what has been mentioned in the previous article, his arrest shall be considered as arbitrary act and the in charge official shall be prosecuted for committing the crime of liberty deprivation stipulated in the penal code.

Article (114):

1- After investigating the defendant, the public prosecutor may issue a warranty of arrest against him for a period not exceeding fifteen days if the act ascribed to him is punishable by imprisonment for a period not exceeding two years or by a temporary penal punishment and there was evidence proving the act ascribed to him, this period is renewable as the investigation may require provided that the extension period shall not exceed six months for the felonies and two months for the delicts, after this period has passed, the defendant shall be released unless the arrest period has been renewed in accordance with the provisions of paragraph (4) of this article.

2- Notwithstanding what has been mentioned in paragraph (1), the public prosecutor may issue a warranty of arrest against the defendant in the following cases:

A) If the act ascribed to him was one of the mischief crimes or unintended mischief or theft.

B) If he has no known place of residence in the Kingdom provided that he shall be released if the act ascribed to him is punishable by imprisonment for a period not exceeding two years and provided a guarantor approved by the public prosecutor, who shall guarantee his attendance whenever required.

3- After investigating the defendant, if the act ascribed to him is punishable by capital punishment, temporary penal servitude or life penal servitude or life imprisonment and there was evidence proving the act ascribed to him, the public prosecutor shall issue a warranty of arrest against the defendant for a period of fifteen days renewable to similar period for the necessities of completing the investigation.

4- If the investigation requires the continuity of arresting the defendant after the expiry of the periods specified in paragraph (1) of this article, the public prosecutor shall present the lawsuit file before the court that has jurisdiction over looking into the lawsuit, and the court may after being acquainted with the findings of the public prosecutor, hearing the testimonies of the defendant or his deputy, and being acquainted with the investigation papers, decide to renew the arrest period for a period not exceeding a month each time provided that the total of extension shall not exceed in all cases one year for felonies and two months for delicts or decide to release the detained with or without a bail.

5- During the investigation procedures in the delinquent crimes, the public prosecutor may decide to get back the warranty of arrest provided that the defendant shall specify his place of residence to be notified of all the proceedings related to the investigation and enforcing the judgment.

Article (115):

The public prosecutor who has issued the process, subpoena, or the warranty of Arrest shall sign and stamp them with the stamp of his department, and he shall specify the name of the defendant, his surname, distinguishing marks, and the kind of accusation.

Article (116):

In the warranty of arrest, the crime which entails its issuance, kind of crime, the legal text clarifying the punishment, and the period of arrest shall be specified.

Article (117):

The defendant shall be notified of the process, subpoena, and the warranty of arrest and shall have copies of them.

Article (118):

The process, subpoena, and warranty of arrest shall be valid in all the Jordanian territories.

Article (119):

The one who has not abided by the subpoena or attempted to escape shall be summoned by force. If the state requires so, the official commissioned to enforce the subpoena may ask for the help of the nearest armed force.

Article (120):

The official commissioned to enforce the warranty of arrest may take with him a sufficient number of the armed force which is present in the nearest location to arrest the defendant and subpoena him; the commander of the force shall fulfill the order as illustrated.

Chapter 3/ Release

Article (121):

The public prosecutor may decide to release any person who has been detained for a delinquent offence if the situation requires so, and the court may decide to release him with a bail after referring the case to it or during the trial.

Article (122):

The bail motion for the delinquent offences shall be presented to:

1- The public prosecutor if the investigations were still in progress.
2- The court in which the defendant is sued if the case was referred to the judicial proceedings.
3- The court which has issued the judgment or the court in which the appeal has been made if a judgment was issued and an appeal was presented.

Article (123):

1- Any one to whom a crime punishable by capital punishment, life penal servitude, or life imprisonment is ascribed shall not be released, however, the court may release him after referring the case to it subject to what has been mentioned in paragraph (2) of this article.
2- Subject to what has been mentioned in paragraph (1) of this article, the court may release the one to whom a penal crime has been ascribed if it has found that this does not affect the progress of investigation and trial and does not violate the public security, the release motion shall be submitted to:

A) The court in which the accused shall be sued if the lawsuit has not been referred yet to the court.
B) The court in which the accused shall be sued if the lawsuit has been referred to it based on the accusation under investigation.
C) The court that has issued the judgment or the court to which the judgment is appealed if a judgment has been issued in the lawsuit, and an appeal has been submitted against it.

Article (124):

The decision issued by the public prosecutor regarding the release to the first instance court and the decision issued by the first instance court or the magistrate to the court of appeal might be appealed during three days starting from receiving the documents by the office of the public prosecutor for the public prosecutor, and from the date of notification for the defendant.

Article (125):

The release motion shall be looked into without summoning the parties after being acquainted with the view of the public prosecution.

Article (126):

1- The court, public prosecutor, or the magistrate to whom the bail motion has been submitted may decide the release, reject it, or reconsider his previous decision in accordance with what the state requires.

2- Any one who is released on bail shall provide a bail of the amount which is specified by the authority issuing the decision or sign a pledge bail with the amount decided by the mentioned authority. It is conditioned in case of bail or pledge that the defendant shall appear at any stage of investigation and trial, upon enforcing the judgment and whenever he is required to appear.

3- The authority which has issued the release on bail judgment may allow depositing a cash security instead of the bail.

4- The bail or pledge shall be organized before:

A) The magistrate if he was the one who has issued the release on bail judgment provided that the elective body shall approve the solvency of the guarantor.

B) The notary public if the decision was issued by the public prosecutor or the court provided that the notary public shall approve the solvency of the guarantor for paying the guarantee.

5- If some one who has been released on bail is required to attend, the guarantor shall be notified that his warrantee should attend. If he was released by a pledge, he shall be notified personally to attend, this notification shall be signed in the two cases by the public prosecutor, head of court, or the magistrate as the case may require.

Article (127):

If some one who has been released on bail or pledge by virtue of this code, the court, magistrate, or the public prosecutor who has the right to look into the lawsuit may:

A) Issue a warranty of arresting that person if there are substantial grounds to reconsider the release decision by canceling or substituting this decision whether by increasing the amount of the guarantee, providing other guarantors, or increasing the amount of the pledge bail.

B) Issue a warranty of arrest of that person if it was decided to cancel the release decision or if the warrantee has defaulted in observing the amended release decision in any manner indicated in item (A) of this article.

Article (128):

1- Any person who has given a bail of bringing some one who has been released on bail may make an application at any time to the court, public prosecutor, or the magistrate who has ordered to take the bail for

canceling the bail whether totally or only the things that are related to him.

2- Following making the mentioned application, the court, public prosecutor, or the magistrate shall issue a process or subpoena as the case may require for the person who has been released in which he is order to appear before him. At any rate, the guarantor shall not be exempt from the bail unless he brings the warrantee to the body that has issued the warranty of arrest.

3- If the concerned person has attended, was summoned by virtue of the subpoena issued against him, or if he surrendered himself voluntarily, the bail shall be cancelled whether totally or only the related things to the applicant, and this person shall be commissioned to provide another solvent guarantor or other solvent guarantors, or to deposit cash security in accordance with the provisions of paragraph (3) of article (126). If he fails to do so, he shall be arrested.

Article (129):

1- If he has not abided by the condition mentioned in the bail or pledge, the competent court which in which it was supposed that the condition shall be implemented may issue a subpoena against the person who was released on bail before it and decide to arrest him.

2- The competent court shall decide to confiscate the cash security deposit paid to the treasury, or that he shall pay the amount of the bail or pledge to the treasury if he has not deposited such a security deposit.

3- When issuing the aforementioned decision or after issuing it, the court may decrease the amount that it has decided to confiscate or paid to less than the half, or candle that decision with no condition or restriction if the released has attended or was brought by the guarantor before issuing a judgment in the lawsuit or during three months from the date of the decision imposing the confiscation, paying or for other reasons that shall be registered in the investigation documents.

4- The decision imposing the confiscation or paying any amount to the treasury issued by virtue of the provisions of paragraph (3) shall be considered as valid in all cases, however, the injured party from this decision may appeal against it as if it was a decision issued in a droitural case instituted by the attorney general against the person against whom the decision was issued, the payment decisions shall be implemented by the acquaintance of the department of procedure.

5- If the guarantor has died before the confiscation or payment of the bail amount, his legacy shall be absolved of any obligation related to the guarantee. Thereupon, the body that has decided the bail may issue a subpoena or a warranty of arrest against the warrantee. Upon his attendance, or his subpoena, he shall be commissioned to provide another solvent guarantor or deposit a cash security deposit in accordance with the provisions of paragraph (3) of article (126), if he fails to do so, he shall be arrested.

Chapter 4

Decisions of the Public Prosecution after the End of Investigation

Article (130):

A) If the public prosecutor has been ascertained that the act does not constitute a criminal offence, no evidence was proven that the defendant has committed the crime, or if the offence was extinguished by prescription, death, or general amnesty, in the first and second case, the trial of the defendant shall be prohibited, and in the other cases, the lawsuit shall be extinguished, and the lawsuit file shall be sent promptly to the attorney general.

B) If the public prosecutor has found that the decision is true, he shall during three days from receiving the lawsuit file to his office issue a decision of approving that decision and order to release the defendant if he was arrested. If he thinks that other investigations should be carried out in the lawsuit, he shall order to return the file to the public prosecutor to complete the incomplete proceedings.

C) If the attorney general found that the decision of the public prosecutor was not sound, he shall revoke it and proceed in the lawsuit as following:

D) If the act constitutes an offence, then if it was criminal, the defendant shall be accused, and if it was delinquent or contravention, the defendant shall be sued for committing that offence, and the attorney general shall return the lawsuit file to the public prosecutor to be presented to the competent court to sue him.

Article (131):

If the public prosecutor has found that the act constitutes a contravention, the defendant shall be referred to the competent court, and shall be released if he was not arrested for another reason.

Article (132):

If the public prosecutor has found that the act constitutes a delinquent offence, the defendant shall be suspected of committing the offence, and the lawsuit file shall be referred to the competent court to sue him.

Article (133):

1- If the public prosecutor has found that the act constitutes a criminal offence and that the evidence is sufficient to refer the defendant to the court, the defendant shall be suspected of committing the offence provided that he shall be sued before the competent criminal court and the lawsuit file shall be sent to the attorney general.

2- If the attorney general has found that the delict indictment was sound, he shall decide to accuse the defendant of that offence and shall return the lawsuit file to the public prosecutor to present it to the competent court to sue him.

3- The attorney general has found that the other investigations shall be carried out in respect of the lawsuit; he shall return the file to the public prosecutor to carry out such investigations.

4- If the attorney general has been ascertained that the act does not constitute a criminal offence, no evidence was proven that the defendant has committed the crime, the evidence is not sufficient, or if the offence was extinguished by

prescription, death, or general amnesty, he shall decide to revoke the decision of the public prosecutor and prohibit the trial of the defendant in the first three cases, and in the other cases, the lawsuit shall be extinguished, and the defendant shall be released if he was arrested unless he was arrested for other reasons.

5- If the attorney general has been ascertained that the act does not constitute a criminal offence rather a delinquent offence, he shall decide to revoke the decision of the public prosecutor in terms of description, and he shall suspect the defendant of committing the delict and shall return the lawsuit file to the public prosecutor to present it to the competent court to sue him.

Article (134):

The effect of the warranty of arrest issued against the defendant shall remain valid till the attorney general issues his decision in respect of the lawsuit. If his decision was to accuse or sue the defendant, then its effect shall remain valid until the end of the trial or his release according to the rules.

Article (135):

The decisions of the public prosecutor and attorney general mentioned in this chapter (in accordance with what the necessity requires) shall include the name of the complainant, the name of the defendant, his surname, age, place of birth as well as his place of residence, and if he was arrested, the date of arrest shall be clarified with brief illustration of the act ascribed to him, the date of committing it, its kind, its legal description, the legal text that has been relied upon, the evidence of

committing that offence and the reasons leading to give such decision.

Article (136):

The attorney general shall issue one decision in the coincident crimes based on the documents exhibited to him. If some of them were felonies and the others were delicts, the whole case shall be referred to the competent court to look into it.

Article (137):

The crimes shall be considered as concurrent in the following cases:

1- If it was committed by more than one person together at the same time.
2- If it was committed by more than one person in different places and times upon an agreement between them.
3- If some of them are committed as a preparation to the others or to facilitate that the other crimes will get away from punishment.
4- If more than one person have taken part in concealing all or some of the stolen things or which have been acquired by means of a felony or delict.

Article (138):

If new evidence were illustrated supporting the accusation against the defendant whose trial has been prohibited because there are no evidence, or that they are insufficient, the public prosecutor who has issued the decision of prohibiting the trial shall make a new investigation, and he may issue during that investigation a warranty of arrest against the defendant even if he was released.

Article (139):

The testimonies of the witnesses who have been mentioned previously in the complaint and the prosecution could not subpoena them at the time, and the documents and minutes which have not been examined if they may strengthen the evidence or investigation in a way leading to reveal the truth.

Second Volume

Trials

Part 1

Jurisdiction

Article (140):

The first instance court of the first degree shall according to its jurisdiction look into all the delicts referred to it by the public prosecutor or who substitutes for him in the matters that are not related to the function of the magisterial court, and it shall through its criminal capacity look into all the crimes that are considered to be within the classification of felony, and the delinquent crimes concurrent with the felony referred to it by virtue of the indictment.

Chapter 1

Keeping the Order in the Session and the Crimes Violating the Required Respect

Article (141):

1- Controlling and directing the session are the responsibilities of its head.

2- If any of the persons present in the session has expressed a sign of satisfaction, disapproval, caused uproar in any manner, or violated the order of the session, the head of the court of the judge shall order to drive him out.

3- If he refused to abide by the orders, or returned after being dismissed, the head of court or the judge shall order to imprison him for a period not exceeding three days.

4- If that violation was made by an official at the court, the head of court of judge may punish him during the session with what the head of a division may impose of disciplinary penalties.

Article (142):

1- If a delict or contravention occurred in the session by some one, and the court has jurisdiction over looking into that crime, the court may sue him promptly and issue a judgment against him, after hearing the statements of the public prosecution representative and the plea of that person, and shall issue the punishment he deserves, this judgment shall be subject to all the courses to which the judgments issued by it are subject.

Article (143):

If the committed crime was a felony, the head of the court or judge shall organize a minutes of the merits and order the arrest of the defendant and refer him to the public prosecutor to sue him.

Article (144):

The crimes that are committed during the session and the court has not passed a judgment regarding them once it has been convened, then they shall be looked into in accordance with the regular rules.

Article (145):

If during performing his duty in the session, an attorney has done or caused something that entails his penal liability, or what might be considered as uproar violating the order, the head of the session shall organize a minute of what has occurred, and the court may decide to refer the attorney to the public prosecutor to make the required investigation whether what has been done entails to subject him to the penal liability

and to the head of bar association if what he has done entails to subject him to disciplinary measures. In both cases, the head of session in which the incident occurs shall not or any of its members shall not be a member in the court looking into the lawsuit.

Part 2

Notifying the Judicial Documents

Article (146):

The judicial documents shall be notified with the acquaintance of the process server, or any of the police officers in accordance with the rules specified in the Rules of Droitural Trials Code taking into consideration the special provisions mentioned in this code.

Part 3

Evidence

Article (147):

1- The accused is innocent until his conviction is proven.
2- The evidence is established in the felonies, delicts, and contraventions by all ways of verification, and the judge shall pass judgments in accordance with his personal persuasion.
3- If the law stipulates a certain way of verification, this way shall be abided by.
4- If the evidence is not established in the incident, the judge shall decide the innocence of the accused, suspect, or defendant from the crime ascribed to him.

Article (148):

1- The judge may not depend except on the evidence that have been presented during the trial which have been interrogated by the litigant parties in public.

2- The testimonies of one accused person against the other might be depended upon if other evidence supporting them was found, and the other accused or his attorney may argue with the mentioned accused.

Article (149):

If a claim of personal right was found with the penal case, the judge shall observe his rules of verification.

Article (150):

1- The investigation documents organized by the judicial police officials in the delicts and contraventions which they are entrusted to record are enforced by virtue of the provisions of the special laws, and the defendant may prove its opposite by all means of substantiation.

2- It is conditioned in proving the opposite that the evidence shall be written or given by witnesses.

Article (151):

In order for the investigation documents to have substantiation effect, the following shall be taken into consideration:

A- They shall be organized within the area of jurisdiction of the official and during performing the tasks of his position.

B- The official should witness the incident by himself.

C- The investigation documents shall be sound in terms of the form.

Article (152):

The incident might not be substantiated through exchanged letters between the accused, suspect or the defendant and his attorney.

Article (153):

The testimony of any of the ancestors of the accused or suspect, the descendants, or the spouse shall be heard even after the solving of the

marriage bond, however, they may refrain from giving a testimony against him or his accomplice in one accusation.

Article (154):

If one of the ancestors, the descendants, or the spouse of the accused or suspect were summoned to give their testimonies in defense of him, then the testimony given in the mentioned manner whether in the investigation or in the interrogation of the public prosecutor might be relied on in verifying the crime ascribed to the accused or suspect.

Article (155):

The testimony of the ancestors, the descendants, or the spouse are accepted in the penal proceedings that are instituted by some of them against the other for a physical injury, if one of them has used violence against the other, or in the proceedings related to the adultery.

Article (156):

The testimony of hearing something said at the time when it is alleged that the crime has been committed, before it, or after short time of it shall be accepted if it was related directly to an incident or incidents related directly to the case provided that this testimony was reported from some one who is also a witness.

Article (157):

The testimony related to something said by someone alleging that an assault was made against him, and what he has said was related to this act or the surrounding circumstances shall be accepted if he said that was at the time of the act, after short time of it, or as soon as he was given the opportunity to lodge a complaint of that, if the saying was related to an act in way making it part of the circumstances related directly to committing the crime, or if he said so when he was in the deathbed, or that he believed that he was in the throes of death as a direct result of the assault even if this person has not attended as a witness or his attendance

in the trial was impracticable due to his death, disability, sickness, or his absence from the Hashemite Kingdom of Jordan.

Article (158):

1- The witnesses who have not reached fifteen years of old without might be heard making them swear by means of inference if it was ascertained that they do not understand the oath.
2- The testimony taken by way of inference is not sufficient alone to convict unless it was supported with other evidence.

Article (159):

The testimony given by the accused, suspect, or defendant not in the presence of the public prosecutor in which he acknowledges committing a crime shall be approved only if the prosecution has provided an evidence of the circumstances in which the testimony was given, and the court has become convinced that the accused, suspect, or defendant has given it voluntarily.

Article (160):

1- To verify the identity of the accused, suspect, or defendant or the identity of any one involved in the crime, the fingerprints, fingerprints of the palm of the hand and the sole of the foot shall be accepted as evidence during trials or investigation proceedings if they were presented by the witness or the witnesses and was supported by the technical evidence. Besides, the photographs shall be accepted as evidence to identify its holder.
2- When implementing the provision of this article, the provisions of part 3 of the second volume of this code shall be taken into consideration.

Article (161):

1- The report from which it may inferred that it is issued by the official in charge of the chemical lab of the government or the chemical analyst of the government and signed by him and which includes the result of the chemical check or the analysis that he has made by himself regarding any suspicious material shall be accepted as evidence in the penal procedures without summoning that official as a witness.

2- Notwithstanding the provisions of paragraph (1), the official or analyst shall attend as a witness in the penal proceedings instituted before any court including the magisterial court if the court of magistrate has found that his attendance is necessary to ensure justice.

Article (162):

1- If the subpoena of a witness who has given a testimony in the initial investigations was impracticable after taking the oath before the court due to his death, disability, sickness, or absence from the Kingdom or for any other reason because of which the court is not able to hear his testimony, the court may order the reading of his testimony during the trial as an evidence in the case. In the delicts in which the law does not impose making initial investigation, the court may put aside any witness for the same reasons illustrated in this article.

2- The court may order even by itself during looking into the lawsuit and in any stage of trial to provide any evidence and summon any witness that it deems necessary to reveal the truth.

3- The article (76) shall be applied if the witness was a clergyman.

Article (163):

If the witness was notified of the process to give the testimony and has not appeared, the court shall issue a subpoena against him, and it may impose a fine up to twenty dinars.

Article (164):

If the witness against whom a fine was imposed has attended whether during the trial or after it and expressed a lawful excuse for his absence, then the court may exempt him from it.

Article (165):

If the witness has refrained with no legal justifications from taking the oath or answering the questions addressed to him by the court, then it may imprison him for a period not exceeding one month, and if he accepted to take the oath and answer the questions addressed to him during his imprisonment and before completing the procedures, then he shall be released promptly after doing so.

Part 4

Rules of Trials ah the First Instance Courts in the Delinquent Cases

Article (166):

1- No one shall be sued before the first instance court for the crimes looking into which is beyond the jurisdiction of the magistrate or the concurrent crimes unless the public prosecutor issues against him a delict indictment to be sued for that crime.
2- The sessions of the first instance court shall be convened in the presence of the public prosecution representative and the clerks.

Article (167):

In the trials made before the magistrate and others which the law does not impose the representation of the public prosecution, the claimant or his attorney may attend the trial and carry out the role the prosecution representative in terms of defining the evidence and

presenting it including the investigation of the witnesses and examining the pleas, and asking for the expert's advice.

Article (168):

1- The suspect in the delict lawsuits not punished by imprisonment may deputize an attorney unless the court requires his attendance personally.

Article (169):

If the suspect has not appeared before the court at the hour and day specified in the process notified duly to him, the court may sue him in absentia even if he was warranted. In this case, it may issue a warranty of arrest against him.

Article (170):

If the complainant of personal right or the suspect has attended the trial, then left for any reason, or if he was absent from the trial after attending one of its sessions, his trial shall be considered as in presence trial, and the term of appeal shall start as of the date of his notification of the judgment.

Article (171):

The trial shall be made in public unless the court has decided to make it secret for purposes related to keeping the public order or morals. In all cases, the juveniles or a certain group of people might be prohibited from attending the trial.

Article (172):

1- Upon starting the trial, the clerk of the court shall read the delict indictment, papers, and the other documents (if any), and the public prosecution, personal claimant or his attorney shall clarify the merits of case, then the court shall ask the suspect about the accusation assigned to him.

2- If the accused has acknowledged the accusation, the head of the court shall order to register his confession using words close to

those that he has used in his confession as possible, and then the court shall convict him and punish him by the punishment that his crime entails unless it has found sufficient reasons entailing otherwise.

3- If the suspect has refused to answer, he shall be considered as not confessing the accusation, the head of court shall order to register this in the investigation documents.

4- If the accused has denied the accusation or refused to answer it, or if the court is not convinced of his confession, the court shall start hearing the evidence in accordance with what is stipulated hereinafter.

Article (173):

1- The court shall summon the witnesses of prosecution and the witnesses of the personal claimant and hear their testimonies directly, and shall show them the criminal tools (if any). The public prosecution and the personal claimant may address questions to each witness, and the suspect or his attorney may address such questions to the witnesses and interrogate them with the witnesses.

2- If the suspect has not appointed an attorney, the court may when investigating each witness ask the suspect if he wants to address questions to that witness, and shall register his questions and the answers of the witnesses in the investigation documents.

Article (174):

1- The head of court shall ask each witness before hearing his testimony about his name, surname, age, profession, place of residence, and whether he works for one of the two parties or if he is relative to one of the parties and the degree of kinship, and he shall make him swear by Allah, the Almighty that he will give his

testimony with no addition or elimination, all of this shall be registered in the minutes of trial.

2- The previous testimony (if any) of the witness shall be read before him, and he shall conform them if he found that there is contradiction in it to the testimony given before the court.

Article (175):

1- After hearing the evidence of the prosecution, the court may decide that there is no case against the suspect and shall pass its decisive judgment in this regard. Otherwise, it shall ask the suspect if he wants to give a testimony to defend himself. If he has given such testimony, the public prosecution representative may interrogate him.

2- After the suspect has given his testimony, the court shall ask him if he has witnesses or other evidence supporting his plea. If he has stated that he has witnesses, the court shall summon them and head their testimonies.

3- The court shall summon the defense witnesses at the expense of the suspect unless otherwise decided by the court.

4- The suspect or his attorney has the right to address questions to the defense witnesses, and the public prosecution representative and the personal claimant shall have the right to interrogate these witnesses.

Article (176):

After hearing the evidence, the personal claimant shall express his demands, the public prosecution representative shall show his findings, and the suspect and the guarantor shall express

their pleas. Afterwards, the court shall pass its judgment promptly or in the subsequent session.

Article (177):

If it was proven that the suspect has committed the crime ascribed to him, the court shall impose a penalty against him, and shall impose in the same judgment civil obligations.

Article (178):

If it was ascertained that the act does not constitute a criminal offense, or that the accused is innocent, the court shall decide that he is not liable or declare his innocence, and shall order the personal claimant to compensate the accused upon his request if it was ascertained to the court that the lawsuit was instituted for malicious purposes.

Article (179):

1- If the act was a kind of contravention or delict over which the magisterial court shall have jurisdiction, the court shall decide in the merits and the personal compensation if necessary.
2- If the act was concurrent with a delict over which the court of first instance shall have jurisdiction, the court shall pass a one judgment for them.

Article (180):

If the court has found that the act constitutes a felony crime, it shall pass a judgment of its incompetence. If the public prosecutor has insisted on his delict indictment when referring the case to him, thereupon he shall solve the dispute regarding the jurisdiction by way of specifying the authority, and it shall keep the right of issuing a warranty of arrest if necessary.

Article (181):

1- The fees and costs of lawsuit shall be judged in accordance with the provisions of the courts fees regulation.

2- The personal claimant who has lost the lawsuit might be exempted from the fees and costs whether totally or partially if his bona fide was ascertained.

Article (182):

The final judgment shall contain its causes and reasons and the legal text which apply to the act and whether it is appealable or not.

Article (183):

1- The judges of the court shall sign the draft judgment before announcing it and it shall be signed by the clerk after reading it.
2- If the judgment was not signed, then a fine of one up to ten dinars shall be imposed on the clerk, and the judge shall be subject to the complaint of the inspectors.
3- The court shall issue its judgment unanimously or by the majority.
4- The head of court or any one deputized by him shall read the judgment in an open session and the date of its declaration shall be clarified.
5- The judgment shall be registered after its issuance in the special court register, and the origin of judgment with the lawsuit documents shall be reserved.

Article (184):

The sentenced in absentia may demur at the judgment within ten days starting from the day following the date of notifying him with the judgment through a motion presented to the court which has issued the judgment whether directly or through the court located in his place of residence.

Article (185):

1- The aforementioned demurral shall be rejected after the time specified in the previous article has passed.

2- If the sentenced was not notified of the judgment, or if it was not inferred from the proceedings of enforcing it that the sentenced has known its issuance, the demurral shall remain approved until the extinguishment of the penalty by prescription.

Article (186):

The demurral shall be rejected if the sentenced has not attended the first session of the trial or was absent before approving his demurral in terms of the form.

Article (187):

If the demurral was approved in terms of the form, the judgment in absentia shall be considered as it has not occurred taking into consideration the provisions of article (180) related to the warranty of arrest issued by the court.

Article (188):

1- It is not permitted to demur at the judgment in absentia imposing the rejection of the demurral; however it is permitted to be appealed in accordance with the rules specified subsequently.
2- This appeal includes the first judgment in absentia.

Article (189):

1- The judgment in absentia issued equivalent to the judgment in presence shall not be demurred against; however it might be appealed in accordance with the rules specified subsequently.
2- If the judgment in absentia included that it might be demurred against, and was not so, the court shall decide to reject the demurral, and the demurer sentenced may appeal the judgment during the legal term starting from the day following the date in which the rejection decision has been issued or being notified of it if the judgment was in absentia.

Article (190):

At the expiry of each fifteen days of each month, the court shall send to the attorney general a table of the issued judgments during that term.

Article (191):

The appeal in the judgments related to delicts shall be approved and shall be carried out in accordance with the rules stipulated in the appeal part.

Article (192):

The judgment shall not be enforced before the appeal time has passed or before judging the appeal when it occurs.

Article (193):

If the suspect or defendant was detained, and the court of first degree has judged his innocence, he shall be released as soon as the issuance of the judgment in spite of its appeal, and if it has imposed the imprisonment or fine penalty, he shall be released as soon as the penalty has been implemented.

Part 5

Chapter 1/ Brief Rules

Article (194):

The following brief rules shall be applicable on violating the municipal, health and transportation laws and regulations.

Article (195):

1- When the mentioned laws and regulations are violated in a way entailing an offensive penalty, the organized investigation documents shall be sent to the competent judge to decide the penalty that the act entails by law without summoning the defendant.

2- The judge shall issue his judgment within ten days unless the law specifies a shorter time.

Article (196):

The judge shall deem the merits organized in the investigation documents which are consistent with the organized originals as true.

Article (197):

The judgment imposing the penalty shall include the act, its description, and the legal text applicable to it.

Article (198):

These provisions shall be subject to notification and the normal reviewing methods.

Article (199):

The brief rules stipulated in this chapter shall not be applicable when there is a personal claimant in the lawsuit.

Part 6

Rules of Trials at the First Instance Courts in the Penal Cases

Chapter 1

Functions of the Head of Criminal Court

Article (200):

The head of criminal court shall direct the session and take the required measures to ensure the good progress of the trial.

Article (201):

1- The head of criminal court shall enjoy an authority by virtue of which he may all the measures that he deems that they shall ensure achieving justice.
2- The law shall entrust his conscience and honor to spare no effort in this regard.

Chapter 2

Functions of the Public Prosecutor

Article (202):

The public prosecutor by himself or through one of his assistants shall assume the litigation against the accused persons of the crimes mentioned in the indictment; he may not litigate the accused for acts not within the scope of the indictment.

Article (203):

The public prosecutor shall as soon as he receives the indictment pay all of his attention to organize the bill of indictment and a list of the names of witnesses and notify them with the indictment to the accused. After he deposits the lawsuit file with the court, he shall complete the initial procedures and take the required measures to complete the trial in its specified time.

Article (204):

The public prosecution representative shall attend the trial sessions and the announcement of judgment.

Article (205):

The public prosecution representative shall request by law the demands that he deems appropriate from the court.

Chapter 3/ Procedures

Article (206):

1- No one shall be sued in a criminal case unless the attorney general or who substitutes for him has issued a decision of accusing him with that crime.

Article (207):

The public prosecutor shall be notified with a copy of the indictment, the bill of indictment, and a list of the names of witnesses before ten days at least of the date of trial.

Article (208):

1- After the public prosecutor deposits the lawsuit file at the court, the head of court or whom he deputizes of the court judges for the crimes punished by capital punishment, life penal servitude, or life imprisonment shall summon the accused and ask him if he has chosen an attorney to defend him. If not, and his financial status does not allow him to appoint an attorney, the head or his vice shall appoint him an attorney.

2- An amount of ten dinars shall be paid from the treasury of the government to the attorney who was appointed by virtue of the previous paragraph for each session he attends provided that these charges shall not be less than two hundred dinars and not exceeding five hundred dinars.

Article (209):

The attorney of the accused may photocopy at his expense the papers that he deems useful for the defense.

Article (210):

If separate indictments were issued against the perpetrators of one crime or some of them, the court may decide to unify the lawsuits related to them whether by itself or upon the request of the public prosecution representative.

Article (211):

If the indictment has included several crimes that are not concurrent, the court may decide whether by itself or upon the request of the public prosecution representative or the defense that the accused shall not be sued in the first place except for some these crimes excluding the others.

Article (212):

The accused shall appear before the court at liberty with no chains, however, he shall be put under the required guarding, and he shall not be

taken away from the session during looking into the lawsuit except if he has caused rumor demanding that. In this case, the procedures that might be taken in his presence shall be carried out, and the court shall inform him about the procedures that were taken in his absence.

Article (213):

1- The head of court shall ask the accused about his name, surname, profession, place of residence, place of birth, and whether he is married or not and whether a judgment has been issued against him or not.
2- The trial shall be made in public unless the court decides to make it in secret for purposes of keeping the public order, morals, or if the lawsuit was related to honor. The court may in all cases prevent a certain category of people from attending the trial.

Article (214):

The clerk of the court shall upon the order of the head of court register all the proceedings of trial in the minutes of the session and the Board of Judges shall sign it.

Article (215):

1- The head of court shall notify the attorney of the accused (if any) that he shall defend his client in a way not violating the sanctity of law.
2- The head of court shall notify the accused to pay attention to all what will be read before him and shall order the clerk of the court to read the delict indictment, indictment, bill of indictment, list of the names of witnesses, investigation documents and other documents.
3- After that, the head of court shall summarize to the accused the consequences of the accusation addressed to him and shall draw his attention to the evidence that will be mentioned against him.

Article (216):

1- After the clerk has read what has been mentioned in the previous article of decisions and documents after the public prosecution representative clarifies the merits, and the personal claimant or his attorney clarifies his complaint, the head of court shall ask the accused about his accusation.

2- If the accused has acknowledged his accusation, the head of court shall order to register his confession using words close to those that he has used as possible, and the court may be satisfied with his confession, then it shall judge the penalty entailed by his crime unless it finds appropriate.

3- If the accused has refused to answer, he shall be considered as not confessing the accusation and the head of court shall order to register that in the investigation documents.

4- If the accused has denied the accusation, refused to answer, or if the court was not convinced of his confession, the court shall commence hearing the prosecution witnesses.

Article (217):

The public prosecution and the personal claimant may not summon any person to give his testimony whose name is not mentioned in the list of the names of the witnesses unless the accused or his attorney has been notified of the name of the summoned witness.

Article (218):

The head of court shall take the required measures if necessary to prevent the witnesses from seeing each other before giving their testimony.

Article (219):

1- Each witness shall give his testimony separated from the others.

2- The head of court shall ask each witness before hearing his testimony about his name, surname, age, profession, his place of

residence, if he knows the accused before the crime and whether he works for one of the two parties or if he is relative to one of the parties and the degree of kinship, and he shall make him swear that he will give his testimony with no addition or elimination.

3- The court may refuse to take the testimony of the witness who has not taken the oath or refused to do so.
4- If the witness has resolved that he does not remember a certain incident, the part of his testimony related to this incident which he has approved in the investigation might be read before him.
5- The previous testimonies of the witness shall be read, and the head of court shall order the clerk to register what has been illustrated as addition, elimination, alteration of the two testimonies after asking the witness to clarify the reason of that.

Article (220):

1- After the witness has completed his testimony, the head shall ask him whether the present accused is the one intended in his testimony, and then he shall ask the accused whether he contests about the witness, and whether he has any objection against his testimony.
2- The court may whether before, during or after hearing the testimony of the witness send the accused out the trial hall and keep those that it wants to investigate to ask each of them solely or jointly about some merits, however, the trial might not be proceeded before the accused is acquainted with the things that have occurred in his absence.
3- The public prosecution representative may request from the court to do such procedure.

Article (221):

1- After the court concludes hearing the testimony of the witness, the accused or his attorney may address through the court any question to each witness who was summoned to prove the accusation including the complainant if he was summoned as a witness, and the public prosecution may address such questions in the raised issues, and the public prosecution may address questions to the defense witnesses, and the prosecution may also address questions in the raised issues during the interrogations.

2- The court may also ask the witness about every thing that it deems useful in showing the truth.

3- All the things that are mentioned in the investigation, interrogation as well as the demurrals raised during the trial shall be registered in the minutes.

Article (222):

The witness shall not leave the trial hall unless the head of court permits him to do so.

Article (223):

After hearing the prosecution witnesses and the personal claimant, the defense witnesses shall be heard.

Article (224):

During the hearing of the witnesses, the court may send out any of the witnesses from the trial hall or enter any of those who have been sent away to summon up his testimony whether separately or in the presence of each other, and the public prosecution representative or the accused may ask the court to carry out such procedure.

Article (225):

If it was ascertained from the trial that one of the witnesses is lying in his testimony, the head of court may stop him promptly by himself or upon

the request of the public prosecutor or his representative and then he shall be referred to the public prosecutor to be investigated.

Article (226):

1- The court may during the looking into the lawsuit summon by itself any person to hear his testimony as a witness if it deems that this will be useful in revealing the truth, and it may issue a subpoena if necessary, and it may also hear the testimony of any person who comes by himself to reveal information in the lawsuit.
2- The court may acquaint the accused, witnesses, and any one concerned in the lawsuit about all the seized things related to the crime and which may prove the crime, and shall ask each of them about these things.

Article (227):

1- If the accused, witnesses, or one of them does not speak Arabic, the head of court shall appoint a translator not less than eighteen and shall make him swear to translate accurately.
2- If the provisions of this article were not observed, the procedures shall be invalid.

Article (228):

The accused and the public prosecution representative may ask for replacing the appointed translator provided that they shall express the causes of their request, and the court shall pass its judgment in this regard.

Article (229):

The translator shall not be elected from the witnesses, or members of the court looking into the lawsuit even if the accused and the public prosecution representative approved that. Otherwise, the procedures shall be invalid.

Article (230):

If the accused or witness is deaf-mute and does not know how to read, then the head of court shall appoint anyone who is used to communicate with him or with his peers through signs or other technical means.

Article (231):

If the accused or witness is deaf-mute and can read and write, then the clerk shall write the questions and notes and hands them to him, and he shall answer them in writing. The clerk shall assume all of that in the session.

Article (232):

If it was ascertained to the court after finishing the hearing of the evidenced submitted by the prosecution that there is a case against the accused, it shall ask him whether he likes to give a testimony defending himself. If he did, the public prosecutor or his representative may interrogate him. After the accused gives his testimony, the court shall ask him if he has witnesses or other evidence supporting his pleas. If he mentioned that he has witnesses, the court shall hear their testimony if they were present. Otherwise, it shall defer the trial and issue them a process. The defense witness shall be brought at the expense of the accused unless otherwise decided by the court.

Article (233):

1- If the public prosecutor believes that the accused is a psycho or mentally disabled, then he shall placed him under the required medical supervision to ensure his psychological and mental healthiness and this shall not stop the investigation procedures against him.

2- If the sickness of the accused was not apparent during the investigation, and the court assumed that the accused is affected by

psychosis or disability, then the court shall issue a decision of putting him under supervision of three physicians of the government specialized in psychosis and mental disabilities for the period it deems suitable to provide the court with a medical report about his sickness situation.

3- If the court was ascertained from the medical supervision that the accused is infected by a psychosis, then he shall be kept under the medical supervision until he becomes competent for litigation and understanding its course, then, he shall be sued. If the recovery of the psycho was hopeless, then the court shall judge his confinement in a mental hospital.

4- If the court was ascertained that the psycho has committed the accusation ascribed to him, and that he was infected by that disease that made him unable to understand his acts or that he shall not do the act or omission constituting the criminal offence, the court shall convict him and shall decide that he is not penally liable, and shall apply the provisions of article (92) of the Penal Code on him.

5- If the court was ascertained from the medical supervision that the accused is infected by an amentia and that the accused has committed the accusation ascribed to him, the court shall convict him and shall decide that he is not liable, and shall put him under the supervision of a conduct observer from one to five years. There is nothing to prevent the court from putting him in the national psychiatric center or any other therapeutic sanctuary to treat him from those conduct aspects which may accompany his disability which are dangerous on the public security.

Article (234):

The court may amend the accusation in accordance with the conditions it deem fair provided that this amendment shall not be based

on merits that are not included in the presented evidence. If the amendment shall expose the accused to a heavier penalty, the case shall be deferred for a period that is deemed necessary by the court to enable the accused from preparing his pleas against the amended accusation.

Article (235):

After hearing the evidence, the public prosecutor shall show his findings, the personal claimant shall express his demands, and the accused and the guarantor shall express their pleas. Afterwards, the trial shall be concluded.

Chapter 4/ Judgment

Article (236):

1- After the head of court declares the conclusion of the trial, the concerned court members shall hold a closed meeting in the deliberation hall, and shall review the indictment; investigation documents, claims and pleadings of the public prosecution representative, the personal claimant and the accused, and then it shall study them and pass its judgment unanimously or by the majority.

2- The court shall judge the conviction if the act was proven, the guiltlessness if there is no evidence or they are not sufficient, and shall judge the non-liability if the act does not constitute a crime or is not entailing a punishment.

3- If the court judges the conviction, it shall hear the statements of the public prosecution representative, the personal claimant, and the accused or his attorney, then it shall judge the penalty and the civil obligations.

Article (237):

1- The decision shall include a brief of the merits mentioned in the indictment and trial as well as a summary of the claims of the personal claimant and the public prosecutor, the pleading of the accused, evidence, and the reasons entailing the conviction or guiltlessness. As for the decision of the judgment, it shall include the legal text that is applicable on the act in case of conviction as well as the specification of the penalty and the civil obligations.

2- The judges shall sign the judgment before announcing it, and it shall be read in public in the presence of the accused and the public prosecution representative, and the head of court shall inform the sentenced that he has the right to appeal the judgment during fifteen days after he is given the required advices.

Article (238):

If the court has judged the innocence of the accused or that he is not liable, then he shall be released promptly unless he was detained for other reasons.

Article (239):

The court may impose the fees of trial, and the arising costs as well as all or some of the costs of the witnesses on the person who is convicted by a crime other those entailing capital punishment or life penal servitude. It shall collect the fees using the same method of collecting the fines.

Article (240):

The lawsuit fees shall be judged against the personal claimant who is not rightful in his lawsuit, and he might be exempted from all or some of them if his bona fide was illustrated, and the reasons of the exempt resolution shall be clarified.

Article (241):

If the court has considered that the act ascribed to the accused does not constitute a felony rather a delict or contravention, then it shall keep the lawsuit under its authority and shall pass a judgment regarding it.

Article (242):

1- The summary of the judgment shall be registered after its issuance in the court register for judgments, and the origin of the judgment with the lawsuit documents shall be reserved.
2- At the expiry of each fifteen days of each month, the court shall send to the attorney general a table of the issued judgments during that term.

Part 7

Suing the accused who has escaped from justice

Article (243):

1- If the attorney general has decided to accuse some one who has not been arrested or has not surrendered himself, a warranty of arrest shall be issued with the indictment including granting authority to each member of the police authorities to arrest and hand him to the public prosecution.
2- The public prosecutor shall after receiving the lawsuit documents including the indictment organize the bill of indictment and the list of the names of the witnesses and send them with a copy of the indictment to notify the accused in his place of residence with it. After notification, he shall send the lawsuit to the court to sue him.
3- The head of court shall after receiving the lawsuit file issue a decision of granting a respite to the accused for ten days to surrender himself to the judicial authorities during that period, the decision shall include the kind of felony and the order of arresting him. Each one who knows where he hides shall inform against him.

4- If the accused has not surrendered himself during that period, he shall be considered as escaping from justice, and his properties shall be place under the management of the government as long as he is escaping, and he shall be deprived from disposing of them and shall be prevented from instituting any lawsuit, and each disposition that he has done or obligation that he undertakes after that shall be considered invalid.

Article (244):

1- The respiting decision shall be published in the official gazette or in one of the local newspapers and shall be posted on the door of the last place of residence of the accused or in the yard of his town and on the door of the hall of the court of first instance.
2- The public prosecutor shall notify the registration commissioner promptly of the mentioned decision to put the property attachment sign on the real estates of the accused.

Article (245):

After the grace period of ten days specified in article (243) has passed, the criminal court shall sue the accused in absentia.

Article (246):

1- No attorney shall be appointed for the accused in the trial in absentia.
2- If the accused was outside the Jordanian territory, or his attendance of the trial was impracticable, his relatives and friends shall have the right to present his justifications and prove their lawfulness.

Article (247):

If the court has approved the justification, it shall decide to defer the trial of the accused and putting his properties under the management of the treasury for an appropriate time taking the justification into consideration and the remoteness of the distance.

Article (248):

1- With the exception of the case illustrated in the previous article, after verifying the notification and publishing the indictment, the court shall decide to carry out the trial in absentia.

2- The clerk shall read the indictment, the bill of indictment, the list of the names of the witnesses, the delict indictment and the other documents, and the court shall hear the evidence of the public prosecution and personal claimant in this respect and shall pass a judgment in the lawsuit in the manner it deems fair.

3- If hearing some witnesses was impracticable, their previous testimonies, the answers of the accomplice of the accused and the documents that the court deems useful for revealing the truth shall be read.

Article (249):

If a judgment was passed regarding the escaping accused, then his properties shall be subject as of the date of enforcing the judgment to the adopted rules in managing the properties of the absent, and these properties shall not handed to him or to those who deserve it after his death except if the judgment in absentia was extinguished.

Article (250):

The summary of the judgment issued against the accused during ten days from the date of issuing the judgment with the acquaintance of the public prosecution by publishing it in the official gazette and in one of the local newspapers and posting it on the door of the last place of residence of the accused, in the yard of his town and on the door of the hall of the court of first instance, and it shall be notified also to the competent registration commissioner.

Article (251):

The judgment shall be effective as of the day following the day of publishing it in the official gazette.

Article (252):

1- The absence of one of the accused persons shall not be a sufficient reason to defer the trial or deferring looking into the lawsuit against his comrade accused.

2- The court may decide after suing the present accused to hand the criminal tools reserved in the consignments store if they were demanded by their owners of who deserve them, and it may decide to hand them provided that it shall be returned to the court upon its request.

3- The clerk shall before handing these tools organize a minutes of them in which he clarifies their numbers and descriptions.

Article (253):

In the period in which the properties of the absent accused under the control of the treasury, his wife, children, parents, and whom he sustains legally shall be given a monthly maintenance from the revenues of his properties which shall be specified by the civil court concerned about it, and the personal claimant may procure from the same court a decision of receiving temporary amount of the compensations decided to him in return for a bill or with out it.

Article (254):

If the absent accused has surrendered himself to the government or if he was detained before the judged punishment was extinguished by prescription, then the judgment and all the in progress procedures as of the issuance of the warranty of arrest or the decision of granting a respite shall be surely considered as invalid, and the trial shall be repeated in accordance with the normal rules.

Article (255):

1- If the absent accused was not sued after surrendering himself and his trial once again, the court may exempt him from the costs of the

trial in absentia and it may decide to publish the decision issued in his favor in the official gazette.

2- The provisions of this chapter shall be applicable to the accused who has escaped from the prison or who has not appeared before the court after being notified, or if the notification of the trial date was sent to his place of residence if he was warranted.

Part 8

Appealing against judgments

Chapter 1/ Appealing

Article (256):

The following judgments might be appealed:

1- The judgments issued by any court of first instance by its criminal or first instance capacity.

2- The magisterial judgments which the magisterial court stipulate that they are appealed in the court of appeal.

3- The judgments or decisions which are considered as appealable according to the stipulation of a special test by virtue of another law.

Article (257):

1- With the exception of the judgments and decisions mentioned in the previous article, the preparatory decisions, the decisions imposing carrying out investigation, decisions of inference, and other decisions which are issued during the course of the lawsuit shall not be appealed except after the issuance of judgment in the merits.

2- The enforcement of the mentioned decisions shall not be considered as approving to them.

Article (258):

The court of first instance by its appeal capacity shall look into the penal cases over which it has jurisdiction for appealing them by virtue of the provisions of the magisterial courts law or by virtue of any other law without summoning the parties unless it was otherwise ordered or if one of the parties has requested that to make the trial in the presence of both parties and to carry out the procedures in public, and the court has approved that, and its judgment shall be considered as final.

Article (259):

The judgment in absentia issued by the first instance court by its appeal capacity might be demurred at if the trial was held before it in the presence of both parties and the procedures were carried out in public in accordance with the rules and in the specified time to demur at the judgment in absentia issued by the first instance court.

Chapter 2

Rules of Trials at the Courts of Appeal

Article (260):

1- The criminal and delict judgments issued by the first instance courts shall be appealed to the court of appeal.

2- The appealing shall be the right of the public prosecution, personal claimant, the sentenced, and the guarantor.

3- The capital punishment sentence or the criminal penalty for a period not less than five years shall be appealable even if the sentenced has not requested that.

Article (261):

1- The appealing shall be submitted by virtue of an application to the competent court of appeal whether directly or through the court that has issued the appealed judgment in an appointment of fifteen days from the day following the date of its issuance if it was in presence, and the date of its notification if it was in absentia or in its virtue.

2- The attorney general and the public prosecutor or who substitutes for them may appeal the decision issued by the court of first instance whether the judgment was the guilelessness of the accused, the non-liability, the stay of execution, or the extinguishment of the lawsuit within sixty days for the attorney

general, and thirty days for the public prosecutor, this period shall start as of the date of issuing the decision.

3- The appealing shall be rejected in terms of the form if it was submitted after that time.

4- The appealing of the sentenced may not lead to the aggravation of the penalty or increasing the compensation.

Article (262):

The appealing of the attorney general or the public prosecutor shall lead to reviewing the lawsuit entirely from all its aspects at the court of appeal so that it shall have the right of passing the judgment it deems appropriate unless it was against a certain entity, then its effect shall be restricted on that entity.

Article (263):

1- If the appealing was submitted to the court, it shall send it with the lawsuit documents to the public prosecutor who in his turn shall send it to the court of appeal through the attorney general within three days from the date of submitting it.

2- The court of first instance shall by itself send the documents of the case to the court of appeal through the public prosecutor and the attorney general if the judgment was appealable as illustrated in article (260) of this code.

3- The attorney general shall submit the lawsuit documents to the court of appeal enclosed with his finding.

Article (264):

1- The appeal trials shall be carried out in the presence of both parties and the procedures shall be carried out in public if the judgment was capital punishment, life penal servitude, or life imprisonment, while the criminal and delict judgments issued by the court of first instance or the judgments issued by the

magisterial court shall be looked into without summoning the parties except if the court has decided to carry out the trial in the presence of both parties and carry out the procedures in public or if the sentenced has required that, and it approved the request or the attorney general has requested that, and with the exception of the capital punishment sentence, life penal servitude, or life imprisonment, it is not conditioned in the pleading to hear the evidence once again unless the court deems that necessary.

2- The judgment imposing the guiltlessness of the accused, suspect, or the defendant or his conviction shall not be revoked unless after carrying out the trial in the presence of both parties and hearing evidence.

Article (265):

The personal claimant may not appeal except the paragraph of the judgment which is related to the personal compensations.

Article (266):

In the appeal trials, the provisions of the previous articles related to the publicity of trial, its procedures, the formula of the final judgment, imposing fees and costs, imposing penalties, demurring at the judgment in absentia shall be applied. The court of appeal shall have the authorities stipulated in the chapter of the litigation of the accused who has escaped from prison or in case he has not appeared before the court after being notified of the time of trial if the lawsuit was of its jurisdiction.

Article (267):

If the court of appeal has been ascertained that the appealed judgment is consistent with the rules and law, it shall decide to approve it.

Article (268):

If the court has decide to revoke the appealed judgment because the act does not constitute a crime, does not entail a punishment, or there is no sufficient evidence to pass the judgment. Then, it shall decide that the sentenced is not liable in the first and second cases and his innocence in the third case.

Article (269):

If the judgment was revoked because it has violated the law or for any other reason, the court shall pass a judgment in the merits, or return it to the court that has issued that judgment with the instructions to follow.

Chapter 3

Bringing appeal for cassation

Article (270):

The appeal through cassation shall be accepted for all the judgments and criminal decisions issued by the court of appeal and the decisions of prohibiting the trial issued by the attorney general in the criminal cases.

Article (271):

1- With the exception of the judgments mentioned in the previous article, the appeal for cassation might not be brought for the preparatory decisions, the decisions imposing carrying out investigation, decisions of inference, and other decisions, which are issued during the course of the lawsuit except after the issuance of judgment in the merits and the cassation of that judgment.

2- The voluntarily enforcement of the mentioned decisions shall not be considered as surrendering to them.

Article (272):

Bringing appeal for cassation shall not be referred to as long as the judgment or decision was appealable.

Article (273):

Bringing appeal for cassation shall be:

A) The right of the sentenced and the guarantor.

B) The right of personal claimant in respect of the civil obligations only.

C) The right of the attorney general or the head of public prosecution.

Article (274):

Bringing appeal for cassation shall not be approved unless for the following reasons:

First:

A) Violating the procedures that should be followed by law at the risk of the revocation.

B) Violating the other procedures if the opponent party has requested to follow them and the court has not fulfilled his request, and were not corrected in the following trial stages.

Second: Violating the law, misapplying or misinterpreting it.

Third: Violating the rules of jurisdiction or if the court has trespassed its legal authority.

Fourth: Omitting the judgment in one of the requests or judging what exceeds the request of the opponent party.

Fifth: The issuance of two contradictory judgments in one incident.

Sixth: The judgment does not contain the causes entailing the judgment, the causes are not sufficient, or the causes are ambiguous.

Article (275):

1- The time of bringing appeal for cassation for the judgments issued for the last degree of the felonies with the exception of the sentences of capital punishment, life penal servitude and life imprisonment shall be:

A) Fifteen days for the sentenced, the guarantor and the personal claimant and shall start from the day following the date of issuing the judgment if it was in presence or from the date of notifying it if it was in absentia.

B) Sixteen days for the head of public prosecution, and thirty days for the attorney general starting from the date following the date of issuing the judgment.

2- As for the sentences of capital punishment, life penal servitude, and life imprisonment, the appeal for cassation might be brought without the sentenced having to request that, the head of section in the court shall present these judgments as soon as they are issued to the attorney general to send it in his turn to the cassation court to look into them in terms of cassation.

Article (276):

1- The cassation shall be presented as an application registered in the divan of the court of cassation which has issued the appealed judgment and shall be endorsed by the head of court or the head of section in the date of its registration.

2- The application shall be signed by the cassating person or his attorney and shall contain the reasons of cassation at the risk of refusal.

3- The reasons of cassation might be illustrated in a list presented with the application or separately during the time of cassation.

4- The reasons of cassation shall not be expressed before the court of cassation other than those which have been presented during the specified time.

Article (277):

1- The head of the divan of the court which has issued the cassated judgment shall inform the sentenced personally if he was detained

or a copy of the cassation application presented by the public prosecution or the personal claimant shall be notified and sent to his place of residence after one week starting from the day following the date of registering the application.

2- The sentenced may during ten days starting from the day following the notification present a pleading for the reasons of cassation through the divan of the court which has issued the appealed judgment.

Article (278):

1- When the file of cassation is completed, the head of the court's divan shall send the cassation file, lawsuit file enclosed with endorsed list of what they include of papers to the attorney general, who in his turn shall send all the papers to the head of public prosecution.

2- The papers shall be recorded in its register and then the head of public prosecution shall submit them to the court of cassation enclosed with his findings within one week at most from its reaching his divan.

Chapter 6

Procedures at the Court of Cassation

Article (279):

The court shall review the cassation file, if it found that the application is made by some one who does not have the right of cassation, or that the legal formal terms are not fulfilled, or if they were not fulfilled in the specified date, the application shall be rejected in terms of form, however, the court may reconsider the lawsuit again if it was ascertained that the reason that it has depended upon when rejecting the lawsuit in terms of form is inconsistent with the law.

Article (280):

1- If the application was approved in terms of the form, then there is no need to issue a special decision for that, rather the court shall review the reasons of cassation and shall decide either to approve or reject them.
2- If the cassation was made by the sentenced, the court may appeal the judgment by itself, it was ascertained that the appealed judgment is inconsistent with the law, if it was misapplied or misinterpreted, if the court which has issued the judgment was not formed in accordance with the law, if it does not have the jurisdiction in passing a judgment in the lawsuit, or if after the issuance of the appealed judgment, a law applicable to the merits was issued.

Article (281):

If all the reasons of cassation were rejected, and the court has not found a reason for cassation by itself by virtue of the previous article, it shall reject the cassation application in terms of the merits.

Article (282):

If the reasons of issuing a judgment included an error in the law, or a mistake was mentioned in mentioning the legal text, crime description, or the capacity of the sentenced, and the sentenced penalty was the one specified by law for the crime in accordance with the merits mentioned in the judgment, the court of cassation shall rectify the mistake.

Article (283):

The court shall send a true copy of the judgment of rejecting the cassation to the head of public prosecution within one week of its issuance, and he shall refer it to the attorney at the court which has issued the appealed judgment.

Article (284):

If the court has approved one reason of the cassation reasons, or found a reason for it by itself by virtue of article (280), it shall decide to cassate the appealed judgment, and return the documents to the court which has issued the appealed judgment to reconsider the lawsuit.

Article (285):

1- Nothing will be appealed from the judgment except what is related to the reasons upon which the cassation depends unless the division was impracticable.
2- If the cassation was not presented by the public prosecution, the judgment shall not be appealed except for the one who has submitted the cassation.
3- If the one who has submitted the cassation was one of the sentenced, and the reasons upon which the cassation depends were related to the others sentenced with him in the lawsuit, the judgment shall be appealed for them also even if they have not brought appeal for cassation.

Chapter 7

Effects of the Judgments Issued by the Court of Cassation

Article (286):

The rejection of the cassation application shall result in making the appealed judgment final as for the person submitting it, and he may not at any rate bring appeal to cassation once again.

Article (287):

If the judgment was appealed upon the cassation of one of the opponent parties other than the public prosecution, then the cassation applicant shall not be prejudiced from the cassation.

Article (288):

The court shall observe the cassation if its appealed judgment has included the rejection of the lawsuit for its lack of jurisdiction, its

extinguishment by prescription, or for a legal impediment preventing its course.

Chapter 8

Bring Appeal for Cassation for the Judgment Issued after the Cassation

Article (289):

In cases other than those stipulated in the previous article, if the court of appeal to which the judgment as appealed was returned does not observe what has been motioned in the cassation decision, and the judgment was appealed again for the same reasons which are approved by the cassation court in the cassation decision, the court of cassation shall reconsider the case, if it decided to appeal the judgment again for the reasons that have led to the first cassation, then it may:

1- Return the case to the court in which the judgment has been issued, by then it shall observe the cassation decision.
2- The court of cassation may pass a judgment in the lawsuit that it deems consistent with law and justice.

Article (290):

If the judgment issued after the cassation was appealed for reasons other than those illustrated in the previous article, the court of cassation shall look into it in accordance with the provisions of chapter four of this part.

Chapter 9

Cassation by a Written Order

Article (291):

1- If the head of public prosecution has received a written order from the Minister of Justice of presenting the lawsuit file ate the court of cassation because a procedure was carried out in a way that inconsistent with the law, or a judgment or decision inconsistent with the law was issued and the judgment

or decision has acquired the final degree, and the court of cassation has not reviewed the procedure, judgment, or the appealed decision before, then he shall submit the file to the court of cassation enclosed with the written order, and ask for the revocation of the procedure or the appeal of the judgment or decision based on the reasons mentioned in it.

2- The head of public prosecution may appeal the final judgments and decisions issued in the delict cases by the court of appeal for the same reasons and conditions illustrated in the previous paragraph if the sentenced or the guarantor has requested that.

3- If the court has approved the mentioned reasons, it shall appeal the judgment or decision or revoke the appealed procedure. In such case, the judicial police officers or the judges responsible for violating the law shall be prosecuted.

4- The cassation issued by virtue of the first paragraph of this article shall have no effect except if it occurred in favor of the sentenced or the guarantor.

Also the cassation that is carried out by virtue of the second paragraph shall remain in favor of the law only, and no litigant party may depend on it to refrain from implementing the appealed judgment, as the registration of the cassation judgment in the margin of the appealed judgment shall be sufficient.

Part 9
Retrial

Article (292):

The application for retrial might be made in the lawsuits of felony and delict whatever the court, which has passed the judgment, was and whatever the penalty was in the following cases:

A) If some one was sentenced for committing the crime of murder and evidence has proved that the alleged murdered is alive.

B) If some one was sentenced for committing a felony or delict, and another person was sentenced after that for the same crime, and the two judgments could not be matched which has resulted in supporting the innocence of one of the sentenced persons.

C) If some one was sentenced and after the issuance of judgment, the witness who has given a testimony against him in the trial was sentenced for false testimony, then the testimony of that witness shall not be taken in the new trial.

D) If after the judgment, a new incident occurred or was apparent or documents that were unknown at the time of trial was exhibited which would lead to proving the innocence of the sentenced.

Article (293):

The application for the retrial might be made by:

1- Minister of Justice.

2- The sentenced and his legal representative if he was incompetent.

3- His wife, children, inheritors, and to whom mentioned in his will if he was dead or his absence was proven by a judgment.

4- To whom the sentenced has entrusted to apply for the retrial explicitly.

Article (294):

1- The retrial application shall be submitted to the Minister of Justice.

2- The Minister of Justice shall refer the retrial application to the court of cassation, and shall not decide to refer it if he found that it is based on insubstantial reason.

Article (295):

1- If the judgment for which the retrial was applied has not been enforced, it shall be enforced surely from the date in which the Minister of Justice has referred the trial application to the court of cassation.

2- This court may order to stay the execution in its decision imposing the approval of the retrial application.

Article (296):

If the court of cassation has decided to approve the retrial application, the case shall be referred to a court having the same degree of the court which has issued the judgment.

Article (297):

If it was impracticable to carryout the trial in the presence of both parties by facing all the concerned parties in the lawsuit either for the death of the sentenced, their madness, their escaping, the absence of all or some of them, their non liability in terms of the penal aspect, or the extinguishment of the lawsuit or judgment by prescription, after the court of appeal has taken the decision of prohibiting the trial in public for the aforementioned reasons, then it shall assume by itself looking into the merits of the lawsuit in the presence of the personal claimants (if any), and the attorneys appointed by the court for the sentenced if they were dead, and shall revoke the unrightful previous judgment(s).

Article (298):

1- The judgment issued by the innocence of the sentenced at the result of the retrial shall be posted on the door of the court or the public places in the town in which the first judgment was issued as well as in the place of committing the crime, the place of residence of the retrial applicants and the last place of residence of the sentenced if he was dead.

2- The judgment of innocence shall be published in the official gazette and in two local newspapers chosen by the retrial applicant if he required so and the state shall bear the costs of publication.

Volume 3

Rules Related to Some Cases

Part 1

Forgery Lawsuits

Article (299):

1- In all the lawsuits of forgery, whenever the alleged forged document is exhibited before the court of attorney general, the clerk shall organize a detailed minutes about that document, and the minutes shall be signed by the public prosecutor, judge or the head of court, and the clerk, the person who has exhibited the document and his opponent party in the lawsuit (if any), and the aforementioned persons shall sign each page of the document itself to prevent its replacement and it shall be reserved in the investigation department or the office of the court.

2- If it was impracticable for some of the present people to sign the document or they have refrained from signing it, this shall be indicated in the minutes.

Article (300):

If the alleged forged document was brought from one of the official departments, it shall be signed by the in charge official in accordance with the previous article.

Article (301):

The forgery of the documents might be claimed even if it was used in the legal proceedings or other proceedings.

Article (302):

1- Each official employee or normal person who has deposited a document which is alleged to be forged, he shall submit it under the penalty of law if he was bound to do so in a detailed decision of the court or the public prosecutor.

2- The decision and the submission minutes shall absolve the person with whom the document is deposited towards those concerned.

Article (303):

The provisions of the previous articles shall apply to the documents exhibited to the public prosecutor or the court for purposes related to comparison and confrontation.

Article (304):

1- The official employees shall under the penalty of law submit the documents they have that can be compared and confronted.

Article (305):

1- Whenever it is necessary to bring an official document, the person who has deposited the document shall have a true copy of it endorsed by the head of court in which the place of residence of that person falls under its jurisdiction, and the method shall be clarified in its annotation.

2- If the document deposited with an official employee, the endorsed copy given to him shall substitute for the original until he retrieves it and that employee may give copies of the endorsed copy with the explanation annexed to it.

3- If the required document was enlisted in a register, and it can not be removed, the court may decide to bring the register and to dismiss the aforementioned procedures.

Article (306):

1- The normal papers might be compared if the litigant parties have confirmed them.

2- If the holder of these papers was not an official employee, he shall not be obliged to submit them promptly, even if he acknowledged having them, and the court or the investigator may after summoning him to submit the paper or illustrate the reason leading

him to refrain of submitting it oblige him to submit it if it was ascertained that his refrain is not based on a reasonable cause.

Article (307):

Any who mentioned the alleged forged paper in his testimony, he shall sign it if it was ascertained that he was acquainted with it.

Article (308):

If the opponent party claiming the forgery has claimed the exhibiter of the document is the one who has forged it, or has been involved in its forgery, of it was ascertained from the investigations that the forger or the one who was involved in the forgery is still alive, and that the forgery lawsuit has not been extinguished by prescription, the forgery lawsuit shall be investigated penally as illustrated previously.

Article (309):

1- The court in which the lawsuit is instituted may decide upon claiming the forgery before it to pursue looking into the lawsuit, or staying the looking into the lawsuit after consulting the public prosecutor.
2- While if the lawsuit was limited to the personal compensations, the court shall defer looking into it until passing a judgment in the forgery lawsuit conclusively.

Article (310):

If one of the litigant parties has claimed during the investigation or trial in the lawsuit that the exhibited paper is forged, he shall ask his opponent party if he had the intention of using it.

Article (311):

1- If the other litigant party has answered that he had no intention to use the paper which is claimed to be forged, or if he did not answer, then it shall not be tackled in the lawsuit.
2- If he answers in the affirmative, the forgery lawsuit shall be looked into in accordance with the law.

Article (312):

In the forgery lawsuit, the court may ask the suspect or the accused to write whether before it or by the experts. If he refused, this shall be indicated in the minutes.

Article (313):

1- During looking into the lawsuit, if it was ascertained to the court whether it was criminal or civil what indicates a forgery and its perpetrator, the head of court or the public prosecutor at the court shall refer the required documents to the public prosecutor where the place of committing this crime or the place where its perpetrator exists is under his area of jurisdiction.

2- The head of court or the public prosecutor at it may issue a warranty of arrest against the defendant if he appeared in the lawsuit.

Article (314):

1- If it was ascertained that the official documents are totally forged or that some of them are forged, the court looking into the forgery lawsuit shall decide to invalidate the document or to reinstate it to its original state by deleting what has been added or adding what has been deleted.

2- A summary of the final judgment shall be written in the same document.

3- These documents which have been compared shall be returned to their sources or to the persons who have submitted them.

Article (315):

The investigations regarding the forgery lawsuits shall be made in accordance with the adopted rules in all crimes.

Part 2
Hearing Some Witnesses of the Official Employees

Article (316):

The employees in the diplomatic corps shall be notified of the processes through the Foreign Ministry.

Article (317):

If the person summoned to judiciary is a regular employee in the army, he shall be notified of the process through the head of his division.

Article (318):

With the exception of the official employees mentioned in the previous articles, all the witnesses whoever they are shall be summoned, and their testimonies shall be heard by the judiciary in accordance with the rules related to hearing the witnesses of this code unless otherwise decided by the court.

Part 3
Issues Related to the Destroyed or Stolen Lawsuits Papers and the Judgment Issued in Those Lawsuits

Article (319):

If the origins of the issued judgments in the lawsuits of felonies or delicts, the papers related to the investigations or trials that have not reached a result yet were lost or destroyed by fire, flood, or for unnatural reasons or were stolen and it was impracticable to reorganize them, the rules stipulated in the following articles shall be applied.

Article (320):

1- If the summary of the judgment or its legally certified copy was found, it shall be considered as the origin of the judgment and shall be reserved in its place.

2- If the summary or the mentioned copy in the previous paragraph was with a normal person or an official employee, the head of the court which has issued the judgment shall order to submit it to the office of the court.

3- The person or the employee who has the summary or a certified copy of the judgment which has been destroyed, lost, or stolen may take upon submitting it a free copy of it.

4- The order of submitting the summary or the copy shall absolve the person who has it towards those concerned.

Article (321):

1- If the origin of the judgment was lost, and the certified copy of it was not found, rather the delict indictment or the indictment was found, then a trial will be made, and a new judgment shall be issued.

2- If there was no delict indictment or indictment, or they were not found, then the procedures shall be repeated starting from the lost part of the documents.

Part 4

Appointing the Competent Authority and Transferring the Lawsuit from One Court to Another

Chapter 1/ Appointing the Competent Authority

Article (322):

1- The dispute regarding the jurisdiction shall be resolved through appointing the competent authority if a crime occurred and was looked into by two courts or two public prosecutors have investigated it considering that it is within the jurisdiction of each of them, or if each of the public prosecutor or the two courts have decided that they are not competent to look into it and investigate it, or if a court has decided that it does not have jurisdiction over a lawsuit referred to it by the public prosecutor or the public prosecution, and if the aforementioned has resulted in a dispute over the jurisdiction, the progress of the legal

proceedings shall be stayed because of having two contradictory decisions in the same case.

2- The provision of this article shall be applicable if a dispute occurred between a normal court and a court of appeal or two courts of appeal or between the public prosecutors.

Article (323):

1- The public prosecution, personal claimant, and the defendant may ask for appointing the competent authority by an application that they shall submit to the court of cassation.

2- If the application was related to a dispute over the jurisdiction of two courts, public prosecutors, or a court and a public prosecutor subject to a court of appeal, then the application shall be submitted to that court.

Article (324):

If the application of appointing the competent authority was submitted by the personal claimant, or the defendant, the head of the cassation court or the court of appeal shall order to notify a copy of that application to the other litigant party, and to deposit a copy with the public prosecution at the two disputing judicial authorities to express their view about it and send the lawsuit documents.

Article (325):

The personal claimant or the defendant shall answer the notified application of appointing the competent authority, and the head of prosecution or the attorney general shall express their view within a one week at most from the date of notification.

Article (326):

1- If the dispute was between two courts or judges and both have decided their jurisdiction over looking into

the lawsuit, then they shall refrain from issuing a judgment as soon as they have been acquainted with the application of appointing the competent authority to solve the dispute between them.

2- The provisional measures and the investigations might be pursued waiting for the issuance of the decision of appointing the competent authority.

Article (327):

1- The court of cassation shall look into the application of appointing the competent authority without summoning the parties after consulting the head of public prosecution, and shall specify in its decision which judicial authority is the competent in looking into the lawsuit and investigating it, and shall judge the validity of the procedures carried out by the court or the investigator that it has decided that he is not competent.

2- The court of appeal shall look into the application referred to it without summoning the parties in accordance with the mentioned rules, and its judgment in this regard shall be considered as final.

Chapter 2

Transferring the Lawsuit from One Court to Another

Article (328):

The court of appeal may within its area of jurisdiction decide in the felony or delict lawsuit upon the request of the attorney general to transfer the lawsuit to another public prosecutor or another court of the degree of the court which has jurisdiction over looking into the lawsuit and that is when the investigation of the lawsuit or looking into it in the area of the public prosecution or court may breach the public security.

Article (329):

The court of appeal shall look into the application of transferring the lawsuit without summoning the parties. If it has decided to transfer the lawsuit, it shall approve in the same decision the validity of the procedures made by the court or the public prosecutor from whom it has been decided to transfer the lawsuit.

Article (330):

The refusal of the application of transferring the lawsuit shall not prevent from making a new application of transferring it based on new reasons that have been ascertained after the decision of refusal.

Volume 4

Part 1

Effect of the Final Judgments and the Extinguishment of Lawsuit and Penalty

Article (331):

Unless there is another text stipulating otherwise, the penal lawsuit for the person against whom it has been instituted and the merits ascribed to him shall be concluded by the issuance of the final judgment whether by the guiltlessness, non-liability, extinguishment, or the conviction. If a judgment has been passed in the merits of the penal lawsuit, it shall not be reconsidered except by appealing against the judgment through the methods decided by law unless otherwise stipulated.

Article (332):

The penal judgment issued by the criminal court in the merits of the penal lawsuit of the guiltlessness, non-liability, extinguishment, or the conviction shall have the effect of the sentenced matters before the civil courts in the lawsuits in which no final judgment has been issued related to the perpetration of the crime, its legal description, and its ascription to its perpetrator.

The judgment of guiltlessness shall have this effect whether it was based on the refutation of the accusation or if the evidence are not sufficient, and it shall not have this effect if it was based on that the act is not punishable by law.

Article (333):

The judgments issued by the civil courts shall not have the effect of the sentenced matters before the criminal courts with respect to the perpetration of the crime, and its ascription to its perpetrator.

Article (334):

The judgments issued by the personal status courts within its area of jurisdiction shall have the effect of the sentenced matters before the criminal courts in the issues in which the judgment depends upon in the criminal cases.

Part 2

The Extinguishment of the Common Right Lawsuit and the Personal Right Lawsuit

Article (335):

1- The common right lawsuit shall be extinguished upon the death of the defendant, general amnesty, or by prescription.
2- It shall be also extinguished upon the extinguishment of the personal right in the cases stipulated by law.

Chapter 1

Extinguishment by Death

Article (336):

1- The common right lawsuit shall be extinguished upon the death of the defendant whether in terms of implementing the original penalty, the additional penalty, or the secondary penalty.
2- If the seized things where prohibited legally, then they shall not be returned to the inheritors of the deceased.

3- The injured party shall keep the right of instituting a personal right lawsuit and compensation against the inheritors of the deceased at the civil court.

Chapter 2

Extinguishment by General Amnesty

Article (337):

1- The common right lawsuit shall be extinguished by the general amnesty.

2- The compensation lawsuit shall remain within the jurisdiction of the court looking into the common right lawsuit upon the issuance of the general amnesty, if it has not instituted the lawsuit, the jurisdiction shall returned to the competent droitural court.

Chapter 3

Prescription

1) Extinguishment of the Lawsuit by Prescription

Article (338):

1- The common right lawsuit and the personal right lawsuit were extinguished after ten years have passed since the date of committing the felony in no prosecution was carried out during that period.

2- The mentioned lawsuits shall be extinguished after ten years have passed since their last procedure if the lawsuit was instituted, the investigations were made, and no judgment was passed.

Article (339):

The common right lawsuit and the personal right lawsuit in the delict shall be extinguished after three years have passed as illustrated in the two mentioned cases in the previous article.

Article (340):

1- The common right lawsuit and the personal right lawsuit shall be extinguished in the contravention after one year has passed since its perpetration and no judgment was passed in its respect by the court even if a minute was organized concerning it and an investigation was carried out during the mentioned year.

2- If a judgment was passed concerning it during the mentioned year and it was appealed, the common right lawsuit and the personal right lawsuit shall be extinguished after one year has passed from the date of submitting the application of appeal.

2) Extinguishment of Penalty by Prescription

Article (341):

1- The prescription shall prevent the implementation of the penalty and the precautionary measures.

2- The prescription shall not be applicable on the penalties and the precautionary measures related to the deprivation of some rights, the deprivation of the right of the liberty of choosing the place of residence, or the in specie confiscation.

Article (342):

1- The prescription term for the capital punishment and the life criminal penalties shall be twenty five years.

2- The prescription term for the temporary criminal penalties shall be the double of the term of the penalty sentenced by the court provided that it shall not exceed twenty years and shall not be less than ten years.

3- The prescription term for any other criminal penalty shall be ten years.

Article (343):

1- The prescription shall be enforced from the date of judgment if it was issued in absentia, and from the date in which the sentenced has escaped from implementing it if the judgment was in presence.

2- If the sentenced has escaped from implementing a penalty depriving liberty, half of the penalty term which he has served shall be commuted from the prescription term.

Article (344):

1- The prescription term for the delict penalties shall be the double of the term of the penalty sentenced by the court provided that it shall not exceed ten years and shall not be less than five years.

2- The prescription term for any other delict penalty shall be five years.

Article (345):

1- The prescription term shall be applied on:

A) The judgment in presence from the date of its issuance if it was of the last degree and from the date of concluding it if it was of the first degree.

B) The judgment in absentia from the date of notifying it to the sentenced himself, or sending the notification to his place of residence.

2- If the sentenced was detained, then it shall start as of the date in which he has escaped from the implementation. In this case, half of the penalty term which he has served shall be commuted from the prescription term.

Article (346):
The penalties prescription term for the contraventions shall be two years starting as illustrated in the previous article.

Article (347):

1- The prescription term for the precautionary measures shall be three years.

2- The prescription shall not start except from the date in which the precautionary measure has become effective or after the prescription of the penalty accompanying this measure provided that the judge has not issued before seven years a decision in which he proves that the sentenced still constitutes a danger against the public safety. In this case, he shall order to implement the precautionary measure.

Article (348):

No measure of rehabilitation whose implementation has been ignored for one year except by the decision issued by the juveniles' court upon the request of the public prosecution.

3) General Provisions

Article (349):

1- The year in the prescription shall be calculated from the specified day to the same day of the next year excluding the first day.

2- The prescription shall be ceased by each legal or physical impediment preventing the implementation of the penalty or the measure and has not arisen from the discretion of the sentenced.

3- The following shall cease the prescription:

A) Procedures of investigation and the procedures of the lawsuit issued by the competent authority in the same crime.

B) Any act made by the authority for purposes of implementation.

C) If the sentenced has committed another crime equivalent to the crime which has entailed the penalty, or measure or severer penalty provided that the prescription term shall not exceed more than its double.

Article (350):

The previous articles shall not prevent the observance of the provisions of prescription mentioned in the laws related to some felonies, delicts, and contraventions.

Article (351):

If some one was sentenced in absentia and the sentenced penalty was extinguished by prescription, he shall not at any rate request from the court to revoke his trial in absentia and to look into the lawsuit instituted against him once again.

Article (352):

1- The sentenced compensations shall be extinguished conclusively in the criminal lawsuit by prescription stipulated for the civil judgments.

2- As for the imposed fees and cost for the interest of the treasury, they shall be extinguished by prescription related to the public properties, and the existence of the sentenced in the prison as implementation of any judgment shall cease the prescription concerning it.

Part 3

1) Enforcing the Penal Judgments

Article (353):

1- The public prosecutor or whom he deputizes shall enforce the penal judgments at the court issuing the judgment.

2- The magistrate shall substitute for the public prosecution in implementing the judgments in the centers where there is no public prosecutor.

Article (354):

The procedure department shall enforce the sentenced civil obligations in accordance with what has been decided to enforce the droitural judgments.

Article (355):

If the sentenced was detained as carrying out for the fines and fees, and he expressed his desire while he is in prison to pay them to the treasury, the public prosecutor or the one who substitutes for him shall order to release him and bring him to pay the due amounts after deducting those equaling the period that he has served in prison considering that each day shall equal five hundred fills or any part of it if it was a fine or fees.

Article (356):

1- If the sentenced has paid the due amount completely upon his detaining, he shall be released promptly, and the decision of replacing the fine and fees with imprisonment shall be invalid.
2- In case the sentenced was absent or minor, the imposed fine, fees, and the judicial costs shall be collected in favor of the treasury with the acquaintance of the Ministry of Finance by virtue of the law of collecting the public properties.
3- The costs shall be collected using the same method in case of the death of the sentenced.

Article (357):

1- Upon the issuance of the capital punishment sentence, the head of public prosecution shall refer to the Minister of Justice the lawsuit documents enclosed with a report including a summary of the merits, the

evidence which were depended upon when issuing the sentence, and the reasons imposing the enforcement of the capital punishment or replacing it with another penalty.

2- The Minister of Justice shall refer the lawsuit documents with the report to the Head of the Council of Ministers to refer them to the council.

3- The Council of Ministers shall look into the mentioned documents and the report of the head of prosecution, and shall express his view in this regard and shall illustrate his point of view to His Majesty.

Article (358):

If His Majesty, the King has approved the enforcement of the capital punishment, the sentenced shall be hanged inside the building of prison or any other place if such place was specified in the royal decree. The capital punishment shall not be carried out against the sentenced on one day of the feast days and national days, and it shall not be carried out against the pregnant woman till after three months of giving birth.

Article (359):

The capital punishment shall be carried out with the acquaintance of the Ministry of Interior upon a written request from the attorney general illustrating the fulfillment of the stipulated measures in the previous article and in the presence of the following persons:

1- Attorney general or one of his assistants.
2- Clerk of the court which has issued the judgment.
3- Physician of the prison or the physician of the center.
4- One of the clergymen of the sect to which the sentenced belongs.
5- Director of the prison or his deputy.

6- Commander of the police in the capital, or the area commander in the other governorates.

Article (360):

The attorney general or his assistance shall ask the sentenced if he has some thing to clarify, and the clerk shall register his testimonies in a special minutes signed by the attorney general, his assistant, the clerk and the attendants.

Article (361):

The clerk of the court shall organize a minutes of enforcing the capital punishment signed by the attorney general or his assistant, and the attendants and shall be reserved in his file with the public prosecutor.

Article (362):

The government shall bury the corpse of the person against whom a capital punishment was carried out when he has no inheritors to bury him, and the burying shall be carried out without celebration.

2) Problems in Execution

Article (363):

1- Any dispute of the sentenced in the execution shall be referred to the court which has issued the judgment.

2- The dispute shall be referred to the court through the public prosecution as soon as possible, and the concerned persons shall be notified of the session which shall be specified to look into it. The court shall pass a judgment concerning it after hearing the public prosecution and those concerned, and the court may make the investigations that it deems necessary, and it may in all cases order to stay the execution until the issuance of a judgment in the dispute, the public prosecution may stay the execution of the judgment provisionally if necessary and before the dispute was submitted to the court.

3- If a dispute has arisen with respect to the identity of the sentenced, this dispute shall be judged in the specified way in the previous paragraphs.

4- The judgment issued by the court concerning the indicated dispute shall be final.

3) Rehabilitation

Article (364):

1- With the exception of those sentenced in the treasury and spying crimes and without prejudice to the provisions of paragraph (3) of this article, each person sentenced in a felony or delict in accordance with a judicial judgment might be rehabilitated if the following conditions were fulfilled:

A) That the sentenced penalty has been executed completely, an amnesty has been issued concerning it, or it was extinguished by prescription.

B) Six years have passed from the date of the conclusion of executing the sentenced penalty or the issuance of amnesty concerning it if the penalty was penal or three years if the penalty was delict, the twice of that term shall be considered for rehabilitation in the two cases if the sentenced has repeated the crime .

C) The fulfillment of the civil obligations included in the judgment, the extinguishment of such obligations, the prescription of such obligations or if the sentenced has proven that he was and still insolvent, so he is not capable of fulfilling such obligations, it is conditioned in case of the judgment of insolvency that the insolvent shall prove that he has settled the debt or was absolved of it.

D) If it was ascertained to the court that he is of good conduct, and that the examination of his life history after releasing him has proven that he has really become virtuous.

2- If more than one sentence has been issued against the rehabilitation applicant, then the rehabilitation shall not be decided except if the conditions mentioned in paragraph (1) of this article were fulfilled in each judgment provided that the period required for the rehabilitation of the sentenced shall be calculated in this case by the passage of the period stipulated in item (B) of paragraph (1) of this article from the date of the completion of the execution of the penalty sentenced in the last sentence.

3-

A- Each one sentenced by imprisonment in a delict penalty shall be rehabilitated legally if he was not sentenced during five years from the date of the completion of the execution of the penalty with another penalty of imprisonment or severer penalty.

B- Each one sentenced by delict fine shall be rehabilitated legally if he was not sentenced during three years in a delict or severer penalty from the date of executing the fine penalty or from the date of the completion of the term of the imprisonment penalty which has replaced the fine.

4-

A- The issued judgment of rehabilitation shall be cancelled if it was ascertained that other sentences have been issued against the sentenced that the court has not been acquainted with when it has issued its judgment of rehabilitation, or if he was sentenced after the rehabilitation for a crime that he has committed before the rehabilitation.

B- The judgment of canceling the rehabilitation shall be issued by the court which has judged the rehabilitation upon the request of the public prosecution.

Article (365):

1- The rehabilitation application shall be made in writing to the public prosecutor in the competent first instance court including the data related to the identity of the applicant and his place of residence, and the application shall be enclosed with:

A) Certified copy of the judgment issued against him.

B) Certificate issued by the competent police stations including the judgments issued against him and his precedents.

C) Report about his conduct during his staying in prison.

2- The public prosecutor shall submit the application with the enclosed documents and data to the competent first instance court during a period not exceeding three months from receiving the application enclosed with an illustration of his opinion.

3- The court shall look into the application and decide in it without summoning the parties, however, it may hear the testimony of any person it deems suitable and ask for any information it deems necessary from any entity. Its decision in the application shall be appealable at the cassation court for a misapplication of the law or misinterpretation of the law, this appeal shall be subject to the designated times and procedures for appealing in judgment through cassation.

4- If the rehabilitation application was disapproved for a reason related to the conduct of the sentenced, then it might not be renewed except after the expiry of two years since the

issuance of the decision. If it was disapproved for another reason, then it might be renewed at any time whenever the required legal conditions were fulfilled.

5- Any one who has been rehabilitated and was sentenced in any of the following crimes: embezzlement, bribery, breach of trust and all the crimes violating morals and trust shall not assume any of the following positions: judiciary, the membership of the parliament, or the position in the ministers.

4) Calculation of Time

Article (366):

For fulfilling the intended purposes of this code, the following rule shall be observed in calculating the time:

1- The periods indicating the number of days starting from the occurrence of incident, or doing an act or something related to the respites of demurral, appealing, cassation and the other respites do not include the day in which the incident occurred or in which that act occurred.

2- The holidays shall not be calculated from the designated period related to the respites of demurral, appealing, cassation and the other respites if they occurred at the end of the period.

Article (367):

All of the periods indicated in this code shall be calculated according the Gregorian calendar.

Cancellations

Article (368):

The codes and regulations preceding this code are cancelled.

Article (369):

The Prime Minister, Minister of Justice, Minister of Interior, and the Minister of defense are responsible for implementing the provisions of this code.

Hussein bin Talal 28/2/1961 * Abdullah II bin Al Hussein 11/3/2001