SULTANATE OF OMAN

THE PENAL PROCEDURE LAW

Royal Decree No. 97/99

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Royal Decree No. 97/99 Promulgating The Penal Procedure Law

After perusal of the Constitution of the state issued by the Royal Decree no. 101/98;
the Royal Decree no. 25/84, regulating penal judicature and amendments thereto;
the Judicial Authority Law issued by the Royal Decree no. 90/99;
the Public Prosecution Law issued by the Royal Decree no. 92/99;
and in view of the exigencies of public good;
we, Qaboos Bin Said, Sultan of Oman, hereby decree the following:

Article One

The provisions of the accompanying Law shall be applicable to penal procedure.

Article Two

As an exception to the provisions of the accompanying Law, provisions of the aforementioned Royal Decree no. 25/84 shall continue to be in force pending the commencements of enforcement of the Judicial Authority Law.

Article Three

All provisions contravening the accompanying Law or inconsistent with its terms are cancelled.

Article Four

This decree shall be published in the Official Gazette and shall be effective three months after the date of its publication.

Qaboos Bin Said
Sultan of Oman

Issued on 23rd Shaban 1420 A.H.
Corresponding to 1st December 1999

THE PENAL PROCEDURE LAW

PRELIMINARY PART

GENERAL PROVISIONS

Article One

The provisions of this Law shall be applicable to cases not decided by and actions not taken before the date of its enforcement.

This shall not be applicable to the following:

1. Judgements reviewed for competence if their date of enforcement comes after the closure of the door of pleading.
2. Judgements reviewed for dates, if the date began before the date of their enforcement.
3. Laws regulating means of appeal against judgements issued before the date of their enforcement, if such Laws are cancelled or institute a certain method of appeal.
   All actions taken accurately under a Law in force shall remain valid unless it provides otherwise.

Article Two

Renewed dates of expiry of civil actions and other dates of proceedings shall start only from the date of enforcement of the Law renewing them.

Article Three

All procedures provided for in this Law shall be completed in Arabic language.

Statements of litigants and witnesses who do not know Arabic language shall be heard with the help of an interpreter after he has taken the oath.

PART ONE
CASE
CHAPTER ONE
CIVIL ACTION

I. BRINGING CIVIL ACTION

Article Four

The Public Prosecution shall be competent to bring a civil action and proceed with it before the competent court.

A civil action may be relinquished or suspended and its proceedings may be discontinued only in the cases specified in Law.

The Public Prosecution may, in cases of misdemeanor and infraction, order the accused to appear before the competent court if it finds that the action is fit for being brought on the basis of evidence collected.

Article Five

A civil action may be brought only:

1. On the basis of a verbal or written complaint from the aggrieved party or his private attorney in offences in which the Law lays down such a condition.
   The complaint shall not be accepted three months after the aggrieved party came to know of the offence and the offender , unless the Law provides otherwise.
2. On the basis of a written application or after obtaining a written permission from the concerned authority in offences in which the Law attaches such a condition.

Article Six

A complaint or application shall be submitted to the Public Prosecution or a judicial control commissioner investigation procedure may be carried out only after the submission of the complaint on the application on issuance of permission.

Article Seven

If the aggrieved party in any of the offences referred to in article 5/1 of this Law is more than one, it shall be sufficient if the complaint is filed by one of them.

If the accused is more than one and the complaint is filed against one of them, it shall be deemed to have been filed against all.

Article Eight

If an aggrieved party in an offence referred to in article 5/1 of this Law is below fifteen years of age or is affected by a mental ailment, the complaint shall be filed by his guardian.

If the offence involves money, the complaint shall be acceptable from the trustee or assessor. In these two cases, all the provisions pertaining to complaint shall be applicable.

If the interest of the aggrieved party clashes with that of his representative or if he has no representative, he shall be represented by the Public Prosecutor.

Article Nine

The right to complain in the offences referred to in article 5/1 of this Law shall cease to exist with the death of the aggrieved party.

If the death occurs after the submission of complaint, it shall not affect the proceedings of the case.

Article Ten

A person who submits a complaint or application in offences in which the Law attaches such a condition may waive his complaint or application at any time before the case is decided finally.

If the aggrieved party is more than one, such waiver shall have no effect unless done by all the complainants.

If the number of the accused is more than one, waiver of the complaint or application by one shall be considered to be a waiver by all.

If the complainant dies, the right to waive shall go to all his heirs, except in the case of adultery, where each one of the children of the spouse complaining against the defendant spouse shall waive the complaint.

Article Eleven

If the court finds that there are other accused persons against whom a civil action has not been brought or there are other offences the accused persons have not been charged with or if it finds that an offence or act of misdemeanour has been committed which is linked with the charge submitted to it, it shall refer the papers of the action to the Public Prosecution for investigation and action or delegate one of its members to conduct the investigation.

In this case, the member so delegated shall have the powers of a member of Public Prosecution.

If a decision is issued at the end of the investigation referring the civil action to the court, it shall be referred to another department.

A judge who decided to institute the action may not participate in its hearing.

If the court has not decided on an original action which is inseparably linked to the new action, the entire case shall be referred to another department.

Article Twelve

The Criminal Court and the Supreme Court shall bring a civil action against the accused in accordance of article 11 of this Law, if acts are committed which are liable to violate the orders of these courts, undermine the respect due to them or affect their judicature or the witnesses in an action being heard by them.

Article Thirteen

If it is established, on the basis of a report from the concerned health organisation, that the accused is incapable of defending himself due to a mental ailment, the Public Prosecution member shall conduct the preliminary investigation.

The court shall, during the stage of hearing of the action, stop proceeding with the investigation or trial till the accused has recovered.

Detention may be ordered of the accused at a place singled out for mental patients or he may be handed over to a relative to protect and care for him or he may be placed under custody in the manner specified by the Public Prosecution or the court as the case may be.

The period spent by the accused in detention or custody shall be deducted from the period of sentence.

Article Fourteen

If a civil action is brought against a person who has not reached eighteen years of age, the court shall order his guardian, trustee or caretaker to appear with him at all proceedings to help him defend himself.

If required, it may appoint for him a trustee for litigation.

II. LAPSE OF CIVIL ACTION

Article Fifteen

A civil action shall lapse with the death of the accused, amnesty in the offence, completion of duration, waiver of complaint or application, issuance of a final judgement or the cancellation of the punitive provision.

This shall not prevent the order to confiscate in cases specified in Law.

Article Sixteen

A civil action shall lapse with the passage of twenty years in offences where the sentence is execution or life imprisonment, ten years in other offences, three years in acts of misdemeanour and one year in infractions, starting, in all cases, from the day of the commission of the offence.

This shall not apply to offences referred to in articles 155 to 161 of the Penal Law, where the period shall commence on the date on which an employee's service ends or his official capacity ceases.

Article Seventeen

Applicability of the period with the passage of which a civil action lapses shall not be suspended for any reasons whatsoever.

Article Eighteen

The period whose passage leads to the lapse of civil action shall be discontinued by proceedings of investigation, chargesheeting or trial and also by penal order or formalities for collection of evidences completed in the presence of the accused or those he is notified of officially.

The period shall start anew, starting from the day of discontinuation.

If the number of proceedings disrupting the period is more than one, it shall commence on the day of the last action.

Article Nineteen

If the number of accused is more than one, the discontinuation of period for any one of them shall lead to discontinuation in respect to the remaining accused.

CHAPTER II
CIVIL SUIT PERTAINING TO CIVIL ACTION

Article Twenty

A person who has been caused direct personal injury on account of an offence may file a suit for his civil right with the court hearing a civil action in any condition whatsoever till the door of pleading is closed with his description as a co-plaintiff in a civil action, after the payment of prescribed fee. This shall not be acceptable from him before the Appellate Court.

A civil right claimant may claim his right during preliminary investigation by an application submitted to a member of the Public Prosecution. He may also include a Civil Right Officer in the suit filed by him or in preliminary investigation.

A civil right claim may be made by notifying the accused or by an application at the session where the civil action is being heard if the accused is present.

If it has already been accepted in the preliminary investigation, the reference of the civil action to the court shall include the civil suit.

Article Twenty One

The Civil Right Officer may interfere on his own with the penal proceedings at the stage of preliminary investigation or at the stage of trial, even if there is no civil claim.

The Civil Right Officer shall, in both the cases, be considered as a co-litigant of the accused in a civil action.

Article Twenty Two

The accused, the Civil Right Officer and the Public Prosecution may object to the acceptance of the civil right claimant, if the civil suit is not permissible or unacceptable.

The Public Prosecution or the court shall decide on such objection after hearing the litigants.

The decision on non-acceptance of a civil right claimant before the court hearing a civil action shall not prevent him from filing of his case with the civil court.

Article Twenty Three

The court shall, in the same judgement which it issues in the civil action, decide on the demands for compensation submitted to it by the litigants.

If it believes that judgement in the civil suit shall lead to delay in decision on the civil action, it shall rule on the civil action alone and postpone the hearing of the civil suit or refer it to the competent civil court.

A civil right claimant may waive his case before the court hearing a civil action and file it with the competent civil court. This shall not affect the proceedings of the civil action.

If a civil right claimant files his suit with the civil court and then a civil action is brought, he may, if he abandons his suit, file it with the court hearing the civil action .

Article Twenty Four

The accused may request the court to order compensation for the damage caused to him as a result of a malicious charge made against him without circumspection or reflection by the informer or the aggrieved party. The accused may claim from the civil right claimant, at the court hearing a civil action, compensation for the damage caused to him as a result of the filing of a civil suit against him, if such a compensation is justified.

Article Twenty Five

The Public Prosecution may appoint a trustee for the litigation to represent the aggrieved party or the Civil Right Officer , if he has no one to represent him or if his interest clashes with that of his representative.

Article Twenty Six

A civil suit shall lapse with the passage of the period prescribed by Law.

Notwithstanding this, if a public action lapses after it has been brought for any reasons pertaining thereto, this shall not affect the proceedings of the civil suit pertaining to it.

PART TWO

COLLECTION OF EVIDENCE, INVOLVEMENT AND PRELIMINARY INVESTIGATION

CHAPTER ONE

COLLECTION OF EVIDENCE

Article Twenty Seven

All persons shall offer to the judicial control commissioners any possible assistance they require during the discharge of their legal duties in order to arrest the accused or prevent them from running away or committing offences.

Article Twenty Eight

A person who has witnessed the commission of an offence or has come to know about it shall take initiative in informing the Public Prosecution or a judicial control commissioner about such an offence.

Article Twenty Nine

A public servant or one charged with a public service who comes to know, during the discharge of his duty or on account thereof, of an offence on which the Public Prosecution is supposed to bring civil action without complaint, request or permission, shall notify the Public Prosecution or the nearest judicial control commissioner immediately.

Article Thirty

Judicial control commissioners shall investigate the offences and the offenders, collect evidence and carry out necessary inspections to facilitate the investigation of facts conveyed to them. They shall take all the necessary measures to preserve the evidence of the offence.

Article Thirty One

Judicial control commissioners in their area of jurisdiction are:

1. Members of Public Prosecution.
2. Police officers and officers in other regular ranks starting from the rank of policeman.
3. Staff of public security organisations specified by a decision issued by the head of the organisation.
4. Walis and deputy Walis.
5. All those who are given such a capacity by Law.

By virtue of a decision from the Minister of Justice, with the agreement of the concerned minister, certain employees may be given extra-judicial authority in respect to the offences committed in their area of jurisdiction which pertain to their official duties.

Article Thirty Two

Judicial control commissioners shall be subject to the supervision of the Public Prosecution on matters pertaining to the duties of their office.

A Public Prosecutor may ask the concerned authority to examine all violations committed by them and their failure to discharge their duties or ask for a disciplinary case to be filed, without prejudice to bringing a civil action.

Article Thirty Three

Judicial control commissioners shall accept communications and received by them on all the offences. They shall examine them, collect information on them and endorse them in a register.

The summary of the communication or the complaint and its date shall be endorsed in the prescribed register.

If a judicial control commissioner is informed or comes to know of the actual commission of an offence, he shall inform a Public Prosecution member about the occurrence of the offence and move to the venue of the event to protect it, carry on the necessary inspection, confiscate all articles pertaining to the offence, conduct investigation and take other measures to preserve the evidence of the offence.

He shall endorse all these measures in a register signed by him, specifying the time on which and the place where the duty was performed or the measure taken.

The register shall also include the signature of the witnesses and experts who heard. The register shall be sent to the Public Prosecution together with the articles confiscated.

Article Thirty Four

Judicial control commissioners shall, during their collection of evidence, hear the statements of persons possessing information about the offence and the offender and question the accused about them.

They may seek the assistance of doctors and other experts. But they may not make the witnesses and experts take oath unless it is apprehended that this could not be done after hearing the evidence on oath.

Article Thirty Five

The judicial control commissioner shall endorse the statement of the accused and the defence submitted by him in the register.

If the statement of the accused includes an admission that he has committed the offence, the commissioner shall endorse it in the register and refer the accused to a Public Prosecution member to ascertain the authenticity of his confession.

Article Thirty Six

If a judicial control commissioner feels, while collecting evidence, that there is a need to search a certain person or house, he shall obtain a permission from the Public Prosecution.

Article Thirty Seven

Judicial control commissioners shall, during the collection of evidence, use the methods of examination and inquiry which do not cause injury to individuals or restrict their freedom. No one among them shall carry out any investigation.

CHAPTER TWO
COMMISSION OF OFFENCE

Article Thirty Eight

An offence shall be deemed to have been committed in the following cases.

1. Immediately after the commission of offence.
2. A shortwhile after the commission of offence.
3. If the aggrieved party or the public follows the offender with shouting after the commission of offence.
4. If, some time after the commission of offence, the offender is found carrying instruments, arms, goods, papers or any article which provides evidence that he has committed or is an accomplice to the offence or if, at that time, he has traces or perceptible signs which provide testimony to this.

Article Thirty Nine

A judicial control commissioner shall, in case of commission of an offence or act of misdemeanour, move immediately to the place of the event, examine the material effects of the offence ,preserve them, record the condition of the places and persons and everything that helps unfold the reality, hear the statement of persons present or those from whom clarifications may be obtained concerning the event and the offender.

He shall inform the Public Prosecution immediately about his movement.

The Public Prosecution member shall move to the place of the event immediately on being informed about the commission of a offence.

Article Forty

A judicial control commissioner shall, while moving in case of an offence, prevent those present from leaving the place of the event or going away from it till the process-verbal has been recorded. He may immediately summon any one from whom clarifications may be obtained concerning the event.

If a person present violates the order given to him by the judicial control commissioner or if a person summoned to appear refuses to do so, this shall be recorded in the register.

The court of misdemeanour shall sentence the person involved in violation or refusal to a fine not exceeding R.O. 100, after hearing his defence.

CHAPTER THREE
PRECAUTIONARY MEASURES

I. ARREST OF THE ACCUSED

Article Forty One

No person may be arrested or detained without an order to this effect from a concerned legal authority. The arrested person shall be treated in a manner that preserves his honour.

Judicial control commissioners or any person with public authority shall not be permitted to resort to intimidation, compulsion, inducement or undignified behaviour in order to secure a statement or prevent one from being given during the collection of evidence, preliminary investigation or trial.

Article Forty Two

A judicial control commissioner may, in case of offences and acts of misdemeanour punishable by imprisonment for a period exceeding three months, order the arrest of the accused prevent if there is strong evidence of his commitment of offence. If he is not present, the judicial control commissioner may issue an order for his arrest and for getting him. This shall be endorsed in the record.

Article Forty Three

An ordinary individual may arrest the accused in the following cases.

1. If he has been ordered or charged to do so pursuant to article 27 of this Law.
2. If the accused is absconding or is required to be arrested and produced.
3. If he catches the accused involved in an act of offence or misdemeanour punishable by imprisonment for a period exceeding three months.

Article Forty Four

Without prejudice to any provision contained in any other Law, a person carrying out the arrest may use force needed for carrying it out and prevailing over any resistance on the part of the detainee or others, to the extent such force is necessary for arresting or preventing resistance or escape.

Article Forty Five

Judicial control commissioners carrying out the arrest may enter the house of the person required to be arrested to investigate him.

They may also enter any of the house for the same purpose if there are strong presumptions that the accused is hiding there. They may also break into the house forcefully if required.

Article Forty Six

A judicial control commissioner carrying out the arrest may search the person under arrest to disarm him of any arms or articles he may use for resistance or to harm himself or the others.

They shall confiscate these items and hand them over, together with the person under arrest, to the arresting officer.

If during inspection articles pertaining to the offence or any other offence, those useful for investigation or those whose possession represents an offence, are found, the commissioner shall confiscate them and hand them over to the arresting officer.

Article Forty Seven

If the offence committed is one in which the bringing of a civil action depends on a complaint, the accused may not be arrested, unless a complaint is filed by a capable person.

Article Forty Eight

In cases other than those specified in article 42 of this Law, if there is sufficient evidence to charge a person with committing an offence or an act of misdemeanour punishable by imprisonment for a period exceeding three months, the judicial control commissioner shall take suitable precautionary measures and ask the Public Prosecution to issue an arrest warrant for the accused immediately.

Article Forty Nine

The arrest warrant shall be written, bear a date, and shall be signed by the issuing authority, specifying his designation. The name of the person required to be arrested, his residential address, information on how to identify him and the reason for the arrest warrant shall be specified.

If the warrant is not enforced within three months from the date of its issuance, it shall lapse and may not be enforced subsequently without a new written warrant.

The judicial control commissioner enforcing the arrest warrant shall inform the person required to be arrested and immediately explain to him the reasons for the arrest.

Such a person shall have the right to contact any one he wants to inform and to seek the assistance of a lawyer.

Article Fifty

A judicial control commissioner shall, while arresting the accused or receiving one handed over to him, hear his statement immediately.

If he fails to prove his innocence, the commissioner shall refer him to the concerned Public Prosecution within forty eight hours.

Article Fifty One

The Public Prosecution shall question the accused under arrest within twenty four hours and then either order his preventive detention or rehearse.

Article Fifty Two

The arrest warrant may provide that the person under arrest may be released if he signs an undertaking that he shall appear, accompanied by a guarantee.

II. PREVENTIVE DETENTION

Article Fifty Three

If the interest of preliminary investigation, after the questioning of the accused, warrants his prevention from running away or from influencing the progress of investigation, a member of the Public Prosecution may issue an order for his preventive detention.

Preventive detention may be ordered only if the incident is an offence or an act of misdemeanour punishable by imprisonment for a period exceeding three months.

The accused may be subjected to preventive detention if his residential address in the Sultanate is unknown, if the offence is punishable by imprisonment.

In addition to data incorporated in article 49 of this Law, the arrest warrant shall also include an instruction to the manager of the place specified for arrest to accept the accused and place him there, specifying the article of the Law applicable to the incident.

Article Fifty Four

A preventive detention order issued by the Public Prosecution shall be for a period of seven days subject to renewal for other periods not exceeding thirty days.

A Public Prosecution member may, in offences involving public funds, narcotics and psychoactive drugs, issue an order for the preventive detention of the accused for periods not exceeding forty five days in their totality.

If the member of the Public Prosecution wants to extend the preventive detention thereafter, the matter shall be referred to the court of misdemeanour, before the expiry of the period, for the latter to issue an order extending preventive detention for a period not exceeding fifteen days subject to renewal for a maximum period of six months.

If the accused is referred to the court, it may extend the period of preventive detention for a period not exceeding forty five days, subject to renewal for similar periods, otherwise the accused shall be released in all cases.

Article Fifty Five

An accused under preventive detention in an offence punishable by execution or life imprisonment may not be released.

Article Fifty Six

If the court rules that it is incompetent to hear the case, it shall be competent to hear the application for release or preventive detention till the case is filed with the concerned court.

Article Fifty Seven

A Public Prosecution member may, if the requirements of investigation procedure so demand, order the accused not to contact other prisoners nor to be visited by anyone. This shall not prejudice the right of the accused to contact the person entrusted with his defence always.

Article Fifty Eight

The statement of the accused shall be heard before issuing or extending an order for preventive detention.

If the order is issued against an absconding accused, his statement shall be heard within twenty four hours of his arrest.

Article Fifty Nine

The accused or his representative may appeal against the order for his preventive detention with the court of misdemeanour meeting at the consultation chamber.

The court shall decide on the appeal within a maximum of three days. If the court finds no justification for the issuance of the order, the accused shall be released immediately.

Article Sixty

A person may be arrested or imprisoned only at designated places.

A person may be admitted to these places only by virtue of an order signed by the concerned authority and shall not be kept there after the expiry of the period specified in the order.

Article Sixty One

Public Prosecution members may visit prisons and designated places within their area of jurisdiction to ascertain that no prisoner is staying there illegally.

In so doing, they may go through the records and preventive detention and imprisonment orders and hear the complaints of the prisoners.

Managers and personnel of these places shall offer all help in this regard.

Article Sixty Two

Every prisoner shall have the right to file a complaint to the management of the prison. The complaint shall be conveyed to the Public Prosecution after its endorsement in the prescribed register.

Article Sixty Three

A public prosecution member may, at any time, issue an order for the release of the accused if he believes that his detention is no longer justified or his release shall not affect the investigation and he is not feared to run away.

If the accused has been referred to the concerned court, it shall be competent to release him.

In all cases, the release shall take place after the submission of an undertaking to appear whenever asked to do so and not to escape the enforcement of a possible sentence against him. This shall be done with a personal guarantee or by submitting a financial guarantee in offences pertaining to funds.

In other offences, submission of a financial guarantee shall be optional.

Article Sixty Four

The amount of financial guarantee shall be assessed by the person who issues the release order.

The amount shall be a guarantee against the failure of the accused to appear during investigation or trial and non-abstention from the enforcement of the sentence and other liabilities imposed on him.

Article Sixty Five

The amount of guarantee may be paid by the accused or a third party. This shall be done by depositing it in the treasury of the Public Prosecution or the court as the case may be.

Article Sixty Six

If the accused fails, without a valid reason, to carry out any of the liabilities imposed on him, the financial guarantee shall become the property of the state without a need for an order to this effect.

The guarantee amount shall be reimbursed in full if the case is stayed or no conviction order issued.

Article Sixty Seven

An order issued for release shall not prevent a Public Prosecution member from issuing a new order for the arrest and preventive detention of the accused, if there is strong evidence against him, if he violates the obligations imposed on him or if there are reasons for doing so.

If the release order has been issued by a court, a new warrant for the arrest of the accused shall be issued by the same court at the request of the Public Prosecution.

Article Sixty Eight

No request from the aggrieved party or civil right claimant shall be acceptable for the preventive detention of the accused nor shall their statement be heard during discussions pertaining to release.

CHAPTER FOUR
PRELIMINARY INVESTIGATION
INSTRUCTION TO APPEAR AND WARRANTS FOR ARREST, CONFISCATION AND PRESENTATION

Article Sixty Nine

A Public Prosecution member may ask any person to appear before it if the exigencies of investigation so warrant by virtue of an order instructing him to appear.

The order shall specify the person's name, nickname, profession, nationality, residential address, the charge levelled against him if he is an accused, date of order, place and time of appearance and the name of the Public Prosecution member, his signature and official stamp.

Article Seventy

The order shall served upon the person required to be present at his residence by the police. A copy of the order shall be handed over to him and he shall sign the other copy acknowledging service.

If the person instructed to appear is not available at his residential address, a copy of the order may be handed over to a relative of his staying with him or any of his subordinates available, provided he signs a copy of the order, acknowledging service.

The notice may not be served before 7 a.m. and after 6 p.m. Nor may it be issued during official holidays without the permission of the concerned court if required. Such a permission shall be endorsed on the original notice.

Article Seventy One

If, for any reason, it is not possible to serve the order, pursuant to article 70 of this Law or if the residential address of the person required to appear is unknown, the order shall be delivered to the Wali, Sheikh or a responsible person in the region.

The last place where the accused stayed or the place where the offence was committed shall be considered the last residential address of the accused.

Such delivery shall be tantamount to the service of the notice to the person required to appear, unless proved otherwise.

Article Seventy Two

If a person served with a notice fails to appear on the specified date, without a valid reason or if it is feared that he might run away or if his residential address is unknown or if the offence is in the state of commission, a Public Prosecution member may issue an arrest warrant

against him, if he is an accused, a complainant or a witness, even if the event is one in which preventive detention is not permitted.

The warrant shall include instruction to policemen to arrest any of the above and produce him before the Public Prosecution member, if he voluntarily refuses to be present immediately.

A Public Prosecution member may request the competent court to order his punishment for non-appearance by giving him the punishment of abstention from giving evidence, if he is a witness.

Article Seventy Three

Warrants issued by the Public Prosecution member shall be liable to be enforced in the entire territory of the Sultanate, its regional waters and its airspace and on board Omani ships and aircraft wherever they are found.

Article Seventy Four

The accused, the aggrieved party, the civil right claimant and officer and a person defending any of these shall have the right to attend the preliminary investigation proceedings.

An accused in an offence may be accompanied by a lawyer to defend him. Such a lawyer shall speak only with the permission of the Public Prosecution member. If he does not permit him to do so, this shall be endorsed in the investigation record.

Article Seventy Five

A Public Prosecution member may entrust a judicial control commissioner with carrying out one or more investigative works except the questioning of the accused. The person entrusted shall have the authority of the Public Prosecution within the limits of the assignment given to him.

A Public Prosecution member may, in case of a need to take a measure outside his area of jurisdiction, entrust the Public Prosecution member in the organisation with doing so.

II. MOVEMENT AND INSPECTION, CONFISCATION AND DISPOSAL OF ARTICLES

Article Seventy Six

A Public Prosecution member may move to any place whenever he deems necessary to furnish competent evidence on the situation of places, articles and individuals and the presence of offence and on any other matter requiring such evidence.

Article Seventy Seven

Judicial control commissioners may search the accused in cases where arresting him is permissible legally.

Persons other than those accused may also be searched if there are strong suggestions that they are hiding articles which might be helpful in unfolding the reality.

The search may cover their body, clothes and belongings.

Article Seventy Eight

If the accused is a female, the search shall be conducted by a female delegated for this purpose by a Public Prosecution member after she has been administered oath that she would perform her duties honestly and sincerely, if she is not a judicial control commissioner.

In case of commission of an offence, the delegation may be done by a judicial control commissioner.

Article Seventy Nine

Entry into a house may be made only in cases specified by Law or in case of request for help from inside or in other necessary cases.

Article Eighty

Houses may be searched only by virtue of a written permission, explaining reasons, from the Public Prosecutor on the basis of a charge, made against a person staying in the house intended to be searched, of committing an offence or act of misdemeanour or participating in its commission or if there are presumptions indicating that he is in possession of articles pertaining to the offence, unless the offence is a case of flagrant delicto. Search and confiscation of articles and papers shall be done in the manner specified in this Law. Search for articles and papers required to be confiscated shall be done in the house and its annexes and in its contents.

A search warrant may not be carried out after the passage of seven day from the date of its issuance, unless a new warrant is issued.

Article Eighty One

If the house owner or user refuses entry to the judicial control commissioner or resists his entry, he may adopt the necessary means to storm the house and use force in accordance with the exigencies of the circumstances.

Article Eighty Two

If, during the search of the house of the accused, there are strong presumptions against him or against a person present in the house that he is hiding with him an article which may be useful in unfolding the reality, the judicial control commissioner may search him.

Article Eighty Three

If papers sealed or closed by any method are found in the house of the accused, the judicial control commissioner may not force them open. He shall endorse them in the inspection record and forward them to the Public Prosecutor.

Article Eighty Four

Search shall be carried out in the presence of the accused or his representative whenever possible.

Failing this, the search shall be conducted in the presence of a Sheikh, a responsible person of his region, two witnesses, preferably from among his major relatives or those staying with him in the house, or his neighbours. This shall be endorsed in the record.

If the search takes place in a house of a person other than the accused, its owner shall be called to appear in person or send a representative if possible.

Article Eighty Five

The Judicial Control Commissioner shall confine his search to articles or signs for which the search warrant has been issued.

However, if, during the search he incidentally discovers articles whose possession is an offence or which are related to another offence, he shall confiscate them and endorse them in the search record.

Article Eighty Six

If there are women in the house and the purpose of his entry is not to arrest them or inspect them, the judicial control commissioner shall follow the prevailing traditions, enable them to leave the house or grant them necessary facilities for this, provided the interest of the search is not sacrifised.

Article Eighty Seven

The judicial control commissioner shall seal the places and articles with traces useful in unfolding the truth and appoint a watchman for them.

He shall notify the Public Prosecution of the matter immediately.

The Public Prosecution member, if he deems necessary, to take such an action, shall refer the matter to the judge of the court of misdemeanour for endorsement. All affected parties may appeal against this decision with the Appellate Court of misdemeanour at the consultation chamber.

The appeal shall be made by virtue of a petition submitted to the Public Prosecution member who shall forward it to the court immediately accompanied by his opinion.

Article Eighty Eight

The judicial control commissioner may confiscate the articles which might have been used in committing the offence or resulted from the commission thereof or those on which the offence might have occurred, together with everything useful in unfolding the truth.

Such articles shall be described and presented to the accused and he shall be asked to make his comments on these articles. Such comments shall be entered in the record bearing his signature or specifying his abstention from signing.

The articles and the papers so confiscated shall be kept in a closed safe sealed officially. The date of the record prepared for the confiscation of these articles shall be written on the safe and the subject for which the confiscation was done shall be referred to.

Article Eighty Nine

The seals placed pursuant to the provision of article 87 and 88 of this Law on places and articles shall be opened in the presence of the accused or his attorney and the person from whom the articles were confiscated or after inviting them for this.

Article Ninety

Correspondence and cables may not be confiscated or perused, newspapers, publications and parcels may not be confiscated, conversation taking place at a private place may not be recorded, the telephone may not be tapped and the dialogue may not be recorded without the permission of the Public Prosecutor.

Article Ninety One

The permission specified in article 90 of this Law shall be issued if it is useful in unfolding the truth in an offence or act of misdemeanour punishable by imprisonment for a period exceeding three months.

The permission shall be substantiated and its period shall not exceed thirty days subject to renewal for similar periods, if the exigencies of investigation so warrant.

Article Ninety Two

A Public Prosecution member alone shall go through correspondence, cables and papers confiscated. This shall be done in the presence of the accused, and the person possessing them or one to whom they were sent and their remarks shall be recorded. The Public Prosecution member may seek the assistance of policemen and others he deems fit to open the correspondence, cables and papers confiscated.

He may, in the light of the outcome of the examination, order their inclusion in the case file or their redispatch to the person who possessed or received them.

Article Ninety Three

A person who, as a result of search, acquires knowledge of articles covered by the search and discloses it to an outsider or benefits from it in any way, shall be given the punishment prescribed for the offence of disclosure of secrets.

Article Ninety Four

The judicial control commissioner shall order the person possessing an article, which he deems necessary to confiscate or go through, to produce it. The person violating this order shall be governed by the provisions pertaining to the offence of refusal to give evidence.

Article Ninety Five

Correspondence, cables and the like so confiscated with the accused or sent to him shall be given to him or he shall be given a copy as early as possible unless this undermines the interest of the investigation.

Article Ninety Six

If a person with whom the papers are seized has an urgent interest in them, he shall be given a copy attested by the Public Prosecution member unless this undermines the interest of investigation.

Article Ninety Seven

Articles seized through search or through accidental confiscation shall be endorsed in a register signed by the seizing authority. He shall describe their names, specify the method, place and venue of their confiscation and record the statement of the person with whom they were confiscated or his replacement and the name of the confiscator.

The articles confiscated shall be retained in sofaras they are necessary for investigation or decision of the case.

Article Ninety Eight

Articles seized during investigation may be returned unless they are necessary to proceed with the case, are to be confiscated or are disputed. A person who claims his right to the seized articles shall ask the Public Prosecution member to hand them over to him.

In case of refusal, he may appeal to the court of misdemeanour meeting at the consultation chamber and request that his statement be heard at the court.

Article Ninety Nine

Articles shall be returned to the person possessing them at the time of seizure.

If the seized items are articles on which the offence took place or from which it resulted, they shall be returned to the person who lost their possession as a result of the offence, unless the person from whom they have been seized has the right to detain them by virtue of Law.

Article One Hundred

The order for returning the articles shall be issued by the Public Prosecution, the court of misdemeanour or the competent court during the hearing of the civil action. An order for returning may be issued even without request.

A Public Prosecution member may not order the articles to be returned in case of dispute over or doubt about the right to receive the articles.

The concerned parties shall refer the matter to the Appellate Court of misdemeanour meeting at the consultation chamber.

Article One Hundred and One

While issuing a decision to stay the case, the Public Prosecution member shall decide on the fate of the seized items.

The court shall, while issuing a judgement on the civil action decide on the fate of the seized articles if the claim for returning them was made before it.

It may order that the litigants be referred to the competent civil court, if it deems this necessary.

In such a case, the articles seized may be placed under custody and necessary measures shall be taken for their protection.

Article One Hundred and Two

Seized items not claimed by their rightful owners within one year from the date on which the civil action has lapsed may be ordered to be sold by way of public auction and their value

shall be retained for their rightful owners after the deduction of sale expenses. The right to claim shall lapse after the passage of five years.

Article One Hundred and Three

If an article seized is one that is liable to go bad with the passage of time or if keeping it involves expenses equivalent to its value, its sale may be ordered by way of public auction, if the exigencies of investigation so permit and the value of sale shall be retained after deducting the expenses. Its rightful owner may claim it pursuant to article 102 of this Law.

III. HEARING OF WITNESSES, QUESTIONING AND INTERVIEW

Article One Hundred and Four

A Public Prosecution member shall hear the evidence of witnesses whom the litigants want to be heard unless he believes that hearing them is of no use.

He may hear the evidence of witnesses he deems necessary on events which establish or lead to the establishment of the offence, its circumstances, its attribution to the accused or his innocence.

Article One Hundred and Five

Evidence may be avoided against the accused by his close blood relatives and in-laws and by his spouse, even though the matrimonial alliance might have ended, unless the offence was committed against anyone of them and there are no other evidences to prove.

Article One Hundred and Six

A Public Prosecution member may instruct witnesses decided to be heard to appear with the help of the police. He shall hear the evidence of any witness who appears on his own and this shall be endorsed in the record.

Article One Hundred and Seven

A Public Prosecution member shall hear each witness individually. He may also confront the witnesses together or with the accused.

Article One Hundred and Eight

A Public Prosecution member shall ask every witness to specify his name, nickname, age, profession, nationality, residential address, his relationship with the accused, the aggrieved party and the civil right claimant and verify his identity.

A witness who has completed eighteen years of age shall take the oath before giving evidence that he shall tell the truth and nothing but truth.

A person below this age may be heard for gathering information without an oath.

The aforementioned statements, evidence of the witnesses and the procedure for hearing them shall be endorsed in the records without any omission, erasure, overwriting or addition. None of these shall be endorsed unless they have been attested by the Public Prosecution member, the witness and the clerk.

Article One Hundred and Nine

Both the Public Prosecution member and the clerk shall sign the testimony and so shall the witness, after it has been read to him.

If he refuses to sign or place his thumb impression, or is unable to do so, this shall be endorsed in the record, specifying reasons.

Article One Hundred and Ten

The litigants shall, after the completion of hearing of the witnesses, give their comments. They may ask the member of the Public Prosecution to hear his statements on other points they may raise. The Public Prosecution member may refuse permission to ask a question that does not pertain to the event.

Article One Hundred and Eleven

If the witness appears and refuses to give evidence or take the oath, he shall be sentenced, in misdemeanour and offences after hearing the Public Prosecution statement, to a fine not exceeding R.O. 200. He may be exempted from the fine, fully or in part, if he gives evidence or takes the oath before the completion of investigation.

Article One Hundred and Twelve

If the witness is sick or is unable to appear, his evidence shall be heard in the place where he is available.

If the Public Prosecution member moves to hear his witness and finds that the reason given is not valid, he shall be sentenced to a fine not exceeding R.O. 200.

Article One Hundred and Thirteen

The Public Prosecution member shall, at the request of the witnesses, estimate the expenditures and compensations which they are entitled to as a result of their appearance to give evidence.

Article One Hundred and Fourteen

A Public Prosecution member shall, when the accused appears for investigation for the first time, verify his identity and enter all the data pertaining to the verification of his identity and inform him about the charge levelled against him and endorse his statement in the record.

Article One Hundred and Fifteen

The lawyer shall be allowed to go through the investigation on the day preceding the questioning or interview.

In all cases, the accused and his lawyer accompanying him may not be separated during investigation.

IV. DELEGATION OF EXPERTS

Article One Hundred and Sixteen

If the investigation entails the help of a doctor or other experts to verify a case, the Public Prosecution member shall issue an order designating him, so that he may submit a report on the job assigned to him and the case intended to be verified.

If the case intended to be verified entails post mortem or extraction of the body after its burial, an order shall be issued by the Public Prosecutor or his representative.

The Public Prosecution member shall remain present when the expert is discharging his duty. The expert may discharge his duty in the absence of the litigants.

Article One Hundred and Seventeen

The expert shall discharge his duty under the supervision and direction of the Public Prosecution member.

The expert may take measures he deems necessary for the completion of his task, after contacting the Public Prosecution member, wherever possible.

Article One Hundred and Eighteen

If the expert is not registered in the schedule, he shall take oath before the Public Prosecution member that he shall discharge his duty with responsibility and sincerity.

Article One Hundred and Nineteen

The expert shall submit his report in writing and the Public Prosecution member shall set for the expert a deadline for the submission of his report.

The member may replace him with another expert if he does not submit the report on the specified date.

The accused may seek the assistance of a consultant at his own expense. He may request that he should be enabled to go through the papers and documents already submitted to the expert appointed by the Public Prosecution, provided this does not delay the proceedings of the case.

Article One Hundred and Twenty

The litigants may reject an expert if there are strong reasons for doing so.

Application for rejection shall be filed with a member of Public Prosecution for decision, specifying the grounds for rejection.

The Public Prosecution member shall decide on the application within seven days from the date of its submission.

Submission of the application shall lead to the discontinuation by the expert of his work except in case of emergency, by the order of the court.

CHAPTER FOUR
DISPOSAL OF INVESTIGATION

Article One Hundred and Twenty One

The Public Prosecution may, after the conclusion of the preliminary investigation, issue a decision to withhold the investigation provisionally or finally and order the release of the accused unless he has been imprisoned for any other reason.

The decision to withhold shall be provisional if the accused is unknown or if the evidences are insufficient and final if the offences attributed to the accused are inaccurate or not punishable by Law.

Article One Hundred and Twenty Two

The issuance of the decision by the Public Prosecution or his replacement to withhold the investigation shall be final in offences.

Article One Hundred and Twenty Three

The decision to withhold shall specify the name of the accused, his nickname, age, place of birth, profession, nationality, the event attributed to him and its legal status.

The decision shall also explain the grounds on which it is based.

Article One Hundred and Twenty Four

The decision shall be notified to both the aggrieved party and the civil right claimant. If he is dead, the notice shall be served upon his heirs in general, without mentioning their names, at the last place where their testator stayed last.

Article One Hundred and Twenty Five

The Public Prosecution shall issue a decision withholding the investigation finally, notwithstanding the presence of the offence and sufficient evidences, if the offence or its circumstances are found irrelevant, justifying such a decision, unless there is a civil right claimant.

Article One Hundred and Twenty Six

The aggrieved party and the civil right claimant or their heirs may appeal against the decision to withhold the investigation within ten days from the date of notice.

Article One Hundred and Twenty Seven

The appeal shall be made to the Criminal Court or the Appellate Court of misdemeanour, as the case may be, meeting at the Consultation Chamber.

The court shall, if it deems fit to cancel the decision to withhold, return the case to the Public Prosecution, specifying the offence and the acts constituting it and the text of the Law applicable to it, for reference to the competent court.

Article One Hundred and Twenty Eight

The Public Prosecution or his representative shall cancel the decision to withhold within three months from its issuance, unless it has already been appealed.

Article One Hundred and Twenty Nine

If the Public Prosecution finds after investigation that the event is an offence, misdemeanour or infraction and that evidence against the accused is sufficient, the case shall be filed with the concerned court for hearing by instructing the accused to appear before it. Reference in criminal cases shall be by decision of the Public Prosecution or his representative.

If there is a doubt whether the event is an offence or misdemeanour, reference to the criminal court shall be done by describing the offence.

Article One Hundred and Thirty

The decision on reference shall specify the name, nickname, year, date of birth, residential address, profession and nationality of the accused, the offence attributed to him together with all its components, grounds and circumstances justifying the curtailment or enhancement of the punishment and the articles of Law applicable thereto.

The Public Prosecution shall notify the litigants of the reference decision within ten days from the date of its issuance.

Article One Hundred and Thirty One

If investigation includes more than one offence, within the jurisdiction of courts from the same grade, which are interlinked, all such offences shall be referred, with one reference decision, to the court competent to decide on any of the offences.

If the offences are within the jurisdiction of courts from different grades, they shall be referred to the one with the highest grade.

Article One Hundred and Thirty Two

When the Public Prosecutor or his representative issues a decision on reference to the criminal court, both the accused and the civil right claimant and officer shall submit to him a list of witnesses whose evidences are required to be heard before the court, specifying their names, residential address and the events for which each one of them is required to give evidence.

The Public Prosecution shall prepare a list of his witnesses and the witnesses referred to in the preceding clause.

Such a list shall be furnished to the accused and the witnesses included therein.

Article One Hundred and Thirty Three

The Public Prosecution shall send the case file to the secretariat of the competent court immediately after the conclusion and disposal of the investigation.

All concerned parties shall have the right to go through the papers.

Article One Hundred and Thirty Four

If a decision is issued referring an accused in an offence to the criminal court in his absence and then he appears and is arrested, the case shall be heard anew in his presence before the court.

Article One Hundred and Thirty Five

If a development takes place after the reference decision entailing supplementary investigation, the Public Prosecution shall conduct such investigation and submit the register to the court.

Article One Hundred and Thirty Six

Reversal shall not be permitted of a decision issued by the Public Prosecution withholding the investigation provisionally, unless new evidences appear before the conclusion of the period prescribed for the lapse of civil action.

From the new testimonies shall be prepared the evidence of witnesses, registers and other papers not submitted to the Public Prosecution member.

PART THREE
TRIAL
SECTION ONE
COMPETENCE

I. COMPETENCE IN PENAL MATTERS

Article One Hundred and Thirty Seven

The criminal court shall hear criminal cases and the courts of misdemeanour shall hear the cases of misdemeanour and infractions as defined in the penal Law, within the limits and in accordance with the procedure specified in this Law.

Article One Hundred and Thirty Eight

One of more departments of the Appellate Court shall hear criminal cases. Such departments shall be referred to in this Law as criminal courts.

One or more departments in the preliminary court shall be competent to hear the appeals on judgements issued on misdemeanour and infractions sentencing imprisonment.

Such departments shall be referred in this Law as the Appellate Courts of misdemeanour.

One or more departments of the court of summary jurisdiction shall be competent to hear the cases of misdemeanour and infractions. Such departments shall be referred to in this Law as the courts of misdemeanour.

Article One Hundred and Thirty Nine

If the court of misdemeanour finds that the event is an offence, it shall rule that it is not competent and return the papers to the Public Prosecution for taking necessary prescribed legal measures for referring it to the criminal court.

Article One Hundred and Forty

If the criminal court believes that the case, as specified in the reference decisions, after its investigation in the session is a misdemeanour, it shall order that it is incompetent and refer it to the court of misdemeanour.

Article One Hundred and Forty One

Competence shall be determined on the basis of the place where the offence has taken place, or where the accused is staying or where he is arrested.

Article One Hundred and Forty Two

Prima facie, the offence shall be deemed to have been committed at any place where any of the initial acts were committed.

In continued offences, the place of offence shall be one where they were committed continuously.

In ordinary offences and consecutive offences, the place of offence shall be one where any of the acts has taken place.

Article One Hundred and Forty Three

If an offence governed by the provisions of the Omani Law takes place outside the Sultanate, and the offender does not have a residence in the Sultanate and is not arrested there, a civil action shall be brought against him with the competent court in Muscat.

Article One Hundred and Forty Four

If the court finds at any stage of the case that it is incompetent locally to hear it, it shall rule that it is incompetent and refer it to the competent court.

II. PENAL WARRANTS

Article One Hundred and Forty Five

In infractions and misdemeanours in which the Law does not provide for the punishment of imprisonment for more than three months or a maximum a fine of R.O. 100, the Public Prosecution may, if it believes that the punishment of fine is sufficient in view of the circumstances of the offence, in addition to supplementary punishments, compensations, reimbursements and expenses, ask the judge of the competent court of misdemeanour to inflect the punishment on the accused by a penal warrant issued to him on the application on the basis of records including evidences and other proofs, without holding an investigation or hearing the pleading.

Public Prosecution heads and those above them in the area of jurisdiction of the court of misdemeanour may issue a penal warrant in misdemeanour and infractions referred to in the preceding clause, if compensations, necessary reimbursements and expenses are not requested.

The Public Prosecutor or his representative may cancel such a warrant for misapplication of Law within ten days from the date of its issuance.

Article One Hundred and Forty Six

A penal warrant may order only a fine, supplementary punishments, compensations, necessary reimbursements and expenses.

In misdemeanours, the fine may not exceed R.O. 100 and the matter shall be notified to the accused and the civil right claimant pursuant to the provisions of articles 70 and 71 of this Law.

The warrant shall include the name of the accused, the event for which he has been penalized and the article of Law applied.

Article One Hundred and Forty Seven

A judge may refuse to issue the penal warrant if he believes that it is impossible to decide the case immediately or without investigation or pleading or if he believes that the event entails a punishment harsher than fine.

The decision to reject shall necessarily lead to compulsory civil action proceedings.

Article One Hundred and Forty Eight

The Public Prosecution may appeal against the penal warrant issued by the judge.

The remaining litigants may appeal against the order issued by the judge or the Public Prosecution, by virtue of an instrument deposited with the secretariat of the competent court within ten days from the date of its issuance, in case of Public Prosecution and from the date of its notification, in case of remaining litigants.

Such an instrument shall lead to the forfeiture of the penal warrant and its treatment as null and void.

The President of the court shall set a session for hearing the appeal, keeping in view the dates specified in article 163 of this Law.

Article One Hundred and Forty Nine

The court shall hear the appeal in the presence of the appellant.

If he does not appear, the warrant shall regain its force and become final and enforceable. If the appellants are more than one and some of them appear while others do not, the order shall become final and enforceable for those who do not appear.

Article One Hundred and Fifty

Rules pertaining to complication in carrying out judgements shall be applicable on penal matters.

III. COMPETENCE ON MATTERS SUBJECT TO DECISION ON CIVIL ACTION

Article One Hundred and Fifty One

The court hearing the civil action shall be competent to decide on all matters on which a judgement on such a civil action is dependent, unless the Law provides otherwise.

Article One Hundred and Fifty Two

If judgement in a civil action depends on the outcome of decision on another civil action, the former shall be stayed till decision is taken in the latter.

Article One Hundred and Fifty Three

If judgement on a civil action is dependent on settlement of a personal Law matter etc., the court may stay the action and fix for the accused, the civil right claimant or the aggrieved party, as the case may be, a deadline for filing it with the competent court.

Article One Hundred and Fifty Four

The staying of the action, pursuant to articles 152 and 153 of this Law shall not prevent necessary or urgent measures or precautions.

Article One Hundred and Fifty Five

If a civil case is filed with the civil court, decision on it shall be stayed till a final judgement in the civil action is brought before filing it or during its proceedings. However, if decision on a civil action is stayed on account of insanity of the accused, the civil case shall be decided.

Article One Hundred and Fifty Six

If the deadline specified in article 153 of this Law expires and the case is not filed with the competent court, the court may disregard the staying of the case and decide it. It may also fix for the litigant another deadline if it believes that there are reasons justifying this.

Article One Hundred and Fifty Seven

A court hearing a civil action on non-penal matters which are decided on the pattern of a civil action, shall follow the methods of substantiation prescribed in the Law pertaining to such matters.

IV. CONFLICT OF JURISDICTION

Article One Hundred and Fifty Eight

If a case is filed for an offence or offences associated with two investigative or adjudicatory organisations under the control of one preliminary court, and both of them decide finally that they are competent or incompetent and if the competence is confined to them, both the

litigants in the case may submit a request to the appellant court of misdemeanour to identify the court that shall decide on it.

Article One Hundred and Fifty Nine

If two sentences on competence or incompetence are issued by two courts under the control of two preliminary courts, or by two preliminary courts, or by two criminal courts, application for identifying the competent court shall be filed with the Supreme Court.

Article One Hundred and Sixty

Application for identification of the competent court, pursuant to articles 158 and 159 of this Law, shall be submitted by virtue of a petition accompanied by papers in support of the application.

The concerned court shall look into the application after going through it and order its deposit and notification to the litigants within a period of three days following the deposit order, so that each one of them could go through the application and submit a memorandum on his statements within ten days following the notification. The notification shall be made pursuant to the provisions of articles 70 and 71 of this Law.

The order for the deposit of the application shall lead to the suspension of proceedings in the case concerning which the application has been submitted, unless the court believes otherwise.

Article One Hundred and Sixty One

The court competent to hear the application shall be identified by the court or organisation proceeding with the case. It shall decide on the actions and sentences which might have been issued by the other court which ruled the cancellation of its competence.

CHAPTER TWO
NOTIFICATION OF LITIGANTS AND THEIR APPEARANCE

Article One Hundred and Sixty Two

If the case is referred to the competent court, the Public Prosecution shall instruct the accused to appear before it. There may be no need to instruct the accused to appear if he attends the session and is chargesheeted by the Public Prosecution before trial.

Article One Hundred and Sixty Three

Litigants shall be instructed to appear before the court three days before the session in case of infractions, seven days in case of misdemeanour and ten days in case of offences.

The notice containing instruction to appear shall specify the charge and the articles of Law which provide for the punishment.

Article One Hundred and Sixty Four

The instruction notice to appear shall be handed over to the accused personally pursuant to the provisions of articles 70 and 71 of this Law. Prisoners shall be notified through the jailer or his representative and military men shall be notified through the headquarters controlling them.

The recipient of the copy of the notice shall sign the original indicating its receipt. If he refuses to do so, the court of misdemeanour shall sentence him to a fine not exceeding R.O. 20. If he continues with his refusal, the accused shall be served with a notice personally pursuant to the provisions of articles 70 and 71 of this Law.

Immediately upon being served with the notice containing instruction to appear, the litigants shall go through the papers of the case.

Article One Hundred and Sixty Five

The accused shall appear personally in all the proceedings of trial in acts of offences and misdemeanour punishable by imprisonment. In other proceedings, he may appoint an attorney.

Litigants other than the accused may be represented by their attorneys.

The court may ask any of them to appear personally if this is in the interest of investigation.

Notwithstanding this, the attorney may appear on behalf of the accused in all cases and express the latter's inability to appear.

If the court believes that the reason given is acceptable, a date shall be set for the accused to appear before it and he shall be notified.

Article One Hundred and Sixty Six

If the accused or other litigants fail to appear, the court shall ascertain that they have been notified in a proper manner and may adjourn the hearing of the case to another session about which they shall be re-notified.

If the accused does not appear without an acceptable reason, after he has been notified personally, it shall hear the case in absentia and the judgement shall be treated as one handed down in presence.

Article One Hundred and Sixty Seven

The judgement shall be treated as one given in presence in respect to all litigants who appear when called for the case, even if they leave the session subsequently or fail to attend the sessions to which the case is adjourned, without giving an acceptable reason.

CHAPTER THREE
FAILURE TO APPEAR BEFORE CRIMINAL COURTS

Article One Hundred and Sixty Eight

All sentences issued in absentia, in offences convicting an accused, shall automatically deprive him of the right to dispose of or manage his wealth or file any case in his name and all acts or liabilities undertaken by the judgement debtor shall be null and void.

The preliminary court, under whose jurisdiction the funds of the judgement debtor fall, shall appoint an official receiver for their management at the request of the Public Prosecutor and all concerned parties.

The court shall obligate the receiver appointed by it to submit a guarantee. The receiver shall be under the control of the court on all matters pertaining to the custody and the submission of account.

The custody shall end with the issuance of a sentence in presence in the case or with the death of the accused, pursuant to the personal Law.

After the completion of custody, the receiver shall submit an account on his management.

Article One Hundred and Sixty Nine

All the punishments and measures of a sentence passed in absentia shall be enforced, in so far as their enforcement is possible.

Sentences on compensations may be carried out from the time of their issuance. In this case, a civil right claimant may submit a personal or financial guarantee, unless the sentence provides otherwise. The guarantee shall be reimbursed two years after the issuance of the sentence.

Article One Hundred and Seventy

If the judgement debtor appears in absentia or is arrested before the punishment elapses on account of passage of time, the sentence issued in absentia shall elapse, in respect to punishment, actions and compensation and the case shall re-heard by the court.

If the sentence issued in absentia on compensation has been carried out, the court may order the reimbursement of the amounts obtained fully or partially.

Article One Hundred and Seventy One

Absence of an accused shall not lead to delay in sentence in the case in respect to others accused with him.

Article One Hundred and Seventy Two

If an accused in a case of misdemeanour filed with the court of misdemeanour disappears, he shall be subject to the procedure followed by the court of misdemeanour and the judgement issued in the case shall be objectionable.

CHAPTER FOUR

REGULATIONS OF SESSION AND PROCEDURE FOR HEARING THE CASE AND ITS SUBSTANTIATION BEFORE THE COURT.

Article One Hundred and Seventy Three

Control and management of the session shall be entrusted to its Chairman. In so doing, he may expel from the session a person who undermines its discipline. If he does not comply, the court may sentence him to immediate imprisonment for twenty four hours and a fine of R.O. 20. Its sentence shall be non-appellable. If the violation has been committed by a person working with the court, it may take a disciplinary action against him within the purview of the head of the unit during the session. The court may withdraw its judgement before the end of the session.

The court may try a person who commits an offence, while its session is in progress, against the jury or any of its workers and give him the prescribed punishment. It may also try a person who gives a false evidence during the session or refuses to give evidence and give him the prescribed punishment.

Article One Hundred and Seventy Four

The court shall not be restricted by the description of the charge contained in the reference decision. It shall give the act which the investigation proves, has been committed by the accused, the accurate legal description. If its descriptions are many, the punishment for the harshest description shall be applicable to it.

Article One Hundred and Seventy Five

If the court finds from investigation that there is a need to alter the description of the charge and apply another article different from that specified in the reference decision or to alter the charge by adding harsher circumstances, it shall notify the accused and take all investigation measures entailed by such alteration.

The accused may request the adjournment of hearing of the case to prepare his defence on the basis of the description and the new alteration and the court shall respond positively to his request. The court shall rectify any error in the reference decision or the notice containing instruction to appear.

Article One Hundred and Seventy Six

Cases of misdemeanour inseparably linked to misdemeanour under its consideration shall be referred to the criminal court.

If the court feels after holding investigation that there is no reason for such a linkage, the case of misdemeanour shall be referred to the court of misdemeanour.

Article One Hundred and Seventy Seven

Sessions of the court shall be held in open. The court may, in the interest of public discipline and in order to maintain etiquettes, decide to hear a case, fully or partially at a session held in camera or prevent a certain category of people from being present.

Article One Hundred and Seventy Eight

A member of the Public Prosecution shall attend the sessions of the court hearing the civil action. The court shall hear his statement and decide on his demands.

Article One Hundred and Seventy Nine

The Secretary shall endorse the deliberations of the session in a register under the supervision of the Chairman of the session, specifying the names of the jury, date, time and venue of the session, all the actions taken, the names of the litigants present, their attorneys, statements and demands and a summary of pleadings made. The Chairman of the session and the Secretary shall sign each page of the register.

Article One Hundred and Eighty

If an offence not specified in article 173 of this Law occurs during the session, the court shall, if does not want to refer the case to the Public Prosecution, chargesheet the offender, order his arrest or preventive detention, investigate the offence, hear the witnesses and then refer the accused to the competent court or the same court, if it is competent, but at another session.

Article One Hundred and Eighty One

Litigants and their attorneys have the right to attend trial sessions, even if they are held in camera. None of them may be expelled unless he commits an act representing a violation of the dignity of the court or the discipline of the session.

Article One Hundred and Eighty Two

If the court feels, on account of the absence of the accused or the witnesses that there is a need to adjourn the hearing of the case to another session, it shall order the notification of those who are absent, inform the litigants and witnesses present and obtain the undertakings it deem fit to guarantee their presence. It may also order the detention of the accused, removal of his detention or his release, pursuant to the rules specified in article 183 of this Law.

Article One Hundred and Eighty Three

The court may issue an order for the release of the detailed accused if it finds that his release shall not cause any damage to the proceedings of the case and that there are no serious possibilities of his escape.

The release shall be done on the basis of a written undertaking from the accused to attend whenever asked to do so during the hearing of the case, pursuant to article 63 of this Law.

Article One Hundred and Eighty Four

A sentence on non-acceptance of the case does not prevent it from being re-filed if legal conditions have been satisfied.

Article One Hundred and Eighty Five

The court hearing a civil action shall conduct the investigation proceedings on its own.

It may charge one of its own members or a member of the Public Prosecution to conduct certain investigation proceedings.

Article One Hundred and Eighty Six

Records of investigations preceding the trial shall have no locus standi in substantiation before the court.

The court may only benefit from them in drawing inferences and use their components to question the investigator as a witness after he has taken the oath.

Article One Hundred and Eighty Seven

If a judge conducts a certain investigation proceeding and is succeeded by another judge, the successor shall endorse in his judgement the proceedings conducted by his predecessor or reconduct all or some of these proceedings.

Article One Hundred and Eighty Eight

The court shall chargesheet the accused by reading the charges to him and explaining them to him and then ask whether or not he is guilty, drawing his attention to the fact that he is not bound to speak or answer.

Article One Hundred and Eighty Nine

The accused may not be made to take oath nor may he be compelled or induced to reply or give certain statements by any means whatsoever. The silence of the accused or his abstention from replying may not be interpreted as an affirmation. He may not be punished for false evidence in respect to statements containing his denial of the accusation.

Article One Hundred and Ninety

If at any time the accused admits that he is guilty, the court shall hear his statements in detail and cross-examine him. If it is satisfied that the confession is sound and sufficient, it may abandon the remaining proceedings or some of them and decide the case.

Article One Hundred and Ninety One

The effect of the confession of the accused shall be confined to him exclusively.

Only statements of the accused which are absolutely clear about the commission of the offence and have been issued with evidence, freedom and consciousness shall be treated as confession.

Statements of the accused on any investigation or trial shall be treated as testimony or taken into account in any other investigation or trial.

Article One Hundred and Ninety Two

Every statement or confession issued as a result of torture or material or moral compulsion shall be null and void and shall have no value for the purpose of substantiation.

Article One Hundred and Ninety Three

If the accused denies that he is guilty or refuses to reply, the court shall initiate investigation by hearing the witnesses and experts and take necessary action to examine evidences and cross-examine them in the order it deems necessary.

The court may question the accused in detail after completing the hearing of the witnesses and experts. It may, whenever it deems necessary, ask him questions and seek from him clarifications to enable him to submit his defence.

Article One Hundred and Ninety Four

The accused may, at any time, seek to hear the witnesses he deems fit or seek a specified investigation proceeding.

The court shall respond to his request if it finds that this would serve the investigation. The court may notify any witness whose statements it finds necessary to hear.

Article One Hundred and Ninety Five

Anyone summoned for evidence shall be present on the specified date and place and answer the questions posed to him.

Should he refuse to do so without a reason acceptable to the court or approved by Law, he shall be deemed to have committed the offence of refusal to give evidence.

If it is established that the witness has given statements he knows are inaccurate, he shall be given the punishment of false evidence.

The provisions of witnesses shall be applicable to the aggrieved parties in this regard.

Article One Hundred and Ninety Six

A witness shall take the oath if he is a mature adult and has reached full eighteen years of age. If he is below this age or is suffering from a disease or disability which makes talking to him impossible or useless, he may not be administered oath and his statements may not be treated as evidence. The court may, if it finds useful, hear these statements in order to gather information. In such a case, it may seek the help of hand movements with which talking is possible with his likes and seek the help of anyone who is able to talk to him.

Article One Hundred and Ninety Seven

The hearing of witnesses shall be in the following manner to the extent possible.

The court shall hear prosecution witnesses and ask them questions it deems necessary. They shall then be questioned by a Public Prosecution member and then by the civil right claimant.

The accused and the civil right claimant shall then cross-examine them.

The court shall subsequently hear the defence witnesses who shall then be questioned by the accused followed by Civil Right Officers. Later Public Prosecution member and the civil right claimant may cross-examine them.

Both the litigants may seek to re-hear the witnesses to clarify or investigate facts about which they have given their evidence. The court shall accede to the request.

In all cases, the court may reject any question which it feels is not related to the case, is unproductive or is one in which there is an attempt to influence the witness or induce him.

It may also reject any question which goes against or undermines etiquettes if it is not related to decisive events of the case.

Article One Hundred and Ninety Eight

The court may, if it finds necessary, move to the place where the offence has been committed for inspection, and to hear witnesses or carry on any other act of investigation. It may also permit the litigants to join it.

Article One Hundred and Ninety Nine

The court may issue an order to any person to submit anything in his possession if it serves the interest of the investigation.

It may order the seizure of any article pertaining to the case or useful in its investigation.

Article Two Hundred

The court may seek the assistance of an expert it designates to give opinion on a technical matter pertaining to the case.

Each litigant may submit a consultancy report from an expert on the same subject.

Experts not entered in the schedule and interpreters shall take the oath that they shall discharge their duties with responsibility and sincerity. If any of them swears falsely, he shall be given the punishment of false evidence.

Article Two Hundred and One

The Public Prosecution and all the litigants may, at any stage of the case, object to the forgery of a case paper.

The objection shall be made by virtue of an instrument in the record of the session. It shall specify the paper on whose forgery the objection is made and the evidence of its forgery.

Article Two Hundred and Two

If the court believes that a decision on the case depends on the paper objected to and that there is reason to go ahead with the investigation of proofs of forgery, it shall refer the papers to the Public Prosecution and suspend the case pending the decision on forgery by the concerned court.

If decision on the event of forgery is within its jurisdiction, it shall investigate the objection on its own and decide on the authenticity of the paper.

The court may penalize the claimant of forgery with a fine not exceeding R.O. 500 if a judgement is issued rejecting his case.

Article Two Hundred and Three

If an official paper is decreed forged, fully or partially, the court decreeing forgery shall order its cancellation or rectification as the case may be.

A record shall be prepared and the paper shall be endorsed accordingly.

PART FOUR

SENTENCES, THEIR EFFECTS AND OBJECTION AGAINST THEM

CHAPTER ONE

REMOVAL AND RECUSAL OF JUDGES

Article Two Hundred and Four

A judge shall be prohibited from participating in the hearing of a case if the offence has been committed against his person or if he has served as the Judicial Control Commissioner in the case, served a position in Public Prosecution or as an attorney of a litigant or given evidence or discharged the duty of an expert.

He shall be prohibited from participating in the judgement if he has carried on an act of investigation in the case and from participating in the judgement on appeal, if the judgement appealed has been issued by him.

Article Two Hundred and Five

The litigants may recuse the judges in the cases specified in article 204 of this Law and in all the cases of recusal prescribed by Law.

An aggrieved party shall be treated as a litigant in the case, in sofaras it relates to the recusal application.

Members of the Public Prosecution or judicial control commissioners may not be recused.

Article Two Hundred and Six

A judge shall, if a reason for recusal is applicable to him, notify the court for a decision on the matter of his removal in the consultation chamber.

A judge in the court of summary jurisdiction shall notify the President of the preliminary court under its control.

Excepts in cases of recusal prescribed by Law, the judge may, if there are reasons that make him feel apprehensive about the admissibility of hearing the case, shall present the case of his removal to the court or to the head of the preliminary court as the case may be, for a decision.

Article Two Hundred and Seven

Consideration of application for recusal and judgement on it shall be subject to rules prescribed by Law. Decision on recusal application shall be under the jurisdiction of the preliminary court if the person required to be recused is the judge of the court of summary jurisdiction.

If he is from among the judges of the preliminary court, the Appellate Court on the Supreme Court, the application for recusal shall be referred to another department of the same court.

While investigating the recusal application, a judge may neither be questioned nor made to take oath.

CHAPTER TWO
PROVISIONS ON INVALIDITY

Article Two Hundred and Eight

Invalidity shall result from failure to honour the provisions of the Law pertaining to any essential action.

Article Two Hundred and Nine

If invalidity is caused by failure to honour the provisions of the Law pertaining to the constitution of the court or the dominion of the judgement in the case or its jurisdiction in relation to the nature of the offence or any other matter related to public discipline, it shall be adhered to irrespective of the stage of the case and the court shall decree it on its own.

Article Two Hundred and Ten

In cases other than those specified in article 209 of this Law, the right to defend shall relapse with the invalidity of the actions pertaining to the collection of evidence, preliminary investigation or investigation at the session in acts of crime and misdemeanour, if the accused is a lawyer and the action has been taken in his presence without any objection from him. The action shall be considered valid in infractions if the accused has not objected to it, even if he was not accompanied by a lawyer at the session.

The Public Prosecution's right to adhere to invalidity shall relapse if he does not express it at the time.

Article Two Hundred and Eleven

If the accused attends the session on his own or through his attorney, he shall not adhere to the invalidity of the paper containing instruction to appear. He shall only ask for the correction of the instruction and rectification of any deficiency therein and for being given time to submit his defence before the commencement of the hearing of the case. The court shall answer his request.

Article Two Hundred and Twelve

The judge shall rectify any action he finds invalid, even if it be voluntarily.

Article Two Hundred and Thirteen

If an action is decided to be invalid, the invalidity shall extend to all its direct effects and the action shall be repeated whenever possible.

SECTION THREE
SENTENCES

Article Two Hundred and Fourteen

Sentences shall be issued and enforced in the name of His Majesty the Sultan.

Article Two Hundred and Fifteen

A judge shall decree the case in accordance with his satisfaction with his full liberty. However, he may not base his judgement on any testimony that was not given to the litigants before him at the session or on his personal information.

Article Two Hundred and Sixteen

Judgement shall be issued at an open session, even though the case was heard at a session held in camera, by pronouncing its text. It shall be endorsed in the minutes of the session.

The court shall order the adoption of necessary means to prevent the accused from leaving the session room before the pronouncement of judgement and to guarantee his presence at the session to which the pronouncement of judgement is adjourned, even if this is to be done by issuing an order for his detention, if the event is one in which preventive detention is permissible.

Article Two Hundred and Seventeen

If the event is not established or is one not punishable by Law, the court shall order the innocence of the accused and he shall be released unless he is detained for another reason. However, if the event is proved and is actually punishable, the court shall decree conviction and the punishment prescribed by Law.

Article Two Hundred and Eighteen

A sentence may not be passed against the accused on the basis of an event other than that contained in the reference decision or the order containing instruction to appear. Nor may a judgement be issued against a person other than the accused against whom the case has been filed.

Article Two Hundred and Nineteen

The court shall decide on the demands made to it by litigants and explain the grounds on which they are based.

Article Two Hundred and Twenty

A judgement shall include the description of the court which has issued it, date and venue of its issuance, the names of judges who have participated in it, Public Prosecution member, secretary, litigants, the offence which is the subject of the case, summary of demands,

defences or pleadings made by the litigants, summary of actual evidences on which they are based and legal grounds.

This shall be followed by a description of the grounds on which the judgement is based and the text of the judgement.

Every judgement on conviction shall include a description of the event entailing punishment, the circumstances under which it took place and the provision of Law by virtue of which the ruling has been made.

Article Two Hundred and Twenty One

Judgement shall be issued after the completion of deliberations. It shall remain confidential among the judges present, if more than one. The President shall collect the opinions and start with the latest judge followed by a seniormost one and then give his opinion. Only judges who have heard the pleading shall take part in the deliberations, failing which the judgement shall be invalid. Judgement shall be issued by a majority vote. However, a criminal court may issue an execution sentence only by collective opinion. Before issuing such a judgement, it shall obtain the opinion of the Grand Mufti of the Sultanate.

Papers of the case shall be sent to him. If his opinion does not reach the court within thirty days following the receipt of the papers, the court shall rule on the case.

If the office of the Mufti is vacant or if he is absent or unable to do the needful, the Minister of Awqaf and Religions Affairs shall, by a decision, designate his replacement.

If consensus is not reached, the execution punishment shall be replaced by that of life imprisonment.

Article Two Hundred and Twenty Two

Judges who have participated in the trial shall be present when its text is read out.

If any of them fails to be present on account of some obstacle, he shall sign the draft of judgement. The draft of the judgement shall be deposited with the secretariat. It shall specify the grounds of the judgement and shall be signed by the President and judges within eight days from the date of its issuance. No copies of the draft shall be given, but the litigants may go through them till the completion of the original copy of the judgement.

The President of the court and the secretary shall sign the original copy of the judgement, containing its grounds and its text, within a maximum of fifteen days from the date of issuance of judgement and it shall be kept in the file of the case.

Signing may be delayed only on account of strong reasons. In all cases, the judgement shall become invalid if thirty days pass without the obtainment of signature, unless it is issued to declare innocence. The secretariat shall give the concerned party, at his request, a certificate stating that the judgement was not signed on the specified date.

Article Two Hundred and Twenty Three

If an error occurs in a judgement or decision not leading to its invalidation, the body which has issued the judgement or the decision shall correct the mistake on its own or at the request of a litigant after he is asked to appear.

The correction shall be made after hearing the statements of the litigants.

The correction shall be endorsed on the margin of the judgement or decision.

Article Two Hundred and Twenty Four

Objection may be filed against the decision issued on correction, if the body issuing it has exceeded its authority to correct, by virtue of means of objection permitted in the judgement or decision, subject of correction.

No objection may be filed independently against a decision issued rejecting the correction.

SECTION FOUR
EXPENSES

Article Two Hundred and Twenty Five

A person against whom a sentence is issued in an offence may be obligated to pay expenses, fully or partly.

If the judgement is issued on an appeal, supporting the preliminary judgement, the appellant may be obligated to pay the appeal expenses, fully or partly. If the judgement debtor is declared innocent on the basis of his objection, he may be obligated to pay the expenses of the judgement issued in absentia, fully or partly.

The Supreme Court may order payment of objection expenses, fully or partly, by the accused against whom a judgement is issued, if it does not accept his objection or rejects it.

In all cases, if all expenses are not decreed, the judgement shall specify the amount of expenses ordered.

Article Two Hundred and Twenty Six

If there are many judgement debtors in one offence, expenses decided shall be obtained from them equally, unless the judgement provides otherwise, or they may be obligated to pay collectively.

Article Two Hundred and Twenty Seven

If the accused is ordered to pay the expenses of the civil action fully or partly, the Civil Right Officer shall also be obligated to do so. In this case, the expenses decreed shall be obtained from both of them on an equal basis.

Article Two Hundred and Twenty Eight

If conviction of the accused is decreed, the civil right claimant shall be ordered to pay expenses he would have borne if he was decreed compensation.

Notwithstanding this, the court may reduce the amount of expenses if it believes that some of them are unnecessary.

If he is decreed some of the compensations claimed by him, the expenses shall be estimated in proportion to the compensation decreed.

Article Two Hundred and Twenty Nine

The Civil Right Officer shall be treated as an accused in sofaras it relates to the expenditures of the civil case.

CHAPTER FIVE

METHODS OF APPEAL AGAINST SENTENCES

1. OBJECTION

Article Two Hundred and Thirty

Objection may be made by the judgement debtor or the Civil Right Officer in judgements issued in absentia in cases of misdemeanour and infractions, with the court which has issued the judgement, within two weeks from the date of notice. The objection shall lead to the suspension of enforcement of judgement.

Article Two Hundred and Thirty One

The objection shall be made by virtue of an instrument deposited with the secretariat of the court wherein shall be endorsed the date of the session set for its hearing. This shall be treated as a notice, even if the instrument is from an attorney.

The Public Prosecution shall instruct the remaining litigants to attend the specified session and notify the witnesses.

Article Two Hundred and Thirty Two

The objection shall lead to review of the case in respect to the person raising objection.

The person shall not be prevented from filing his objection.

Article Two Hundred and Thirty Three

The objection shall be considered null and void if the person filing it does not attend the session set for its hearing.

The court shall, in this case, order provisional enforcement of the judgement together with the submission of a guarantee, even if an appeal has been made, in respect to compensations.

The court may exempt the judgement debtor from the guarantee.

Objection may not be made on judgements issued on objection.

2. APPEAL

Article Two Hundred and Thirty Four

The Public Prosecution and the judgement debtor may appeal against the judgements issued in cases of misdemeanour or infractions punishable by imprisonment, whether the judgement is in presence or in absentia, or has been issued on an objection in a judgement in absentia.

Article Two Hundred and Thirty Five

Appeal may be made against judgements issued in a civil case in misdemeanour and infractions by the judgement debtor, the civil right claimant and the Civil Right Officer liable therefor, if the compensation required exceeds the limit specified in a final ruling by the judge of a court of summary justice.

Article Two Hundred and Thirty Six

Appeal may be made against a judgement issued in offences inseparably interlinked, even if the appeal is permissible only in respect to some offences.

Article Two Hundred and Thirty Seven

The period of appeal shall be thirty days from the date of pronouncement of judgement if it is in presence or issued on objection and from the date on which it became unobjectionable if issued in absentia, in respect to the judgement debtor, civil right claimant and the Civil Right Officer and forty five days for the Public Prosecution.

Article Two Hundred and Thirty Eight

The date of appeal against decisions treated in presence, pursuant to articles 166 and 167 of this Law shall in respect to judgement debtor commence on the date on which he has been notified thereof.

Article Two Hundred and Thirty Nine

The appeal shall be made by virtue of an instrument deposited with the secretariat of the court which has issued the judgement.

If the accused is detained, the appeal shall be made before the jailer who shall submit the instrument to the secretariat of the court immediately. The appeal shall be heard speedily.

Article Two Hundred and Forty

A session shall be set to hear the appeal within a maximum of fifteen days from the date of deposit of the appeal instrument. The date of the session set for its hearing shall be specified in it. This shall be treated as a notice, even if the instrument is from an attorney.

The Public Prosecution shall instruct the remaining litigants to appear at the session.

Article Two Hundred and Forty One

If the court finds that the appeal is acceptable in form, the statement of the appellant and his demands shall be heard. Thereafter, the remaining litigants shall speak.

The judgement debtor shall be the last to speak.

Article Two Hundred and Forty Two

If the appeal has been filed by the Public Prosecution, the court may support the judgement abrogate it or alter it against the judgement debtor or in his favour.

The punishment decreed may not be intensified nor may a judgement declaring innocence be cancelled without a consensus among the judges of the court.

If the appeal is not filed by the Public Prosecution, the court may only support the judgement or cancel or amend it in the interest of the appellant.

Article Two Hundred and Forty Three

If the court of misdemeanour rules on a subject and the Appellate Court of misdemeanour believes that action or judgement are invalid, invalidity shall be corrected and judgement issued in the case.

If the court rules incompetence or acceptance of a plea, this shall lead to prevention of proceedings in the case and the Appellate Court of misdemeanour orders the cancellation of the judgement, competence of the court or the rejection of the plea and hearing of the case, it shall return the case to the court of misdemeanour for judgement on its merits.

Article Two Hundred and Forty Four

Judgements issued before decision on the merits of the case may not be appealed.

Appeal against a judgement issued on the merits shall lead to the appeal against such judgements. Notwithstanding this, appeal may be made against judgements issued on the competence or otherwise of the court.

3. APPEAL WITH THE SUPREME COURT

Article Two Hundred and Forty Five

The Public Prosecution, the judgement debtor, the Civil Right Officer and the civil right claimant may file an appeal for cessation with the Supreme Court against judgements issued from the last grade in crimes and misdemeanours in the following cases:

1. If the judgement is based on the violation of Law or its misapplication or misinterpretation.
2. If there is an invalidity in judgement.
3. If there is an invalidity in proceedings which has affected the judgement.

A civil right claimant or officer may file an appeal only in sofaras it relates to such a right.

The Public Prosecution may file an appeal for cessation against judgements issued on execution.

Article Two Hundred and Forty Six

The fundamental point is that the procedure has been followed during the case.

Despite this, the concerned party may prove by all means that such procedure has been ignored or violated, if it has not been mentioned in the minutes of the session on the judgement. If it is specified in either of the two that the procedure has been followed, failure to follow it may be proved only by way of appeal for forgery.

Article Two Hundred and Forty Seven

Appeal for cessation may not be made against judgements issued before a decision on merits, unless this leads to the prevention of proceedings in the case.

Article Two Hundred and Forty Eight

The Public Prosecution, the civil right claimant and officer may, each within his jurisdiction, file an appeal for cessation against a judgement issued by the criminal court in the absence of the accused in a crime.

Article Two Hundred and Forty Nine

Appeal may be made by virtue of an instrument deposited with the secretariat of the court which has issued the judgement within forty days from the date of judgement in presence or from the date of expiry of the date of objection or from the date of issuance of judgement. The grounds of appeal shall be deposited within this period. Notwithstanding this, if the judgement issued declares innocence and the appellant obtains a certificate not to deposit the judgement pursuant to article 222 of this Law, the appeal and its grounds shall be accepted within ten days from the date on which the appellant is told to deposit the judgement with the secretariat of the court.

If the appeal has been filed by the Public Prosecution, its grounds shall be signed by at least the President of the Public Prosecution. If not, they shall be signed by a lawyer acceptable to the Supreme Court.

Article Two Hundred and Fifty

Grounds other than those presented before the date may not be presented with the Supreme Court.

Notwithstanding this, the court may curtail the order in the interest of the accused on its own, if it finds on the basis of evidence that it is based on the violation of Law, its misapplication or misrepresentation or that the court which issued it was not constituted in accordance with

the Law or is not competent to decide the case or if, after the judgement against which the appeal is made, a Law is promulgated which serves the interest of the accused in a better manner.

Article Two Hundred and Fifty One

The appeal shall be registered in a special register and then a copy there of shall be sent to each of the parties against whom the appeal has been filed, within twenty days from the date of deposit. Each one of them may file a rejoinder within ten days of notice.

Article Two Hundred and Fifty Two

The secretariat shall, immediately after the expiry of the dates specified in article 251 of this Law, send all the papers to the secretariat of the Supreme Court to enter the appeal in its records. The secretariat shall dispatch these appeals to the Public Prosecution of the court together with all the papers.

Article Two Hundred and Fifty Three

The Public Prosecution shall submit a memorandum of opinion on each appeal, both in form and substance, which shall be deposited with the appeal file. The file shall subsequently be presented before the President of the competent court to fix a session for the hearing of the appeal.

Article Two Hundred and Fifty Four

If the appeal has not been filed by the Public Prosecution or by the judgement debtor given a punishment restricting liberty, the appellant shall deposit with the treasury of the court which has issued the judgement an amount of R.O. 200 as guarantee, unless he has been exempted from depositing it by virtue of a decision by the Judicial Aid Committee. The state shall be exempted from such a guarantee and from judicial fees.

Article Two Hundred and Fifty Five

The court shall rule confiscation of the amount of guarantee if inadmissibility, non-acceptance or rejection of the appeal is ruled.

It may in cases of misdemeanour, order a fine not exceeding R.O. 200.

Article Two Hundred and Fifty Six

Appeal with the Supreme Court shall not lead to the suspension of the enforcement of judgement, unless it is issued for execution or the court sees a justification.

Article Two Hundred and Fifty Seven

Only the part of the judgement that pertains to the aspects on which the appeal was based may be reversed, unless separation is not possible. If the appeal has not been filed by the Public

Prosecution, the judgement may be reversed only in respect to those who have filed the appeal, unless the aspects on which the appeal is based pertains to the other co-accused. In this case, the judgement may be reversed in respect to them too, even if they have not filed an appeal.

Article Two Hundred and Fifty Eight

The appeal shall be referred to a court member for the preparation of a report including the facts of the case and grounds of appeal and answering them if any, without giving an opinion on it.

Article Two Hundred and Fifty Nine

The court shall rule on the appeal after the report prepared by the court member has been read out. It may hear the statements of the Public Prosecution and the lawyers about the litigants if it deems necessary.

Article Two Hundred and Sixty

If the appeal or its grounds are submitted after the deadline, the court shall decree its inadmissibility.

If the appeal is accepted and is based on the ground that the judgement objected to is based on the violation of Law or its misapplication or misinterpretation, the court shall correct the mistake and decree in accordance with the Law.

If the appeal is based on an invalidity occurring in the judgement objected to or on an invalidity in proceedings affecting the judgement, the court shall reverse the judgement and return the case to the court which issued it for the latter to constitute a court of other judges and issue a judgement.

However, the case may be referred to another court, if required.

If the judgement reversed is issued by the Appellate Court of misdemeanour or by the criminal court in an act of misdemeanour occurring during the session, the case shall be returned to the competent court for hearing.

Article Two Hundred and Sixty One

The judgement may not be reversed only because it includes a deficiency in grounding, if the sentence given is specified in Law for the offence proved in the judgement.

The court shall only correct the mistake.

Article Two Hundred and Sixty Two

If the reversal of the judgement is based on the appeal of a litigant other than the Public Prosecution, his appeal shall not be objected to.

Article Two Hundred and Sixty Three

If the reversal of the judgement is based on a legal question, the court of merit to which the case has been returned shall honour the judgement of the Supreme Court on such a question.

In all cases, the court of merit may not rule without compliance with the principles set by the body referred to in article 9 of the Judicial Authority Law.

Article Two Hundred and Sixty Four

If appeal is filed against a judgement issued by the court to which the case has been referred, the Supreme Court shall issue the judgement on the subject in accordance with the procedure fixed for trial of the offence covered by the case.

Article Two Hundred and Sixty Five

The Public Prosecutor may either on his own or on the basis of request by the Minister of Justice, ask the Supreme Court, at any time after the passage of the deadline fixed for appeal, to cancel or amend any judgement, order or judicial decision in the interest of Law, if the judgement, order or the decision involves a violation of Law or its misapplication in the following cases:

1. Judgements in which the Law does not permit the litigants to file appeals.
2. Judgements in which the litigants have missed the deadline for appeal or have withdrawn the appeal or filed an appeal whose inadmissibility has been decreed.

Article Two Hundred and Sixty Six

The appeal shall be recorded, in the interest of Law in the records of the Public Prosecution and the Supreme Court and it shall be heard by the court in the consultation chamber.

Article Two Hundred and Sixty Seven

The judgement issued on the appeal in the interest of Law shall not be affected unless it has been issued in the interest of the judgement debtor or the Civil Right Officer.

4. REVIEW

Article Two Hundred and Sixty Eight

A review application may be filed on final judgements issued on punishment in offences and acts of misdemeanour in the following cases.

1. If a person is sentenced in a murder offence and then the person claimed to have been murdered is found alive.

2. If a judgement is issued for a person in an event and then a judgement is issued for another person on the same event and the two judgements are inter-contradictory resulting into the innocence of either of the judgement debtors.
3. If a witness or an expert is sentenced for giving a forged certificate or forging a paper submitted in the case and the certificate or the report of the expert or the paper affecting the judgement is required to be reviewed.
4. If the judgement is based on an order issued by another judicial authority and such an order has been revoked.
5. If after the judgement incidents have taken place or papers have been submitted which were not known at the time of trial and such incidents or papers might prove the innocence of the judgement debtor.

Article Two Hundred and Sixty Nine

Application for review shall be accepted from

1. Public Prosecution
2. Judgement debtor or his legal representative if he is incapable.
3. Spouse of the judgement debtor, his heirs after his death or his close relatives.

Article Two Hundred and Seventy

Application for review shall be submitted to the Public Prosecutor, if filed by a person other than him, by virtue of a petition specifying the judgement required to be reviewed and the ground for review application.

The application shall be accompanied by documentary evidence.

Article Two Hundred and Seventy One

If the review application has been submitted by the Public Prosecution, a guarantee of R.O. 100 shall be deposited upon its submission unless exempted by a decision of the Judicial Assistance Committee.

Those exempted from such a guarantee shall be exempted from the court fees.

Article Two Hundred and Seventy Two

The Public Prosecution shall submit the review application, investigations carried out and documentary evidence of the application to the Penal Department at the Supreme Court, accompanied by a report stating its opinion and the grounds on which it is based, within three months from the date of submission of application.

The court shall decide to accept or reject the application. In both cases its decision shall be final.

In case of rejection, it shall order the confiscation of guarantee fully or partly.

Article Two Hundred and Seventy Three

If the Supreme Court decides to accept the application, it shall decide on it after hearing the statements of the Public Prosecution and the litigants and after conducting necessary investigation on its own or through its representative.

It shall order the revocation of the judgement and decree the innocence of the accused if innocence is clear, otherwise it shall refer the case to the court which issued the judgement, comprising of other judges, to decide on its merits, unless it deems it appropriate to do so on its own.

The court to which the case has been referred shall be bound by the decision of the Supreme Court.

In this case, a sentence exceeding that decreed by the reviewed judgement, may not be passed.

However, if retrial is not possible, as in the case of the death of the judgement debtor or his disability, the court shall hear the case and shall revoke only that part of the judgement which is proved to be wrong.

If the judgement debtor dies and the application has not been submitted by a party referred to in article 269/3 of this Law, the Supreme Court shall hear the case in the presence of its nominee to defend the deseased, preferably a relative.

Article Two Hundred and Seventy Four

Application for review shall not lead to suspension of the enforcement of judgement unless it has been issued for execution. In other cases, the court may order the suspension of enforcement in the decision of its acceptance of review application.

Article Two Hundred and Seventy Five

If rejection of the review application is decreed, it may be reviewed only on the basis of the same facts on which it was based.

Article Two Hundred and Seventy Six

Revocation of judgement appealed to shall lead to forfeiture of compensation order and reimbursement of compensations already granted.

Article Two Hundred and Seventy Seven

All judgements issued on innocence on the basis of review application shall be published at the expense of the state in the Official Gazette and in a local daily news paper of the choice of the concerned party.

Article Two Hundred and Seventy Eight

Judgements not issued by the Supreme Court on the merits of the case on the basis of a review application may be appealed to by all means prescribed by Law.

CHAPTER SIX
FORCE OF FINAL JUDGEMENTS

Article Two Hundred and Seventy Nine

If a judgement is issued on the merits of a civil action, it may be reviewed only by appeal to such a judgement through means prescribed in this Law.

A civil action may not be reviewed after a final judgement has been issued on the basis of appearance of new evidences, new circumstances or alteration of the legal description of the accusation.

Article Two Hundred and Eighty

A penal judgement, issued on the merits of a civil action, decreeing innocence or conviction shall have a force to be complied with by the civil courts in the cases in which a final decision is not taken in sofaras it relates to the occurrence of the offence, its legal description and its attribution to the offender.

A judgement declaring innocence shall have no such force whether it is based on elimination of accusation or insufficiency of evidences.

Such a force shall not exist if the judgement is based on an incident not punishable by Law.

Article Two Hundred and Eighty One

Judgements issued in civil matters shall have no force with the courts hearing a civil action in sofaras it relates to the occurrence of an offence and its attribution to the offender.

Article Two Hundred and Eighty Two

Judgements issued by departments of Shariah courts shall have, within their jurisdiction the force of the sentence with the court hearing a civil action in matters on which decision on such an action is dependent.

PART FIVE
ENFORCEMENT
CHAPTER ONE
ENFORCEABLE JUDGEMENTS

Article Two Hundred and Eighty Three

Punishments fixed in Law for an offence may be enforced only on the basis of a judgement issued by a competent court.

Article Two Hundred and Eighty Four

Penal judgement may be enforced only when they have become final, unless the Law provides otherwise.

Sentences on fines and expenses shall be enforceable immediately even if they have been appealed and so shall be sentences on imprisonment for burglary and those for an accused who has returned and does not have a known residential address in the Sultanate and also imprisonment sentences, unless the judgement debtor has submitted a guarantee that if the judgement is appealed, he shall attend the session and shall not escape the enforcement of the judgement issued.

Each of the sentences of these judgements shall specify the amount of the guarantee. The court shall, while decreeing compensation for a civil right claimant, order provisional enforcement, even if appeal is made, together with the submission of guarantee. It may exempt the judgement debtor from guarantee.

Article Two Hundred and Eighty Five

The Public Prosecution shall enforce the enforceable sentences issued in a civil action and may seek the assistance of the public authority if required.

Judgements issued in a civil case shall be enforced at the request of a civil right claimant, pursuant to legal provisions.

Article Two Hundred and Eighty Six

An accused under preventive detention shall be released immediately if the judgement declares innocence or orders an arrangement not restricting liberty or a punishment whose enforcement does not involve imprisonment or if the judgement orders the suspension of enforcement of punishment or if the accused has been sentenced to preventive detention for the period of the punishment decreed.

CHAPTER TWO
ENFORCEMENT OF EXECUTION SENTENCE

Article Two Hundred and Eighty Seven

A person sentenced to execution shall be placed in the prison meant for this purpose on the basis of an order issued by the Public Prosecution till the enforcement of the sentence.

Article Two Hundred and Eighty Eight

An execution sentence may not be carried out unless it has been ratified by his Majesty the Sultan.

Article Two Hundred and Eighty Nine

Relatives of a person sentenced to execution may meet him during three days preceding the date of enforcement of sentence at a place away from the place of enforcement.

Article Two Hundred and Ninety

The punishment of execution shall be carried out at the request of the Public Prosecutor at the place meant for this purpose inside the prison or at any other hidden place.

If the judgement debtor asks for a meeting with the orator of the prison or one of his religious men before execution, necessary facilities shall be provided to enable him to do so.

Enforcement shall be carried out in the presence of a Public Prosecution member, and the jailer, the orator, prison physician or a physician designated by the Public Prosecution, and the person seeking ransom or his legal representative if the execution is a penalty.

Persons other than those specified above may not attend the execution without special permission from the Public Prosecution. The defence of the judgement debtor shall always be permitted to be present.

Article Two Hundred and Ninety One

The text of the execution sentence and the charge for which the sentence has been imposed shall be read out to the judgement debtor at the place of execution loudly for all those present to hear.

If the judgement debtor is interested in giving his statement, a member of Public Prosecution shall minute it.

If execution is a penalty and the injured party pardons the accused before the enforcement of the sentence, the execution sentence shall be replaced by that of life imprisonment.

Upon completion of execution, the Public Prosecution member shall prepare a record wherein shall be endorsed a death certificate from the physician stating the time of its occurrence.

Article Two Hundred and Ninety Two

The execution sentence shall not be carried out during holidays, official festivities or the festivals of the judgement debtor's religion.

Article Two Hundred and Ninety Three

Execution sentence of a pregnant woman shall be postponed until she has delivered. If she gives birth to a live baby, the execution may be stayed for a period of two years for nursing it. If the baby dies before that, the execution sentence shall be carried out forty days after the date of death. In case of pre-natal birth, the execution sentence shall be carried out sixty days after the date of delivery.

In all case, the woman shall remain in prison till the time of the enforcement of execution sentence.

Article Two Hundred and Ninety Four

The Public Prosecutor shall, by a decision, formulate the necessary procedure and rules to carry out the execution sentence not contained in this chapter.

Article Two Hundred and Ninety Five

The body of the executed judgement debtor shall be buried at the expense of the state, unless his relatives want to do so.

Burial shall not be accompanied by any ceremony whatsoever.

CHAPTER THREE
ENFORCEMENT OF SENTENCES RESTRICTING LIBERTY AND CONDITIONAL RELEASE

Article Two Hundred and Ninety Six

Judgements containing sentences restricting liberty shall be executed in prisons prepared for this purpose by virtue of an order issued by the Public Prosecution.

Article Two Hundred and Ninety Seven

The day on which the sentence of the judgement debtor shall commence shall be calculated from the date of the period of sentence and he shall be released on the day of completion of punishment.

If the day of release is an official holiday, the prisoner shall be released a day earlier.

Article Two Hundred and Ninety Eight

The period of the sentence restricting liberty shall commence on the day of arrest of the judgement debtor on the basis of the judgement to be carried out after deducting therefrom the period of preventive detention and period of arrest.

Article Two Hundred and Ninety Nine

If an accused is declared not guilty in an offence for which he was placed under preventive detention or if a decision is issued withholding investigation, the period of preventive detention shall be deducted from the period sentenced in an offence he might have committed during or before preventive detention.

Article Three Hundred

If sentences restricting liberty imposed on the accused are more than one, the period of preventive detention and the period of arrest shall first be deducted from the lighter sentence.

Article Three Hundred and One

If the judgement debtor sentenced to a punishment restricting liberty is a pregnant woman, the enforcement of sentence shall be deferred till she delivers and completes three months after the delivery.

Article Three Hundred and Two

If the judgement debtor sentenced to a punishment restricting liberty is suffering from a disease that jeopardizes his life either itself or as a result of the enforcement, the enforcement of the punishment may be postponed.

Article Three Hundred and Three

If the judgement debtor sentenced to a punishment restricting liberty is a lunatic, mentally retarded or weak or is suffering from a major psychological ailment that has made him absolutely loose the capacity to control his behaviour, the enforcement of the punishment may be postponed till he recovers and he shall be kept at a place for treatment by virtue of a decision of the Public Prosecutor, provided the period he spends at such a place is deducted from the period of sentence.

Article Three Hundred and Four

If a man or his wife are given a sentence restricting liberty, the execution of the punishment may be deferred for either of them, till the other spouse is relieved, if the two are guardians of a child below fifteen years of age and they have a known residence in the Sultanate.

Article Three Hundred and Five

If a blood relation or close relative of the judgement debtor passes away, enforcement of sentence may be deferred for a period not exceeding three days for him to participate in the mourning.

Article Three Hundred and Six

Postponement of the enforcement of punishment restricting liberty shall be done in accordance with the articles contained in this chapter by virtue of an order by the Public Prosecutor, either on his own or on the basis of an application from the concerned party. He may order precautionary measures he deems fit to be taken to prevent the judgement debtor from escape.

Article Three Hundred and Seven

In cases other than those specified in Law, a judgement debtor may not be released before completing the sentence imposed.

Article Three Hundred and Eight

If punishments restricting liberty are more than one, the harsher punishment shall be enforced first.

Article Three Hundred and Nine

A judgement debtor, sentenced finally to punishment restricting liberty, may be released conditionally if he has spent in the prison two thirds of the period of sentence provided it is not below nine months and his behaviour, during his imprisonment, generates confidence that he wants to rehabilitate himself, unless his release presents a threat to public security.

If the punishment is life imprisonment, release shall not be permissible unless the judgement debtor has spent at least twenty years in prison.

The person so released conditionally shall, during the remaining period of his sentence, shall be governed by the conditions and provisions contained in the Law of prisons.

Conditional release may be cancelled if the person released violates any of the conditions on the basis of which he has been released and he shall be re-imprisoned to complete the remaining part of his sentence.

The order for conditional release and its cancellation shall be issued by virtue of a decision by the Director General of Prisons after the approval of a committee set up by a decision of the Inspector General of Police and Customs.

Article Three Hundred and Ten

Conditional release shall not be permissible unless the judgement debtor has fulfilled the financial liabilities sentenced in the offence, unless doing so is impossible for him.

Article Three Hundred and Eleven

Measures decreed shall be enforced only after the enforcement of punishments restricting liberty. As an exception, the measure for keeping at a place for treatment shall be enforced before the enforcement of a punishment. Material measures shall be enforced immediately unless the judgement provides otherwise.

CHAPTER FIVE
IMPEDIMENT TO ENFORCEMENT

Article Three Hundred and Twelve

Any impediment by the judgement debtor to enforcement shall be referred to the court which has issued the judgement.

The dispute shall be referred to the court by the Public Prosecutor speedily.

The Public Prosecution shall instruct the concerned parties to attend the session set for the consideration of the dispute.

If impediment is in the way of enforcement of the execution sentence, the person managing the prison or the place where the enforcement is taking place shall be notified and he shall immediately refer the matter to the Public Prosecution for presenting the dispute to the court.

Article Three Hundred and Thirteen

The court shall decide on the dispute in the consultation chamber after hearing the statement of the Public Prosecution and the concerned parties. The court may conduct investigations it deems necessary and may, in all cases, order the suspension of enforcement pending the settlement of the dispute.

The Public Prosecutor shall, if required and before the submission of the dispute to the court, suspend the enforcement of the judgement provisionally.

Article Three Hundred and Fourteen

The person causing impediment may, in call cases, designate an attorney to submit his defence without prejudice to the court's right to order his presence in person.

Article Three Hundred and Fifteen

If a dispute arises as to the person of the judgement debtor, it shall be decided in the manner and according to the situations specified in articles 312, 313 and 314 of this Law.

Article Three Hundred and Sixteen

In case of enforcement of financial sentences pertaining to the funds of the judgement debtor, if a dispute is raised by a third party on these funds, the matter shall be referred to the competent civil court in accordance with the prescribed legal procedure.

CHAPTER SIX
SETTLEMENT OF AMOUNTS SENTENCED

Article Three Hundred and Seventeen

Upon the settlement of amounts payable to the state as fine and reimbursements, compensations and expenses to be made, the Public Prosecution shall, before their enforcement, notify the judgement debtor of the value of these amounts, unless it is estimated in the judgement.

Article Three Hundred and Eighteen

Amounts specified in article 317 of this Law may be collected in accordance with the rules for the collection of taxes and duties etc. from amounts payable to the units of the administrative apparatus of the state issued by the Royal Decree no. 32/94.

Article Three Hundred and Nineteen

If fine, reimbursements and expenses are sentenced and the funds of the judgement debtor are insufficient, collections made shall be distributed among the concerned parties in the following order.

1. Fines and expenditures
2. Amounts payable to state from reimbursement and compensation
3. Amounts payable to civil right claimant

Article Three Hundred and Twenty

If a person is under preventive detention and is sentenced only to a fine, an amount of R.O. 5 for each day of detention shall be deducted from the fine.

If he is sentenced to imprisonment and fine together and the period he has spent in preventive detention exceeds the period of prison sentence, a similar amount be deducted from the fine for each additional day.

Article Three Hundred and Twenty One

The President of the preliminary court in whose area of jurisdiction the enforcement is done may grant the judgement debtor, in exceptional circumstances, at his request and after obtaining the opinion of the Public Prosecution, a grace period to pay the amounts payable to the state or permit him to pay them in instalments, provided the period does not exceed one year.

The order issued on the acceptance or rejection of the application shall not be appellable.

If the judgement debtor delays the payment of an installment, the remaining instalments shall be payable. The President of the court may cancel the order issued by him if he considers this necessary.

Article Three Hundred and Twenty Two

Confinement shall be permissible to recover fines and other amounts, referred to in article 317 of this Law, at the prison of the judgement debtor. Its period shall be estimated at the rate of one day for R.O. 5.

The period of confinement may not exceed six months. If the sentences are more than one, the enforcement shall be done on the basis of all the amounts sentenced, provided the period of confinement does not exceed one year.

Article Three Hundred and Twenty Three

Confinement shall be enforced by order of the Public Prosecution after the judgement debtor has been notified and after he has spent all the periods of punishments sentenced restricting liberty.

Article Three Hundred and Twenty Four

Confinement shall end if the amount equivalent to the term served by the judgement debtor in confinement in prison becomes equivalent to the amount required originally after the deduction of any amount paid by the judgement debtor or recovered from him by enforcement of his property.

Article Three Hundred and Twenty Five

The defendant shall be absolved of the responsibility of fine and other amounts specified in article 317 of this Law with the enforcement of confinement.

Article Three Hundred and Twenty Six

The judgement debtor may, at any time, ask the Public Prosecution, before the issuance of decision on confinement, to replace it by unpaid manual or factory work, in a unit of the administrative apparatus of the state for a period equivalent to that of confinement that should have been enforced. Works which may be assigned to the judgement debtor shall be specified by virtue of a decision by the Public Prosecutor. The period of work shall not exceed seven hours per day.

If the judgement debtor is absent from his duty without a valid reason or does not discharge it in a satisfactory manner, the judgement on confinement shall be enforced.

Article Three Hundred and Twenty Seven

If the judgement debtor does not enforce the judgement issued for the civil right claimant, after a payment notice has been served upon him, the court of misdemeanour under whose area of jurisdiction his residence is located, may, if it is established that he is capable of payment and if he fails to honour its order, order his confinement for a period not exceeding three months. No compensations shall be deducted in lieu of confinement in this case and the case shall be filed by the civil right claimant by the normal means.

PART SIX

MISCELLANEOUS PROVISIONS

CHAPTER ONE

LAPSE OF SENTENCE WITH PASSAGE OF PERIOD AND DEATH OF JUDGEMENT DEBTOR

Article Three Hundred and Twenty Eight

A sentence imposed in a case of crime shall lapse with the passage of twenty years. This shall not apply to the sentence of execution which shall lapse with the passage of thirty years.

A sentence imposed in a case of misdemeanour shall lapse with the passage of 5 years and in a case of infraction, with the passage of 2 years.

The period shall commence from the time when the judgement becomes final, unless the sentence has been passed in absentia in an offence in which case the period shall commence on the date of the issuance of the judgement.

Article Three Hundred and Twenty Nine

The period shall be interrupted with the arrest of the judgement debtor in a penalty restricting liberty and with all actions of enforcement that are taken in his presence or come to his knowledge. The period shall also be interrupted in cases other than those of infraction if the judgement debtor commits, during the period, an offence of the kind he has been sentenced for.

Article Three Hundred and Thirty

The applicability of the period shall be suspended by any obstacle to the commencement of enforcement, legal or material.

Article Three Hundred and Thirty One

If the judgement debtor passes away after a final sentence, financial penalties, compensations, reimbursements and expenses shall be enforced upon his heirs.

Article Three Hundred and Thirty Two

Provisions prescribed legally for the passage of the period shall be applicable to compensations, reimbursements and expenditures sentences. However, enforcement may not be done by way of confinement after the passage of the period prescribed for the lapse of sentence.

CHAPTER TWO
REHABILITATION

Article Three Hundred and Thirty Three

A judgement debtor shall be rehabilitated in an offence or act of misdemeanour involving indignity or dishonesty pursuant to the provisions of this Law.

Article Three Hundred and Thirty Four

Rehabilitation shall be done by virtue of Law after the completion of the enforcement of the original and complementary punishment or grant of an amnesty or its lapse after the passage of six years if the penalty is in an offence and three years if it is in a misdemeanour.

Article Three Hundred and Thirty Five

The criminal court, meeting in the consultation chamber, shall issue a rehabilitation sentence, if asked to do so, subject to the following conditions:

1. If the sentence imposed has been enforced or an amnesty has been granted or it has lapsed due to the passage of the period.
2. If three years have passed after the date of the completion of enforcement or grant of amnesty, if the penalty is in a crime and eighteen months if it is in a misdemeanour. The periods shall be doubled in cases of a reversal judgement and lapse of penalty due to the passage of period.

Article Three Hundred and Thirty Six

The rehabilitation application shall be submitted by virtue of a petition to the Public Prosecution under whose area the residence of the applicant is located. The application shall contain the necessary information for his identification and specify the date of judgement issued on him and the places where he has stayed since that time.

Article Three Hundred and Thirty Seven

The Public Prosecution shall conduct an investigation on the application to verify the date of the applicants stand at each place since the time he has been sentenced and period of such stay to inquire into his behaviour and sources of income and, in general, to collect all necessary information.

The investigation shall be attached to the application and forwarded to the court within two months following its submission, together with a report stating his opinion and specifying the grounds on which it is based.

The application shall be accompanied by:

1. A copy of the judgement issued about the applicant.

2. Document of precedents.
3. A report on his behaviour during the period of enforcement of penalty.

Article Three Hundred and Thirty Eight

For a rehabilitation judgement, it is necessary that the judgement debtor fulfills all financial liabilities he has been sentenced to, in respect to the state and individuals, unless such liabilities have lapsed or the judgement debtor has proved that he is in a situation that makes it impossible for him to fulfill them.

Article Three Hundred and Thirty Nine

If a number of sentences are passed against the applicant, rehabilitation may not be decreed unless the conditions, specified in the preceding articles, have been met in respect to each sentence, provided the calculation of the period is subject to its ascription to the latest sentence.

Article Three Hundred and Forty

The court shall consider the application, meeting in the consultation chamber. It shall hear the statements of the Public Prosecution and the applicant and complete all the necessary information. The applicant shall be served with a notice for appearance at least eight days before the session.

Article Three Hundred and Forty One

If the rehabilitation conditions are fulfilled, the court shall order the rehabilitation if it finds that the behaviour of the applicant since the issuance of the sentence on him generates confidence that he wants to mend himself. The sentence may not be appealed except through cessation for misapplication or misinterpretation of Law.

Article Three Hundred and Forty Two

If rehabilitation application is rejected on account of a reason related to the behaviour of the judgement debtor, it may not be reviewed before the passage of one year. In other cases, it may be reviewed subject to the fulfillment of the necessary conditions.

Article Three Hundred and Forty Three

A rehabilitation sentence may be cancelled if it appears that other sentences were issued against the judgement debtor which were not in the knowledge of the court or if he is convicted in an offence that took place before, after the rehabilitation. In this case, the sentence shall be issued by the court which decreed rehabilitation at the request of Public Prosecution.

Article Three Hundred and Forty Four

Rehabilitation of the judgement debtor may be decreed only once.

Article Three Hundred and Forty Five

If the penalty is accompanied by the sentencing of an action, the period shall commence from the date on which the action ends or lapses due to passage of period. If the judgement debtor has been released on condition, the period shall commence only from the date on which conditional release becomes final.

If the sentence is with the suspension of enforcement of penalty, the period shall commence on the date of issuance of sentence.

Article Three Hundred and Forty Six

Rehabilitation shall lead to cancellation of the conviction sentence for the future and of the resultant incompetence, depravation from rights and all penal impacts. The Public Prosecution shall dispatch a copy of the judgement issued for rehabilitation to the court which issued the conviction sentence and to the concerned organisations for necessary endorsement.

Article Three Hundred and Forty Seven

Rehabilitation of a third party may not be contested, in sofaras it relates to the rights resulting from conviction sentence.

Article Three Hundred and Forty Eight

Judgements issued in the following offences shall not be considered precedents for rehabilitation application:

1. First precedent in misdemeanour
2. Misdemeanour not affecting decency or honesty.
3. Juvenile offences unless the Law provides otherwise.
4. Infractions
5. Offences which are not to be considered as precedents under Law.

CHAPTER THREE
LAWS OF PAPERS

Article Three Hundred and Forty Nine

If the original copy of the judgement is lost before its enforcement, its official copy shall replace it. If the copy is in the possession of a person or organisation, the Public Prosecution shall obtain an order for its delivery from the President of the court which has issued the judgement. The person from whom the copy is obtained may ask for an exact copy without expenses.

Article Three Hundred and Fifty

The Laws of the original copy of the judgement shall not lead to re-trial, if methods of appeal against the judgement have been exhausted.

Article Three Hundred and Fifty One

If the case is under the consideration of a court higher than that which has decided the case and it is not possible to obtain a copy of the judgement, the court shall rule re-trial if all the procedures fixed for the appeal have been completed.

Article Three Hundred and Fifty Two

If all or some investigation papers are lost, before the issuance of a decision on it, matters whose papers are lost shall be re-investigated. If the case is filed with the court, it shall conduct the necessary investigation.

Article Three Hundred and Fifty Three

If all or some investigation papers are lost and the judgement is available and the case is heard by the Supreme Court, the procedure shall not be repeated unless the court deems necessary.

CHAPTER FOUR
CALCULATION OF DEADLINES

Article Three Hundred and Fifty Four

Deadlines and periods specified in this Law shall be calculated on the basis of Christian Calendar unless provided otherwise.

Article Three Hundred and Fifty Five

If the Law fixes a deadline for appearance or completion of a procedure, calculated in days, months or years, they shall not include the day of notice and the occurrence of the event considered effective in the eyes of Law.

The deadline shall expire with the expiry of the working hours on the last working day. If the deadline is estimated in hours, the hour on which it commences and ends shall be calculated in the preceding manner.

If the deadline is one that expires before the action, the action may take place only after the expiry of the last day of the deadline. Deadlines fixed for months or years shall expire on the day preceding the day of the following month or year.

In all cases, if the deadline coincides with an official holiday, it shall be extended to the first day of work that follows the holiday.

Article Three Hundred and Fifty Six

To the deadlines specified in this Law shall be added ten additional days for those who are staying outside the court's area of jurisdiction and sixty additional days for those staying outside the Sultanate.

If transport facilities are available or if the matter is urgent, the days may be reduced by the order of the competent court and the matter shall be notified to the concerned party.