Law of Penal Procedure No. 3 of 2001

The Chairman of the Executive Committee of the Palestine Liberation Organisation,
The President of the Palestinian National Authority,

Having reviewed the Law of 1922 Concerning Violating the Dignity of the Courts,
Having reviewed the Law of Penal Procedure (Arrest and Investigation) No. 4 of 1924,
Having reviewed the Law of Penal Procedure (Accusatory) No. 22 of 1924,
Having reviewed the Law Concerning Judges Investigating Questionable Deaths No. 35 of 1926,
Having reviewed the Law No. 37 of 1926 Concerning the Defense of Indigenous Prisoners,
Having reviewed the Law Amending the Law of Procedure No. 21 of 1934,
Having reviewed the Law of Penal Procedure No. 24 of 1935,
Having reviewed the Fire Incidents Investigations Law No. 7 of 1937,
Having reviewed the Law No. 28 of 1944 Concerning Release on Bail,
Having reviewed the Law of Penal Procedure (Partial Trials before Central Courts) No. 70 of 1946,
Having reviewed the Law Concerning the Jurisdiction of Magistrate Courts No. 45 of 1947,
Having reviewed the Order No. 269 of 1953 Concerning the Jurisdiction of the Criminal Court,
Having reviewed the Order No. 473 of 1956 Concerning the Functions of the Public Prosecution,
Having reviewed the Order No. 554 of 1957 Concerning the Authorisation of the Attorney-General and his Representatives with the Powers of the Judges Investigating Questionable Deaths,
Having reviewed the Rehabilitation Law No. 2 of 1962,
Having reviewed the Chapter No. 26 of the Palestinian Law of Procedure before the Magistrate Courts of 1940 in force in the Governorates of the Gaza Strip,

as well as

Having reviewed the Jordanian Law on Magistrate Courts No. 15 of 1952 in force in the Governorates of the West Bank,
Having reviewed the Jordanian Law Concerning Violating the Dignity of the Courts No. 9 of 1959,
Having reviewed the Jordanian Law of Penal Procedure No. 9 of 1961, and
Based upon approval of the Legislative Council,

I hereby promulgate the following law:

Book One. Criminal Action, Gathering of Evidence and Investigation

Part I. Criminal Action

Chapter I. The Right to File a Criminal Action

Article 1

The right to file and conduct a criminal action shall be vested exclusively with the Public Prosecution. A criminal action may not be filed by others, except in cases where the law

determines otherwise. A criminal action may not be suspended, waived or abandoned, nor may it be delayed or settled out of court, except in cases where the law determines otherwise.

Article 2

The Attorney-General shall prosecute a criminal action himself or through a member of the Public Prosecution.

Article 3

The Public Prosecution shall commence a criminal action if the injured party files a civil action pursuant to the rules set forth in the law.

Article 4

1. The Public Prosecution may not conduct an investigation or file a criminal action which is statutorily conditioned on a complaint, a civil action, a requisition or a warrant, except on the basis of a written or oral complaint by the victim or his private attorney, a civil action filed by him or his private attorney, or a warrant or requisition by the competent authority.
2. Actions, the prosecution of which is made conditional by law on a complaint or on a civil action by the victim, may be waived until a final judgement is issued thereon. If there are multiple victims, the waiver shall not be valid unless it is issued by all of the victims then living. A waiver regarding one of the accused shall be deemed a waiver toward the others.
3. If there are multiple victims, the filing of a complaint by one of them shall be sufficient, and, if there are multiple accused and the complaint is filed against one of them, it shall be deemed issued against all of them.

Article 5

In all cases in which a criminal action is statutorily conditioned on the filing of a complaint or a civil action by the victim or a third party, the complaint shall not be accepted following the lapse of three (3) months from the date the victim learned of the respective incident and of its perpetrator, unless the law determines otherwise.

Article 6

1. If the victim in the cases referred to in Article 5 is younger than fifteen (15) years of age or is mentally impaired, the complaint shall be filed by his guardian, custodian or trustee.
2. If there is a conflict of interest between the victim and his representative or if the victim does not have a representative, the Public Prosecution shall represent him.

Article 7

The right to file a complaint shall extinguish with the death of the victim. If death occurs after the complaint has been filed, this shall not affect the conduct of a criminal action; the right of waiver of the deceased shall devolve to his heirs, except in cases of adultery, where any of the children of the spouse filing the complaint may waive it and terminate the action.

Article 8

Any person against whom a criminal action is instituted shall be called an ‘accused’.

Chapter II. The Rescission of a Criminal Action

Article 9

A criminal action shall be rescinded in any of the following cases:

1. Repeal of the law criminalising the deed.

2. General amnesty.
3. Death of the accused.
4. Prescription.
5. Rendition of a final judgement thereon.
6. Such other reason set forth in the law.

Article 10

1. The rescission of a criminal action shall not prevent the confiscation of any seized items.
2. The party injured by a crime shall have the right to demand the recovery of seized items whose possession is not deemed a crime, unless such right extinguished pursuant to the law.

Article 11

A civil action shall remain under the jurisdiction of the court seized of a criminal action. If a criminal action was not instituted, jurisdiction over the civil action shall lie with the competent civil court.

Article 12

1. The period of prescription for a criminal and civil action shall be ten (10) years in felonies, three (3) years in misdemeanours, and one (1) year in contraventions, unless determined otherwise in the law
2. In all cases, the period of prescription for a criminal action shall be counted as from the date of the last procedure taken therein.
3. Without prejudice to the provisions under the two preceding paragraphs, the period of prescription for a criminal action in crimes of public employees shall not begin except from the date of the discovery of the crime, the termination of the service, or the extinction of the capacity.

Article 13

The period of prescription shall be interrupted when any of the procedures of gathering evidence, investigation, accusation or trial are taken, whether they are commenced against the accused or whether he is officially notified thereof. The period of prescription shall commence anew as of the day it was interrupted. When the procedures interrupting the period of prescription are multiple, it shall commence anew from the date of the last such procedure.

Article 14

The interruption of the period of prescription with one of the accused shall result in its interruption regarding the other accused, even if no procedures interrupting the period of prescription were taken against the other accused.

Article 15

The period of prescription for a criminal action shall not be interrupted for any reason whatsoever.

Article 16

Settlements may be reached in contraventions and misdemeanours, which are punishable only by a fine. When transcribing the minutes, the competent judicial officer shall propose a settlement in a contravention to the accused or to his attorney and record this in the minutes. The proposal for a settlement in a misdemeanour shall be made by the Public Prosecution.

Article 17

An accused who accepts a settlement shall pay within fifteen (15) days from the date following his acceptance of the settlement a sum equivalent to one-quarter (1/4) of the maximum amount of the fine prescribed for the crime or the value of the minimum amount prescribed therefor, whichever is less.

Article 18

A criminal action shall be rescinded upon the payment of the settlement amount. This shall not affect a civil action.

Part II. The Gathering of Evidence and the Institution of the Action

Chapter I. Officers Invested with Judicial Powers and their Duties

Article 19

1. The members of the Public Prosecution shall exercise judicial powers and supervise officers invested with judicial powers, each within his circuit of jurisdiction.
2. Judicial officers shall investigate crimes and their perpetrators and gather the evidence necessary for the prosecution at trial.

Article 20

1. The Attorney-General shall supervise the judicial officers, who shall be subject to his control in the exercise of the functions of their positions.
2. The Attorney-General may ask the competent authorities to take disciplinary measures against any person for a breach or dereliction of duty, without prejudice to such person being held accountable under the Penal Law.

Article 21

Officers invested with judicial powers shall include the following:

1. The Police-Commissioner and his Deputies and the Chiefs of Police of the Governorates and the General Districts.
2. Officers and non-commissioned officers of the Police, each within his bailiwick.
3. Commandants of vessels and aircraft.
4. Officials who are statutorily invested with judicial powers.

Article 22

Judicial officers shall perform the following pursuant to the provisions of this law:

1. Accept reports and complaints addressed to them regarding crimes and present them without delay to the Public Prosecution.
2. Conduct examinations and searches and obtain all necessary clarifications to facilitate the investigation, as well as seek the assistance of experts and witnesses without administering the oath.
3. Take all necessary measures to preserve the evidence of a crime.
4. Transcribe all the procedures taken in official minutes signed by them and by the party concerned.

Article 23

Without prejudice to the provisions of Articles 16, 17, and 18 of this law, the competent judicial officer shall send the minutes and seized items related to the contraventions under his jurisdiction to the competent court and shall follow up before such court.

Article 24

Any person who learns of a crime shall report the same to the Public Prosecution or to a judicial officer, unless the law makes the institution of the respective criminal action conditional on a complaint, a requisition, or a warrant.

Article 25

Every authority and every public official who, in the performance of his duties or because of it, acquires knowledge of a crime, shall report the same to the competent authorities, unless the law makes the institution of the respective criminal action conditional on a complaint, a requisition, or a warrant.

Chapter II. Flagrant Crimes

Article 26

A crime shall be qualified as flagrant in any of the following cases:

1. While it is being or just after it was committed.
2. If the perpetrator of a crime is pursued by the victim or by public clamour in the wake of its commission.
3. If the perpetrator is found shortly after the commission of a crime in possession of tools, weapons, effects, papers, or other items which indicate that he committed or participated in the crime, or if he exhibits traces or marks thereof.

Article 27

In case of a flagrant felony or misdemeanour, the judicial officer who is notified thereof shall proceed immediately to the scene of the crime in order to inspect and secure the material evidence. He shall establish the condition of the premises, the persons, and everything which may serve as evidence and shall hear the testimony of whoever is present at the scene or any person capable of providing information regarding the crime and its perpetrators. He shall notify the Public Prosecution immediately. The competent member of the Public Prosecution shall proceed to the scene promptly upon being notified of a flagrant felony.

Article 28

1. The judicial officer who proceeds to the scene of a flagrant crime may prevent those present from leaving the scene or from distancing themselves therefrom until his written report is completed. The judicial officer may immediately summon and hear all persons capable of providing him with information regarding the incident.
2. Any person who violates the provisions of paragraph 1 above or who refuses to comply with a summoning shall be punished by imprisonment for a term not to exceed one (1) month or by a fine not to exceed fifty (50) Jordanian Dinars or the equivalent in legal tender.

Chapter III. Arrest of the Accused

Article 29

No person may be arrested or imprisoned except by order of the competent authority as set forth in the law. He must be treated in a manner that preserves his dignity and may not be physically or morally harmed.

Article 30

The judicial officer may, without a warrant, arrest any present person if there is evidence sufficient to charge him in the following cases:

1. A flagrant felony or a flagrant misdemeanour punishable by imprisonment for a term exceeding six (6) months.
2. If he resists the judicial officer during the performance of the duties of his function or if he was legally detained and escaped or tried to escape from the place of detention.
3. If he commits or is accused of committing a crime before the judicial officer and refuses to give his name and address or if he has no known or permanent residence in Palestine.

Article 31

1. If the accused is not present in the cases set forth in the preceding Article, the judicial officer may obtain an arrest warrant against him and record the same in the report.
2. If there is sufficient evidence to charge a person with a felony or with a misdemeanour that is punishable by imprisonment for a term exceeding six (6) months, the judicial officer may ask the Public Prosecution to issue an arrest warrant against such person.

Article 32

Any person who witnesses a flagrant felony or misdemeanour shall be empowered to arrest the perpetrator and take him to the nearest police station without waiting for an arrest warrant by the Public Prosecution.

Article 33

The accused in flagrant crimes in which the institution of a criminal action is conditional upon a complaint may not be arrested unless the party entitled to make such complaint exercises the right to do so. The complaint may be filed to any competent member of the public authority who is present.

Article 34

The judicial officer shall hear the statement of the arrested person immediately and, if such person fails to come forward with a justification for his release, shall send him within twenty-four (24) hours to the competent Deputy-Prosecutor.

Article 35

If the person to be arrested resists or attempts to evade arrest or if he tries to escape, a judicial officer shall have the right to resort to all means as may reasonably be required to arrest him.

Article 36

A judicial officer or a private citizen arresting an accused shall have the right to strip him of weapons and tools found in his possession and to deliver them to the competent authority pursuant to the law.

Article 37

Any individual may assist a judicial officer or a private citizen who asks for his help in a reasonable manner to arrest a person whom he has the right to arrest or to prevent such person from escaping.

Article 38

1. In the cases in which the law allows an accused to be arrested, the judicial officer may search the accused and draw up a list of the objects seized. The list shall be signed by the accused and deposited in the place designated therefor.
2. The accused shall be given a copy of the list of objects seized if he so requests.

Chapter IV. Search

Article 39

1. The entering and searching of homes shall be an act of investigation which may not be conducted except pursuant to a search warrant of the Public Prosecution or in its presence, either on the basis of an accusation charging a person living in the house with committing or participating in a felony or misdemeanour or on the basis of compelling evidence that he is in possession of items related to a crime.
2. A search warrant must be substantiated.
3. A warrant shall be made in the name of one or more judicial officers.

Article 40

A search warrant shall be signed by the competent member of the Public Prosecution and shall include the following:

1. The surname and given names of the owner of the house to be searched.
2. The address of the house to be searched.
3. The object of the search.
4. The name of the judicial officer authorised to conduct the search.
5. The validity period of the search warrant.
6. The date and hour it was issued.

Article 41

House searches must be conducted by day; a house shall not be entered at night unless it is the scene of a flagrant crime or if the circumstances so demand.

Article 42

The person inhabiting the house or the person responsible for the premises to be searched shall allow access thereto and provide the necessary facilities. If he bars entry to the house, the judicial officer shall have the right to gain admission by force.

Article 43

The search shall be conducted in the presence of the accused or of the person in possession of the house. If such requirement cannot be fulfilled, it shall be conducted in the presence of two witnesses from among his relatives or his neighbours. This shall be recorded in the minutes of the investigation.

Article 44

If there is a suspicion based upon serious reasons that a person present in the place where the search is underway is concealing one of the objects being sought, the judicial officer may subject him to a body search.

Article 45

Persons who are present in the house while it is being searched may be detained by the officer conducting the search if he fears that they may obstruct or delay the search, provided that they are released once the search is completed.

Article 46

If the member of the Public Prosecution requires the disclosure of any document or object related to the investigation and the person in possession of such document or object refuses to provide the same without an acceptable excuse, the member of the Public Prosecution may order the necessary search-and-seize operation.

Article 47

If the person required to be searched is female, she may be searched only by another female appointed for this purpose by the person in charge of the search operation.

Article 48

The competent authorities shall be prohibited from entering a house without a search warrant except in one of the following cases:

1. A request for assistance from inside the house.
2. Cases of fire or drowning.
3. If there is a flagrant crime inside the house.
4. If a person who must be arrested or who escaped from a place where he was legally detained is followed to the house.

Article 49

In performing their duties during a search operation, judicial officers may call upon the assistance of police or military forces, as occasion may require.

Article 50

1. Only objects connected to the crime regarding which the search is conducted may be searched. However, if during the search, objects whose very possession is deemed a crime or which may serve as evidence in another crime come to light, they may be seized by the judicial officer.
2. All objects related to the crime which are found during the search shall be seized, inventoried, and sealed. They shall be recorded in the minutes and sent to the competent authorities.
3. Documents that are found sealed or closed in any other way in the house being searched may not be opened by the judicial officer.
4. Minutes of the search shall be transcribed by the officer in charge of the search, citing the objects seized and the location in which they were found, and signed by those present during the search procedures.

Article 51

1. The Attorney-General or any of his assistants may seize letters, communications, newspapers, printed matter, parcels, and telegrams at post and telegraph offices if they relate to a crime or its perpetrator.
2. The Attorney-General may also tap telephone and wireless communications and record conversations in private places on the basis of an authorisation by a Magistrate Judge, if such is necessary to gain evidence in a felony or a misdemeanour punishable by imprisonment for a term of not less than one (1) year.
3. The search warrant or the authorisation to tap or record must be substantiated and shall remain in force for a period of not to exceed fifteen (15) days, subject to renewal once.

Article 52

Non-compliance with any of the provisions of this chapter shall result in legal nullity.

Chapter V. Instructions by the Public Prosecution after Gathering Evidence

Article 53

If, on the basis of the minutes of the evidence-gathering, the Public Prosecution decides that a case involving a contravention or a misdemeanour is ready for judicial review, it shall order the accused to appear immediately before the competent court.

Article 54

A criminal action may not be filed against an official or public employee or a member of the Judicial Police due to a felony or misdemeanour committed by him during or due to the performance of his function, except based upon the permission of the Attorney-General.

Part III. Investigation

Chapter I. Conducting the Investigation

Article 55

1. The Public Prosecution shall be exclusively competent to investigate crimes and to take action in this regard.
2. The Attorney-General or the competent Deputy-Prosecutor may delegate a competent member of the judicial officer corps to perform any act of investigation in a specific case, except for the interrogation of the accused in a felony.
3. The delegation must not be general.
4. Within the scope of his delegation, the authorised person shall exercise all powers of the Deputy-Prosecutor.

Article 56

The Public Prosecution shall conduct the investigation promptly upon learning of the crime.

Article 57

The Deputy-Prosecutor may, if the situation calls for a procedure to be taken outside of the circuit over which he exercises jurisdiction, issue a rogatory commission to his counterpart in the circuit of jurisdiction in which the procedure is required to be taken to act on his behalf, and the latter shall exercise full jurisdiction in this regard.

Article 58

The Deputy-Prosecutor shall be accompanied by a clerk in all investigation procedures to take down minutes and countersign them.

Article 59

The procedures of the investigation and the results thereof shall be confidential and may not be divulged; their divulgence shall be a crime punishable by law.

Article 60

The investigation shall be conducted in the Arabic language. The Deputy-Prosecutor shall hear through an interpreter the testimony of parties or witnesses ignorant of that language. The interpreter shall swear an oath to perform his task scrupulously and impartially.

Article 61

The parties shall be notified of the date and place at which the investigation will be conducted.

Article 62

During the investigation, the parties may communicate statements and demands which they consider necessary to the Deputy-Prosecutor.

Article 63

The accused, the injured party, and the civil claimant may request copies of the documents and papers of the investigation, which shall be provided to them at their own expense.

Chapter II. Commissioning of Experts

Article 64

The Deputy-Prosecutor may seek the assistance of a competent physician and other experts to establish the conditions of the crime committed. The physician and other experts shall take the necessary procedures under the supervision of the authority conducting the investigation. The investigator may attend while the experts are performing their function if he deems this to be in the interest of the investigation.

Article 65

A technical expert may perform his function in the absence of the parties.

Article 66

An expert shall file a technical report on his work within the period of time determined by the investigating Deputy-Prosecutor, with due regard to the presence of perishable items.

Article 67

The Deputy-Prosecutor may replace an expert who neglects his duties or who fails to file his report within the prescribed period of time.

Article 68

Each expert must swear an oath to perform his task scrupulously and impartially prior to embarking thereon, unless he is inscribed in the roster of legally accredited experts.

Article 69

Each expert shall present a substantiated report and sign each page thereof.

Article 70

The accused may seek the assistance of a consultant expert and request that he be allowed to view the documents, provided that this does not delay the course of the procedures.

Article 71

The parties may recuse the expert if they have serious reasons to do so. The petition for recusal, which must be substantiated, shall be presented to the investigating Deputy-Prosecutor, who shall send it to the Attorney-General or any of his assistants to issue a decision thereon within three (3) days from the date of its submission. Submission of the application shall entail the end of the mission of the expert, unless it is decided otherwise. The decision must in such case be substantiated.

Chapter III. Handling of Seized Objects

Article 72

1. Seized objects shall be placed in sealed containers on which the contents shall be inscribed. The containers shall be placed in the warehouse of the Public Prosecution or in any other place that it may designate.
2. If the seized object is perishable and the expenses of preserving it exceed its value, the Public Prosecution or the court may order it to be sold at a public auction, provided that

the requirements of the investigation so permit. The proceeds of the sale shall be placed in the Court Registry, and the person entitled to the proceeds may claim the sale price within one (1) year from the date on which such action is terminated; otherwise it shall devolve to the State without any further decision.

Article 73

1. Seized objects may be restituted, even before rendition of a judgement, at the request of the person in whose possession they were found, unless their retention is necessary for the judicial examination or they are subject to mandatory confiscation.
2. If the seized objects are those against which the crime was committed or if they were obtained as a result of its commission, they shall be restituted to the person who was deprived of their possession by the crime, unless the person in whose possession they were found is entitled by law to retain them.

Article 74

The restitution order shall be issued by the Public Prosecution. The court may order restitution pendente lite.

Article 75

The order to retain objects or the judgement issued in the case must regulate the handling of the seized objects.

Article 76

If a dispute arises regarding the seized objects, the parties may resort to the competent civil court.

Chapter IV. Hearing of Witnesses

Article 77

The Deputy-Prosecutor or the delegated investigator may summon every person whose testimony is necessary, whether or not his name is included in the complaints or denunciations, and may hear the testimony of every person who appears voluntarily. In such case, this shall be recorded in the minutes.

Article 78

The Deputy-Prosecutor shall charge the competent authorities with summoning a witness by means of a summons to be served upon them at least twenty-four (24) hours before the scheduled date.

Article 79

The Deputy-Prosecutor shall establish the identity of each witness, his name, age, occupation, residence, address, and the degree to which he may be related to the parties and shall transcribe all such information in the minutes, before hearing and transcribing the testimony of the witness.

Article 80

Witnesses shall be heard separately by the Deputy-Prosecutor after swearing the oath in the presence of the clerk of the investigation. The questions put to them and their answers shall be transcribed in the minutes.

Article 81

The answers given by a witness shall be read out to him, after which he shall confirm them with his signature or fingerprint. If he refuses or is unable to do so, the fact shall be recorded in the minutes and signed by the Deputy-Prosecutor and the clerk of the investigation.

Article 82

1. After the testimony of the witness is heard, the parties may request the Deputy-Prosecutor or the delegated investigator to question the witness on any point not addressed in his testimony.
2. The Deputy-Prosecutor may refuse to direct any question to a witness that is unrelated to the case or that will not serve to reveal the truth.

Article 83

1. Persons younger than fifteen (15) years of age may be heard for information only without administering the oath.
2. The parents, children, and spouse of the accused shall be exempted from swearing the oath, unless the crime was committed against one of them.

Article 84

The Deputy-Prosecutor shall have the right to confront each witness with one another, as well as to confront them with the accused, as occasion may require.

Article 85

If a witness does not appear after being summoned for the first time, a second summons shall be served upon him, and, if he again fails to appear, the Deputy-Prosecutor shall issue a writ of attachment against him.

Article 86

If a witness is unable to appear for health reasons, the Deputy-Prosecutor shall proceed to his domicile to hear his testimony if the witness lives within the Prosecutor's circuit of jurisdiction. If the witness lives outside of such circuit, the Deputy-Prosecutor shall issue a rogatory commission to his counterpart within the circuit in which the domicile of the witness is located. The testimony shall be sent in a sealed envelope to the Deputy-Prosecutor in charge of the investigation.

Article 87

If the Deputy-Prosecutor deems that the health condition of a witness is not such as to justify his failure to appear, he may issue a writ of attachment against him.

Article 88

If a witness appears and refuses to testify or to swear the oath without an acceptable excuse, he shall be punished by the competent court with a fine between fifty (50) and one-hundred (100) Jordanian Dinars or the equivalent in legal tender or with imprisonment for a term not to exceed one (1) week or both. If the witness retracts his refusal before the end of the trial, he may be exempted from punishment.

Article 89

If the Deputy-Prosecutor is persuaded that swearing the oath would violate the religious beliefs of a witness, the witness' testimony may be heard and transcribed after he asserts that he will tell the truth.

Article 90

If a man of religion is summoned to swear the oath before the Public Prosecution or the court and requests that the oath be administered by his bishop or religious superior, he shall present himself before either of them and swear an oath to answer all the questions put to him truthfully. He shall return with a certificate from such authority attesting that the oath was duly administered, whereupon his testimony shall be heard.

Article 91

The transcript of the testimony may not any contain interlineations, erasures, or insertions, unless each is signed by the Deputy-Prosecutor, the clerk of the investigation and the witness. Without such signing, each interlineation, erasure or insertion shall be without effect.

Article 92

The parties, their attorneys, and the civil claimant shall have the right to read the minutes of the investigation as soon as they are completed upon permission of the Public Prosecution.

Article 93

The Deputy-Prosecutor shall, at the request of a witness, estimate the expenses which he incurred due to presenting himself to testify.

Chapter V. Interrogation

Article 94

The interrogation shall be a systematic questioning of the accused regarding the deeds imputed to him, during which he shall be confronted with the facts, questions, and suspicions related to the accusation and asked to respond thereto.

Article 95

The Deputy-Prosecutor shall conduct the interrogation of the accused in all felonies, as well as in misdemeanours in which he deems an interrogation to be necessary.

Article 96

1. At the first appearance of the accused at the interrogation, the Deputy-Prosecutor shall establish the accused's identity, name, address and occupation and shall question the accused regarding the imputed charge, demand that he respond to the same, notify him of the right to the assistance of counsel, and warn him that all he says may be used as evidence against him in the trial.
2. The statements of the accused shall be recorded in the minutes of the interrogation.

Article 97

1. The accused shall have the right to remain silent and not to respond to the questions put to him.
2. The accused shall be entitled to postpone the interrogation for twenty-four (24) hours pending the arrival of his counsel. If counsel does not appear on behalf of the accused or if the accused decides not to appoint counsel, he may be interrogated without further delay.

Article 98

The Deputy-Prosecutor may interrogate the accused before inviting the counsel to attend in the event of a flagrant crime, necessity, urgency, or fear that the evidence may be lost, provided that the grounds for precipitating the interrogation are stated in the minutes. The

counsel of the accused shall be entitled to read the statements of his client after the interrogation is completed.

Article 99

Before the interrogation of an accused, the Deputy-Prosecutor shall subject him to a physical examination and establish any visible injuries and the reasons for their occurrence.

Article 100

The Deputy-Prosecutor shall order medical and psychological examinations of the accused by the competent authorities either sua sponte when he deems them necessary or at the request of the accused or his counsel.

Article 101

If the accused expresses any defense, the Deputy-Prosecutor shall record the same in the report and list the names of the defense witnesses cited by the accused, summon them to appear, and prevent them from conversing with one another before they are questioned.

Article 102

1. Each of the parties shall have the right to the assistance of a counsel during the investigation.
2. The counsel may not speak during the investigation except with the permission of the Deputy-Prosecutor. Withholding of permission must be established in the minutes.
3. The counsel shall be allowed to review the investigation preceding the interrogation regarding his client.
4. The counsel may submit a memorandum with his comments.

Article 103

The Attorney-General may, in cases of felonies and in the interest of the investigation, decide to ban communication with the accused for a period not to exceed ten (10) days, subject to renewal once. The ban shall not apply to the counsel of the accused, who may communicate with his client any time he wishes, without constraint or supervision.

Article 104

If the accused invokes a plea of non-competence, non-admissibility, or rescission of the case, the plea must be submitted to the Attorney-General or any of his assistants for decision within twenty-four (24) hours, which may be appealed before a Court of First Instance.

Article 105

The interrogation must be conducted within twenty-four (24) hours from the date the accused is sent to the Deputy-Prosecutor, who shall order his detention or release.

Chapter VI. Writs of Summons and Attachment

Article 106

1. The Deputy-Prosecutor shall have the right to issue a writ of summons ordering the accused to appear and submit to an investigation.
2. If the accused does not appear or if it is feared that he will flee, the Deputy-Prosecutor may issue a writ of attachment ordering the accused to be brought by force.

Article 107

1. The Warden of the place of detention shall deliver the accused within twenty-four (24) hours to the Public Prosecution for the investigation.
2. The Deputy-Prosecutor shall immediately interrogate an accused against whom a writ of summons is issued. As to an accused against whom a writ of attachment is issued, the Deputy-Prosecutor must interrogate him within twenty-four (24) hours from the date of his arrest.

Article 108

The Deputy-Prosecutor may, after interrogating the accused, detain him for a period of forty-eight (48) hours. The period may be extended by the courts pursuant to the law.

Article 109

1. Writs of summons and writs of attachment shall be executed immediately and remain in full force and effect until they are executed.
2. A writ of attachment may not be executed upon the expiration of a period of three (3) months from the date on which it was issued, unless its extension for an additional period is approved by the person who issued it.

Article 110

Writs of summons, attachment and detention shall be signed by the legally competent authority, stamped with its official seal and include the following:

1. The surname, given names, and description of the accused whose attachment is required.
2. The crime imputed to him and the applicable articles of the law.
3. His address in full and the period of detention, if any.

Article 111

Pursuant to the provisions of the law:

1. The judicial officer shall execute writs of summons and attachment.
2. The judicial officer may execute writs of attachment by force if necessary.

Article 112

1. The officer charged with the execution of the writ shall inform the person he is arresting of its contents and to allow him to read it.
2. The officer charged with the execution of the writ may forcibly enter any place regarding which he has serious grounds to believe that the person against whom the writ was issued is present, as occasion may require.

Article 113

Writs of attachment shall be executory throughout Palestine at any hour of the day or night.

Article 114

If the health condition of the accused does not allow for his attachment, the Deputy-Prosecutor shall conduct the investigation at his domicile. The Deputy-Prosecutor may order the accused to be moved to a hospital for treatment, while placing the accused under guard if the Deputy-Prosecutor decides to detain the accused, as occasion may require.

Chapter VII. Custody and Provisional Detention

Article 115

A judicial officer shall deliver an arrested person promptly to the police station.

Article 116

The officer in charge of the police station which receives the arrested without a writ of attachment shall immediately investigate the reasons for the arrest.

Article 117

The officer in charge of the police station shall keep the arrested person in custody if the person has:

1. Committed a felony and escaped or tried to escape from the place of detention.
2. Committed a misdemeanour and has no known or established domicile in Palestine.

Article 118

The Deputy-Prosecutor shall conduct the interrogation of the arrested person after notifying him of the arrest warrant pursuant to the provisions of Article 105 of this law.

Article 119

If the procedures of the investigation entail the detention of the arrested person for a period exceeding twenty-four (24) hours, the Deputy-Prosecutor may request that a Magistrate Judge extend the detention for a period not to exceed fifteen (15) days.

Article 120

1. The Magistrate Judge may, upon hearing the statements of the representative of the Public Prosecution and the accused, release or detain the accused for a period not to exceed fifteen (15) days. He may renew the detention for other periods to an aggregate maximum of forty-five (45) days.
2. No person may be detained for a period exceeding the one which is set forth in paragraph 1 above, unless a petition for his detention is submitted by the Attorney-General or any of his assistants to a Court of First Instance. In such case, the period of detention may not exceed forty-five (45) days.
3. The Public Prosecution shall present the accused to the competent court before the expiration of a period of three (3) months set forth under the two preceding paragraphs, so that the court may extend the detention for further periods until the trial is completed.
4. Under no circumstances shall the period of detention set forth under the three preceding paragraphs exceed a period of six (6) months, at the end of which period the accused shall be released immediately, unless he is referred to the competent court for trial.
5. In all cases, the detention of an arrested person may not exceed the period of the penalty set forth for the crime by reason of which he is detained.

Article 121

A writ of detention against an accused may not be issued in his absence unless the judge is convinced, based upon medical evidence, that the accused cannot be brought before him by reason of illness.

Article 122

If an accused is detained at a Correctional and Rehabilitation Centre (‘Prison’), a copy of the writ of detention must be served upon the Warden of the Centre, who shall sign the original in acknowledgement of the receipt.

Article 123

Every detainee shall have the right to contact his family and to consult with his counsel.

Article 124

The Warden of the Correctional and Rehabilitation Centre ('Prison') shall not allow anyone to contact the detainee, except by the written permission of the Public Prosecution. In such case, the Warden shall inscribe in the register of the Centre the name of the person, the time of the meeting, and the date and contents of the permission, without prejudice to the right of the accused to communicate with his counsel without the presence of a third party.

Article 125

No person may be detained or confined except in a Correctional and Rehabilitation Centre ('Prison') and in the places of detention designated by the law. The Warden of the Centre may not accept any person except pursuant to an order signed by the competent authority, nor retain him beyond the period set forth in the aforementioned order.

Article 126

The Public Prosecution and the Presidents of the Courts of First Instance and the Courts Appeal may visit the Correctional and Rehabilitation Centres ('Prisons') and other places of detention within their circuit of jurisdictions to ensure that no inmate or detainee is being held illegally. To that end, they shall have the right to view the registers of the Centre, the arrest warrants, and the detention writs and make copies thereof, as well as to contact any detainee or inmate and hear his complaints. The Director and Warden of the Centre shall provide them with such assistance as they may request to obtain the information.

Article 127

Every detainee or inmate shall have the right to file a written or oral complaint to the Public Prosecution through the Director of the Correctional and Rehabilitation Centre ('Prison)', who shall accept the complaint and send it to the Public Prosecution after recording it in a special register prepared for this purpose at the Centre.

Article 128

Any person who learns of a detainee or inmate being held illegally or in a place other than the one designated for his imprisonment shall have the right to report the matter to the Attorney-General or any of his assistants, who shall order an investigation and the release of the detainee or inmate held illegally and record minutes confirming the same in order to take the necessary legal procedures.

Article 129

Any detainee or inmate who is legally held in a Correctional and Rehabilitation Centre ('Prison') or in a place of detention must submit to identity check and fingerprinting procedures, as well as to a physical examination for the recording of distinguishing marks to establish his identity.

Chapter VIII. Release on Bail

Article 130

An accused may not be released on bail, unless he designates an elected domicile within the circuit of jurisdiction of the court or his residence is located within such circuit.

Article 131

If the accused was not arraigned, the petition for his release on bail shall be submitted to the judge who is authorised to sign a release order.

Article 132

If the accused was arraigned, the petition for his release on bail shall be submitted to the court seized of the trial.

Article 133

The petition for the release on bail of an accused who was convicted shall be submitted to the court that issued the judgement against him, provided that the accused challenged such judgement at appeal.

Article 134

The request to review an order issued upon a petition for release on bail may be submitted to the court which issued such order, in the event of the discovery of new facts or the occurrence of a change in the circumstances surrounding its issuance.

Article 135

An order issued upon a petition for release on bail may be appealed by the Public Prosecution, the detainee, or the convicted party by means of a petition submitted to the competent court.

Article 136

A petition may be submitted to the President of the High Court to review any order issued pursuant to the preceding Articles.

Article 137

In all cases, petitions for release on bail shall not be reviewed except in the presence of the Deputy-Prosecutor and the accused or the convicted party or his counsel.

Article 138

The court to which a petition for release on bail is submitted may, upon hearing the statements of both parties, decide to:

1. Grant a release on bail
2. Reject the petition for release on bail.
3. Reconsider a previous order that it issued.

Article 139

1. Any person whose request for a release on bail is granted must sign a bail bond in the amount deemed adequate by the court. The bond shall be signed by his sureties if the court so requires.
2. The court may allow the deposit of cash insurance in the value of the bail bond in place of a surety. The insurance shall be a guarantee for the bail bond.

Article 140

If the financial standing of the accused does not allow for bail, the court may replace it with an obligation on the accused to present himself to the police station at the times set forth in the release order with due regard to his circumstances. The court may also ask the accused to choose a domicile other than the place in which he committed the crime.

Article 141

The prerogatives of the court competent to review or take cognisance of appeals against petitions for release on bail shall include:

1. Granting release on bail.

2. Cancelling the order of release on bail and re-detaining the accused.
3. Amending the previous order issued by it.

Article 142

The surety may submit a petition to the court before which the bail bond is made to request its full nullification or nullification of the part which relates to the surety alone.

Article 143

Upon reviewing the petition submitted by the surety, the court may:

1. Nullify the bond entirely or as relates to the surety alone.
2. Order the re-detention of the accused if he does not deposit another surety or a cash bail in the amount determined by the court.

Article 144

Upon issuing the release order, the person responsible for the detention and the Director of the Correctional and Rehabilitation Centre ('Prison') shall release the detainee or inmate, unless he is detained or imprisoned for another reason.

Article 145

If a decision is issued in absentia against a fugitive, he may not be released on bail upon his arrest.

Article 146

The bail shall be a guarantee that the accused will appear when summoned and that he will not evade the execution of a sentence that may be issued against him.

Article 147

1. In the event of a breach of the conditions set forth in the bail or surety bond, the competent court may:
   a) Issue a writ of attachment against the person released or order his re-detention.
   b) Exact payment discharge of the value of the bail or surety bond if it was not deposited.
   c) Confiscate, amend or grant an exemption from the cash insurance.
2. The injured party shall have the right to appeal any decision issued pursuant to the provisions under paragraph 1 above.

Article 148

If the surety dies before the amount of the bail is confiscated or discharged, his estate shall be released of all obligations related to the bail. The court may order the re-detention of the accused, unless he presents another surety or a cash bail in the amount the court determines.

Chapter IX. Conclusion of the Investigation and Action on the Case

Article 149

1. If, upon the conclusion of the investigation, the Deputy-Prosecutor deems that the deed is not punishable by law, that the action extinguished by prescription, death, general amnesty, that the accused was previously tried for the same crime, that the accused is not criminally liable due to his minor age or mental illness, or that the circumstances of the case demand that it be dismissed for lack of importance, he shall send a memorandum with his opinion to the Public Prosecution for further action.

2. If the Attorney-General or any of his assistants deems that the opinion of the Deputy-Prosecutor is valid, he shall issue a substantiated decision to dismiss the case and order the release of the accused, if detained.
3. If the decision to dismiss the case results from the lack of criminal liability on the part of the accused because of mental illness, the Public Prosecution may contact the competent authorities for his treatment.

Article 150

If the Deputy-Prosecutor deems that the deed constitutes a contravention, he shall refer the file of the case to the court competent to try the accused.

Article 151

If the Deputy-Prosecutor deems that the deed constitutes a misdemeanour, he shall charge the accused and send the file of the case to the court competent to try the accused.

Article 152

1. If the Deputy-Prosecutor deems that the deed constitutes a felony, he shall charge the accused and send the file of the case to the Attorney-General or any of his assistants.
2. If the Attorney-General or any of his assistants deem the need for further investigation, he shall return the file of the case to the Deputy-Prosecutor to conduct such investigation.
3. If the Attorney-General or any of his assistants deem that the charge is well founded, he shall order the transfer of the accused to the competent court.
4. If the Attorney-General or any of his assistants deems that the deed does not constitute a felony, he shall order the qualification of the charge to be amended and return the file of the case to the Deputy-Prosecutor to present it to the competent court.
5. If the Attorney-General or any of his assistants deem that the deed is not punishable by law, that the action extinguished by prescription, death, general amnesty, that the accused was previously tried for the same crime, that the accused is not criminally liable due to his minor age or mental illness, that there is a lack of evidence, that the perpetrator is not known, or that circumstances demand that the case be dismissed for lack of importance, he shall issue an order to that effect.
6. If the Public Prosecution issues an order to dismiss the case, it shall notify the victim and the civil claimant or, if either is deceased, the heirs.

Article 153

1. A civil claimant may appeal the decision to dismiss the case by means of a petition submitted to the Attorney-General.
2. The Attorney-General shall decide on the petition within one (1) month from the date of its submission by means of a final decision.
3. The civil claimant may appeal the decision of the Attorney-General before the court competent to review the case; the decision of such court shall be final. If the court cancels the decision, the case shall be brought before another court.

Article 154

The decision to refer the accused to trial must include the name of the complainant and the name, age, place of birth, address and occupation of the accused, as well as the date on which he was taken into custody, a brief account of the imputed deed, the date of its commission, its nature, legal qualification, the articles of the law on which the charge is based, and proof of the commission of the crime.

Article 155

Without prejudice to the provisions of Article 149 of this law, the Attorney-General may cancel the decision to dismiss the case if new evidence comes to light or the perpetrator comes to be known.

Article 156

New evidence shall include the testimony of witnesses who the Public Prosecution was unable to summon and hear at the time, as well as documents and minutes that were not examined, if their examination corroborates the evidence which was found to be insufficient at the time of the investigation or sheds new light on facts necessary to reveal the truth.

Article 157

Crimes shall be concurrent in the following cases:

1. If they are committed at the same time jointly by more than one person.
2. If they are committed by more than one person at different times and places on the basis of an agreement between them.
3. If some are committed in preparation for others or preliminary to their commission or completion, or to ensure that the accused remains unpunished.
4. If more than one person participates in concealing all or some of the objects stolen, embezzled, or acquired by means of a felony or misdemeanour.

Article 158

If some of the concurrent crimes are misdemeanours and some are felonies, the Attorney-General shall refer the case in its entirety to the court that is competent to try the more serious crime.

Chapter X. Abstention and Recusal of Judges

Article 159

A judge shall abstain from participating in the review of a case if the crime was committed against him personally, if he performed the function of a judicial officer or a Public Prosecutor in the case, if he acted as a defense counsel for one of the parties, if he swore an oath in the case, or if he was commissioned as an expert. A judge shall also abstain from participating in the judgement if he carried out any of the acts of the investigation or referral or, in the appellate judgement, if the judgement under appeal was issued by him.

Article 160

The parties may demand the recusal of a judge in the cases set forth in the preceding Article, as well as in all cases entailing recusal under the Law of Civil Procedure. Members of the Public Prosecution or judicial officers may not be recused, and the accused shall be deemed, regarding the demand of recusal, an adversary party in the case.

Article 161

A judge falling under any of the categories of recusal shall make this known to the court, so that it may decide on the matter of his removal in the chamber of deliberation. In other than the cases of recusal set forth in the law, a judge may, if he feels awkward in exercising jurisdiction over a case, submit the request of his abstention to the court or to its President to issue a decision thereon, as occasion may require.

Article 162

Without prejudice to the preceding provisions, the provisions and procedures set forth in the Law of Civil Procedure shall apply regarding the recusal or abstention of a judge.

Book Two. The Trial

Part I. Jurisdiction of the Court

Chapter I. In Criminal Matters

Article 163

Jurisdiction shall be determined by the place in which the crime occurred, in which the accused resides, or in which the accused is arrested.

Article 164

In case of intent, the crime shall be deemed to have occurred wherever an act entailing its execution took place. In the case of continuous crimes, the place of the crime shall be deemed any place in which the condition of continuity applies. In habitual and consecutive crimes, the place of the crime shall be deemed any location in which one of the acts thereunder occured.

Article 165

If a crime to which the provisions of the Palestinian law apply occurs abroad and its perpetrator has no domicile in Palestine and was not arrested therein, the case shall be brought before the competent court in the capital, Jerusalem.

Article 166

If a deed is committed of which a part falls within the scope of the jurisdiction of the Palestinian courts and another part falls outside such scope of jurisdiction, and if the deed constitutes a crime to which the provisions of the Palestinian Penal Law would apply if the deed had been committed in its entirety within the scope of jurisdiction of the Palestinian courts, any person who commits any part of such deed within the scope of jurisdiction of the Palestinian courts may be tried pursuant to the provisions of the Palestinian Penal Law, as if he had committed the entire deed within the jurisdiction of such courts.

Article 167

The Magistrate Courts shall be seized of all contraventions and misdemeanours falling within the scope of their jurisdiction, unless set forth otherwise in the law.

Article 168

1. The Courts of First Instance shall be seized of all felonies, as well as all misdemeanours concurrent therewith and referred to them by means of a charge.
2. If one deed constitutes several crimes, or if several crimes are committed with one object and are therefore connected, and if one of those crimes comes under the jurisdiction of a Court of First Instance, such court shall be competent to review them all.

Article 169

1. If a Court of First Instance, before examining a deed at the session, deems that the deed as described in the charge is a misdemeanour, it shall pronounce its lack of jurisdiction and refer it to a Magistrate Court.

2. If a Magistrate Court deems that a crime brought before it comes under the jurisdiction of a Court of First Instance, it shall pronounce its lack of jurisdiction and refer it to the Public Prosecution to take the necessary action.

Chapter II. In Civil Matters

Article 170

Without prejudice to the provisions of Article 196 of this law, a criminal court shall review actions brought before it to enforce a civil right and award damages for injuries arising from a crime, whatever the value of such damages. It shall review the civil claim as ancillary to the criminal action.

Article 171

The court shall be competent to adjudicate all matters on which a decision in a criminal action that is brought before it may depend, unless set forth otherwise in the law.

Article 172

If a decision in a criminal action depends upon the result of the decision in another criminal action, the first action shall be suspended until the second is adjudicated.

Article 173

If the decision in a criminal action depends upon the decision in a personal status matter, the criminal court may suspend the action and grant the civil claimant or the injured party a grace period to institute an action in such matter before the competent court. This shall not prevent conservatory and summary procedures.

Chapter III. Conflicts of Jurisdiction

Article 174

If a crime occurs and two courts proceed to review it on the grounds that both are vested with jurisdiction thereover, or if both decide that they are not competent to review it, or if a court decides that it is not qualified to review a case referred to it by the Public Prosecution, and if this gives rise to a dispute over jurisdiction which may impede the course of justice as a result of the issuance of two contradictory decisions in the same case, the dispute shall be resolved by designating the competent court.

Article 175

All parties in a case may demand the designation of the competent court in a petition submitted to the Court of Cassation together with the supportive documents. If the petition relates to a dispute of jurisdiction regarding two Magistrate Courts belonging to the same Court of First Instance, it shall be submitted to such Court.

Article 176

If the petition for the designation of the competent court is submitted by a civil claimant or a civil defendant, the President of the Court shall order the adverse party to be served with a copy thereof; the Public Prosecution shall send a copy of the petition to each of the courts in dispute to express its opinion thereon.

Article 177

The Public Prosecution, the accused, or the civil claimant shall each express an opinion on the petition for the designation of the competent court within one (1) week from being notified thereof.

Article 178

If a court decides that it is qualified to review a case and is informed of a petition for the designation of the competent court, it shall halt all procedures of the trial or the issuance of the judgement until the competent court is designated.

Article 179

If a dispute over jurisdiction arises as a result of the issuance of two judgements in one case, the execution of both judgements shall be halted until the decision designating the competent court is issued.

Article 180

If a civil claimant or an accused did not have the right to request the designation of the competent court, the court to which the petition was submitted may sentence him to a fine not to exceed fifty (50) Jordanian Dinars or the equivalent in legal tender, or an award of damages to the adverse party at its request.

Article 181

The court shall examine the petition submitted to it in detail and, upon having consulted the Attorney-General, issue a decision designating the competent court and the extent to which, if at all, the procedures taken by the court which pronounced its lack of jurisdiction were valid.

Chapter IV. Transfer of Cases to Another Court of the Same Level

Article 182

A competent Court of Appeal may, in felony and misdemeanour cases, decide to transfer a case to another court of the same level, if its examination in the circuit of jurisdiction of the competent court entails a breach of public security, based upon the request of the Attorney-General.

Article 183

The Court of Appeal shall carefully consider the request for the transfer of the case and, if it decides to transfer it, shall state in the same decision the validity of the procedures taken by the Court from which it was decided to transfer the case.

Article 184

The denial of the request for the transfer of a case shall not prevent the submission of a new request, based upon new reasons which may appear after its denial.

Part II. Trial Procedures

Chapter I. Service of Judicial Instruments (Notification of Parties)

Article 185

Judicial instruments shall be served by a process-server or a policeman upon the person to be notified or at his domicile, pursuant to the rules set forth in the Law of Civil Procedure, without prejudice to special provisions set forth by this law.

Article 186

Subpoenas to appear in Court shall be served upon the parties one (1) full day prior to the scheduled session in contraventions and at least three (3) days prior to the scheduled session in misdemeanours, with due regard to considerations of distance.

Article 187

Notices to detainees and prisoners shall be served by the Warden of the Correctional and Rehabilitation Centre ('Prison') or his Deputy; notices to officers and soldiers shall be served by their command.

Article 188

The parties shall have the right to view the file of the case as soon as they are served with a subpoena to appear before the competent court.

Chapter II. Maintaining Order during the Proceedings

Article 189

1. The orderly progress and administration of a session shall be the responsibility of its President.
2. If a person present during the convening of the session displays a sign of approval or protest, or causes noise in any way, or otherwise disrupts the orderly progress of the session, the judge shall order him to be evicted from the court.
3. If the person refuses to comply or returns after the eviction, the President shall sentence him to imprisonment for a term of not to exceed three (3) days. The sentence shall be mandatory.
4. If the disruption occurs from someone who performs a function in court, the President may impose any disciplinary penalty upon him during the session as his superior does have the right to impose.
5. The court may, before the end of the session, retract the decision it has previously issued.

Article 190

1. If a person commits a misdemeanour or a contravention during a session and the court exercises jurisdiction over such crime, it may try him on the spot and, upon hearing the statement of the representative of the Public Prosecution and the defense of the person in question, sentence him to the penalty set forth in the law. Its judgement shall be amenable to the forms of challenge to which any judgement issued by it is subject.
2. If the crime lies outside the jurisdiction of the court, the court shall transcribe the incident into the minutes and order the accused to be transferred under custody to the Public Prosecution to take the required legal action.
3. If the prosecution of the crime is conditioned by law upon a complaint, requisition, or civil claim, the trial of the accused in this case shall not be conditioned upon meeting such condition.

Article 191

If the crime is a felony, the President of the Court shall have the incident transcribed into the minutes and order the accused to be transferred under custody to the Public Prosecution to take the required legal action.

Article 192

Any crimes committed during a court session and regarding which the court does not issue judgement on the spot shall be reviewed pursuant to the general rules.

Article 193

If a counsel of one the parties, during the performance of the duties of his function or because of it, commits a deed which renders him criminally liable or which may be qualified as a disruption of the order, the President of the Court shall have the incident transcribed into the minutes. The court may decide to send the minutes to the Attorney-General to investigate if the deed gives rise to criminal liability, or to the Head of the Bar Association if it gives rise to civil liability. Neither the President nor the members of the session during which the incident occurred may serve as members of the court seized of the case.

Chapter III. Action for the Recovery of Civil Rights

Article 194

1. A person injured by a crime shall have the right to file a claim with the Deputy-Prosecutor or to the court seized of the case, in which he assumes the capacity of a civil claimant for the reparation of the injury that the person suffered as a result of the crime.
2. The claim must be sufficiently reasoned and supported by facts and evidence.

Article 195

1. The action for the recovery of a civil right may be instituted as ancillary to a criminal action before the competent court. It may also be instituted separately before the civil court, in which case the proceedings in the action conducted before the civil court shall be suspended until the final judgement is issued on the criminal action, unless judgement on the criminal action is suspended due to the mental illness of the accused.
2. If a civil claimant institutes an action before a civil court, he thereafter may not institute it before the criminal court, unless he abandons his action before the civil court.

Article 196

1. Claims for the recovery of a civil right may be raised before a Court of First Instance at any stage of a criminal action and until the close of the pleadings.
2. Claims for the recovery of a civil right may not be raised if the case is returned to a Court of First Instance for any reason whatsoever.
3. A civil claim may not delay the pronouncement of a judgement in a criminal action; otherwise the court shall order the civil claim to be inadmissible.

Article 197

A civil claimant may withdraw his claim at any stage of the proceedings, without such withdrawal having any effect on the criminal action.

Article 198

The civil claimant shall pay the judicial fees and expenses necessary for the action, unless the court decides to exempt him therefrom or to postpone the payment thereof.

Article 199

If the Public Prosecution decides to dismiss the charge or the court decides to acquit the accused, the civil claimant may be exempted from or reimbursed for the fees and expenses.

Article 200

If a decision to dismiss the charge or a judgement of acquittal is issued, the accused may claim damages from the civil claimant before the competent court, unless the civil claimant is of good faith.

Article 201

The competent court may, upon the request of the Public Prosecution, appoint an attorney for an injured party devoid of capacity or with diminished capacity if the party has no legal representative to claim the recovery of a civil right on the party's behalf. This shall not entail charging him with judicial expenses.

Article 202

The civil claimant must have an elected domicile within the circuit of jurisdiction of the court before which his action is instituted, unless he lives within such circuit, for the purpose of the service of process.

Article 203

If a civil action is brought before a civil court, judgement thereon must be suspended until a final judgement is issued on a criminal action that was instituted either before it was filed or during its pendency, unless proceedings in the criminal action were suspended due to the mental illness of the accused.

Article 204

An accused may protest during the trial session against the admission of the civil claimant, if the civil claim is unwarranted or inadmissible.

Chapter IV. Evidence

Article 205

In issuing a judgement, the judge may not rely upon his personal knowledge.

Article 206

1. Evidence shall be established in a criminal action by all measures of proof-taking, unless the law sets forth a specific measure.
2. If evidence is not established against the accused, the court must acquit him.

Article 207

The judgement shall not be predicated upon anything except on the evidence admitted during the trial and shall be openly discussed at the session in the presence of the parties.

Article 208

While the case is in progress, the court may, upon the request of the parties or sua sponte, order the presentation of any proof it deems necessary for the manifestation of the truth and hear the testimony of any person who appears voluntarily to offer information on the case.

Article 209

An accused shall not be convicted on the basis of the testimony of another accused, unless such testimony is substantiated by evidence that is convincing to the court. The accused against whom another accused testifies may discuss with such other accused the testimony he submitted.

Article 210

1. The court shall apply the provisions of the Law of Evidence in Civil and Commercial Matters to actions for the recovery of a civil right brought before it as ancillary to a criminal action.
2. In its review of a civil action, the court shall apply, regarding the procedure, the rules set forth in the aforementioned law.

Article 211

No fact may be evidenced by means of a correspondence exchanged or conversations held between the accused and his counsel.

Article 212

The minutes drawn up by judicial officers in misdemeanours and contraventions, which they are statutorily charged with evidencing, shall be deemed conclusive regarding the facts established therein, unless evidence emerges to refute such facts.

Article 213

For the minutes to have probative force, they must fulfill the following conditions:

1. They must comply with the formal requirements.
2. They must be transcribed by the person who investigated the incident himself or who was personally notified thereof.
3. The person who transcribed them must have acted within the limits of his authority and in performance of the functions of his position.

Article 214

For a confession to be valid, it must fulfill the following conditions:

1. It must be made voluntarily and freely, without material or moral pressure or coercion, promise, or threat.
2. It must correspond to the circumstances of the deed.
3. It must be an expressive and conclusive acknowledgment by the accused that he committed the crime.

Article 215

Confession shall be a measure of proof-taking that shall be subject to the discretion of the court.

Article 216

The probative force of a confession shall be limited to the accused who made it and to no other person, without prejudice to the provisions of Article 215 of this law.

Article 217

The accused shall have the right to remain silent, and his silence or refusal to answer shall not be construed as a confession.

Article 218

The accused may not be punished for untrue statements he made in self-defense.

Article 219

Admissible measures of proof-taking during the investigation or the trial shall be fingerprints, palm prints, and footprints. Photographs may also be admitted as a means of recognising the subject in order to identify the accused and any person connected to the crime.

Article 220

Among the admissible measures of proof-taking in a criminal action shall be all reports issued by or officially approved and signed by the employee responsible for governmental laboratories, which include the results of chemical tests or analyses conducted by him on any suspicious substance. This shall not entail summoning him to swear an oath in this regard, unless the court deems the appearance necessary to guarantee the proper course of justice.

Article 221

The ascendants and descendants of the accused, as well as his relatives by blood or marriage up to the second degree and his spouse or former spouse, may refuse to testify against him, unless the crime was committed against any of them.

Article 222

If the ascendants, descendants, or spouse of the accused are summoned to testify in his defense, their testimony, whether delivered in the interrogation or during the discussion with the Public Prosecution, may be relied upon to establish the crime imputed to the accused.

Article 223

The testimony of an informant, who was present when the crime occurred or just before or shortly after its commission, shall be admissible if his testimony is directly connected to the crime or to any incident related thereto and if the informant is a witness in the case.

Article 224

1. If the informant is the injured party, his testimony shall be admissible if it is related to the deed, if he reported the deed to the authorities during or shortly after its occurrence, or as soon as the opportunity presented itself, or if he is on his death bed.
2. The non-appearance of the informant as a witness in the case or his inability to attend the trial session due to his absence from Palestine shall not render his testimony inadmissible.

Article 225

1. Before testifying, the witness shall swear the oath in the following form:

   'I swear by Almighty God to tell the truth, the whole truth, and nothing but the truth.'

2. If the witness is a man of religion, the provisions of Article 90 of this law shall apply.
3. If the court is persuaded that swearing in a witness would violate his religious beliefs, it may transcribe his testimony after he gives an assurance that he will tell the truth.

Article 226

1. Persons younger than fifteen (15) years of age may be heard for information only, without admistering the oath.
2. A statement taken for information shall not be sufficient in itself to establish guilt, unless it is substantiated by other evidence.

Article 227

The statement made by the accused to judicial officers, in which he confesses to the crime, shall be admissible if the Public Prosecution presents proof of the circumstances in which it was made and the court is convinced that it was made voluntarily and freely.

Article 228

A civil claimant shall be heard as a witness after swearing the oath.

Article 229

1. The court may decide to have the testimony submitted under oath in the preliminary investigation upon it being read out, if the witness cannot be brought before it for any reason, or if the accused or his attorney so accept.
2. If the accused cannot be brought before the court because of his disability or illness, the court may visit him to hear the testimony.
3. If the witness referred to under the preceding paragraph has his domicile within the circuit of jurisdiction of another court, the competent court shall issue a rogatory commission to such other court to hear his testimony.
4. If the court discovers the excuse referred to under the two preceding paragraphs to be false, it may refer the witness to the Public Prosecution to take the required legal measures.

Article 230

If a witness declares that he does not recall a specific fact, the part relating to such fact in his testimony during the investigation or in the evidence-gathering minutes may be read out to the witness. This provision shall also apply if the testimony given by the witness in the session contradicts his previous testimony or statement.

Article 231

If a witness is properly notified and does not appear at the designated time to testify, the court shall issue a writ of summons or attachment against him and may sentence him to a fine of fifteen (15) Jordanian Dinars or the equivalent in legal tender.

Article 232

If a witness sentenced to a fine appears during or after the trial and furnishes an acceptable excuse, the court may relieve him of the fine.

Article 233

If a witness refuses without legal justification to swear the oath or to answer the questions directed at him by the court, the court may sentence him to imprisonment for a term not to exceed one (1) month. If, during his imprisonment in a Correctional and Rehabilitation Centre ('Prison') and before the close of the proceedings, he agrees to swear the oath and answer to the questions addressed to him, he shall be released promptly upon doing so.

Article 234

1. The court shall assess the value of the testimony given by a witness and may mention his behaviour and comportment in the minutes.
2. If the testimony does not correspond to the case or if the statements of several witnesses contradict one another, the court shall consider only that part which it deems to be true.

Article 235

A witness shall swear the oath orally and may not avail himself of memoranda except with the permission of the President of the Court.

Article 236

A witness may not be recused for any reason whatsoever.

Chapter V. Trial Procedures before Courts of First Instance

Article 237

The trial shall be public unless the court decides to conduct it in camera for reasons of public order or morality. In all cases, the court may bar minors or other persons from attending the trial.

Article 238

1. The President shall conduct the trial and take all necessary measures for its proper administration.
2. The hearings of the Court of First Instance shall be attended by the Deputy-Prosecutor and the clerk.

Article 239

The Deputy-Prosecutor shall read out the charges to the accused indicted for the crimes set out in the charging instrument, and may not, on pain of nullity, allege deeds that are not cited in the charging instrument.

Article 240

No person shall be brought before the court for trial in a criminal action unless a charging instrument is made out against him by the Attorney-General or the person acting on his behalf.

Article 241

The charging instrument must include the name of the accused, the date of his detention, the nature and legal qualification of the crime committed, the date of its commission, a detailed account of the charge and the circumstances under which it was made, the articles of law applicable thereto, the name of the victim, and the names of the witnesses.

Article 242

The clerk of the Court shall serve a copy of the charging instrument to the accused at least one (1) week before the date of the trial, subject to extension to accommodate factors of distance.

Article 243

The accused shall appear at the trial free from restraint or chains. The accused shall, however, be kept under sufficient guard. The accused may not be excluded from the session while the case is in progress unless he creates a disturbance entailing his exclusion. In such case, proceedings shall continue until they can be conducted in the presence of the accused. The court shall inform the accused of all procedures taken in his absence.

Article 244

The court shall ask the accused if he has chosen a defense counsel. If the accused lacks sufficient financial resources to afford defense counsel, the President of the Court shall

appoint one from among the lawyers who have practiced at the bar for at least five (5) years or who, before being admitted to the bar, worked in the Public Prosecution or in the Judiciary for not less than two (2) years.

Article 245

The court shall determine the fees of the counsel appointed pursuant to the preceding Article and disburse them from the Court Registry.

Article 246

1. The court shall ask the accused for his surname, given names, occupation, place of birth, age, domicile, and marital status.
2. The court shall warn the accused to listen attentively to all that is read out to him and order the Deputy-Prosecutor to read out the accusation and the charging instrument.

Article 247

If the accused does not appear in court on the date and at the time designated in the writ of summons, he shall be notified again, and, if the accused again fails to appear, a writ of attachment shall be issued against him.

Article 248

If separate charging instruments are issued against the perpetrators of one crime or against some of them, the court may decide to combine the cases, either sua sponte or upon the request of the representative of the Public Prosecution or of the defense.

Article 249

If the court determines, at any stage of a trial for crimes which are not concurrent, that it would be appropriate to try the accused separately on each count or more of the counts imputed to him, it may order that he be tried separately on each of the counts listed in the charging instrument.

Article 250

Without prejudice to the provisions of Articles 214 and 215 of this law:

1. Upon reading out the charge to the accused by the Deputy-Prosecutor in simple language that he is capable of understanding and upon the civil claimant explaining his claim, the court shall ask the accused to answer the charge and the civil claim.
2. If the accused confesses the commission of the crime, the confession shall be recorded in wording as close as possible to the wording he uses in confessing to the crime.
3. If the accused denies the charge, refuses to answer or remains silent, the court shall proceed to hear the evidence.

Article 251

The court may, at any stage of the proceedings, direct any question to the parties that it deems necessary for revealing the truth or permit the parties to do so. The court shall forbid directing questions to the witness that are not related to the case and hold the witness harmless against any explicit or implicit talk or any reference that could confuse or alarm him. The court may refuse to hear the testimony of witnesses regarding facts it deems sufficiently clear.

Article 252

1. The court may prevent the accused or his counsel from indulging in prolixity if he digresses from the subject of the case or makes redundant statements in his pleading.

2. The court may order the Deputy-Prosecutor and the defense counsel to file written pleadings within the period it sets forth. On the respective date, the pleadings shall be read out and added to the minutes upon being signed by the panel of judges.

Article 253

The clerk shall transcribe all the facts of the trial into the minutes, which shall be signed by the panel of judges.

Article 254

1. The Public Prosecution may not call anybody to testify whose name is not included in the list of witnesses, unless the accused or his counsel were notified of the name of such witness or waived the right to be notified thereof.
2. An accomplice in the charge, who was previously acquitted or convicted, shall be exempt from the condition of the notification referred to in paragraph 1 above, as shall be any person summoned to prove that a witness whose testimony was heard in the preliminary investigation was unable to appear in court by reason of his death, illness, or absence from Palestine.

Article 255

The court shall take measures to prevent the witnesses from conversing among themselves during the trial and administer the oath to each witness separately.

Article 256

1. The court shall ask the witness for his name, given names, age, occupation, domicile or residence, and his connection to the victim. The witness shall swear the oath and his testimony orally.
2. The adverse parties shall have the right to question the witness on his testimony.

Article 257

The court shall, upon the request of a witness, estimate the expenses to which he is entitled by reason of his appearance to testify and disburse them from its Registry.

Article 258

1. Upon hearing the statements of the Public Prosecution, the court shall ask the accused if he wishes to make a statement and to call witnesses. If the accused chooses to make a statement, the Deputy-Prosecutor may question him thereon, and if the accused expresses a wish to submit evidence in his defense, the court shall hear it.
2. The court shall call defense witnesses at the expense of the accused, unless it determines otherwise.

Article 259

No question may be addressed to the accused with the aim of establishing guilt for a past crime, unless the accused voluntarily delivers a statement on his past history.

Article 260

The court may, sua sponte and at any stage of the trial, order any person to testify again or order a rehearing of the statements made by any witness who previously testified before it.

Article 261

If it appears during the trial that the testimony given by a witness under oath regarding a fact related to the case contradicts substantively his testimony in the preliminary investigation, he

shall be deemed guilty of perjury, and the court may issue a judgement against him for such crime and, in the light of the circumstances of the case, sentence him to the penalty set forth therefor.

Article 262

A witness may not leave the courtroom without the permission of the judge.

Article 263

The civil claimant may question any witness for the Public Prosecution or the defense in connection with the claim and may, following the submission of the evidence by the Public Prosecution or at any time thereafter during the trial, submit evidence as ordered by the court. However, the civil claiment may not submit evidence or address the court in connection with the culpability of the accused, nor question or enter into a discussion with any witness for the Public Prosecution in this connection, except with the permission of the court.

Article 264

1. If the accused, a witness or any one of them, does not speak the Arabic language, the President of the Court shall appoint a licensed interpreter, who shall swear an oath to translate the statements conscientiously and honestly.
2. Non-compliance with the provisions of the preceding paragraph shall entail the nullity of the procedures.

Article 265

Pursuant to the provisions of this law, the accused and the Deputy-Prosecutor may demand the recusal of the interpreter, provided that they give reasons for their demand; the court shall decide on the matter.

Article 266

The interpreter may not, even with the consent of the accused or the Deputy-Prosecutor, be chosen from among the witnesses or the members of the court seized of the case.

Article 267

If the accused or a witness is deaf-mute and does not know how to write, the President of the Court shall appoint as interpreter the person who is most accustomed to communicating with the witness through sign language or other technical methods.

Article 268

If the deaf-mute knows how to write, the clerk of the court shall write down the questions or observations and hand them to him; the accused shall give his answers thereto in writing. The whole shall then be read out by the clerk and added to the minutes.

Article 269

1. If the court establishes that, while committing the crime imputed to him, the accused was affected by a disease which impaired his mental abilities and rendered him incapable of comprehending his actions or of realising that he is prohibited from committing the deed constituting the crime, the court shall decide that the accused is not criminally liable.
2. If the court establishes during the trial that the accused is mentally deranged or demented to a degree that prevents him from standing trial, it shall issue a decision to place him in a mental institution for observation for the period that the court deems necessary.

3. If it is established, as a result of such observation, that the accused is of sound mind pursuant to a certificate of two specialised government physicians, the court shall proceed with the trial or order him to be placed in a mental hospital.
4. The provisions of this Article shall apply before the criminal courts.

Article 270

The court may amend the charge, provided that such amendment is not predicated on facts that were not included in the evidence submitted. If the amendment exposes the accused to a severer penalty, the case shall be adjourned for the period the court deems necessary to enable the accused to prepare his defense for the amended charge.

Article 271

Upon hearing the evidence, the Deputy-Prosecutor shall deliver the pleading, after which the civil claimant shall cite his claims, and the accused and the party liable to make civil reparation shall deliver their defenses, after which the trial shall close. In all cases, the accused must have the right to be the last to speak.

Chapter VI. Judgement

Article 272

Upon the close of the trial, the court shall retire to the deliberation chamber and conduct a detailed examination of the allegations and evidence brought before it. The judgement shall be handed down unanimously or by majority vote, except when it imposes capital punishment, in which case it must be issued by unanimous opinion.

Article 273

1. The court shall decide on the case in accordance with inner certainty, which it shall form in full freedom. It may not predicate its judgement on any proof not presented to it in session or that was obtained in an illegal manner.
2. If it is established that a statement by one of the accused or one of the witnesses was obtained by coercion or under threat, such statement shall be disregarded and not be held against the accused.

The judgement shall be issued at an open session, even if the case was heard in camera.

Article 274

1. The court shall acquit the accused for lack or insufficiency of evidence, or for the absence of liability, or if the deed does not constitute a crime, or if it does not entail a penalty.
2. The court shall issue a judgement of conviction if the accused is proven guilty of a deed punishable by law.

Article 275

If the court decides to convict, it shall hear the statements of the Deputy-Prosecutor and the civil claimant, followed by those of the accused and his counsel, and then pronounce the sentence and award civil damages.

Article 276

The judgement shall include a summary of the facts as established in the charging instrument and the trial, of the demands of the Public Prosecution and the civil claimant, and of the defense of the accused, as well as the reasons for acquittal or conviction, the articles of law applicable to the deed in the event of conviction, the determination of the penalty and the amount of civil damages.

Article 277

The judgement shall be signed by the judges and read out in the presence of the Deputy-Prosecutor and the accused. The President of the Court shall advise the accused of his right to appeal the judgement within the statutory time-limit.

Article 278

If the court acquits the accused, he shall be released immediately, unless he is detained for another reason.

Article 279

The court may order an accused, who has been convicted of a crime other than those for which the court is sentencing him to capital punishment or life imprisonment, to pay the costs of the trial and the expenses arising therefrom.

Article 280

A civil claimant who loses shall be liable for the costs. The claimant may be exempted therefrom fully or partly if he acted in good faith and if the criminal action was not instituted on the basis of his complaint.

Article 281

If the court decides that the deed imputed to the accused does not constitute a felony, but only a misdemeanour or a contravention, it shall rule to amend the charge and issue a judgement on the amended charge.

Article 282

1. Upon its issuance, the judgement shall be documented on the judgement roll of the court, and the original of the judgement shall be kept with the file of the case on which it was issued.
2. The court shall send a list of the judgements issued by it to the Attorney-General.

Article 283

If a material error that does not entail nullity occurs in the judgement, the court which issued such judgement shall correct the error either sua sponte or upon the request of the parties. The correction shall be made in the deliberation chamber. The court may also, upon the request of the Deputy-Prosecutor, correct any material errors in the charging instrument.

Chapter VII. Procedures for the Suspension of a Penalty

Article 284

The court may, when sentencing the accused in a felony or misdemeanour to a fine or to imprisonment for a term of not to exceed one (1) year, decide in the same judgement to suspend the penalty if the character of the convicted person, or his past record, or his age, or the circumstances under which he committed the crime lead to the belief that he will not violate the law again. The court must indicate in the judgement the reasons for the suspension of the sentence. The suspension may include any ancillary penalty and all penal effects arising from the sentence.

Article 285

The order to suspend a penalty shall be issued for a period of three (3) years from the date on which the judgement becomes final. The suspension may be cancelled if:

1. The accused is sentenced during such period to imprisonment for a term exceeding one (1) month for a deed he committed either before or after the stay of the execution order.
2. It transpires during such period that, prior to the stay of the execution order, the sentence referred to in the preceding paragraph was pronounced against the accused, and the court was not apprised thereof.

Article 286

The order to cancel a suspension shall be issued by the same court which ordered it upon the request of the Public Prosecution after summoning the convicted party to appear. If the penalty on which the cancellation order is predicated was imposed after the suspension, the cancellation order may be issued by the court which imposed such penalty either sua sponte or upon the request of the Public Prosecution.

Article 287

Cancellation shall entail the execution of the suspended sentence, as well as of all ancillary penalties and penal effects that were suspended.

Chapter VIII. Trial of Fugitives

Article 288

1. If the Attorney-General submits a felony charge against a person who is not arrested and who does not turn himself in, an arrest warrant shall be issued against him.
2. Upon receiving the file of the case, the Deputy-Prosecutor shall issue a charging instrument with the names of witnesses and send it for notification to the last domicile of the accused. The Deputy-Prosecutor shall then refer the case to the court for trial.
3. Upon receiving the file of the case, the court shall issue a decision granting the accused a grace period of ten (10) days to surrender to the Judicial Authority. The decision shall state the type of the felony, refer to the arrest warrant, and enjoin all persons who know the whereabouts of the fugitive to come forward with such information.
4. The decision to grant a grace period shall be published in the Official Gazette or in the local newspaper. It shall also be posted on the door of the domicile of the accused and on the bulletin board of the court.
5. If the accused is unable to present himself for trial, his relatives or friends may submit an excuse on his behalf, together with proof of its legitimacy.
6. An accused who does not turn himself in during the grace period shall be deemed a fugitive from justice.

Article 289

1. In cases where sufficient evidence of the validity of a criminal charge perpetrated against public funds is established by the investigation, the Attorney-General may, upon deciding that the matter requires conservatory measures against the funds of the fugitive, submit the matter to the criminal court authorised to confiscate these funds and assets to prevent him from disposing thereof.
2. The court may, upon the request of the Attorney-General, include in its decision the funds and property of the spouse and minor children of the fugitive, if there is sufficient proof that such assets are the fruit of the crime under investigation.
3. (a) The court shall determine who will administer the confiscated funds after they are inventoried in the presence of the concerned parties, the representative of the Public Prosecution, and the court-appointed expert.

(b) The appointed person shall preserve the confiscated funds, administer them properly and restitute them, together with their proceeds, at the end of the confiscation period.

4. Any interested party may protest the decision of the court referred to under paragraphs 1, 2, and 3 above within three (3) months from its issuance, before the court which issued it.
5. During the period in which the funds of the fugitive are confiscated, the spouse, children, parents, and those he is under a legal obligation to support shall be given a monthly allowance from the revenues of his assets in the amount determined by the competent court. A civil claimant may obtain a decision from such court granting him an advance from the damages awarded to him with or without the furnishing of a guarantee.

Article 290

1. The Attorney-General shall immediately notify the Director of the Land Registration Department of the decision of the court in order to post the sign of confiscation on the properties of the fugitive.
2. If the assets under attachment are subject to rapid deterioration or if the court determines that their sale would be beneficial to their owner, it may order them to be sold, as occasion may require. The price of sale shall be recorded in the Court Registry.

Article 291

1. If a fugitive is not arrested and does not turn himself in, the court shall try him in absentia, upon establishing that he was notified of the decision granting the grace period and that it was published. The trial shall be conducted pursuant to the procedures set forth in this law.
2. No counsel may represent a fugitive who is being tried in absentia.

Article 292

1. A fugitive convicted in absentia of a crime against public funds shall be prohibited from disposing of or administering his funds; he shall be subject to the provisions of Article 289 of this law.
2. The decision which prohibits the disposition or the administration shall not be lifted, except after the full execution of every pecuniary penalty imposed upon the accused.

Article 293

The Public Prosecution shall give notice of the judgement issued against the fugitive within ten (10) days of its issuance by publishing it in the Official Gazette and the daily newspaper and posting it on the door of the last domicile of the fugitive and on the bulletin board of the court. The Director of the Land Registration Department shall also be notified of the judgement.

Article 294

The judgement shall become executory on the day following its publication and may be appealed by the Public Prosecution in case of acquittal.

Article 295

1. The absence of one of the accused shall not entail adjourning the trial or postponing the review of the case regarding any other accused.
2. The court may, upon trying the accused, decide to deliver the objects kept in the depository of attached goods to their owners or to those entitled to them by means of minutes indicating the type, number, and description of such objects.

Article 296

If a fugitive turns himself in or is arrested before the sentence is extinguished by prescription, the judgement and the proceedings which took place after the order to appear shall be ipso facto cancelled; the fugitive shall be retried in the normal manner.

Article 297

If the court acquits a fugitive who turned himself in and was prosecuted anew, he shall be exempted from the fees of the trial in absentia. The judgement of acquittal shall be published in the Official Gazette.

Article 298

The provisions of this chapter shall apply to an accused who escapes from a Correctional and Rehabilitation Centre ('Prison') or from the statutorily designated place of detention.

Chapter IX. Trial Procedures before Magistrate Courts

Article 299

The Magistrate Court shall consist of a single judge, who shall be seized of the cases falling under his jurisdiction.

Article 300

The Magistrate Court shall exercise jurisdiction over all contraventions and misdemeanours, unless the law determines otherwise.

Article 301

No person shall be referred to trial before a Magistrate Court in a case of a misdemeanour, unless a charging instrument is presented against him by the Public Prosecution.

Article 302

The sessions of the Magistrate Courts shall convene on the case of a misdemeanour in the presence of the Deputy-Prosecutor and the clerk.

Article 303

1. Upon depositing the charging instrument with the clerk of the court, a summons of appearance shall be prepared. The Public Prosecution, the accused, the civil claimant, and the party responsible for the civil reparation shall be notified thereof.
2. The summons of appearance shall include the day and hour when the case will be heard.

Article 304

1. If the accused does not present himself in court on the day and at the hour designated in the summons of appearance served upon him pursuant to the procedure set forth, he shall be tried in absentia.
2. If the accused attends a session of the trial from which he withdraws for any reason, or if he absents himself from the trial after attending one of its sessions, the court may proceed to review the case or continue to review it as if the accused is present. Its judgement under such circumstances may not be challenged except at appeal.

Article 305

The accused in a case of a misdemeanour that is not punishable by imprisonment may delegate his counsel to admit that he committed the deed or to take other procedures which he deems necessary, unless the court decides that the accused must appear in person.

Article 306

In a trial before a Magistrate Court and in which the law does not determine the presence of a representative of the Public Prosecution, the complainant or his counsel may attend the trial and submit evidence.

Article 307

The provisions of CHAPTER V of this PART II shall apply to trial procedures before the Magistrate Court.

Chapter X. Simplified Procedures

Article 308

The simplified procedures referred to in this chapter shall apply to contraventions of laws and regulations related to municipal affairs, health, and road traffic.

Article 309

1. In case of a contravention of the aforementioned laws and regulations that is punishable only by a fine, the documents establishing its occurrence shall be sent to the competent judge to impose the penalty applicable to the deed or to send them back to the Public Prosecution to institute an action in the normal manner.
2. The judge shall issue the judgement within ten (10) days, unless the law requires that it be issued within a shorter period of time.

Article 310

The judge shall give full faith and credit to the facts set forth in the documents establishing the occurrence of the deed, if such are in conformity with the required procedures.

Article 311

The judgement imposing a penalty must state the deed, its legal qualification, and the legislative provision applicable thereto.

Article 312

The accused and the Public Prosecution shall be notified of the judgement by due service of process.

Article 313

The simplified procedures set forth in this chapter shall not apply if there is a civil claimant in the case.

Book Three. Means of Challenging Judgements

Part I. Objection to Default Judgements

Article 314

A person, against whom a default judgement is issued in a misdemeanour or a contravention, shall have the right to object to the judgement within ten (10) days from being notified thereof. The period of time shall be extended for considerations of distance.

Article 315

An objection shall not be admissible for the civil claimant.

Article 316

1. The objection shall be submitted in a petition to the clerk of the court which issued the judgement, upon its signature by the party against whom it was issued or by his counsel.
2. The petition shall include the full text of the judgement objected to, as well as the grounds on which the objection is predicated.

Article 317

The court which issued the default judgement shall schedule a session to review the objection and notify the parties thereof.

Article 318

In the event of the death of the person against whom a default judgement was issued before the expiration of the period of time for the objection, or before a decision was issued thereon, the judgement shall be cancelled and the criminal action shall be extinguished.

Article 319

1. If the objector fails to appear at the session scheduled to review the objection without an acceptable excuse, the court shall reject the objection and bar him from submitting any other objection.
2. The judgement rejecting the objection shall be amenable to appeal. The period of time for filing the appeal shall commence on the day following its issuance if it was pronounced in the presence of the accused and from the day following its issuance if it was pronounced in absentia.

Article 320

The court shall reject the objection in form if it is raised after the expiration of the period of time set forth above, for the lack of capacity, or for any other defect of form.

Article 321

If the court deems that the objection is admissible in form, it shall proceed to review the case pursuant to the procedures set forth in the law.

Article 322

If the court deems that there are no grounds for the objection, it shall dismiss it.

Part II. Appeals

Article 323

1. The parties may appeal judgements in a criminal action that are issued or are deemed to be issued in their presence as follows:
   a) If issued by a Magistrate Court, a judgement shall be appealed to the Court of First Instance in its appellate capacity.
   b) If issued by a Court of First Instance in its capacity of the court of original jurisdiction, a judgement shall be appealed to the Court of Appeal.
2. Judgements and decisions which are appealable under the provisions of any law shall be appealed pursuant to the procedures set forth in this law.

Article 324

An interlocutory decision which does not settle the essence of the dispute may not be appealed, unless the final judgement disposes of the matter in controversy. An appeal against a final judgement shall inevitably entail an appeal against any interlocutory decision.

However, a decision rejecting a plea for the non-competence of the court or the non-admissibility of the case by reason of prescription may be independently appealed, if such pleas were invoked at the beginning of the trial and before any pleas on the merits.

Article 325

Judgements issued on a civil action may be appealed if they are appealable to the civil court. The appeal shall be limited to the civil provisions of the judgement.

Article 326

A judgement rejecting an objection may be appealed.

Article 327

A judgement imposing capital punishment or life imprisonment shall be appealed by virtue of the law, even if it is not appealed by the parties.

Article 328

The appeal shall be submitted by depositing a writ of appeal with the clerk of the court which issued the judgement or with the clerk of the court of appeal within a period of fifteen (15) days from the day following the date of the issuance of the judgement if it was pronounced in the presence of the parties or from the date of its notification if it was deemed to have been pronounced in their presence.

Article 329

The Public Prosecution may appeal a judgement issued by a Magistrate Court and the Court of First Instance within a period of thirty (30) days from the day following the issuance of the judgement.

Article 330

The writ of appeal shall include the full text of the judgement under appeal, the number of the case in which it was issued, the respective capacities of the appellant and the respondent, the reasons for the appeal, and the demands of the appellant.

Article 331

Upon depositing the writ of appeal with the clerk of the court which issued the judgement, the court shall send it to the clerk of the court of appeal, together with the file of the case under appeal, within a period of three (3) days.

Article 332

The convicted party, the civil claimant, and the party liable for civil reparation shall not be prejudiced by the appeal.

Article 333

Appellate trials shall be subject to the Articles of this law regarding the public nature of the trial, its procedures, the form of the final judgement, the costs and fees, the imposition of penalties, and the objections to default judgements. The court of appeal shall be vested with the prerogatives set forth in CHAPTER VIII of this law, either because the accused is a fugitive or a contumax who failed to appear in court upon being notified of the trial, if the case is under review before the court of appeal.

Article 334

The court of appeal may hear any witnesses who should have been heard before the court which issued the judgement under appeal and may amend any other deficiency in the procedures of the investigation.

Article 335

The court shall uphold the judgement under appeal if it decides that the appeal is inadmissible in form or groundless on the merits.

Article 336

If the court rules to reverse the judgement under appeal because the deed does not constitute a crime, because it does not entail a penalty, or because the evidence is insufficient for a conviction, it shall issue a judgement of acquittal.

Article 337

If the judgement is reversed for its violation of the law or for any other reason, the court shall assume the case and adjudicate it on the merits, or return it to the court which issued the judgement, accompanied by instructions on how to proceed with its review.

Article 338

If the court which issued the judgement under appeal confined itself to ruling itself incompetent or to dismissing the case, and if the court of appeal reverses the judgement and rules the court competent or rejects the plea of non-admissibility and rules the case admissible, the court of appeal must return the case to the court which issued the judgement under appeal to adjudicate it on the merits.

Article 339

The appeal submitted by a person against whom a judgement imposing an executory deprivation of liberty is issued shall extinguish if the convicted does not present himself for execution of the judgement before the session.

Article 340

If the party against whom the judgement under appeal was issued expresses the wish to appeal it, the court may postpone the execution of the judgement until the appeal is adjudicated.

Article 341

If an appeal is not submitted within the statutory period of time and if the appellant requests an extension of the period of time within fifteen (15) days from the date of its expiration, the court of appeal may grant the appellant a grace period not to exceed ten (10) days if it determines the existence of a legitimate excuse justifying the delay.

Article 342

1. If the appeal is submitted by the Public Prosecution, the court may uphold, reverse, or amend the judgement, either in favour of or against the accused.
2. The court may not impose a severer penalty nor reverse a judgement of acquittal, except by the unanimous opinion of the judges of the court reviewing the case.

Article 343

The appeal shall be rejected if it is submitted after the expiration of the statutory period of time, if it transpires that the appellant has no standing to sue, or for any other defect of form.

Article 344

A plea of nullity of the procedures shall not be admitted before the court of appeal, unless it relates to public policy or was invoked before a Court of First Instance.

Article 345

The Director of the Correctional and Rehabilitation Centre ('Prison') shall receive the appeal of an inmate and bring it before the court of appeal within a period of one (1) week after receiving it.

Part III. Cassation

Chapter I. Cassation of Judgements

Article 346

A judgement issued on a felony or a misdemeanour by a Court of First Instance in its appellate capacity and by the Court of Appeal shall be amenable to challenge at cassation, unless the law determines otherwise.

Article 347

A judgement issued by a Court of First Instance in its appellate capacity or by the Court of Appeal, which rejects a plea of non-competence or for the inadmissibility of the case by reason of prescription pursuant to the provisions of this law, shall be amenable to challenge at cassation.

Article 348

A challenge at cassation shall not be admitted regarding judgements and decisions that are amenable to objection or appeal.

Article 349

A challenge at cassation may be raised by the following:

1. The Public Prosecution.
2. The party against whom a judgement was issued.
3. The civil claimant.
4. The party liable for civil reparation.

Article 350

A judgement imposing capital punishment or life imprisonment shall be challenged at cassation by virtue of the law, even if the convicted party does not petition for a revision of his sentence.

Chapter II. Reasons for Challenge at Cassation

Article 351

Without prejudice to the provisions under the preceding Article, a challenge at cassation shall not be admissible except for one of the following reasons:

1. If nullity occurred in the procedures that affected the judgement.
2. If the court which rendered the judgement was not constituted pursuant to provisions of the law or was not competent to adjudicate the case.
3. If two contradictory judgements were issued at the same time on the same deed.
4. If the judgement exceeded the demands of the adverse party.

5. If the judgement is predicated upon a violation of the law or on a mistake in its application or interpretation.
6. If the judgement does not contain reasons or if its reasons are insufficient, ambiguous, or contradictory.
7. If the rules of jurisdiction were breached or if the court exceeded its legal competence.
8. If other procedures were contravened and if the court failed to heed the demands of the parties to observe them and failed to rectify them at a subsequent stage of the trial.

Article 352

The parties may not invoke a plea of nullity against certain procedures taken before Magistrate Courts and Courts of First Instance, unless they invoked such plea before the court of appeal.

Article 353

The parties may not come forward with a proof derived from facts that are not addressed in the reasons of the judgement under challenge.

Article 354

The court may quash the judgement in favour of the accused sua sponte if it deems from what is established therein that the judgement was based upon a violation of the law or upon a mistake in its application, or that the court which rendered it was not constituted pursuant to the provisions of the law or was not competent to adjudicate the case, or if the provisions of a law enacted after the judgement under challenge apply to the case.

Chapter III. Procedures of Challenge at Cassation

Article 355

1. The period of time for submitting a petition of challenge at cassation by the Public Prosecution, the convicted party, the civil claimant, or the party liable for civil reparation shall be forty (40) days.
2. The period of time for a challenge at cassation shall be from the day following the issuing of the judgement pronounced in the presence of the parties or from the day following their notification, if it is deemed to have been pronounced in their presence.

Article 356

The petition of challenge at cassation shall be submitted to the clerk of the court which issued the judgement or to the Clerk of the Court of Cassation.

Article 357

The petition shall be signed by the petitioner or his counsel and shall include the reasons for the challenge and the names of the parties. It must be accompanied by a receipt stating the payment of the statutory fees, and the date of its registration shall be inscribed thereon by the clerk of the court.

Article 358

If the petition is not submitted by the Public Prosecution or by the convicted party which is detained under a sentence entailing deprivation of liberty, its admission shall be conditional upon the petitioner depositing a sum of fifty (50) Jordanian Dinars or the equivalent in legal tender in the Court Registry, unless he was exempted from the payment of judicial fees. This sum shall be deemed an insurance which shall be refundable to the petitioner if his challenge is determined to be well-founded.

Article 359

If the petition of challenge at cassation is deposited with the clerk of the court which issued the judgement, he shall send it to the Clerk of the Court of Cassation, together with the file of the case, within a period of one (1) week.

Article 360

The Chief Clerk of the Court of Cassation shall notify the party against which the petition of challenge at cassation is submitted within a period of one (1) week from the day following the date of the registration of the petition.

Article 361

The party petitioned against shall have the right to submit a responsive pleading to the reasons of the challenge at cassation within a period of fifteen (15) days from the day following the notification.

Article 362

Upon completing the papers of the challenge at cassation, the Chief Clerk of the Court shall send them, together with the file of the case, to the Public Prosecution.

Article 363

The papers shall be registered in the register of the Public Prosecution and be sent, together with the file of the case, to the Attorney-General, who shall review them and return them within a period of ten (10) days from receiving them.

Article 364

If the petitioner is under detention, he shall submit the petition of challenge at cassation to the Director of the Correctional and Rehabilitation Centre ('Prison') in which he is detained, who shall send it within a period of twenty-four (24) hours to the Clerk of the Court of Cassation.

Article 365

The challenge submitted by an accused who is sentenced to a penalty entailing deprivation of liberty shall extinguish if the accused does not come forward for the execution of the sentence before the session scheduled to hear the challenge.

Article 366

The court shall examine the challenge in detail and may, at its discretion, schedule a session to hear the statement of the Public Prosecution and the counsels of the parties.

Article 367

If the court rejects the reasons for the challenge at cassation which were submitted by the petitioner, and if it does not, sua sponte, find a reason for the challenge, it shall dismiss it on the merits.

Article 368

1. If the petition of challenge is not submitted by the Public Prosecution, the judgement shall not be quashed, except as to the party who submitted it.
2. If the petition of challenge is submitted by one of the parties against whom the judgement under challenge was issued, and if the reasons upon which such party bases the challenge are related to another of the parties convicted in the case, the judgement shall be quashed as toward them as well, even if they did not petition for its cassation.

Article 369

1. If the reasons of the judgement under challenge are based upon a mistake in citing legislative provisions, in the legal qualification of the crime, or in the capacity of the convicted party, the judgement may not be quashed if the penalty it imposes is the one prescribed by law for the crime pursuant to the facts established in the judgement. In such case, the court shall correct the mistake in the judgement and reject the challenge.
2. The convicted party may not rely upon the challenge to abstain from the execution of the judgement under challenge.

Article 370

A judgement shall be quashed only regarding the part thereof that was challenged, unless the judgement is not amenable to division.

Article 371

If the judgement under challenge admits a legal plea which interdicts the continued prosecution of the case and the Court of Cassation quashes the judgement and returns it to the court from which it originated to review it on the merits, such court may not issue a judgement contrary to that issued by the Court of Cassation.

Article 372

If the court accepts one of the reasons for the challenge at cassation or establishes a reason therefor sua sponte pursuant to Article 354 of this law, it shall quash the judgement under challenge and return the case to the court which issued it to adjudicate it de novo with a different panel of judges.

Chapter IV. Effects of Judgements of the Court of Cassation

Article 373

If the Court of Cassation rejects a petition of challenge at cassation, the judgement shall become final and the person who challenged it may not, under any circumstances, submit another challenge against the same judgement for any reason whatsoever.

Article 374

If the judgement issued after the first cassation is challenged, the Court of Cassation shall examine the merits of the case.

Chapter V. Cassation by Written Order

Article 375

If a judgement contradicts the law and nevertheless acquired a binding force and if the case was not previously adjudicated by the Court of Cassation, the Minister of Justice may request the Attorney-General in writing to send the file of the case to the Court of Cassation and proceed for the nullity of the procedure or the cassation of the judgement or decision.

Article 376

If the Court of Cassation accepts the reasons set forth under the preceding Article, it shall nullify the procedure, judgement, or decision under challenge.

Part IV. Retrials

Article 377

A retrial may be sought regarding binding judgements on felonies and misdemeanours in the following cases:

1. If, after a conviction for homicide, evidence is produced to prove that the alleged victim is still alive.
2. If, after a person is convicted of a given crime, a new judgement convicts another person of the same crime, the two judgements are irreconcilable, and their contradiction proves the innocence of one or the other of those convicted.
3. If the judgement was predicated upon the testimony of a witness who is convicted of perjury or on a document which is condemned as a forgery after the judgement was issued.
4. If, after a conviction, new facts or documents and evidence are revealed that were unknown at the time the judgement was issued, and if they are of such nature to establish the innocence of the convicted person.
5. If the conviction is predicated upon a judgement issued by a civil court or a personal status court and such judgement was annulled.

Article 378

The petition for retrial shall be submitted to the Minister of Justice by any of the following:

1. The convicted person, his counsel or legal representative if the convicted person is devoid of capacity, or the person liable for civil reparation.
2. The spouse or children of the convicted person or his heirs if the convicted is deceased or if his death is established by the judgement of a court.

Article 379

1. The petition for retrial shall be submitted to the Minister of Justice within a period of one (1) year from the date on which the persons entitled to apply learn of the reason entailing a retrial; otherwise the application shall be rejected.
2. The Minister of Justice shall send the petition for retrial to the Attorney-General, who shall raise it, within a period of one (1) month from his receipt thereof, to the Court of Cassation, together with the results of the investigation that he found necessary to conduct, his opinion, and the reasons upon which his opinion is predicated.

Article 380

1. The petition for retrial shall not entail a stay of the execution of the judgement,unless the judgement imposes capital punishment.
2. The Court of Cassation may order a stay of the execution of the judgement in its decision that admits the petition for retrial.

Article 381

If the Court of Cassation decides to grant the petition for retrial, it shall send the case to a court of the same rank as the one which issued the judgement at the initial trial.

Article 382

If a retrial is impossible as toward all parties by reason of the death of the convicted party or of the extinguishment of the case by prescription, the Court of Cassation shall closely review the merits of the case and nullify the aspects of the judgement or of any previous judgement which was issued erroneously.

Article 383

1. If, as the result of a retrial, the convicted party is acquitted, the judgement of acquittal shall be posted on the door of the court or in the public areas in the town in which the judgement of conviction was issued, as well as at the scene of the crime, at the last domicile of the party who petitioned for a retrial, and at the last domicile of the convicted party, if deceased.
2. The judgement of acquittal shall ipso facto be published in the Official Gazette and shall also be published, if the petitioner for a retrial so demands, in two local newspapers of his choice. The costs of the publication shall be borne by the State.

Article 384

A reversal of a challenged judgement shall entail the reversal of the judgement awarding damages and the reimbursement of any damages that were paid, without prejudice to the rules regarding the prescription of rights within the expiration of the period of time.

Article 385

If the petition for retrial is denied, it may not be submitted again on the basis of the same facts upon which it was predicated.

Article 386

A judgement issued on the merits of a case by other than the Court of Cassation on the basis of a petititon for retrial may be challenged by all the means set forth in the law. It may not impose a severer penalty upon the accused than the one previously imposed.

Article 387

1. A convicted person who is retried and acquitted shall have the right to claim damages from the State for the injury that he suffered as a result of the conviction.
2. If the convicted party is deceased, the right to claim damages shall devolve to the spouse, the ascendants, and the descendants.
3. The State shall have the right to claim such damages from the civil claimant, the informer or the perjured witness by whose fault the conviction was pronounced.

Part V. Effects of Final Judgements

Article 388

A judgement issued on the merits of a criminal action shall not be amenable to review by other than the means of challenge set forth in the law.

Article 389

A criminal action may not be retracted after a final judgement is issued thereon on the basis of a change in the legal qualification of the crime.

Article 390

1. A judgement issued by a competent court on the merits of a criminal action, whether of acquittal or conviction, shall have the force of res judicata before the civil courts in cases in which no final judgement is issued regarding the occurrence of the crime, its legal qualification, and its attribution to its perpetrator.
2. A judgement of acquittal shall have this force whether it is predicated upon the dismissal of the charge or the insufficiency of the evidence.
3. A judgement of acquittal shall not acquire the force of res judicata if it is based upon the fact that the deed is not punishable by law.

Article 391

A judgement issued by a civil court shall not have the force of res judicata before a criminal court regarding the occurrence of the crime and its attribution to its perpetrator.

Article 392

A judgement issued by a personal status court within the limits of its jurisdiction shall have the force of res judicata before a criminal court in matters upon which the final judgement of a criminal action is conditional.

Book Four. Execution

Part I. Executory Judgements

Article 393

The penalties set forth by the law for any crime may not be imposed except pursuant to a judgement issued by a competent court.

Article 394

A judgement issued by a criminal court shall not be implemented until it becomes final, unless the law determines otherwise.

Article 395

1. The Public Prosecution shall execute a judgement issued in a criminal action pursuant to the provisions of this law and may directly requisition the police force, as occasion may require.
2. A judgement issued in a civil action for the reparation of the injury caused by a felony, a misdemeanour, or a contravention shall be executed upon the request of the civil claimant pursuant to the provisions of the Law of Civil Procedure.

Article 396

If an accused held under provisional detention is acquitted, fined, or given a suspended sentence by a preliminary judgement, he must be released immediately, unless the accused is detained for another reason.

Article 397

A person sentenced to a term of imprisonment must be released when the time spent under provisional detention is equivalent to the term to which he was sentenced.

Article 398

A challenge at cassation shall not entail a stay of the execution, unless the judgement under challenge imposes capital punishment.

Article 399

Any person sentenced to imprisonment for a term not exceeding three (3) months may petition the Public Prosecution to put him to work outside of the Correctional and Rehabilitation Centre (‘Prison’) instead of executing the sentence of imprisonment, unless the judgement determines that this option is not available.

Article 400

If the accused is acquitted of the crime for which he was detained, the period of provisional detention shall be deducted from the term to which the accused is sentenced for any other crime that he may have committed or for which he was investigated during the period of provisional detention.

Article 401

If multiple sentences are issued against the accused, the period that he spent under provisional detention shall be deducted first from the lighter sentence and then from the more severe sentence.

Article 402

If the person sentenced to imprisonment is pregnant, the execution of the sentence may be postponed until she gives birth and, if the infant is born alive, three (3) months pass after the delivery. If it is decided to proceed with the execution of the sentence or if the condition of pregnancy is established during its execution, she must be treated as a provisional detainee in the Correctional and Rehabilitation Centre ('Prison').

Article 403

If the person sentenced to imprisonment is suffering from a life-threatening disease or if the execution of the sentence would expose his life to danger, the execution may be postponed.

Article 404

If the person sentenced to imprisonment is suffering from insanity, the Public Prosecution shall order that he be committed to a mental institution until he is cured. In such case, the period of commitment in the institution shall be deducted from the sentence.

Article 405

If a man and his wife are sentenced to imprisonment for a term not exceeding one (1) year, even for different crimes, and if they were not previously imprisoned, the execution of the sentence against one of them may be postponed until the other one is released if they are responsible for a child younger than fifteen (15) years of age and if they have a domicile in Palestine.

Article 406

The court may, in all cases in which it decides to postpone the execution of the sentence against the accused, order him to post bail to guarantee that he will not evade the execution of the sentence when the reason for its postponement disappears. The amount of the bail shall be determined in the order of the postponement, which shall also make the postponement of the execution conditional upon whatever other precautionary measures the court deems necessary to prevent the accused from fleeing.

Article 407

In other than the cases set forth in the law, the party sentenced to imprisonment may not be released before serving the sentence.

Part II. Execution of Capital Punishment

Article 408

Once a judgement entailing the sentence of capital punishment becomes final, the Minister of Justice shall immediately submit the file of the case to the Head of State.

Article 409

The sentence of capital punishment may not be executed until it is ratified by the Head of State.

Article 410

The Attorney-General or the person delegated on his behalf shall oversee the execution of the sentence of capital punishment. The sentence shall be executed in the presence of the following:

1. The Attorney-General or the person delegated on his behalf.
2. The Director of the Correctional and Rehabilitation Centre ('Prison') or the person delegated on his behalf.
3. The Chief of Police in the Governorate.
4. The clerk of the court which issued the sentence.
5. The physician of the Correctional and Rehabilitation Centre ('Prison').
6. A religious dignitary belonging to the same faith as the person sentenced to death.

Article 411

The relatives of the convicted person may meet with him before the date scheduled for the execution of the sentence, provided that the meeting is held away from the place of the execution.

Article 412

If the convicted person belongs to a religion which requires him to make confession or to carry out any other ritual before his death, the necessary facilities must be provided to enable him to meet with a religious dignitary.

Article 413

The judgement imposing capital punishment and the crime for which it was imposed must be read aloud to the convicted person at the place where the sentence is to be executed. It must be heard by the persons attending. If the convicted person wishes to make a statement, the Attorney-General or the person delegated on his behalf shall transcribe the minutes recording the statement.

Article 414

The sentence of capital punishment shall not be executed on a pregnant woman. If she gives birth to a live infant, the court which issued sentence shall commute the death sentence to life imprisonment.

Article 415

The sentence of capital punishment shall be executed on civilians by hanging and on military personnel by the firing squad.

Article 416

The clerk of the court shall transcribe the minutes of the execution of the sentence of capital punishment, which shall be signed by the representative of the Public Prosecution, the Director of the Correctional and Rehabilitation Centre ('Prison'), the physician, and the clerk. The minutes shall be kept by the Public Prosecution.

Article 417

The sentence of capital punishment may not be executed on official holidays or on the religious feast days observed by the religion of the convicted person.

Article 418

The sentence of capital punishment shall be executed inside a Correctional and Rehabilitation Centre ('Prison') of the State.

Article 419

The Government shall bury, at its own expense, the body of the person on whom the sentence of capital punishment was executed if his relatives do not claim the body for private burial. No celebration may accompany the burial.

Part III. Challenge of Execution

Article 420

Every challenge of execution by the convicted party shall be submitted to the court which issued the judgement.

Article 421

The challenge shall be submitted expeditiously to the court by the Public Prosecution, and the concerned parties shall be notified of the date scheduled to review it. The court shall decide on the challenge upon hearing the demands of the Public Prosecution and the concerned parties. The court shall have the right to conduct the necessary investigation and may order a stay of the execution until the dispute is adjudicated.

Article 422

The Public Prosecution may, if necessary and before presenting the dispute to the court, stay the execution of the judgement temporarily for reasons concerning the convicted person's health.

Article 423

A dispute that arises over the identity of the convicted person shall be adjudicated pursuant to the procedures set forth under the preceding Articles.

Article 424

If in the event of the execution of a pecuniary judgement a dispute is initiated by any person other than the convicted person regarding the property of the convicted person, the matter shall be submitted to the civil courts pursuant to the provisions of the Law of Civil Procedure.

Part IV. Extinguishment of the Penalty by Prescription and Death of the Convicted

Article 425

1. Penalties and conservatory measures shall extinguish by prescription.
2. Prescription shall not apply to penalties and conservatory measures involving alienation of rights, deportation or confiscation in kind.
3. The penalty shall extinguish with the death of the convicted person.

Article 426

The death of the convicted person shall not prevent the execution of pecuniary penalties, damages, restitutions, and death duties.

Article 427

1. The period of prescription for capital punishment shall be thirty (30) years.
2. The period of prescription for the penalty of life imprisonment shall be twenty (20) years.

3. The period of prescription in any other penalty shall be double the period of the sentence, provided that it does not exceed fifteen (15) years and is not less than ten (10) years.

Article 428

1. The period of prescription shall begin on the date of the judgement if it was issued in absentia or from the day on which the convicted person evaded the execution of the judgement if it was issued in his presence.
2. If the convicted person evades the execution of a sentence entailing deprivation of liberty, half (1/2) of the term of his sentence shall be deducted from the period of prescription.

Article 429

The period of prescription shall begin:

1. In a judgement issued in the presence of the convicted person, from the date of its issuance if it is at last resort or from the date it becomes final if it is in the first degree.
2. If the convicted person is sentenced to provisional detention, then from the day on which he evades the execution of the sentence. In such case, half (1/2) of the term of the sentence shall be deducted from the period of prescription.

Article 430

1. The period of prescription for conservatory measures shall be three (3) years.
2. The prescription shall begin on the day on which the conservatory measure becomes enforceable or after the prescription of the penalty accompanying such measure, provided that no decision is issued by a judge before the expiration of a period of seven (7) years from that date determining that the convicted person still represents a threat to public safety. In such case, the judge shall order the execution of the conservatory measures.

Article 431

A correctional measure whose execution was neglected for one (1) year may not be executed thereafter, except by the decision of the court that issued it based upon the request of the Public Prosecution.

Article 432

1. The period of prescription shall be counted from the day following the day on which the crime is committed.
2. The prescription shall be interrupted by any legal or material constraint rendering the execution of the sentence or measure impossible and which does not emanate from the convicted person. The postponement of the execution of the judgement shall be deemed a legal constraint interrupting the prescription.
3. The prescription shall be interrupted by the following:
   a) The arrest of the convicted person.
   b) The procedures of investigation or trial taken by the competent authorities.
   c) The procedures of execution taken toward the convicted person or his place of business.
   d) The commission by the convicted person of another crime of the same or greater magnitude than the crime for which the convicted person was sentenced.

The period of prescription may not be extended to more than the double of its length in any of the cases set forth above.

Article 433

The preceding Articles shall not prevent the application of the other provisions of prescription set forth in the law.

Article 434

If a person is convicted in absentia and his penalty extinguishes by prescription, he may not request a retrial.

Article 435

1. The obligation to pay damages awarded in a criminal action shall extinguish pursuant to the provisions of prescription set forth in the civil law.
2. The obligation to pay fees and costs to the General Treasury shall extinguish pursuant to the rules and regulations relating to public funds; the prescription shall be interrupted in this regard by the presence of the convicted person in the Correctional and Rehabilitation Centre ('Prison') in execution of a judgement.

Part V. Rehabilitation

Article 436

The effects of a judgement imposing a penalty shall remain in force until the convicted person is rehabilitated by virtue of the law or by a judgement of a court. Legal or judicial rehabilitation shall entail the extinguishment of the judgement of conviction regarding the future and the extinguishment of all penal effects arising therefrom. However, it shall have no effect on the right of a third party.

Article 437

Any person convicted of a felony or misdemeanour may be rehabilitated. A judgement to that effect shall be issued, upon his request, by the Court of First Instance within the circuit of jurisdiction where his domicile is located.

Article 438

Rehabilitation shall be subject to the following conditions:

1. That the sentence was executed in full, that a pardon was issued with regard thereto, or that it extinguished by prescription.
2. That a period of five (5) years elapsed since the execution of the sentence or the issuance of the pardon in the case of a penalty for a felony or a period of one (1) year in the case of a penalty for a misdemeanour. The period shall be doubled in the case of recidivism or the extinguishment of the penalty by prescription.

Article 439

For the court to issue a judgement of rehabilitation, the convicted person must have discharged all that he was sentenced to pay in the way of fines, restitutions, damages, and expenses. The court may waive this condition in whole or in part if the convicted person is able to prove that he is not in a position to make such payment.

Article 440

If multiple judgements were issued against the person seeking rehabilitation, he shall not be rehabilitated unless the conditions set forth under the preceding Articles are met regarding each such judgement, provided that the period of time is counted by reference to the most recent one among them.

Article 441

The request for rehabilitation shall be submitted in a petition to the Attorney-General. The petition must include the particulars necessary to identify the petitioner, the date of the judgement issued against him, and the places at which he resided since that date.

Article 442

1. The Attorney-General shall review the petition to verify the dates of the stay of the petitioner at each of the places in which he resided following the issuance of the judgement and the duration of each such residence, to review his conduct and means of livelihood and, in general, to gather whatever information is deemed necessary. The Attorney-General shall add the report to the petition and submit both to the court within one (1) month from the date on which the petition was submitted, together with a report stating his opinion and the reasons upon which it is predicated.
2. The following shall be added to the petition:
   a) A copy of the judgement issued against the petitioner.
   b) A certificate of previous convictions.
   c) A report on the conduct during imprisonment or detention in the Correctional and Rehabilitation Centre ('Prison').

Article 443

The court shall review and decide on the petition for rehabilitation in the deliberation chamber. It may hear the statements of the Public Prosecution and the petitioner and obtain such information as it deems necessary. A summons to appear shall be served upon the petitioner at least eight (8) days prior to the session. The judgement issued on the petition may be challenged through an appeal if it is predicated on a mistake in the application or construction of the law; the challenge shall be subject to the provisions and period of time set forth in this law.

Article 444

Without prejudice to the provisions of Article 463 of this law, the court shall issue a judgement of rehabilitation if it deems that the behaviour of the petitioner since his conviction is conducive to the belief that he will rehabilitate.

Article 445

The Attorney-General shall send a copy of the judgement of rehabilitation to the court which issued the judgement of conviction in order to inscribe it in the margin and to order that it be inscribed in the identity check register.

Article 446

A judgement of rehabilitation regarding a convicted person may not be issued more than once.

Article 447

If the petition for rehabilitation is denied for a reason attributable to the conduct of the convicted person, it may be renewed only after a period of two (2) years. In all other cases, it may be renewed when the conditions that must be satisfied are met.

Article 448

The judgement of rehabilitation may be annulled if it transpires that other judgements were issued against the convicted person of which the court was not aware or if the petitioner is convicted after rehabilitation of a crime committed previously. The judgement annulling the judgement of rehabilitation shall be issued by the court which issued the judgement of rehabilitation upon the request of the Public Prosecution.

Article 449

Rehabilitation shall come into effect by virtue of the law if the convicted person is not convicted of a felony or a misdemeanour within the following period of time; it shall entail a registration in the identity check register:

1. Regarding a convicted person sentenced to a penalty for a felony or misdemeanour in a crime of theft, possession of stolen goods, fraud, swindle, breach of trust, forgery, or for the attempted commission of any of these crimes, following the lapse of a period of ten (10) years from the date the sentence was executed, pardoned, or prescribed.
2. Regarding a convicted person sentenced to a penalty for a misdemeanor other than those set forth above, following the lapse of a period of three (3) years from the date the sentence was executed or pardoned, unless the sentence extinguishd by prescription, in which case the period shall be five (5) years.

Article 450

If multiple judgements were issued against the convicted person, he shall not be rehabilitated by virtue of the law, unless the conditions set forth under the preceding Article are fulfilled regarding each judgement, provided that the period of time is counted by reference to the most recent one among them.

Article 451

A judgement of rehabilitation shall entail the extinguishment of the judgement of conviction regarding the future, as well as the extinguishment of all penal effects arising therefrom, in particular the loss of capacity and deprivation of rights and privileges.

Article 452

Rehabilitation may not be invoked toward third parties regarding rights accruing to them on the basis of a judgement of conviction, in particular regarding restitution and damages.

Book Five. Special Procedures

Part I. Forgery Cases

Article 453

1. In any forgery case, as soon as a document alleged to be a forgery is presented to the Deputy-Prosecutor or the court, the clerk shall transcribe detailed minutes describing the document on its face. The minutes shall be signed by the Deputy-Prosecutor, the judge, or the President of the Court, as well as by the clerk, the person who reported the forgery, and his adversary in the case, if any. These parties shall also sign each page of the document to prevent substitution. The document shall be kept in the investigation chamber or with the clerk of the court.
2. If some of those present refuse to sign the minutes or are unable to do so, this fact shall be transcribed in the minutes.

Article 454

If the document alleged to be a forgery is obtained from an official department, it shall be signed by the official responsible for such department pursuant to the preceding Article.

Article 455

A plea of forgery may be invoked against a document even if it served as the basis for a judicial action or any other action.

Article 456

Any person with whom a document alleged to be a forgery was deposited shall be obliged to deliver such document to the competent authority upon a decision issued by the court or the Deputy-Prosecutor; failure to do so shall incur the penalties set forth in this regard by the law.

Article 457

The above provisions shall apply to documents submitted to the Deputy-Prosecutor or the court for purposes of comparison and collation.

Article 458

Every official shall be obliged to submit all documents in his possession that are amenable to comparison and collation; otherwise he shall incur the penalties set forth in this regard by the law.

Article 459

1. If an official document needs to be procured, the person with whom it is deposited shall be given an exact copy thereof certified by the President of the Court to which such person is subject and upon which an explanation of the procedure shall be inscribed.
2. If the document was deposited with an official, the copy given to him shall serve as the original until the original document is restored to him. The official may give a copy of the certified copy bearing the explanation as stated above.
3. If the document required to be procured is kept in a register from which it cannot be removed, the court may order the entire register to be brought before it.

Article 460

An ordinary document shall be amenable to comparison and collation upon certification by the parties.

Article 461

If one of the parties alleges that a document is a forgery and that the person submitting such document committed or participated in the forgery, an investigation shall be conducted of the allegation of forgery in the manner set forth in this law.

Article 462

If forgery is alleged in an interlocutory plea during the proceedings in a civil action, the pronouncement of the judgement thereon shall be adjourned until the criminal action regarding the forgery is adjudicated.

Article 463

If the adverse party declares that it does not intend to use the document alleged to be a forgery, the document shall be withdrawn from the case; however, if the party declares that it intends to use it, an investigation shall be conducted in the forgery case.

Article 464

If, in the course of reviewing a case, the court finds, sua sponte, ground for the belief that a forgery was committed in a document presented by a certain person, it shall send the document to the Public Prosecution to investigate the matter and to notify the court of the results of the investigation.

Article 465

If it is established that an official document is forged in whole or in part, the court shall order the document ineffective and return it to its original condition by erasing what was added thereto and establishing what was removed therefrom. A summary of the final judgement shall be written at the end of the document, after which it shall then be returned for comparison and collation to the person who had it in possession.

Article 466

An investigation into a forgery case shall be conducted pursuant to the procedures set forth for all crimes.

Part II. Hearing the Testimony of Officials

Article 467

If the procedures of a case entail the hearing of the testimony of the Head of State, the investigator, the President of the Court, or the judge appointed by the President of the Court shall proceed, together with the clerk, to his residence, where the testimony shall be heard and transcribed into the minutes pursuant to the general procedure and added to the file of the case.

Article 468

Members of the diplomatic corps shall be notified of the statement of a claim of a case in order to give testimony through the Ministry of Foreign Affairs.

Article 469

If the person required to testify in court is a member of the regular army, he shall be notified of the statement of the claim of the case by the commander of his unit.

Article 470

Other than the official witnesses referred to in the preceding Articles, every witness whatsoever shall be summoned to testify before the Judicial Authority pursuant to the procedures set forth in this law regarding the hearing of witnesses.

Part III. Loss or Theft of Case Documents and Judgements

Article 471

If the original of a judgement issued in a criminal action or a document related to the procedures of the investigation or the trial is lost before a judgement or decision is issued thereon, or if such a document is lost by reason of fire or other extraordinary events, or if it is stolen and cannot be redrafted, the provisions set forth under the following Articles of this PART III shall apply.

Article 472

1. If a summary or a certified copy of the judgement is available, it shall be deemed equivalent to the original of the judgement and kept in its place.
2. If the summary or the copy referred to in the above Article is held by an ordinary person or an official, the President of the Court which issued the judgement shall order it to be delivered to the clerk of such court. If the person refuses to deliver the summary or the copy, he shall be forced to do so pursuant to the procedures set forth in the law.
3. The person referred to in the above Article shall have the right to obtain an identical copy free of charge.

4. The order to deliver a summary or copy of the judgement shall release the person holding it from liability to the parties who have a connection therewith.

Article 473

1. If the original of a judgement is lost and no certified copy thereof can be found and if the means of challenging the judgement were not used and the charging instrument is found, trial procedures shall be instituted and a new judgement shall be issued.
2. If there is no charging instrument or if it cannot be found, the procedures shall be repeated starting from the part of the documents that is lost.

Part IV. Nullity

Article 474

A procedure shall be deemed null if the law expressly sets forth its nullity or if it is clouded by a defect that leads to the non-realisation of its objective.

Article 475

Nullity shall arise from the non-observance of the provisions of the law regarding the composition, competency, or jurisdiction of a court or other matters related to public policy; it may be invoked at any stage of the procedure or pronounced by the court sua sponte.

Article 476

In cases other than the ones where nullity arises from public policy, it may only be invoked by those parties for whose benefit it is set forth, unless they themselves caused nullity or waived the right to avail themselves thereof, either implicitly or explicitly.

Article 477

The nullity of a procedure shall not entail the nullity of the procedures taken prior or subsequent thereto, unless such procedures are based upon the null procedure. Nullity that affects part of a procedure shall be pronounced regarding that part only.

Article 478

In cases other than the ones where nullity arises from public policy, the right to invoke the nullity of procedures related to the gathering of evidence, to the preliminary investigation, or to the examination during the session shall extinguish if the accused is represented by a counsel and the procedures were taken in his presence without an objection on his part. The right of the Public Prosecution to invoke nullity shall extinguish if it does not avail itself of such right at the time nullity occurs.

Article 479

An accused who attends a session in person or through his counsel may not invoke the nullity of the summons which ordered his appearance. However, the accused may request that it be corrected or that particulars missing therefrom be completed and that he be granted a period of time to prepare the defense before the case is heard; the court shall be held to admit this request.

Part V. Calculation of Time

Article 480

The day for penalties entailing deprivation of liberty shall be twenty-four (24) hours, the month shall be thirty (30) days, and the year shall be twelve (12) months in accordance with solar time; the duration of the penalty shall be counted in accordance with the solar calendar.

Article 481

The duration of a penalty entailing deprivation of liberty shall begin on the day during which the convicted person is arrested on the basis of an executory judgement. A period of provisional detention or arrest shall be deducted from the duration of the penalty.

Article 482

The day during which the execution of the sentence begins shall be counted for the duration of the penalty, and the convicted person shall be released at noon time on the day during which such duration ends.

Article 483

If the duration of the penalty entailing deprivation of liberty is twenty-four (24) hours, its execution shall end on the day following the arrest.

Article 484

Official holidays shall not be counted in the periods of time set forth for the submission of a challenge by means of objection, appeal, or cassation, or in other periods of time if these holidays fall at the end of the period of time.

Book VI. Concluding Provisions

Article 485

The following laws and orders are hereby repealed:

1.
   a) The Law of Penal Procedure (Arrest and Investigation) No. 4 of 1924.
   b) The Law of Penal Procedure (Accusatory) No. 22 of 1924.
   c) The Law Concerning Judges Investigating Questionable Deaths No. 35 of 1926.
   d) The Law Amending the Law of Procedure No. 21 of 1934.
   e) The Law of Penal Procedure No. 24 of 1935.
   f) The Fire Incidents Investigations Law No. 7 of 1937.
   g) The Law of Penal Procedure (Partial Trials before Central Courts) No. 70 of 1946.
   h) The Law Concerning the Jurisdiction of Magistrate Courts No. 45 of 1947.
   i) The Order No. 269 of 1953 Concerning the Jurisdiction of the Criminal Court.
   j) The Order No. 473 of 1956 Concerning the Functions of the Public Prosecution.
   k) The Order No. 554 of 1957 Concerning the Authorisation of the Attorney-General and his Representatives with the Powers of the Judges Investigating Questionable Deaths.
   l) The Rehabilitation Law No. 2 of 1962.
   m) The Chapter No. 26 of the Palestinian Law of Procedure before the Magistrate Courts of 1940 in force in the Governorates of the Gaza Strip.

2.
   a) The Jordanian Law Concerning Violating the Dignity of the Courts No. 9 of 1959.
   b) The Jordanian Law of Penal Procedure No. 9 of 1961.

c) The Jordanian Law on Magistrate Courts No. 15 of 1952 in force in the Governorates of the West Bank.

3. Every provision which contradicts the provisions of this law is hereby repealed.

Article 486

All competent authorities, each one within its sphere of jurisdiction, shall implement the provisions of this law, which shall enter into force thirty (30) days after its publication in the Official Gazette.

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Yasser Arafat
Chairman of the Executive Committee of the Palestine Liberation Organisation
President of the Palestinian National Authority