Penal Procedure Law No. (3) of 2001

Chairman of PLO Executive Committee
President of the Palestinian National Authority

After having reviewed:
FIRST:
The Contempt of Courts Law of 1922;
The Penal Procedure (Arrest and Investigation) Law No. (4) of 1924,
The Penal Procedure (Accusatory) Law No. (22) of 1924;
The Judges Investigating Questionable Deaths Law No. (35) of 1926;
The Defense of Indigent Prisoners Law No. (37) of 1926;
The Law Amending Rules of Procedure No. (21) of 1934;
The Penal Procedure Law No. (24) of 1935;
The Fire Incidents Investigation Law No. (7) of 1937;
The Bill Release Law No. (28) of 1944;
The Penal Procedure (Partial Trials before Central Courts) Law No. (70) of 1946;
The Law on the Jurisdiction of Magistrate Courts No. (45) of 1947;
Order No. (269) of 1953 on the Jurisdiction of the Criminal Court;
Order No. (473) of 1956 on the Functions of the Public Prosecution;
Order No. (554) of 1957 on the Authorization of the Attorney-General and his Representatives with the Powers of the Judges Investigating Questionable Deaths;
The Rehabilitation Law No. (2) of 1962;
Chapter XXVI of the Palestinian Law of Procedure before the Magistrate Courts of 1940 in force in the Governorates of Gaza Strip;

Second:
The Jordanian Magistrate Courts Law No. (15) of 1952;
The Jordanian Contempt of Courts Law No. (9) of 1959;
The Jordanian Penal Procedure Law No. (9) of 1961 in force in the Governorates of West Bank, and Based on the approval of the Legislative Council,

We hereby promulgate the following Law:

BOOK ONE
CRIMINAL ACTION, GATHERING OF EVIDENCE & INVESTIGATION

PART ONE
CRIMINAL ACTION

CHAPTER ONE
The Right to File a Criminal Action

Article (1)

The Public Prosecution shall have the exclusive competence to initiate and conduct criminal actions.

No such action may be initiated by any other party except in the cases specified by the Law. A criminal action may not be suspended, waived, discontinued, obstructed, or settled except in the cases provided for by the Law.

Article (2)

The Attorney General shall initiate the criminal action in person or through a member of the Public Prosecution.

Article (3)

The Public Prosecution must initiate the criminal action if the aggrieved party files a civil claim in accordance with the procedures prescribed by the Law.

Article (4)

1. The Public Prosecution may not conduct an investigation or initiate a criminal action that the Law has made conditional upon a complaint, civil claim, request, or authorization, unless such complaint is submitted in writing or orally by the victim or their authorized representative, or unless a civil claim, authorization, or request is submitted by the competent authority.
2. In cases where the initiation of a criminal action is conditional upon a complaint or civil claim by the victim, such action may be waived before a final judgment is rendered in the case. Where there are multiple victims, the waiver shall not be effective unless made by all of them. A waiver with respect to one of the defendants shall be deemed a waiver for all others. The waiver shall result in the dismissal of the public criminal action.
3. If there are multiple victims, a complaint submitted by one of them shall suffice. If there are multiple defendants and the complaint is filed against one of them, it shall be deemed filed against all others.

Paragraph (2) of this Article was amended pursuant to Article (2) of Decree-Law No. (17) of 2014 amending the Penal Procedure Law No. (3) of 2001.

Article (5)

1. In all cases where the Law requires the filing of a complaint or a civil claim by the victim or another party in order to initiate a criminal action, such complaint shall not be admissible after the extinguishment of three months from the date the victim became aware of the offense and the identity of the perpetrator, unless otherwise provided by Law.
2. The competent court may, on its own motion, dismiss the criminal action that may only be initiated by a complaint or civil claim, if the victim or civil claimant fails to attend two consecutive hearings despite being duly notified.

This Article was amended pursuant to Article (3) of Decree-Law No. (17) of 2014 amending the Penal Procedure Law No. (3) of 2001.

Article (6)

1. If the victim, in the cases referred to in Article (5) of this Law, is under fifteen (15) years of age or suffers from a mental disability, the complaint shall be filed by their legal guardian, custodian, or trustee.
2. If the interests of the victim conflict with those of their representative, or if the victim has no representative, the Public Prosecution shall act on their behalf.

Article (7)

The right to file a complaint shall extinguish upon the death of the victim. If the death occurs after the complaint has been filed, the proceedings shall not be affected, and the right to withdraw the complaint shall pass to the victim's heirs. However, in adultery cases, any of the children of the complaining spouse may withdraw the complaint, resulting in the dismissal of the action.

Article (8)

Any person against whom a criminal action is filed shall be called a defendant.

CHAPTER TWO
Extinguishment of the Criminal Action

Article (9)

The criminal action shall be extinguished in any of the following cases:

1. The repeal of the law that criminalizes the act.
2. General amnesty.
3. Death of the accused.
4. Prescription.
5. Rendition of a final judgment thereon.
6. Any other reasons provided by law.

Article (10)

1. The extinguishment of the criminal action shall not preclude the confiscation of seized items.
2. The injured party in the crime shall have the right to request the return of seized items that are not unlawful to possess, unless this right is extinguished in accordance with the law.

Article (11)

The civil claim shall remain within the jurisdiction of the court examining the criminal action. If the criminal action has not been initiated, the competent civil court shall have jurisdiction over the civil claim.

Article (12)

1. The criminal action and the civil claim shall be extinguished by the extinguishment of ten (10) years in felonies, three (3) years in misdemeanors, and one (1) year in infractions, unless otherwise provided by law.
2. The prescription period shall be calculated from the date of the last procedure undertaken in the action.

3. Without prejudice to the two previous paragraphs, the prescription period for criminal actions involving public employees shall not commence until the discovery of the crime or the termination of service or the removal of the capacity.

Article (13)

The prescription period shall be interrupted by any action related to evidence collection, investigation, indictment, or trial, if taken against the accused or officially notified to him. The period shall recommence from the date of interruption. If multiple procedures interrupt the prescription, the period shall recommence from the date of the latest one.

Article (14)

The interruption of the prescription period for one accused shall result in its interruption for the other co-accused, even if no interrupting procedures were taken against them.

Article (15)

The prescription period for extinguishing the criminal action shall not be suspended for any reason whatsoever.

Article (16)

Reconciliation may be reached in cases of infractions and misdemeanors punishable only by a fine. The judicial officer shall, upon drafting the report, offer reconciliation to the accused or his attorney in infractions and record such offer in the report. In misdemeanors, the offer shall be made by the Public Prosecution.

Article (17)

The accused who accepts reconciliation shall, within fifteen (15) days following the day of acceptance, pay an amount equal to one-quarter of the maximum fine prescribed for the crime or the minimum amount prescribed, whichever is less.

Article (18)

The criminal action shall be extinguished upon payment of the reconciliation amount, without prejudice to the civil claim.

PART TWO
Gathering of Evidence and Institution of the Action

CHAPTER ONE
Judicial Officers and Their Duties

Article (19)

1. Members of the Public Prosecution shall exercise judicial powers and supervise the judicial officers within their respective jurisdictions.
2. Judicial officers shall investigate crimes and offenders and collect the necessary evidence for the investigation.

Article (20)

1. The Attorney-General shall supervise the judicial officers and monitor them in the performance of their duties.
2. The Attorney-General may request the competent authorities to take disciplinary action against any officer who violates his duties or is negligent in performing them, without prejudice to his criminal liability.

Article (21)

Judicial officers shall include:

1. The Director of Police, their deputies, assistants, and directors of police in governorates and general departments.
2. Police officers and non-commissioned officers, each within their respective jurisdictions.
3. Captains of marine and air vessels.
4. Officials who are vested with judicial powers by law.

Article (22)

In accordance with the provisions of the law, judicial officers shall:

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

Article (23)

Without prejudice to the provisions of Articles 16, 17, and 18 of this Law, judicial officers with special jurisdiction shall refer reports and seizures related to the infractions within their jurisdiction to the competent court and follow them up before such court.

Article (24)

Any person who learns of a crime may report it to the Public Prosecution or any judicial officer, unless the law requires a complaint, claim, or authorization to initiate the criminal action.

Article (25)

Any public employee or person entrusted with a public service who learns of a crime during or because of the performance of his duties must report it to the competent authorities, unless the law requires a complaint, claim, or authorization to initiate the criminal action.

CHAPTER TWO
In flagrante delicto

Article (26)

A crime shall be considered to be in flagrante delicto in any of the following cases:

1. While it is being committed or immediately thereafter.

2. If the victim pursues the perpetrator or the public pursues the perpetrator by noise or shouting immediately following the commission of the crime.
3. If the perpetrator is found shortly after the crime carrying tools, weapons, belongings, documents, or other items indicating that they are the perpetrator or an accomplice, or if signs or marks are found on them at that time suggesting such involvement.

Article (27)

In the case of a felony or misdemeanor committed in flagrante delicto, the judicial officer must immediately proceed to the crime scene, examine and secure the physical evidence, record the condition of the place and persons involved, and document anything that may assist in uncovering the truth. The officer shall hear the statements of those present or those who may provide clarification regarding the crime and the perpetrators. The officer must immediately notify the Public Prosecution of the incident, and the competent prosecutor must proceed immediately to the crime scene upon being notified of a felony committed in flagrante delicto.

Article (28)

1. When responding to a crime committed in flagrante delicto, the judicial officer may prevent those present from leaving or distancing themselves from the crime scene until the report is completed. The officer may also summon anyone who can provide clarification regarding the incident.
2. Any person who violates the provisions of Paragraph (1) above or refuses to attend shall be punished with imprisonment for a period not exceeding one month or with a fine not exceeding fifty (50) Jordanian dinars or its equivalent in legal tender.

CHAPTER THREE
Arrest of the Accused

Article (29)

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

Article (30)

A judicial officer may arrest without a warrant any person present if there is evidence indicating their involvement in the following cases:

1. When caught in flagrante delicto committing a felony or a misdemeanor punishable by imprisonment for more than six months.
2. If the person obstructs the judicial officer while performing their duties, or if the person is legally detained and escapes or attempts to escape from the place of detention.
3. If the person commits or is accused of committing a crime in front of the officer and refuses to provide their name or address, or if they have no known or fixed place of 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 and summons warrant and record it in the report.

2. If there is sufficient evidence to charge a person for committing a felony or a misdemeanor punishable by more than six (6) months of imprisonment, the judicial officer may request the Public Prosecution to issue a warrant for their arrest.

Article (32)

Any person who witnesses the perpetrator in flagrante delicto committing a felony or a misdemeanor for which detention is legally permitted may detain the perpetrator and hand them over to the nearest police station without waiting for an arrest warrant from the Public Prosecution.

Article (33)

No person may be arrested in crimes committed in flagrante delicto that require a complaint for the initiation of criminal action unless the person authorized to file such a complaint expressly does so. The complaint may be filed to any competent member of the public authority who is present.

Article (34)

The judicial officer must immediately hear the statements of the arrested person. If no justification for their release is found, the officer shall refer them to the competent prosecutor within twenty-four (24) hours.

Article (35)

If the person to be arrested resists or attempts to evade arrest or escape, the judicial officer may use all reasonable and necessary means to arrest the person.

Article (36)

judicial officer or any person authorized to make the arrest may strip the arrestee of any weapons or tools found in their possession and hand them over to the competent authority specified by law.

Article (37)

Any person may assist a judicial officer or any other person who reasonably requests assistance in arresting a person authorized to be detained or in preventing their escape.

Article (38)

1. In cases where the arrest of the accused is permitted by law, the judicial officer may search the arrestee and prepare an inventory of the seized items, which shall be signed by both the officer and the arrestee and placed in the designated location.
2. A copy of the inventory of the seized items shall be provided to the arrestee upon request.

CHAPTER FOUR
Search

Article (39)

1. Entering and searching of homes shall be an act of investigation that may only be carried out with a warrant issued by the Public Prosecution or in its presence, based on an accusation against a person residing in the house to be searched of committing or participating in the

commission of a felony or misdemeanor, or where there is strong evidence that he possesses items related to the crime.
2. The search warrant must be reasoned.
3. The warrant shall be issued in the name of one or more judicial officers.

Article (40)

Search warrants shall be signed by the competent prosecutor and shall include the following:
1. The name and alias of the owner of the house to be searched.
2. The address of the house to be searched.
3. The purpose of the search.
4. The name of the judicial officer authorized to conduct the search.
5. The period during which the search warrant is valid.
6. The date and time of its issuance.

Article (41)

The search of homes must be conducted during daytime hours. Entry at night shall not be permitted unless the crime is in flagrante delicto, or if urgent circumstances necessitate such entry.

Article (42)

The resident or person in charge of the place to be searched shall allow entry and provide the necessary facilitation. If he refuses, the judicial officer may use force to execute the search.

Article (43)

The search shall be conducted in the presence of the accused or the occupant of the house. If his presence is not possible, the search shall be conducted in the presence of two witnesses from his relatives or neighbors, and such shall be recorded in the search report.

Article (44)

If there are reasonable grounds to suspect that a person present at the location of the search is concealing an item being searched for, the judicial officer may search that person.

Article (45)

If individuals are found inside the house during the search, the person conducting the search may detain them if it is feared that they may obstruct or hinder the search, provided they are released upon completion of the search.

Article (46)

If the prosecutor deems it necessary to present any document or item related to the investigation and the person in possession refuses to present it without acceptable excuse, the prosecutor may order the necessary search and seizure.

Article (47)

If the person to be searched is a female, the search shall only be carried out by another female assigned to do so by the person conducting the search.

Article (48)

Houses may not be entered by the competent authorities without a warrant except in the following cases:

1. A request for assistance from within.
2. In cases of fire or flooding.
3. If the crime is in flagrante delicto.
4. In the pursuit of a person who must be arrested, or a person who has escaped from a place of lawful detention.

Article (49)

Judicial officers, when performing their duties during a search, may seek the assistance of the police or military forces if necessary.

Article (50)

1. A search may only be conducted for items specifically related to the crime under investigation. However, if during the search items are found whose possession constitutes a crime in itself, or that help reveal the truth about another crime, the judicial officer may seize them.
2. All items found during the search that are related to the crime shall be seized, secured, recorded in the search report, and transferred to the competent authorities.
3. If sealed or otherwise secured documents are found in the house, the judicial officer may not open them.
4. The search report shall be prepared by the person conducting the search, indicating the items seized and their locations. It shall be signed by him and by all present during the search procedure.

Article (51)

1. The Attorney-General or any of his assistants may seize, at telegraph and post offices, letters, messages, newspapers, publications, parcels, and telegrams related to the crime and the perpetrator.
2. He may also monitor wired and wireless communications and record conversations held in a private place based on an order from the Magistrate Court judge, provided such actions are useful in uncovering the truth in a felony or a misdemeanor punishable by imprisonment of not less than one (1) year.
3. The seizure order, or the monitoring or recording authorization, must be reasoned and shall not exceed fifteen (15) days, renewable once.

Article (52)

Failure to observe any provision of this Chapter shall result in nullity.

CHAPTER FIVE
Actions of the Public Prosecution after Gathering of Evidence

Article (53)
If the Public Prosecution deems, in contraventions and misdemeanors, that the action is fit for prosecution based on the evidence collection report, it shall summon the accused to appear directly before the competent court.

Article (54)
No one other than the Attorney-General or one of his assistants may initiate a criminal action against a public employee, public servant, or a member of the judicial officers for a felony or misdemeanor committed during or because of the performance of their duties.

PART THREE
INVESTIGATION

CHAPTER ONE
Initiation of Investigation

Article (55)
1. The Public Prosecution shall have exclusive jurisdiction to investigate crimes and take decisions thereon.
2. The Attorney-General or the competent public prosecutor may delegate any competent judicial officer to carry out any of the investigation actions in a specific case, excluding the interrogation of the accused in felony cases.
3. The delegation may not be general.
4. The delegate shall enjoy, within the scope of his delegation, all powers conferred on the public prosecutor.

Article (56)
The Public Prosecution shall initiate the investigation immediately upon being informed of the crime.

Article (57)
If necessary to take an action outside his territorial jurisdiction, the public prosecutor may delegate another public prosecutor in that jurisdiction, who shall possess full authority to perform the delegated action.

Article (58)
The public prosecutor shall be accompanied in all investigative procedures by a clerk who shall record the minutes and sign them together with the prosecutor.

Article (59)
The procedures of investigation and the results thereof shall be confidential, and their disclosure shall constitute a punishable offense under the law.

Article (60)

Investigation shall be conducted in the Arabic language. If any party or witness does not understand Arabic, the public prosecutor shall hear their statements through a sworn interpreter, who shall take an oath to perform his duties truthfully and faithfully.

Article (61)

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

Article (62)

The parties may submit to the public prosecutor any defenses or motions they deem appropriate during the investigation.

Article (63)

The accused, the victim, and the civil claimant may, at their own expense, request copies of investigation papers or documents.

CHAPTER TWO
Commissioning of Experts

Article (64)

The public prosecutor may seek the assistance of a specialized physician or other experts to establish the circumstances of the committed crime. The appointed physician and other experts shall carry out the necessary procedures under the supervision of the competent investigative authority. The investigator may attend the expert procedures if deemed necessary for the interests of the investigation.

Article (65)

The technical expert may carry out his duties without the presence of the parties.

Article (66)

The expert shall submit a technical report on his work within the time limit set by the investigating public prosecutor, taking into account the existence of perishable items.

Article (67)

The public prosecutor may replace the expert if he breaches his duties or fails to submit his report within the specified period.

Article (68)

The expert must take an oath to carry out his duties with honesty and integrity before commencing his work, unless he is registered on the official list of court-approved experts.

Article (69)

The expert shall submit a reasoned report and sign each page thereof.

Article (70)

The accused may engage a consulting expert and request access to the case files, provided that this does not cause any delay in the proceedings.

Article (71)

The parties may challenge the expert if serious grounds exist. The challenge request shall be submitted to the investigating public prosecutor, and must be reasoned. The public prosecutor shall refer it to the Attorney-General or one of his assistants for a decision within three (3) days of its submission. The submission of the request shall suspend the expert's work unless otherwise decided. Such decision must also be reasoned.

CHAPTER THREE
Disposition of Seized Items

Article (72)

1. Seized items shall be placed in a sealed package with identification labels and deposited in the prosecution's storage or in a designated location as determined for this purpose.
2. If the seized item is perishable over time or if its preservation requires expenses exceeding its value, the Public Prosecution or the court may order its sale by public auction, if permitted by the needs of the investigation. The proceeds of the sale shall be deposited in the court treasury, and the rightful owner may claim the sale price within one (1) year from the date the criminal action is extinguished; otherwise, the proceeds shall be transferred to the State without the need for a court judgment.

Article (73)

1. Seized items may be returned, even prior to the judgment, unless they are necessary for the conduct of the proceedings or subject to mandatory confiscation. This may be done upon request by the person who possessed the item at the time of seizure.
2. If the seized items were the object of the crime or resulted from it, they shall be returned to the person who lost possession of them through the crime, unless the person from whom they were seized is legally entitled to retain them.

Article (74)

The order for return shall be issued by the Public Prosecution. The court may also order the return during the hearing of the case.

Article (75)

The decision to close the file or the judgment issued in the case shall specify the manner in which the seized items are to be disposed of.

Article (76)

In the event of a dispute over the seized items, the parties may resort to the competent civil court.

CHAPTER FOUR
Hearing of Witnesses

Article (77)
The Public Prosecutor or the delegated investigator may summon any persons whose testimony may assist in revealing the truth, whether or not their names were mentioned in the reports or complaints. They may also hear the testimony of any witness who appears voluntarily, and such fact shall be recorded in the minutes.

Article (78)
The Public Prosecutor shall instruct the competent authorities to summon witnesses through summons notices, to be served at least twenty-four hours prior to the scheduled hearing.

Article (79)
The Public Prosecutor shall verify the identity, name, age, profession, place of residence, address, and relationship to any party before hearing and recording the witness's testimony.

Article (80)
Witnesses shall give their statements individually before the Public Prosecutor, under oath, and in the presence of the investigation clerk. A record shall be drawn up including their statements and the questions posed to them.

Article (81)
The witness’s statement shall be read to them and confirmed by their signature or fingerprint. If they refuse or are unable to do so, that shall be noted in the minutes, and the statement shall be signed by the Public Prosecutor and the investigation clerk.

Article (82)
1. After hearing the witness, the parties may request the Public Prosecutor or the delegated investigator to ask the witness additional questions not previously addressed.
2. The Public Prosecutor may refuse to ask any question that is irrelevant to the case or does not serve the purpose of uncovering the truth.

Article (83)
1. The testimony of persons under the age of fifteen shall be heard for guidance purposes only, without administering an oath.
2. Ascendants, descendants, and the spouse of the accused shall be exempt from taking the oath, unless the crime was committed against any of them.

Article (84)
The Public Prosecutor may confront the witnesses with each other or with the accused when necessary.

Article (85)

If a witness fails to appear after the first summons, a second summons shall be issued. If they fail to appear again, the Public Prosecutor shall issue a warrant for their appearance.

Article (86)

If a witness is unable to appear for health reasons, the Public Prosecutor shall travel to the witness's residence to take their statement, provided it lies within their jurisdiction. If the residence is outside their jurisdiction, the Public Prosecutor shall delegate the competent Public Prosecutor in that area to hear the testimony, which shall be sent in a sealed envelope to the investigating Public Prosecutor.

Article (87)

If the Public Prosecutor determines that the witness's health condition does not prevent them from attending, a warrant for their appearance may be issued.

Article (88)

If a witness appears and refuses to testify or to take the oath without an acceptable excuse, the competent court shall impose a fine of no less than fifty (50) Jordanian dinars and no more than one hundred (100) Jordanian dinars or the equivalent in legal tender, or a prison term not exceeding one week, or both penalties. If the witness retracts their refusal before the end of the trial, they may be exempted from the penalty.

Article (89)

If the Public Prosecutor is convinced that administering the oath conflicts with the witness's religious beliefs, the testimony may be recorded after the witness affirms that they will speak the truth.

Article (90)

If a member of the clergy is summoned to testify before the Public Prosecutor or the court and requests to take the oath before their bishop or religious superior, they shall be directed to either of them immediately. The oath shall be taken before them, swearing to answer all questions truthfully, and then the witness shall return with a certificate confirming the oath was taken, after which the testimony shall be heard.

Article (91)

No erasure, deletion, or addition shall be made in the record of testimony. If any occur, they shall be signed by the Public Prosecutor, the investigation clerk, and the witness; otherwise, the deletion or addition shall be deemed void.

Article (92)

The parties, their legal representatives, and the civil claimant shall have the right to review the investigation minutes upon completion thereof, after obtaining permission from the Public Prosecution.

Article (93)

Upon request, the Public Prosecutor shall assess and allocate to witnesses the expenses they are entitled to as a result of attending to give testimony.

CHAPTER FIVE
Interrogation

Article (94)
Interrogation is the detailed questioning of the accused regarding the acts attributed to them, confronting them with inquiries, questions, and suspicions related to the charge, and requesting their response thereto.

Article (95)
The Public Prosecutor shall conduct the interrogation of the accused in all felonies and in misdemeanors where interrogation is deemed necessary.

Article (96)
1. Upon the first appearance of the accused for investigation, the Public Prosecutor must verify their identity, name, address, and profession, inform them of the charge brought against them, request their response, notify them of their right to legal counsel, and inform them that any statements made may be used as evidence against them during trial.
2. The accused's statements shall be recorded in the interrogation minutes.

Article (97)
1. The accused has the right to remain silent and not answer the questions directed to them.
2. The accused has the right to postpone the interrogation for a period of twenty-four hours until their advocate is present. If the advocate fails to appear or if the accused waives their right to appoint one, the interrogation may proceed immediately.

Article (98)
The Public Prosecutor may interrogate the accused before summoning their advocate in cases of flagrante delicto, necessity, urgency, or fear of loss of evidence, provided that the reasons for urgency are recorded in the minutes. The advocate shall have the right to review the accused's statements upon completion of the interrogation.

Article (99)
Before beginning the interrogation, the Public Prosecutor shall examine the body of the accused and record any visible injuries and their causes.

Article (100)
The Public Prosecutor shall, either on their own initiative or upon the request of the accused or their advocate, order medical and psychological examinations of the accused to be conducted by the competent authorities if deemed necessary.

Article (101)
If the accused presents any defense during interrogation, the Public Prosecutor shall record it in the minutes, document the names of the witnesses named by the accused, order their summoning, and prevent them from mingling until they are questioned.

Article (102)

1. Each party to the case has the right to legal counsel during the investigation.
2. The advocate may not speak during the investigation except with the permission of the Public Prosecutor. If permission is not granted, this must be recorded in the minutes.
3. The advocate shall be allowed to review any part of the investigation that took place prior to the interrogation, insofar as it relates to their client.
4. The advocate may submit a memorandum containing their observations and remarks.

Article (103)

The Public Prosecutor, in felony cases and in the interest of the investigation, may decide to prohibit communication with the detained accused for a period not exceeding ten (10) days, renewable once. This prohibition shall not apply to the accused's advocate, who may communicate with them at any time without restriction or oversight.

Article (104)

If the accused raises a defense of lack of jurisdiction, inadmissibility, or extinguishment of the criminal case, the matter shall be referred to the Attorney-General or one of their assistants, who shall decide on it within twenty-four hours by a decision subject to appeal before the Court of First Instance.

Article (105)

Interrogation must take place within twenty-four hours from the time the accused is brought before the Public Prosecutor, who shall either order their detention or release.

CHAPTER SIX
Summons and Arrest Warrants

Article (106)

1. The Public Prosecutor may issue a summons for the accused to appear for investigation.
2. If the accused fails to appear or there is a fear of their flight, the Public Prosecutor may issue an arrest warrant against them.

Article (107)

1. The director of the police station or detention center must deliver the accused to the Public Prosecution within twenty-four hours for investigation.
2. The Public Prosecutor shall interrogate the accused summoned by a summons immediately, and in the case of an arrest warrant, shall interrogate the accused within twenty-four hours from the time of arrest.

Article (108)

The Public Prosecutor may order the detention of the accused after interrogation for a period of forty-eight hours, and the extension of detention shall be in accordance with the applicable rules of the law.

Article (109)

1. Summons and arrest warrants shall be executed immediately and remain valid until executed.
2. An arrest warrant may not be executed after three months from its issuance unless renewed by the issuing authority for another period.

Article (110)

Summons, arrest, and detention warrants shall be signed by the competent authority and stamped with its official seal, and shall include the following:

1. The name, description, and known alias of the accused.
2. The offense charged and the article of law applicable.
3. Full address of the accused and the period of detention, if applicable.

Article (111)

In accordance with the provisions of the law:

1. Judicial Officers shall execute summons and arrest warrants.
2. Judicial Officers may use force to execute arrest warrants when necessary.

Article (112)

1. The person executing the warrant must inform the person being arrested of the contents of the warrant and show it to them.
2. The person executing the warrant may, when necessary, forcibly enter any place where there are reasonable grounds to believe that the person named in the warrant is present.

Article (113)

Arrest warrants shall be enforceable throughout Palestine and at any time, day or night.

Article (114)

If the accused's health condition prevents their appearance, the Public Prosecutor shall go to the place of residence to conduct the investigation. The Public Prosecutor may also order their admission to a hospital for treatment and impose necessary guard measures if detention is deemed appropriate.

CHAPTER SEVEN
Detention and Pretrial Imprisonment

Article (115)

The officer of judicial officers must immediately deliver the arrested person to the police station.

Article (116)

The official in charge of the police station who receives a person arrested without an arrest warrant shall immediately investigate the reasons for the arrest.

Article (117)

1. The police station official shall detain the arrested person if it is established that:
    a. They committed a felony and fled or attempted to escape from the place of lawful detention.

b. They committed a misdemeanor and do not have a known or fixed residence in Palestine.

2. In all cases, the period of detention may not exceed twenty-four hours, and the Public Prosecution must be informed immediately.

Article (118)

The Public Prosecutor shall interrogate the arrested person after notifying them of the arrest order in accordance with the provisions of Article (105) of this Law.

Article (119)

If the investigation procedures require that the arrested person remain in custody for more than twenty-four hours, the Public Prosecutor may request from the Magistrate Judge to extend the detention for a period not exceeding fifteen (15) days.

Article (120)

1. The Magistrate Judge, after hearing the statements of the Public Prosecutor and the arrested person, may order their release or detain them for a period not exceeding fifteen (15) days. The judge may also renew the detention for additional periods, provided the total does not exceed forty-five (45) days.
2. No person may be detained for a period exceeding what is stated in paragraph (1) above, unless a request for detention is submitted by the Attorney General or one of their assistants to the Court of First Instance. In such a case, the detention period may not exceed forty-five (45) days.
3. The Public Prosecution must present the accused to the competent court before the expiry of the three-month period referred to in the previous paragraphs, in order to request an extension of detention until the trial is concluded.
4. In all cases, the total detention periods referred to in the three paragraphs above may not exceed six months. Otherwise, the accused shall be released immediately unless they are referred to the competent court for trial.
5. The pretrial detention period may never exceed the maximum penalty prescribed for the crime for which the accused is being detained.

Article (121)

No detention order may be issued in the absence of the accused unless the judge is convinced, based on medical evidence, that it is impossible to bring the accused before them due to illness.

Article (122)

When detaining an accused in a correction and rehabilitation center (prison), a copy of the detention order shall be delivered to the prison warden after signing the original to confirm receipt.

Article (123)

Every detainee has the right to contact their family and to retain legal counsel.

Article (124)

The prison warden may not allow anyone to contact the detainee except by written authorization from the Public Prosecution. In such case, the warden must record in the prison register the name

of the visitor, time and date of the visit, and content of the authorization, without prejudice to the accused's right to contact their attorney without the presence of others.

Article (125)

No person may be detained or imprisoned except in designated correction and rehabilitation centers (prisons) or detention facilities in accordance with the law.

The prison warden may not accept any person unless pursuant to a valid order signed by the competent authority and may not keep them beyond the period specified in the order.

Article (126)

The Public Prosecution, Presidents of Courts of First Instance, and Courts of Appeal shall inspect correction and rehabilitation centers (prisons) and detention facilities within their jurisdictions to ensure that no detainee or prisoner is held unlawfully. They have the right to review records, examine arrest and detention orders, make copies, meet with any detainee or prisoner, and hear complaints. Directors and wardens must provide all necessary assistance to obtain the required information.

Article (127)

Every detainee or prisoner has the right to submit a written or verbal complaint to the Public Prosecution through the director of the correction and rehabilitation center (prison), who must receive the complaint and forward it to the Public Prosecution after recording it in a special register at the facility.

Article (128)

Anyone who becomes aware of a person being detained or imprisoned unlawfully or in an unauthorized place must notify the Attorney General or one of their assistants, who shall order an investigation and the release of the unlawfully held person, and a report shall be prepared for the necessary legal action.

Article (129)

Every person lawfully detained or imprisoned in a correction and rehabilitation center (prison) or a detention facility must comply with procedures for verifying identity, fingerprinting, and examination for the purpose of registering identifying marks.

CHAPTER EIGHT
Release on Bail

Article (130)

No accused may be released on bail unless they appoint a place of residence within the jurisdiction of the court, unless they already reside therein.

Article (131)

If the accused has not yet been referred to trial, the application for release on bail shall be submitted to the judge who has the authority to issue the detention order.

Article (132)

If the accused has been referred to trial, the application for release on bail shall be submitted to the court competent to hear the case.

Article (133)

The application for release on bail of a convicted person after sentencing may be submitted to the court that issued the judgment, provided that the judgment has been appealed.

Article (134)

A request to reconsider the decision issued on a bail application may be submitted to the court that issued the decision, in case of discovery of new facts or a change in the circumstances surrounding the issuance of the order.

Article (135)

The decision issued in a bail application may be appealed by the Public Prosecution, the detained person, or the convicted person by submitting a request to the competent appellate court.

Article (136)

A request may be submitted to the President of the Supreme Court to reconsider any decision issued pursuant to a request under the preceding articles.

Article (137)

The court shall examine bail applications in chambers after seeking the opinion of the Public Prosecution, unless the defense or the Public Prosecution requests an oral hearing and the court approves.

This Article was amended pursuant to Article (4) of Decree-Law No. (17) of 2014 amending the Penal Procedure Law No. (3) of 2001.

Article (138)

After hearing the parties, the court to which the bail application is submitted may decide to:

1. Grant bail.
2. Reject the bail application.
3. Reconsider its previous order.

Article (139)

1. Every person released on bail must sign a bond in the amount the court deems sufficient, and their guarantors shall also sign if the court requires it.
2. The court may allow the deposit of a cash guarantee equivalent to the bond amount instead of requiring guarantors. This deposit shall serve as security for fulfilling the bond conditions.

Article (140)

If the court finds that the accused is unable to provide a bail guarantee, it may replace it with a requirement for the accused to report to the police station at times specified in the release order,

taking into account their circumstances. The court may also require the accused to choose a place of residence other than the location where the crime was committed.

Article (141)

The court competent to reconsider or hear appeals of bail applications may:

1. Grant bail.
2. Cancel the bail order and order the re-detention of the accused.
3. Amend the previous order.

Article (142)

The guarantor may submit a request to the court before which the bond was signed to annul the bond, either entirely or only in relation to themselves.

Article (143)

When hearing a request submitted by a guarantor, the court may:

1. Annul the bail entirely or in relation to that specific guarantor.
2. Order the re-detention of the accused unless another guarantor is presented or a cash bail is deposited as determined by the court.

Article (144)

If a release order is issued, the officer in charge of detention and the director of the correction and rehabilitation center (prison) must release the detainee or prisoner, unless they are detained or imprisoned for another reason.

Article (145)

If an absentee judgment is issued against a fugitive accused, they may not be released on bail after being apprehended.

Article (146)

Bail serves as a guarantee for the accused's appearance when summoned and to prevent evasion of any judgment that may be issued against them.

Article (147)

1. If the terms of the bail bond or undertaking are violated, the competent court may:
   a. Issue a warrant for the arrest of the released person or order their re-detention.
   b. Demand payment of the bond amount if it was not already deposited.
   c. Confiscate, amend, or waive the cash deposit.
2. The affected party has the right to appeal the decision issued pursuant to Paragraph (1) above.

Article (148)

If the guarantor dies before the bond amount is confiscated or collected, their estate shall be released from any obligations related to the bail. The competent court may order the re-detention of the accused unless another guarantor is presented or a cash bail is deposited as determined by the court.

CHAPTER NINE
Conclusion of Investigation and Disposition of the Case

Article (149)

1. Upon completion of the investigation, if the Public Prosecutor determines that the act is not punishable by law, or that the case has been extinguished due to the provisions of prescription, death, general amnesty, prior adjudication for the same offense, or that the accused is not criminally responsible due to minority or mental incapacity, or that the circumstances and particulars of the case warrant its dismissal for lack of importance, they shall submit a memorandum with their opinion to the Attorney-General for disposition.
2. If the Attorney-General or one of their Assistants agrees with the opinion of the Public Prosecutor, they shall issue a reasoned decision to dismiss the case and order the release of the accused if they are in detention.
3. If the dismissal is due to the accused's lack of criminal responsibility on grounds of mental incapacity, the Attorney-General shall address the competent authorities to arrange for the accused’s treatment.

Article (150)

If the Public Prosecutor determines that the act constitutes a contravention, they shall refer the case file to the competent court to try the accused.

Article (151)

If the Public Prosecutor determines that the act constitutes a misdemeanor, they shall issue an indictment and refer the case file to the competent court for trial.

Article (152)

1. If the Public Prosecutor determines that the act constitutes a felony, they shall issue an indictment and submit the case file to the Attorney-General or one of their Assistants.
2. If the Attorney-General or one of their Assistants finds that further investigation is necessary, they shall return the case file to the Public Prosecutor for completion.
3. If the Attorney-General or one of their Assistants finds the indictment valid, they shall order the referral of the accused to the competent court for trial.
4. If the Attorney-General or one of their Assistants determines that the act does not constitute a felony, they shall order the amendment of the legal characterization of the charge and return the case file to the Public Prosecutor to refer it to the competent court.
5. If the Attorney-General or one of their Assistants determines that the act is not punishable by law, or that the case has been extinguished due to the provisions of prescription, general amnesty, prior adjudication for the same offense, minority or mental incapacity of the accused, lack of evidence, unknown perpetrator, or that the circumstances and particulars justify dismissal due to lack of importance, they shall order the case to be dismissed.
6. If the Public Prosecution decides to dismiss the case, it must notify the victim and the civil claimant. If either is deceased, the notification shall be made to their heirs at their place of residence.

Article (153)

1. The civil claimant may challenge the decision to dismiss the case by submitting a petition to the Attorney-General.
2. The Attorney-General shall decide on the petition within one month of its submission by issuing a final decision.
3. The civil claimant may appeal the Attorney-General's decision before the Court of First Instance, whose decision shall be final. If the court overturns the decision and has jurisdiction over the case, it shall assign it to a different panel for adjudication, otherwise it shall refer the case to the competent court.

Paragraph (3) of this Article was amended pursuant to Article (5) of Decree-Law No. (17) of 2014 amending the Penal Procedure Law No. (3) of 2001.

Article (154)

The referral decision to trial must include the name of the complainant, the name of the accused, their alias, age, place of birth, address, occupation, date of detention, a summary of the attributed act, its date, type, legal characterization, the legal provision on which the charge is based, and the evidence of the offense.

Article (155)

Without prejudice to Article (149) of this Law, the Attorney-General may revoke the dismissal decision if new evidence emerges or the perpetrator is identified.

Article (156)

New evidence includes the testimony of witnesses who could not be summoned and whose statements were not heard at the time by the Public Prosecution, as well as documents and records that were not previously examined and that would strengthen the insufficient evidence obtained in the investigation or provide further clarification leading to the revelation of the truth.

Article (157)

Offenses shall be considered connected in any of the following cases:

1. If committed simultaneously by several persons acting together.
2. If committed by multiple persons at different times and places based on a prior agreement among them.
3. If one offense was committed as a means to facilitate or complete another offense, or to ensure the impunity of the perpetrator.
4. If the stolen, embezzled, or otherwise obtained items through a felony or misdemeanor were concealed wholly or partially by several persons.

Article (158)

If the connected offenses include both felonies and misdemeanors, the Attorney-General shall refer the entire case to the court competent to try the more serious offense.

CHAPTER TEN
Disqualification and Recusal of Judges

Article (159)
A judge shall refrain from participating in the adjudication of a case if the crime was committed against them personally, or if they have acted in the case in the capacity of a judicial officer, a member of the Public Prosecution, a defense advocate for one of the parties, a witness, or an expert.

A judge shall also refrain from participating in the judgment if they have previously performed any act of investigation or referral in the case, or if they are to participate in the appeal judgment against a decision that they had previously issued.

Article (160)
The parties may request the recusal of judges from adjudicating a case in the instances set forth in the preceding Article and in all other cases of recusal provided for in the applicable Law of Civil Procedure. Members of the Public Prosecution or judicial officers may not be recused. For the purposes of recusal, the victim shall be treated as a party to the case.

Article (161)
If a judge is subject to any cause for recusal, they must disclose such cause to the court, which shall decide on the matter of their disqualification in the deliberation chamber. In cases other than the statutory grounds for recusal, if a judge has reasons that may raise doubts about their impartiality in adjudicating the case, they may submit a request for disqualification to the court or to the president of the court, as applicable, for a decision.

Article (162)
Subject to the foregoing provisions, the recusal and disqualification of a judge in a pending case shall be governed by the provisions and procedures set forth in the applicable Law of Civil Procedure. A judge may not be interrogated or required to take an oath when considering a recusal request.

BOOK TWO
TRIALS

PART ONE
JURISDICTION OF THE COURTS

CHAPTER ONE
In Criminal Matters

Article (163)

Jurisdiction shall be established based on the location where the crime was committed, the place of residence of the accused, or the place where the accused was apprehended.

Article (164)

In the case of an attempted crime, the offense shall be deemed to have occurred in any location where any act constituting the commencement of execution took place. In continuous crimes, every location in which the state of continuity exists shall be considered a place where the crime was committed.

In habitual crimes and successive crimes, every location where any of the constituent acts occurred shall be considered a place where the crime was committed.

Article (165)

If a crime falling within the scope of application of the Palestinian law is committed abroad, and the perpetrator has no place of residence in Palestine and was not apprehended therein, the case shall be brought before the competent court in the capital, Jerusalem.

Article (166)

If part of an act is committed within the jurisdiction of the Palestinian courts and another part outside their jurisdiction, and such act constitutes a crime that would fall under the provisions of the Palestinian Penal Code had it been committed entirely within Palestinian jurisdiction, any person who committed any part of such act within the jurisdiction of the Palestinian courts may be tried under the Palestinian Penal Code as if the act had been committed in full within such jurisdiction.

Article (167)

Conciliation courts shall have jurisdiction over all infractions and misdemeanors committed within their jurisdiction, unless otherwise provided by law.

Article (168)

1. Courts of First Instance shall have jurisdiction over all felonies, as well as related misdemeanors referred to them pursuant to the indictment decision.
2. If a single act constitutes multiple offenses, or if several offenses are committed for a single purpose and are interconnected to the extent that they are inseparable, and one of those

offenses falls within the jurisdiction of the Court of First Instance, such court shall have jurisdiction over all of them.

Article (169)

1. If the panel of the Court of First Instance finds, based on the facts presented in the indictment report and prior to the hearing, that the offense constitutes a felony outside its jurisdiction, or a misdemeanor or infraction, it shall rule on lack of jurisdiction and refer the case to the single judge in the Court of First Instance or to the Conciliation Court according to the rules of jurisdiction.
2. If the single judge in the Court of First Instance finds, based on the indictment report and prior to the hearing, that the case falls within the jurisdiction of the Conciliation Court, they shall rule on lack of jurisdiction and refer it to the Conciliation Court.
3. If the single judge in the Court of First Instance finds that the case falls within the jurisdiction of the panel of the Court of First Instance, they shall refer it to said panel.
4. If the Conciliation Court finds that the case before it falls within the jurisdiction of the Court of First Instance, it shall rule on lack of jurisdiction and refer the case to the Public Prosecution to take the necessary action.

This Article was amended pursuant to Article (6) of Decree-Law No. (17) of 2014 amending the Penal Procedure Law No. (3) of 2001.

CHAPTER TWO
In Civil Matters

Article (170)

Without prejudice to the provisions of Article (196) of this Law, criminal courts shall have jurisdiction to hear civil actions for compensation arising from the crime, regardless of the amount in dispute. Such civil actions shall be heard in conjunction with the criminal case.

Article (171)

Criminal courts shall have jurisdiction to decide on all matters upon which the judgment in the criminal case pending before them depends, unless otherwise provided by law.

Article (172)

If the judgment in a criminal case depends on the outcome of another criminal case, the former shall be suspended until the latter is adjudicated.

Article (173)

If the judgment in the criminal case depends on the adjudication of a matter related to personal status, the criminal court may suspend the case and set a time limit for the civil claimant or the victim to bring the matter before the competent court. This shall not prevent the taking of necessary provisional or urgent measures.

CHAPTER THREE
Conflict of Jurisdiction

Article (174)
If a crime has been committed and two courts commence proceedings on the grounds that each has jurisdiction, or if both courts declare themselves without jurisdiction, or if a court declares itself incompetent to hear a case referred to it by the Public Prosecution, resulting in a conflict of jurisdiction that halts the course of justice due to the issuance of contradictory decisions in the same case, the conflict shall be resolved by designating the competent court.

Article (175)
All parties to the case may request the designation of the competent court by submitting a petition to the Court of Cassation, accompanied by supporting documents. If the request concerns a jurisdictional conflict between two Magistrate Courts under the same Court of First Instance, the request shall be submitted to that Court of First Instance.

Article (176)
If the petition for designating the competent court is submitted by the civil claimant or the civil defendant, the president of the court to which the petition is submitted shall order that a copy be served on the opposing party. The Public Prosecution shall serve a copy of the petition to each of the two courts involved in the jurisdictional conflict for their opinion.

Article (177)
The Public Prosecution, the accused, or the civil claimant must provide their opinion on the petition for designating the competent court within one week from the date of notification.

Article (178)
If both courts declare themselves competent to hear the case and are made aware of the petition to designate the competent court, they must suspend all proceedings or refrain from issuing any judgment until the competent court is designated.

Article (179)
If a jurisdictional conflict arises due to the issuance of two judgments in the same case, the execution of both judgments shall be suspended until a decision is issued designating the competent court.

Article (180)
If the civil claimant or the accused is found to have unjustifiably submitted the petition to designate the competent court, the court receiving the petition may impose a fine not exceeding fifty (50) Jordanian Dinars or its equivalent in legal tender, or award compensation to the opposing party upon request.

Article (181)
The court shall consider the petition in chambers after consulting the Public Prosecution unless it deems otherwise and shall issue a decision designating the competent court and ruling on the validity or invalidity of the procedures conducted by the court that declared itself without jurisdiction.

CHAPTER FOUR
Transfer of the Case to Another Court of the Same Degree

Article (182)
The competent Court of Appeal may, upon the request of the Attorney-General, decide to transfer a case involving felonies or misdemeanors to another court of the same degree, if conducting the trial within the jurisdiction of the competent court is likely to disturb public order.

Article (183)
The Court of Appeal shall consider the request for case transfer in chambers. If it decides to grant the transfer, it shall, in the same decision, rule on the validity of the procedures carried out by the court from which the case is being transferred.

Article (184)
Rejection of the request to transfer the case shall not preclude the submission of a new request based on new grounds that arose after the decision of rejection.

PART TWO
TRIAL PROCEDURES

CHAPTER ONE
Service of Judicial Instruments (Notification of Parties)

Article (185)
Judicial instruments shall be served by a process server or a police officer, either to the person to be served or at their place of residence, in accordance with the rules prescribed in the applicable Law of Civil Procedure, while observing the special provisions set forth in this Law.

Article (186)
The notification of parties to appear before the court shall be served at least one (1) full day before the session in cases of infractions, and at least three (3) days before the session in cases of misdemeanors, taking into account the travel time.

Article (187)
Persons in detention or imprisoned shall be served through the Warden of the Correction and Rehabilitation Center (prison), or whoever acts in their capacity. Officers and soldiers shall be served through their commanding officer.

Article (188)
Parties to the case shall have the right to review the case documents as soon as they are notified to appear before the competent court.

CHAPTER TWO
Maintaining Order During Hearings

Article (189)

1. The control and management of the session shall be entrusted to its presiding judge.
2. If any attendee shows signs of approval or disapproval during the session, causes any disturbance in any form, or commits any act that disrupts the order of the session, the presiding judge shall order their expulsion.
3. If the person refuses to comply or returns after expulsion, the presiding judge may order their imprisonment for a period not exceeding three (3) days. This decision shall be final.
4. If the disruption is committed by a person performing a function in the court, the presiding judge may impose upon them the disciplinary penalties that their supervisor is authorized to impose, during the session.
5. The court may revoke any such decision before the session ends.

Article (190)

1. If a misdemeanor or infraction is committed during the session by any person, and the court has jurisdiction over the offense, it may immediately try and sentence the offender after hearing the statement of the public prosecution and the defense of the accused. The judgment shall be subject to the same means of appeal applicable to other decisions rendered by the court.
2. If the offense is outside the jurisdiction of the court, a record of the incident shall be drawn up, and the accused shall be referred in custody to the Public Prosecution for legal proceedings.
3. The trial of the accused in this case shall not be contingent upon a complaint, a request, or a civil claim, even if the law otherwise requires one for the prosecution of the offense.

Article (191)

If a felony is committed during the session, the presiding judge shall draw up a record of the incident and order the detention of the accused and refer them to the Public Prosecution for necessary legal action.

Article (192)

Crimes committed during the session but not tried immediately by the court shall be adjudicated in accordance with the general rules.

Article (193)

If an advocate, while performing their duty during the session or due to such performance, commits an act that may subject them to criminal liability or may be considered a serious disruption of order, the presiding judge shall draw up a record of the incident. The court may decide to refer the record to the Public Prosecution for investigation if the act entails criminal liability, or to the Bar Association President if it entails disciplinary action. The presiding judge or any of the judges who witnessed the incident shall not participate in the panel hearing the resulting case.

CHAPTER THREE
Action for the Recovery of Civil Rights

Article (194)

1. Any person harmed by the crime may submit a request to the Public Prosecutor or to the court hearing the case, explicitly adopting the capacity of a civil claimant, seeking compensation for the damage sustained from the crime.
2. The request must be sufficiently reasoned and supported by relevant facts and evidence.

Article (195)

1. A civil claim may be filed alongside the criminal case before the competent court. It may also be brought separately before the civil courts. In such a case, proceedings in the civil action shall be suspended until a final judgment is issued in the criminal case, unless the criminal trial is suspended due to the defendant's insanity.
2. If the civil claimant files their case before the civil courts, they may not file the same before the criminal courts unless they withdraw the case from the civil court.

Article (196)

1. A civil claim may be filed before the court of first instance at any stage of the criminal proceedings until the closure of pleadings.
2. No civil claim may be filed if the case has been returned to the court of first instance for any reason.
3. A civil claim shall not delay the resolution of the criminal case. Otherwise, the court shall decide not to accept the civil claim.

Article (197)

The civil claimant may withdraw their claim at any stage of the case. Such withdrawal shall have no effect on the criminal proceedings.

Article (198)

The civil claimant shall pay the necessary court fees and legal expenses for the claim, unless the court decides to exempt or postpone the payment.

Article (199)

If the Public Prosecution issues a decision to close the investigation, or if the court acquits the defendant, the civil claimant may be exempted from or refunded the court fees and expenses.

Article (200)

If a decision is made to drop the charges or a judgment of acquittal is issued, the defendant may claim compensation from the civil claimant before the competent court, unless the latter acted in good faith.

Article (201)

Upon the request of the Public Prosecution, the competent court may appoint a legal representative for an injured party who is legally incapacitated or partially incapacitated, and who has no legal guardian, to pursue a civil claim on their behalf. Such an appointment shall not subject the injured party to court fees.

Article (202)

The civil claimant must designate a place of domicile within the jurisdiction of the court before which the case is brought unless they already reside therein. All necessary notices shall be served at that address.

Article (203)

If the civil claim is filed before the civil courts, proceedings in that claim shall be suspended until a final judgment is rendered in the previously or concurrently filed criminal case, unless the criminal case was suspended due to the defendant's insanity.

Article (204)

During trial, the defendant may object to the admissibility of the civil claim if it is legally impermissible or procedurally inadmissible.

CHAPTER FOUR
Evidence

Article (205)

A judge may not render a judgment based on their personal knowledge.

Article (206)

1. Evidence in criminal proceedings may be presented by all means of proof, unless the law prescribes a specific method of proof.
2. If no evidence is established against the accused, the court shall render a judgment of acquittal.

Article (207)

A judgment shall be based only on evidence presented during trial and discussed openly in the hearing in the presence of the parties.

Article (208)

The court may, either upon a party's request or on its own initiative during the proceedings, order the submission of any evidence it deems necessary to reveal the truth. It may also hear testimony from any person who appears voluntarily to provide information relevant to the case.

Article (209)

No defendant shall be convicted solely on the statements of a co-defendant unless such statements are corroborated by other evidence deemed credible by the court. The defendant who made the statements has the right to be cross-examined by the co-defendant.

Article (210)

1. The court shall apply the provisions of the Law of Evidence in civil and commercial matters to the civil claim being heard in conjunction with the criminal case.
2. Procedural rules set forth in this Law shall apply to the adjudication of the civil claim.

Article (211)

No facts may be proven through correspondence or conversations exchanged between the accused and their advocate.

Article (212)

Reports prepared by judicial officers concerning misdemeanors and infractions, for which they are responsible under the law, shall constitute evidence of the facts stated therein unless proven otherwise.

Article (213)

For a report to carry evidentiary weight, the following conditions must be met:

1. It must be formally correct in terms of form.
2. The person who drafted it must have either personally witnessed the incident or received a report about it.
3. It must have been drawn up within the limits of the official's jurisdiction and during the performance of their duties.

Article (214)

An admission shall be valid only if:

1. It is made voluntarily, without any material or moral coercion, or promise or threat.
2. It is consistent with the circumstances of the incident.
3. It is clear and unequivocal regarding the commission of the offense.

Article (215)

An admission is a form of evidence subject to the court's discretion.

Article (216)

The evidentiary value of an admission is limited to the person who made it, without prejudice to Article (215) of this Law.

Article (217)

The accused has the right to remain silent, and such silence or refusal to answer may not be interpreted as an admission of guilt.

Article (218)

The accused shall not be punished for giving false statements in the course of their own defense.

Article (219)

Fingerprints, palm prints, and footprints taken during the investigation or trial are admissible as evidence. Photographs may also be admitted to identify the accused or persons connected to the crime.

Article (220)

All reports issued by officials of government or officially recognized laboratories, signed by them and containing the results of chemical or analytical tests personally conducted, shall be admissible as evidence in criminal proceedings. The testimony of the official who conducted the test is not required unless the court deems their presence necessary to ensure justice.

Article (221)

The following persons may abstain from testifying against the accused: ascendants, descendants, relatives, or in-laws up to the second degree, and the spouse—even after the end of the marital relationship—unless the offense was committed against one of them.

Article (222)

If any of the persons mentioned above is called to testify in defense of the accused, such testimony—whether during interrogation or cross-examination by the prosecution—may be relied upon to establish the charge.

Article (223)

Testimony may be accepted from someone to whom a person presents at the time of the crime, or shortly before or after it, made a report—provided that the testimony directly relates to the incident and that the informant is a witness in the case.

Article (224)

1. Testimony may be accepted from a person to whom the victim made a report, if the report relates to the act and was made during or shortly after the act, or when the opportunity arose, or while the victim was on their deathbed.
2. Such testimony is admissible even if the informant does not testify in court or is unable to attend due to absence from Palestine or other legitimate reason.

Article (225)

1. A witness shall take the following oath before testifying: “I swear by Almighty God to tell the truth, the whole truth, and nothing but the truth.”
2. Article (90) of this Law shall apply if the witness is a member of the clergy.
3. If the court is convinced that taking an oath contradicts the religious beliefs of the witness, the witness may affirm they will tell the truth, and their statement shall be recorded accordingly.

Article (226)

1. Statements made by persons under fifteen (15) years of age shall be heard without an oath and only for reference.
2. Such statements alone are insufficient for conviction unless corroborated by other evidence.

Article (227)

A confession made by the accused before judicial officers during the investigation shall be admissible if the Public Prosecution presents evidence of the circumstances under which it was made and the court is convinced that it was given voluntarily.

Article (228)

The civil claimant shall testify under oath.

Article (229)

1. The court may decide to read the sworn testimony given during the preliminary investigation if the witness cannot be brought before the court for any reason, or if the accused or their counsel agrees.
2. If the witness cannot attend due to illness or disability, the court may go to the witness's location to take the testimony.
3. If the witness resides within the jurisdiction of another court, the court may delegate that court to take the testimony.
4. If the court determines that the stated reason is not genuine, it may refer the matter to the Public Prosecution for legal action.

Article (230)

If a witness states they no longer recall a particular fact, the relevant part of their prior testimony or statement in the investigation report may be read aloud. This also applies when the in-court testimony contradicts their earlier statements.

Article (231)

If a witness has been duly summoned but fails to appear, the court may issue a summons or arrest warrant and impose a fine not exceeding fifteen (15) Jordanian dinars or its legal equivalent in local currency.

Article (232)

If a fined witness appears during or after the hearing and provides a valid excuse, the court may waive the fine.

Article (233)

If a witness unjustifiably refuses to take the oath or answer the court's questions, the court may sentence them to imprisonment for up to one month. If the witness agrees during imprisonment and before the conclusion of the proceedings to take the oath and answer questions, they shall be released immediately after doing so.

Article (234)

1. The court shall assess the value of witness testimony and may note the witness's behavior in the record.
2. If the testimony contradicts the case or if the witnesses' statements are inconsistent, the court shall accept only the portion it finds credible.

Article (235)

Witnesses shall testify orally. They may not use written notes unless permitted by the presiding judge.

Article (236)

Witnesses may not be challenged or disqualified for any reason.

CHAPTER FIVE
Trial Proceedings before Courts of First Instance

Article (237)

Trials shall be conducted publicly unless the court decides to conduct them in private in consideration of public order or morals. In all cases, minors or a specific category of persons may be prevented from attending the trial.

Article (238)

1. The president of the court shall preside over the session and take the necessary measures to ensure the proper conduct of proceedings.
2. Sessions of the Court of First Instance shall be held in the presence of the Public Prosecutor and the court clerk.

Article (239)

The public prosecutor shall read out the charges against the accused based on the charges stated in the indictment. The prosecutor may not plead acts outside the indictment; otherwise, such pleading shall be void.

Article (240)

No person shall be brought to trial in criminal cases unless an indictment has been issued against them by the Attorney General or their delegate.

Article (241)

The indictment must include the name of the accused, the date of detention, the nature of the crime committed, its legal characterization, the date of commission, details and circumstances of the charge, the applicable legal provisions, the name of the victim, and the names of the witnesses.

Article (242)

The court clerk shall serve a copy of the indictment to the accused at least one week before the trial date, in addition to the applicable travel time.

Article (243)

The accused shall attend the session without restraints or shackles, but shall be kept under proper observation. The accused may not be removed from the courtroom during the hearing unless they cause a disruption that necessitates it. In such a case, proceedings shall continue until they can

resume in their presence. The court must inform the accused of any procedures conducted in their absence.

Article (244)

The court shall ask the accused if they have appointed a lawyer to defend them. If they have not done so due to financial hardship, the president of the court shall appoint a lawyer who has practiced for no less than five (5) years, or who previously worked in the Public Prosecution or judiciary for no less than two (2) years before obtaining a license to practice law.

Article (245)

At the conclusion of the trial, the court shall determine the fees for the court-appointed lawyer under the preceding article, and such fees shall be paid from the court's treasury.

Article (246)

1. The court shall ask the accused about their name, surname, occupation, place of birth, age, residence, and marital status.
2. The court shall inform the accused of the need to pay attention to what will be read to them and shall direct the prosecutor to read the charge and the indictment.

Article (247)

If the accused fails to appear in court on the scheduled day and hour stated in the summons, a second summons shall be issued. If they still fail to appear, a warrant for their arrest shall be issued.

Article (248)

If separate indictments have been issued against perpetrators of the same crime or some of them, the court may order the consolidation of the cases, either on its own initiative, at the request of the Public Prosecutor, or upon request of the defense.

Article (249)

At any stage of the trial, if the court finds it appropriate in non-related crimes to try the accused separately for one or more of the charges brought against them, it may order a separate trial for each charge included in the indictment.

Article (250)

Subject to the provisions of Articles (214) and (215) of this Law:

1. After the prosecutor reads the charge to the accused in plain language they can understand, and after the civil claimant explains their claim, the court shall ask the accused for their plea to the charge and the civil claim.
2. If the accused pleads guilty, the confession shall be recorded in words as close as possible to those used by the accused.
3. If the accused denies the charge, refuses to answer, or remains silent, the court shall begin hearing the evidence.

Article (251)

At any stage of the case, the court may direct any questions to the parties it deems necessary to reveal the truth or may permit the parties to do so. The court must prevent the asking of irrelevant questions and prohibit any statements or gestures that might confuse or intimidate the witness. It may also decline to hear testimony regarding matters it deems sufficiently clear.

Article (252)

1. The court may prevent the accused or their lawyer from continuing their pleadings if they stray from the case subject or repeat their arguments.
2. The court may require the prosecutor and the defense to submit written arguments within a specified period it deems appropriate, which shall be read on the scheduled date and added to the record after being signed by the court panel.

Article (253)

The court clerk shall record all trial proceedings in the minutes of the session, which shall be signed by the court panel.

Article (254)

1. The prosecution may not summon any person to testify whose name is not listed in the witness list unless the accused or their lawyer has received prior notice or waived this right.
2. This notice requirement does not apply to accomplices who were previously acquitted or convicted, or those summoned to prove that a witness whose testimony was recorded during the preliminary investigation cannot appear due to death, illness, or absence from Palestine.

Article (255)

The court shall take the necessary measures to prevent witnesses from mixing with one another during the trial. Each witness shall testify separately.

Article (256)

1. The court shall ask the witness for their name, surname, age, occupation, residence, and relationship to the victim, and shall then administer the oath before the witness gives oral testimony.
2. The parties may cross-examine the witness.

Article (257)

The court shall, upon request by the witnesses, determine the expenses they are entitled to for appearing to testify, to be paid from the court treasury.

Article (258)

1. After hearing the prosecution’s evidence, the court shall ask the accused whether they wish to make a statement or call witnesses. If they choose to testify, the prosecutor may cross-examine them. If they wish to present defense evidence, the court shall hear it.
2. The court shall summon defense witnesses at the accused’s expense unless it decides otherwise.

Article (259)

No question shall be asked of the accused with the intent of proving a prior conviction unless the accused voluntarily provides information regarding their criminal history.

Article (260)

The court may, at any time during the trial, order the re-examination of any person or re-hearing of any witness who has previously testified before it.

Article (261)

If, during the trial, a witness under oath testifies to a fact materially contradicting a statement made during the preliminary investigation, the witness shall be deemed to have committed perjury, and the court may convict and sentence them in accordance with the law, based on the circumstances of the case.

Article (262)

A witness shall not leave the courtroom without permission from the court president.

Article (263)

The civil claimant may cross-examine any prosecution or defense witness concerning their claim and may present their evidence after the prosecution or at any time thereafter during the trial as ordered by the court. However, they may not present evidence or address the court regarding the guilt of the accused or question any prosecution witness about such matters without the court's permission.

Article (264)

1. If the accused or any witness does not understand Arabic, the president of the court shall appoint a licensed interpreter who shall take an oath to translate truthfully and accurately.
2. Failure to comply with the preceding paragraph shall render the proceedings void.

Article (265)

Under the law, the accused and the prosecutor may request the replacement of the interpreter by presenting justifiable reasons, and the court shall decide on the matter.

Article (266)

The interpreter may not be one of the witnesses or a member of the panel adjudicating the case, even with the consent of the accused and the prosecutor; otherwise, the proceedings shall be void.

Article (267)

If the accused or a witness is deaf and mute and does not know how to write, the court president shall appoint someone familiar with their form of communication—such as sign language or other technical means—to interpret.

Article (268)

If the deaf-mute individual can write, the court clerk shall write down the questions and remarks, hand them to the individual, who shall answer in writing, and the clerk shall read them aloud during the session and attach them to the record.

Article (269)

1. If the court finds that the accused was suffering from a mental disorder at the time of the offense that rendered them incapable of understanding their actions or of knowing that their conduct was prohibited, the court shall declare the accused not criminally responsible.
2. If, during the trial, it appears that the accused suffers from a mental disorder or impairment that prevents their trial, the court shall order their admission to a medical facility for a period it deems necessary for observation.
3. If the observation proves the accused is of sound mind, as certified by two government physicians, the court shall proceed with the trial; otherwise, it shall order their admission to a psychiatric hospital.
4. This Article shall apply before criminal courts.

Article (270)

The court may amend the charge provided the amendment is not based on facts not included in the submitted evidence. If the amendment exposes the accused to a harsher penalty, the trial shall be postponed for a period the court deems necessary to allow the accused to prepare a defense.

Article (271)

After the conclusion of the evidence, the prosecutor shall present their closing argument, followed by the civil claimant’s submissions, and the accused and the party responsible for civil damages shall present their defense. In all cases, the accused shall be the last to speak.

CHAPTER SIX
Judgement

Article (272)

After the conclusion of the trial, the court shall deliberate in the deliberation chamber and examine the evidence and arguments presented. It shall render its judgment unanimously or by majority, except in cases of the death penalty, which shall require unanimous opinion.

Article (273)

1. The court shall rule in the case according to its conviction, formed with complete freedom. It may not base its judgment on any evidence not presented during the hearing or obtained by unlawful means.
2. Any statement proven to have been made by any of the accused or witnesses under coercion or threat shall be disregarded and given no weight.
3. The judgment shall be pronounced in a public session, even if the case was heard in a closed session.

Article (274)

1. The court shall render a judgment of acquittal in the absence or insufficiency of evidence, lack of responsibility, or if the act does not constitute an offense or does not warrant punishment.
2. The court shall render a judgment of conviction if the punishable act is proven.

Article (275)

If the court renders a conviction, it shall hear the statements of the public prosecutor and the civil claimant, then the statements of the convicted person and their lawyer, and shall decide on the penalty and civil compensation.

Article (276)

The judgment shall include a summary of the facts set out in the indictment and during trial, a summary of the requests of the public prosecution and the civil claimant, the defense of the accused, the reasons for acquittal or conviction, the legal provision applicable to the act in case of conviction, and the determination of the sentence and amount of civil compensation.

Article (277)

The judges shall sign the judgment, and it shall be publicly pronounced in the presence of the public prosecutor and the accused. The presiding judge shall inform the convicted person of their right to appeal the judgment within the legally prescribed period.

Article (278)

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

Article (279)

The court may require a person convicted of a crime—excluding those sentenced to death or life imprisonment—to pay court fees and the expenses arising from the proceedings.

Article (280)

The civil claimant whose claim has been rejected shall be liable for the case expenses, unless it is proven that they acted in good faith and the criminal case was not filed based on their complaint. In such cases, the court may exempt them from all or part of the expenses.

Article (281)

1. If, after the closing of pleadings, the Court of First Instance is convinced that the act attributed to the accused constitutes a misdemeanor, infraction, or felony falling outside its jurisdiction, it shall amend the charge and issue a judgment accordingly.
2. If the single judge of the Court of First Instance is convinced, after the closing of pleadings, that the act attributed to the accused constitutes a misdemeanor or infraction, they shall amend the charge and issue a judgment accordingly.

This Article was amended pursuant to Article (7) of Decree-Law No. (17) of 2014 amending the Penal Procedure Law No. (3) of 2001.

Article (282)

1. The judgment, after being issued, shall be recorded in the court's register of judgments, and the original judgment shall be kept with the case files.
2. The court shall send the Attorney General a list of the judgments it has issued.

Article (283)

If a material error occurs in the judgment that does not render it void, the court that issued it shall correct the error on its own initiative or upon request of the parties. The correction shall take place in the deliberation chamber. The court may also, upon request of the public prosecutor, correct any material error in the indictment.

CHAPTER SEVEN
Procedures for Suspending of a Penalty

Article (284)

When issuing a judgment in a felony or misdemeanor punishable by a fine or imprisonment for a period not exceeding one (1) year, the court may order the suspension of the execution of the sentence in the same judgment if it deems that the character, past conduct, age of the convicted person, or the circumstances in which the offense was committed suggest that they are unlikely to reoffend. The judgment must state the reasons for the suspension, and such suspension may include any accessory penalties and all criminal consequences arising from the judgment.

Article (285)

The order to suspend execution shall be for a period of three (3) years starting from the date the judgment becomes final. The suspension may be revoked in the following cases:

1. If, during this period, a judgment is issued against the convicted person for imprisonment exceeding one month for an act committed before or after the suspension order.
2. If it appears during this period that a previous judgment, as stated in the previous paragraph, had been issued against the convicted person before the suspension, and the court was unaware of it.

Article (286)

The revocation judgment shall be issued by the court that ordered the suspension, upon request by the Public Prosecution, after summoning the convicted person. If the sentence forming the basis for revocation was rendered after the suspension, the court that issued that sentence may also revoke the suspension, either on its own or at the request of the Public Prosecution.

Article (287)

The revocation of suspension entails the execution of the original sentence and all accessory penalties and criminal effects that had been suspended.

CHAPTER EIGHT
Trial of Fugitives

Article (288)

1. If the Attorney General files an indictment for a felony against a person who has not been arrested and has not surrendered, a warrant of arrest shall be issued.
2. After referring the case file to him, the public prosecutor shall prepare an indictment listing the witnesses and send it to the last known address of the accused for service, then refer the case to the court for trial.
3. Upon receiving the case file, the court shall issue a decision granting the accused ten (10) days to surrender to the judicial authorities. The decision shall include the type of felony and an order for arrest, along with an instruction to anyone with knowledge of the accused's whereabouts to report it.
4. The decision shall be published in the Official Gazette or a local newspaper and posted at the accused's residence and on the court notice board.
5. If the accused is unable to attend trial, relatives or friends may present and justify their excuse.
6. If the accused does not surrender within this period, he shall be considered a fugitive from justice.

Article (289)

1. Where the investigation produces sufficient evidence of serious accusation in crimes against public funds, the Attorney General may, if deemed necessary, request the criminal court to take precautionary measures by placing the fugitive's funds and properties under sequestration and prohibiting their disposal.
2. Upon the Attorney General's request, the court may include the funds and properties of the fugitive's spouse and minor children in its decision if there is sufficient evidence that such funds are proceeds of the offense under investigation.
3.
   a. The court shall appoint a custodian to manage the sequestered assets after inventorying them in the presence of interested parties, the public prosecutor, and a court-appointed expert.
   b. The appointed custodian shall preserve the assets, manage them properly, and return them with any proceeds after the sequestration period ends.
4. Any interested party may file an objection to the court's decision under paragraphs 1, 2, and 3 above within three (3) months before the issuing court.
5. During the period of sequestration, the fugitive's spouse, children, parents, and lawful dependents shall be granted a monthly allowance from the revenues of the sequestered property, as determined by the competent court. The civil claimant may also obtain a court order to recover a temporary portion of awarded compensation, with or without collateral.

Article (290)

1. The Attorney General shall immediately notify the Director of the Land Registration Department of the court's decision so that a lien is placed on the fugitive's real estate.
2. If the sequestered assets are perishable or if the court determines that their sale would benefit the owner, it may order their sale and deposit the proceeds in the court treasury.

Article (291)

1. If the fugitive fails to surrender, the court shall proceed to try him in absentia after confirming the publication and notification of the summons. The trial shall proceed in accordance with the procedures prescribed by this Law.
2. No attorney may represent the fugitive during the in-absentia trial.

Article (292)

1. In crimes involving public funds, if the fugitive is convicted, he shall be prohibited from disposing of or managing his property, and Article (289) shall apply to such property.
2. The ban on disposal or management shall not be lifted until after the full execution of financial penalties.

Article (293)

The operative part of the judgment issued against the fugitive shall be announced within ten (10) days from the date of its issuance by the Public Prosecution, through publication in the Official Gazette and a local newspaper, and by posting at the fugitive's last known residence and on the court notice board. It shall also be communicated to the Director of the Land Registration Department.

Article (294)

The judgment becomes enforceable the day after its proper publication and announcement. The Public Prosecution may appeal the judgment in case of acquittal.

Article (295)

1. The absence of one of the defendants shall not postpone the trial or delay proceedings regarding the remaining defendants.
2. After the trial concludes, the court may order the return of items kept in the deposit storage to their rightful owners or claimants, based on a record detailing their nature, number, and description.

Article (296)

If the fugitive surrenders or is arrested before the expiration of the provisions of prescription for the sentence, the judgment and all related proceedings shall be nullified, and a new trial shall be conducted in accordance with legal procedures.

Article (297)

If the court acquits the fugitive after he surrenders and is retried, he shall be exempted from the costs of the in-absentia trial, and the judgment shall be published in the Official Gazette.

Article (298)

The provisions of this chapter shall apply to any accused who escapes from a Correctional and Rehabilitation Center ("Prison") or legally designated detention center.

CHAPTER NINE
Trial Procedures before Magistrate Courts

Article (299)
The Magistrate Court shall consist of a single judge who is competent to consider cases falling within its jurisdiction.

Article (300)
The Magistrate Court shall have jurisdiction over all infractions and misdemeanors, unless otherwise provided by law.

Article (301)
No person may be referred for trial before the Magistrate Court in misdemeanor cases unless an indictment has been filed against them by the Public Prosecution.

Article (302)
Sessions of the Magistrate Court in misdemeanor cases may be convened in the presence of the public prosecutor and the clerk.

This Article was amended pursuant to Article (1) of Decree-Law No. (13) of 2018 amending Decree-Law No. (17) of 2014 amending the Penal Procedure Law No. (3) of 2001.

Article (303)
1. When the indictment is filed with the court registry, summonses shall be issued and served to the Public Prosecution, the accused, the civil claimant, and the person liable for civil damages.
2. The summons shall specify the date and time set for hearing the case.

Article (304)
1. If the accused fails to appear before the court on the specified date and time indicated in the properly served summons, they shall be tried in absentia.
2. If the accused appears at a court session and later withdraws for any reason or is absent after attending one of the sessions, the court may proceed with the trial or continue the proceedings as if the accused were present. Such a judgment may only be appealed by way of appeal.

Article (305)
In misdemeanor cases not punishable by imprisonment, the accused may be represented by a lawyer to admit the commission of the act or carry out other procedures, unless the court decides that the accused must appear in person.

Article (306)
In trials before Magistrate Courts where the law does not require representation by the Public Prosecution, the complainant or their attorney may attend the trial and present evidence.

Article (307)

The provisions of Chapter Five of this Part shall apply to trial procedures before Magistrate Courts.

CHAPTER TEN
Summary Procedures

Article (308)

The summary procedures set forth in this chapter shall apply to violations of municipal, health, and road transport laws and regulations.

Article (309)

1. If a violation of the aforementioned laws and regulations occurs and is punishable only by a fine, the violation report shall be submitted to the competent judge, who shall impose the appropriate penalty or return the case to the prosecution to proceed with the case by regular means.
2. The judge shall issue the ruling within ten (10) days unless the law requires it to be issued within a shorter period.

Article (310)

The judge shall accept the facts established in the violation report, provided it was properly and legally prepared.

Article (311)

The judgment imposing the penalty must include a description of the act, its legal characterization, and the applicable legal provision.

Article (312)

The convicted person and the Public Prosecution shall be notified of the judgment in accordance with the applicable procedures.

Article (313)

The summary procedures prescribed in this chapter shall not apply when there is a civil claimant in the case.

BOOK THREE
METHODS OF CHALLENGING JUDGMENTS

PART ONE
Objection to Judgments in Absentia

Article (314)

A person convicted in absentia in misdemeanor or infraction cases may file an objection to the judgment within ten (10) days following notification of the judgment, in addition to the time allowed for distance.

Article (315)

Objection shall not be accepted from the civil claimant.

Article (316)

1. The objection shall be submitted by a petition to the registry of the court that issued the judgment and must be signed by the convicted person or their attorney.
2. The petition shall include a full statement of the judgment being challenged, as well as the grounds on which the objection is based.

Article (317)

The court that issued the judgment in absentia shall set a hearing date to consider the objection and shall notify the parties accordingly.

Article (318)

If the convicted person dies before the expiration of the objection period or before a decision is rendered on the objection, the judgment shall be nullified, and the criminal case shall be extinguished.

Article (319)

1. If the objector fails to appear at the scheduled hearing without an acceptable excuse, the court shall dismiss the objection, and no further objection may be filed.
2. A judgment dismissing an objection may be appealed. The appeal period begins the day following the issuance of the judgment if rendered in presence, or the day following its notification if rendered in absentia.

Article (320)

The court shall reject the objection on procedural grounds if it is filed after the deadline, lacks legal standing, or suffers from any other procedural defect.

Article (321)

If the court finds that the objection is procedurally valid, it shall proceed with the case in accordance with the procedures prescribed by law.

Article (322)

If the court finds that the objection lacks merit, it shall rule to dismiss it.

PART TWO
Appeal

Article (323)

1. The parties may appeal judgments rendered in presence or deemed rendered in presence in criminal cases as follows:
   a. Judgments issued by Magistrate Courts may be appealed before the Courts of First Instance in their appellate capacity.

b. Judgments issued by the Courts of First Instance as courts of first instance may be appealed before the Courts of Appeal.

2. Judgments and decisions that are appealable under any other law may be appealed in accordance with the procedures set forth in this Law.

Article (324)

Interlocutory decisions not deciding the merits of the case may not be appealed except together with the final judgment. An appeal of the final judgment shall necessarily include such interlocutory decisions. However, decisions dismissing pleas of lack of jurisdiction or inadmissibility due to extinguishment of the case may be appealed independently if such pleas were raised at the beginning of the trial and before any defense on the merits.

Article (325)

Judgments rendered in civil claims may be appealed if appealable as if issued by civil courts, and the appeal shall be limited to the portion concerning the civil claim.

Article (326)

Judgments dismissing objections may be appealed.

Article (327)

Judgments imposing the death penalty or life imprisonment shall be appealed by operation of law, even if the parties do not request it.

Article (328)

1. Appeals shall be filed by submitting a statement of appeal to the registry of the court that issued the judgment, or to the registry of the Court of Appeal within fifteen (15) days starting from the day following the date of pronouncement if rendered in presence, or from the date of notification if deemed rendered in presence.
2. The Public Prosecution and the defendant may appeal bail release decisions issued by the Courts of First Instance and Magistrate Courts within seven (7) days from the date of the decision.

Paragraph (2) was added pursuant to Article (9) of Decree-Law No. (17) of 2014 amending the Penal Procedure Law No. (3) of 2001.)

Article (329)

The Public Prosecution may appeal judgments rendered by the Magistrate and First Instance Courts within thirty (30) days from the day following the date of the judgment.

Article (330)

The appeal petition must include a complete statement of the appealed judgment, the case number, the identity of the appellant and the appellee, the grounds for the appeal, and the appellant's requests.

Article (331)

If the appeal petition is filed with the registry of the court that issued the judgment, that court shall forward it to the registry of the Court of Appeal along with the case file within three (3) days.

Article (332)

Neither the convicted person, nor the civil claimant, nor the civilly liable party shall be prejudiced by their own appeal.

Article (333)

The appellate proceedings shall be subject to the provisions concerning public hearings, procedures, form of final judgment, court fees and expenses, imposition of penalties, and objection to judgments in absentia. The Court of Appeal shall also have the powers set out in the chapter concerning the trial of fugitives, in case of the defendant's escape or failure to appear after being duly summoned.

Article (334)

1. The Court of Appeal may hear witnesses who should have been heard before the lower court, and may rectify any other deficiencies in trial procedures.
2. The court may consider appeals of bail release decisions in chambers.

This Article was amended pursuant to Article (10) of Decree-Law No. (17) of 2014 amending the Penal Procedure Law No. (3) of 2001.)

Article (335)

The court shall affirm the appealed judgment if it finds that the appeal is inadmissible or lacks merit.

Article (336)

If the court revokes the judgment on the basis that the act does not constitute an offense, does not warrant punishment, or due to insufficient evidence, it shall acquit the defendant.

Article (337)

If the judgment is revoked due to a legal error or for any other reason, the court shall either decide the merits of the case or remand it to the court that rendered the judgment with instructions on how to proceed.

Article (338)

If the lower court ruled only on lack of jurisdiction or inadmissibility of the case, and the appellate court revokes that judgment and affirms jurisdiction or rejects the plea of inadmissibility, it must remand the case to the original court to decide on the merits.

Article (339)

The appeal of a person sentenced to a custodial penalty becomes void if they fail to present themselves for execution before the hearing or if they miss two court sessions, unless the court deems that there is a valid excuse.

This Article was amended pursuant to Article (11) of Decree-Law No. (17) of 2014 amending the Penal Procedure Law No. (3) of 2001.)

Article (340)

The court may suspend execution of the appealed judgment pending a decision on the appeal if the convicted person expresses the desire to appeal the judgment.

Article (341)

If the appeal is not filed within the prescribed period, and the appellant requests an extension within fifteen (15) days from the expiration of the appeal period, the Court of Appeal may grant an extension not exceeding ten (10) days if it finds a valid reason for the delay.

Article (342)

1. If the appeal is filed by the Public Prosecution, the court may affirm, annul, or amend the judgment, either against or in favor of the defendant.
2. The penalty may not be increased, nor may an acquittal be overturned, except by unanimous decision of the appellate court judges.

Article (343)

An appeal shall be dismissed on procedural grounds if filed after the prescribed period, or if the appellant lacks standing, or due to any other procedural defect.

Article (344)

Procedural nullities may not be raised before the appellate court unless they pertain to public order or were raised before the court of first instance.

Article (345)

The warden of the Correctional and Rehabilitation Center ("Prison") shall receive the appeal from the inmate and forward it to the Court of Appeal within one (1) week from the date of submission.

PART TWO
Cassation

CHAPTER ONE
Cassation of Judgments

Article (346)

Judgments issued by the Court of First Instance in its appellate capacity and by the Court of Appeal in felonies and misdemeanors shall be subject to appeal by cassation, unless otherwise provided by law.

Article (347)

Judgments rendered by the Court of First Instance in its appellate capacity or by the Court of Appeal, rejecting pleas of lack of jurisdiction or inadmissibility of actions due to extinguishment, in accordance with the provisions of this Law, shall be subject to appeal by cassation.

Article (348)

No appeal by cassation shall be admitted against judgments or decisions as long as they remain subject to objection or appeal.

Article (349)

The following parties may file an appeal by cassation:

1. The Public Prosecution.
2. The convicted person.
3. The civil claimant.
4. The party liable for civil rights.

Article (350)

An appeal by cassation shall be filed by operation of law against all judgments imposing the death penalty or life imprisonment, even if the parties do not request it.

CHAPTER TWO
Reasons for Challenge at Cassation

Article (351)

Without prejudice to the provisions of the preceding Article, an appeal by cassation shall not be admissible except on the following grounds:

1. A procedural defect that affected the judgment.
2. If the court that issued the judgment was not properly constituted in accordance with the law or lacked jurisdiction to adjudicate the case.
3. If two contradictory judgments were issued simultaneously concerning the same incident.
4. If the judgment exceeded the relief sought by the party.
5. If the appealed judgment was based on a violation of the law, or an error in its application or interpretation.
6. Absence of reasoning in the judgment, or if the reasoning was insufficient, ambiguous, or contradictory.
7. Violation of rules of jurisdiction or overstepping the court's legal authority.
8. Violation of other procedures where the party had requested adherence to them, the court failed to comply, and the defect was not remedied during subsequent stages of the trial.

Article (352)

A party may not invoke the nullity of procedures that occurred before the Courts of First Instance or Magistrate Courts if not raised before the Court of Appeal.

Article (353)

A party may not submit evidence based on facts not addressed in the reasoning of the appealed judgment.

Article (354)

The Court of Cassation may, on its own motion, quash a judgment in favor of the accused if it finds in the judgment any violation of the law, or an error in its application or interpretation, or if the court that issued it was improperly constituted or lacked jurisdiction over the case, or if a law applicable to the facts of the case was enacted after the issuance of the appealed judgment.

CHAPTER THREE
Procedures of Challenge at Cassation

Article (355)

1. The time limit for filing an appeal by cassation for the Public Prosecution, the convicted person, the civil claimant, and the civilly liable person shall be forty (40) days.
2. The period for filing starts from the day following the issuance of the judgment if rendered in presence, or from the day following its notification if considered rendered in presence.

Article (356)

The cassation petition shall be submitted to the registry of the court that issued the judgment or to the registry of the Court of Cassation.

Article (357)

The cassation petition must be signed by the petitioner or their lawyer, and must include the grounds for cassation, names of the parties, and a receipt of the prescribed court fees. The registry shall endorse it with the date of filing.

Article (358)

If the petition is not filed by the Public Prosecution or by a convicted person who is in custody for a custodial sentence, the petitioner must deposit an amount of fifty (50) Jordanian Dinars or its equivalent in legal tender in the court's treasury as security, unless exempted from court fees. This amount shall be refunded if the cassation is successful.

Article (359)

If the petition is filed with the court that rendered the judgment, it must forward it to the Court of Cassation along with the case file within one (1) week.

Article (360)

The head of the registry of the Court of Cassation shall send the petition to the respondent along with notice of the cassation within one (1) week from the day following its registration.

Article (361)

The respondent may file a reply to the cassation petition within fifteen (15) days from the day following its notification, with the registry of the Court of Cassation.

Article (362)

Once the cassation documents are complete, the head of the court's registry shall forward them, along with the case file, to the Public Prosecution.

Article (363)

The documents shall be recorded in the registry of the Public Prosecution and then sent to the Attorney General, who shall submit a written opinion within ten (10) days of receipt.

Article (364)

If the appellant is in custody, they shall submit the petition to the Director of the Correctional and Rehabilitation Center ("Prison"), who must send it to the registry of the Court of Cassation within twenty-four (24) hours.

Article (365)

An appeal by cassation filed by a convicted person sentenced to a custodial sentence shall be dismissed if they fail to present themselves for execution before the scheduled hearing.

Article (366)

The court shall review the cassation petition in chambers, but may schedule a hearing to hear the Public Prosecution and the parties' lawyers if it deems it necessary.

Article (367)

If the court rejects all the grounds raised in the cassation petition and finds no grounds on its own, it shall dismiss the petition on the merits.

Article (368)

1. If the cassation is not filed by the Public Prosecution, the judgment shall only be quashed with respect to the petitioner.
2. If the petitioner is one of multiple convicted persons and the grounds for cassation also apply to the others, the court shall quash the judgment with respect to them as well, even if they did not file a petition.

Article (369)

1. If the grounds for cassation are based on a mistake in citing the legal provision, describing the crime, or identifying the convicted person, the court shall not quash the judgment if the imposed sentence corresponds with the law applicable to the facts established in the judgment. The court shall correct the error and dismiss the petition accordingly.
2. The convicted person may not invoke the cassation petition as grounds for refusing to execute the judgment.

Article (370)

Only the portion of the judgment contested in the cassation petition shall be quashed, unless severance is not possible.

Article (371)

If the judgment under appeal was based on a legal plea that precludes hearing the case and the Court of Cassation quashes it and remands the case for trial, the remanded court may not render a judgment contrary to the Court of Cassation's ruling.

Article (372)

If the court accepts any of the grounds for cassation or finds one on its own under Article (354) of this Law, it shall quash the judgment and remand the case to the court that rendered the annulled judgment to retry it with a different panel.

CHAPTER FOUR
Effects of the Court of Cassation’s Judgments

Article (373)

If the Court of Cassation decides to dismiss the petition for cassation, the judgment shall become final and binding, and under no circumstances may the same petitioner file another cassation appeal against the same judgment on any grounds whatsoever.

Article (374)

If a judgment issued following the first cassation is appealed again, the Court of Cassation shall consider the merits of the case.

CHAPTER FIVE
Cassation by Written Order

Article (375)

The Minister of Justice may request in writing that the Attorney General present the file of a case to the Court of Cassation if the judgment is contrary to the law, provided that the judgment has become final and was not previously reviewed by the Court of Cassation. Based on this, a request may be made to nullify the procedure, or to quash the judgment or decision.

Article (376)

If the Court of Cassation accepts the grounds referred to in the preceding Article, it shall nullify the procedure, judgment, or decision being contested.

PART FOUR
RETRIAL

Article (377)

A retrial may be granted in final judgments rendered in felonies and misdemeanors in the following cases:

1. If a person has been convicted of murder, and evidence subsequently proves that the alleged victim is alive.

2. If one person is convicted for an act, and another person is subsequently convicted for the same act, and the two judgments contradict each other in a way that implies the innocence of one of the convicted individuals.

3. If the judgment was based on testimony later proven to be false, or on a document later found to be forged, provided such testimony or document had an impact on the judgment.
4. If new facts emerge after the judgment or if documents and evidence unknown at the time of the judgment surface, and such facts or documents are likely to prove the innocence of the convicted person.
5. If the judgment was based on a decision issued by a civil court or a personal status court and that decision was subsequently annulled.

Article (378)

A request for retrial may be submitted to the Minister of Justice by any of the following:

1. The convicted person, their attorney, their legal representative if legally incapacitated, or the party liable for civil compensation.
2. The spouse, children, heirs, or legatees of the convicted person if deceased or declared as such by a judicial decision.

Article (379)

1. The retrial request must be submitted to the Minister of Justice within one (1) year from the date the eligible persons became aware of the grounds for retrial; otherwise, the request shall be dismissed.
2. The Minister of Justice shall refer the retrial request to the Attorney General, who must submit it to the Court of Cassation along with any investigations he deems necessary, indicating his opinion and the reasons for it within one (1) month from the date he received the request.

Article (380)

1. Submitting a retrial request does not stay the execution of the judgment unless the judgment involves the death penalty.
2. The Court of Cassation may order a stay of execution in its decision to accept the retrial request.

Article (381)

If the Court of Cassation accepts the retrial request, it shall refer the case to a court of the same degree as the one that issued the original judgment.

Article (382)

If a retrial is not possible in the presence of all parties due to the death of the convicted person or the extinguishment of the provisions of prescription, the Court of Cassation shall review the case in chambers and annul any part of the judgment or judgments that were unjustly issued.

Article (383)

1. The judgment acquitting the convicted person as a result of the retrial shall be posted on the courthouse door and in public places in the locality where the original judgment was rendered, at the crime scene, in the residence of the petitioner, and in the last known residence of the convicted person if deceased.
2. The acquittal judgment shall be published in the Official Gazette, and if the petitioner so requests, it shall also be published in two local newspapers of their choice. The state shall bear the costs of publication.

Article (384)

The annulment of the challenged judgment shall result in the cancellation of the civil compensation judgment and the restitution of any amounts already paid, without prejudice to statutes of limitation.

Article (385)

If the retrial request is rejected, it may not be renewed based on the same grounds.

Article (386)

Judgments rendered in the case following a retrial, if not issued by the Court of Cassation, may be appealed through all legal means. However, a harsher sentence than the original may not be imposed on the defendant.

Article (387)

1. Any person acquitted following a retrial may claim compensation from the state for the harm suffered as a result of the previous conviction.
2. The compensation claim may be filed by the spouse, ascendants, or descendants if the acquitted person is deceased.
3. The state may seek reimbursement of the compensation from the civil claimant, the informer, or the false witness who caused the conviction.

PART FIVE
RES JUDICATA OF FINAL JUDGMENTS

Article (388)

Once a judgment has been rendered on the merits of a criminal case, the case may not be reopened except through the appeal procedures provided by law.

Article (389)

A criminal case may not be reopened after a final judgment has been rendered, even if the legal classification of the offense changes.

Article (390)

1. A final criminal judgment of acquittal or conviction rendered by the competent court on the merits of the criminal case shall have the force of res judicata before civil courts in undecided civil proceedings with respect to the occurrence of the offense, its legal characterization, and its attribution to the perpetrator.

2. A judgment of acquittal shall have such force whether it is based on the nonexistence of the charge or insufficiency of evidence.
3. A judgment of acquittal shall not have such force if it is based on the fact that the act is not punishable under the law.

Article (391)

Judgments issued by civil courts shall not have the force of res judicata before criminal courts with regard to the occurrence of a crime or its attribution to the perpetrator.

Article (392)

Judgments rendered by personal status (Shari'a) Courts, within their jurisdiction, shall have the force of res judicata before criminal courts with respect to matters on which the outcome of the criminal case depends.

BOOK FOUR
EXECUTION

PART ONE
Enforceable Judgments

Article (393)

No penalties prescribed by law for any offense may be imposed except pursuant to a judgment rendered by a competent court.

Article (394)

Criminal court judgments shall not be enforced unless they have become final, unless otherwise provided by law.

Article (395)

1. The Public Prosecution shall be responsible for the enforcement of judgments issued in criminal cases in accordance with this Law and may, when necessary, seek the assistance of the police directly.
2. Judgments issued in civil actions shall be enforced at the request of the civil claimant in accordance with the provisions of the Civil Law Procedure.

Article (396)

If the defendant is held in custody pending trial and a primary judgment of acquittal, fine, or imprisonment with a suspended sentence is issued, he shall be released immediately unless detained for another reason.

Article (397)

A convicted person sentenced to a custodial penalty shall be released once the time spent in pretrial detention equals the sentence imposed.

Article (398)

An appeal by way of cassation does not suspend the execution of a judgment unless the judgment is for the death penalty.

Article (399)

Any person sentenced to imprisonment for a term not exceeding three months may request the Public Prosecution to allow him to work outside the Correctional and Rehabilitation Center ("Prison") instead of serving the prison sentence, unless the judgment explicitly denies him that option.

Article (400)

If the accused is acquitted of the charge for which he was detained, the time spent in pretrial detention shall be deducted from any other sentence imposed for a different offense committed or investigated during the period of detention.

Article (401)

When multiple custodial sentences are imposed, the period of pretrial detention shall first be deducted from the lighter sentence, then from the more severe ones.

Article (402)

If a woman sentenced to a custodial penalty is pregnant, the execution of the sentence may be postponed until after she gives birth and three (3) months have passed. If it is decided to execute the sentence or it is proven during execution that she is pregnant, she shall be treated as a pretrial detainee in the Correctional and Rehabilitation Center ("Prison").

Article (403)

If a person sentenced to a custodial penalty suffers from a life-threatening illness or if executing the sentence would endanger his life, the execution of the sentence may be postponed.

Article (404)

If the sentenced person becomes insane, the Public Prosecution shall order his placement in a mental health facility until recovery. The time spent in the facility shall be deducted from the imposed sentence.

Article (405)

If both a husband and wife are sentenced to imprisonment for not more than one (1) year, even for different offenses, and neither has previously served time, the execution of the sentence may be postponed for one of them until the other is released, provided they are jointly responsible for a child under fifteen (15) years of age and have a known place of residence in Palestine.

Article (406)

In all cases where the court decides to postpone the execution of a sentence, it may require the sentenced person to provide a surety guaranteeing that he will not flee once the reason for postponement ceases. The amount of the surety shall be specified in the postponement order. The court may also impose any conditions it deems necessary to prevent escape.

Article (407)

Except as provided by law, no convicted person sentenced to a custodial penalty may be released before serving the full sentence.

PART TWO
Execution of the Death Penalty

Article (408)

Once a death sentence becomes final, the Minister of Justice must immediately forward the case file to the President of the State.

Article (409)

The death sentence may not be executed unless ratified by the President of the State.

Article (410)

The Attorney General, or one of his assistants delegated by him, shall supervise the execution of the ratified death sentence. The following persons must attend the execution:

1. The Attorney General or his delegate.
2. The Director of the Correctional and Rehabilitation Center (“Prison”) or his representative.
3. The Chief of Police in the governorate.
4. The clerk of the court that issued the sentence.
5. The physician of the Correctional and Rehabilitation Center (“Prision”).
6. A clergy member from the religion to which the convicted person belongs.

Article (411)

The relatives of the person sentenced to death may visit him prior to the scheduled time of execution, provided the visit takes place away from the execution site.

Article (412)

If the religion of the convicted person requires confession or other religious rites before death, arrangements must be made to allow a clergy member to visit him.

Article (413)

At the place of execution, the operative part of the judgment and the charge for which the sentence was imposed must be read aloud and heard by those present. If the convict wishes to make a statement, the Attorney General or his assistant shall record it in an official report.

Article (414)

The death sentence shall not be carried out on a pregnant woman. If she gives birth to a live child, the court that issued the sentence shall commute it to life imprisonment.

Article (415)

The death sentence shall be carried out by hanging to death for civilians, and by firing squad for members of the military.

Article (416)

The court clerk shall transcribe the minutes of execution of the death sentence, which must be signed by the representative of the Public Prosecution, the director of the Correctional and Rehabilitation Center (“prison”, the physician, and the clerk. The report shall be kept in the records of the Public Prosecution.

Article (417)

The death sentence shall not be carried out on official holidays or on religious holidays specific to the convicted person’s religion.

Article (418)

The death penalty shall be carried out inside the State’s Correctional and Rehabilitation Centers (“Prisons”).

Article (419)

The government shall bury the body of the person executed at its own expense if no relatives claim it. The burial must be conducted without ceremony.

PART THREE
Execution Objections

Article (420)

Any objection raised by the convicted person regarding execution shall be submitted to the court that issued the judgment.

Article (421)

The objection shall be submitted to the court through the Public Prosecution without delay. The concerned parties shall be notified of the scheduled session to consider the objection. The court shall decide on the objection after hearing the submissions of the Public Prosecution and the concerned parties. The court may conduct the necessary investigations and may order a stay of execution until the dispute is resolved.

Article (422)

The Public Prosecution may, when necessary and prior to referring the dispute to the court, temporarily suspend the execution of the sentence for health-related reasons.

Article (423)

If a dispute arises regarding the identity of the convicted person, the matter shall be resolved in accordance with the procedures and provisions outlined in the preceding articles.

Article (424)

If a third party, other than the convict, raises a dispute regarding the assets subject to enforcement in the case of financial judgments, the matter shall be referred to the civil courts in accordance with the Law of Civil Procedure.

PART FOUR
Extinguishment of the Penalty by Prescription and Death of the Convicted

Article (425)

1. Penalties and protective measures shall extinguish by prescription.
2. The provisions of prescription do not apply to penalties and protective measures that involve the deprivation of rights, nor to orders of residence ban or in rem confiscation.
3. The sentence shall also extinguish upon the death of the convict.

Article (426)

The death of the convicted person does not preclude the enforcement of financial penalties, compensation, restitution, and court expenses from their estate.

Article (427)

1. The period of prescription for a death sentence is thirty (3) years.
2. The period of prescription for life imprisonment is twenty (20) years.
3. For all other criminal penalties, the period of prescription is twice the sentence imposed, provided it does not exceed fifteen (15) years and is not less than ten (10) years.

Article (428)

1. The period of prescription begins from the date the judgment is rendered if rendered in absentia, and from the date the convict absconds from enforcement if the judgment is rendered in person.
2. If the convict absconds while serving a custodial sentence, half (1/2) of the term served shall be deducted from the period of prescription.

Article (429)

The period of prescription begins:

1. In the case of a judgment rendered in person, from the date it was issued if final, or from the date it becomes final if initially issued by a lower court.
2. If the convict was in pre-trial detention, the period begins from the date of absconding, in which case half (1/2) the served sentence shall be deducted from the period of prescription.

Article (430)

1. The period of prescription for protective measures is three (3) years.
2. The period of prescription begins either from the date the measure becomes enforceable, or after the expiration of the sentence accompanying the measure, provided that the court has not issued, within seven (7) years, a decision affirming that the convict remains a threat to public safety. In such a case, the court may order the enforcement of the protective measure.

Article (431)

No correctional measure that has been unenforced for one (1) full year may be carried out except by a court order issued at the request of the Public Prosecution.

Article (432)

1. The period of prescription is calculated starting from the day following the commission of the offense.
2. The period of prescription is suspended by any legal or material obstacle to execution not caused by the convict. A judicial stay of execution constitutes a legal obstacle suspending the period of prescription.
3. The period of prescription is interrupted by any of the following:
4. The arrest of the convicted person.
5. Investigative or judicial proceedings initiated by the competent authority.
6. Enforcement procedures taken against the convict or reaching his knowledge.
7. The convict committing another crime equivalent to or more serious than the one for which he was convicted.
8. The period of prescription may not be extended to more than twice its duration in any of the aforementioned cases.

Article (433)

The above provisions shall not affect the application of prescription periods specified in special laws for certain crimes.

Article (434)

If a person is convicted in absentia and the penalty extinguished by prescription, such person may not request retrial.

Article (435)

1. The right to compensation awarded in criminal proceedings shall extinguish according to the provisions of prescription provided in the Civil Law.
2. Court fees and costs awarded to the State Treasury shall extinguish according to the rules applicable to public funds. The period of prescription shall be suspended if the convict is in a Correctional and Rehabilitation Center (“Prison”) serving any sentence.

PART FIVE
Rehabilitation

Article (436)

The consequences of a criminal conviction remain in force until the convicted person is rehabilitated by operation of law or by a judicial decision. Legal or judicial rehabilitation results in erasing the conviction for the future and eliminates all resulting criminal effects, but it does not affect the rights of third parties.

Article (437)

Rehabilitation may be granted to any person convicted of a felony or misdemeanor. A judgment to this effect is issued upon the convict's request by the Court of First Instance within whose jurisdiction the convict resides.

Article (438)

Rehabilitation shall be subject to the following conditions:

1. The sentence must have been fully executed, or an amnesty granted, or the sentence must have lapsed by prescription.
2. A period of five (5) years must have passed from the date of execution of the sentence or the granting of amnesty in the case of a felony, and one (1) year in the case of a misdemeanor. This period is doubled in cases of recidivism or if the sentence lapsed by prescription.

Article (439)

To issue a rehabilitation judgment, the convicted person must have fulfilled all obligations imposed by the judgment, including fines, restitution, compensation, and costs. The court may waive this requirement if the convicted person proves they are unable to fulfill it.

Article (440)

If the applicant for rehabilitation has been convicted in multiple cases, rehabilitation shall not be granted unless the above conditions are met for each judgment. The period for calculation shall be based on the most recent judgment.

Article (441)

A petition for rehabilitation shall be submitted to the Attorney-General. The petition must include sufficient information to identify the applicant, the date of the conviction, and the places of residence since the issuance of the judgment.

Article (442)

1. The Attorney-General shall conduct an investigation into the petition to verify the applicant's residence history since conviction, the duration of such residence, the applicant's behavior and means of livelihood, and any other relevant information. The investigation shall be attached to the petition and submitted to the court within one (1) month along with a report indicating the Attorney-General's opinion and supporting reasons.
2. The following documents shall be attached to the petition:
    a. A copy of the judgment issued against the applicant.
    b. A criminal record certificate.
    c. A report on the applicant's conduct while in the Correctional and Rehabilitation Center ("Prison").

Article (443)

The court shall consider the petition in chambers. It may hear the statements of the Public Prosecution and the applicant and collect any further information it deems necessary. The applicant shall be summoned at least eight (8) days prior to the session. An appeal against the judgment may

be filed on grounds of error in applying or interpreting the law, in accordance with the procedures and time limits for appeals set forth in this Law.

Article (444)

Without prejudice to the provisions of Article (463) of this Law, the court shall grant rehabilitation if it finds that the applicant's conduct since the conviction indicates a genuine reformation.

Article (445)

The Attorney-General shall send a copy of the rehabilitation judgment to the court that issued the original conviction for annotation in the margin of the judgment. The court shall also order that it be recorded in the personal identification register.

Article (446)

A convicted person may only be granted judicial rehabilitation once.

Article (447)

If a petition for rehabilitation is denied due to the applicant's conduct, it may not be resubmitted until two (2) years have passed. In other cases, the petition may be renewed once the necessary conditions have been met.

Article (448)

A rehabilitation judgment may be revoked if it is discovered that other convictions existed at the time of the decision which were unknown to the court, or if the person was later convicted of an offense committed prior to the rehabilitation. The revocation judgment shall be issued by the same court that granted the rehabilitation, based on a request by the Public Prosecution.

Article (449)

Rehabilitation shall occur by operation of law if no judgment of conviction for a felony or misdemeanor recorded in the personal identification register is issued against the convicted person within the following periods:

1. In the case of a conviction for a felony, or for a misdemeanor involving theft, possession of stolen property, fraud, breach of trust, forgery, or attempt to commit such crimes — ten (10) years must pass after execution of the sentence, granting of amnesty, or lapse of the sentence by prescription.
2. In the case of a conviction for other misdemeanors — three (3) years must pass after execution or amnesty of the sentence. If the sentence lapsed by prescription, the period is five (5) years.

Article (450)

If multiple convictions exist against a person, rehabilitation by operation of law shall not occur unless the conditions in the previous Article are met for each conviction. The period is calculated from the most recent judgment.

Article (451)

Rehabilitation results in erasing the conviction for the future and eliminates all its criminal consequences, especially those related to incapacity, deprivation of rights, and loss of privileges.

Article (452)

Rehabilitation may not be used against third parties with respect to rights acquired based on the conviction, particularly in matters of restitution and compensation.

BOOK FIVE
SPECIAL PROCEDURES

PART ONE
Forgery Cases

Article (453)

1. In all forgery cases, once the allegedly forged document is presented to the Public Prosecutor or the court, the clerk shall prepare a detailed report describing the appearance of the document. This report shall be signed by the Public Prosecutor or the judge or the presiding judge, the clerk, the person who submitted the document, and their opponent in the case if present. Each of the aforementioned persons shall also sign every page of the document to prevent its alteration. The document shall then be kept in the investigation department or the court registry.
2. If any of those present refuse or are unable to sign the document or the report, a note to that effect shall be made in the report.

Article (454)

If the allegedly forged document originates from a public department, the responsible official shall sign it in accordance with the previous Article.

Article (455)

A forgery case may be raised even if the document has already been used as a basis for judicial or other proceedings.

Article (456)

Any person in possession of a document alleged to be forged is required to hand it over to the competent authority upon the issuance of an order from the court or the Public Prosecutor, failing which they shall be subject to the penalties provided by law.

Article (457)

The provisions of the preceding Articles shall apply to documents submitted to the Public Prosecutor or the court for comparison and collation.

Article (458)

Public officials shall be compelled to submit any documents in their possession that are suitable for comparison and collation. Failure to do so subjects them to the penalties stipulated by law.

Article (459)

1. If it is necessary to obtain an official document, a certified copy shall be left with the person holding the original. This copy must be verified by the presiding judge of the court to which the holder belongs, and the method of certification shall be described at the bottom of the document.
2. If the document is held by a public official, the certified copy shall serve as a substitute for the original until it is returned. The official may issue further copies of the certified document with the certification note included.
3. If the document to be obtained is part of a register and cannot be removed, the court may order the entire register to be brought before it.

Article (460)

Ordinary documents may be used for comparison and collation if approved by the parties.

Article (461)

If one party claims that a document is forged and that the presenter is the forger or an accomplice, an investigation shall be conducted into the forgery in accordance with the procedures set by law.

Article (462)

If the forgery case arises incidentally during a civil proceeding, the court shall postpone the judgment in the civil case until the criminal court rules on the forgery matter.

Article (463)

If a party declares that they do not intend to use the allegedly forged document, it shall be excluded from the case. If they state otherwise, the forgery investigation shall proceed.

Article (464)

If the court, on its own initiative during proceedings, suspects forgery in a document submitted by any party, the judge may refer the matter to the Public Prosecution for investigation and shall request the findings be submitted to the court.

Article (465)

If forgery is proven in whole or in part of an official document, the court shall rule to nullify the effect of the forged document and restore it to its original form by striking out added content and reinstating what was removed. A summary of the final judgment shall be recorded at the bottom of the document, and the documents prepared for comparison and collation must be returned to their original holder.

Article (466)

The investigation of a forgery case shall be conducted in accordance with the procedures followed in other criminal cases.

PART TWO
Hearing the Testimony of Public Officials

Article (467)
If the proceedings require hearing the testimony of the President of the State, the investigating officer, or the presiding judge, or a judge appointed by the presiding judge, accompanied by the court clerk, shall proceed to the President's residence. The testimony shall be recorded in a report prepared in accordance with general rules and appended to the case file.

Article (468)
Members of the diplomatic corps shall be served subpoenas to testify through the Ministry of Foreign Affairs.

Article (469)
If the person required to testify before the court is enlisted in the military, the subpoena shall be delivered through the commander of his unit.

Article (470)
Except for the officials mentioned in the preceding Articles, all witnesses, regardless of their status, shall be summoned to testify before the court in accordance with the procedures prescribed for hearing witnesses under this Law.

PART THREE
Loss or Theft of Case Documents and Judgements

Article (471)
If the original judgments issued in criminal cases, or the documents related to investigation or trial proceedings, are lost, destroyed by fire, unusual events, or stolen and cannot be restored, the provisions outlined in the following Articles of this Part shall apply.

Article (472)
1. If a summary of the judgment or a certified copy thereof is found, it shall be considered equivalent to the original and preserved accordingly.
2. If the summary or copy mentioned above is in the possession of a private individual or public official, the presiding judge of the court that issued the judgment shall order its delivery to the court registry. If the person refuses to hand over the document, legal procedures shall be taken to compel them.
3. The individual mentioned above may request a certified copy at no cost.

4. The order to deliver the summary or copy shall discharge the holder from liability toward those concerned with the document.

Article (473)

1. If the original judgment is lost and no certified copy is found, and if all appeals have not been exhausted and the indictment decision is available, new proceedings shall be conducted, and a new judgment shall be issued.
2. If there is no indictment decision or it cannot be found, the procedures shall recommence from the point at which the documents are missing.

PART FOUR
Nullity

Article (474)

A procedure shall be deemed null and void if the law explicitly states its nullity or if it is flawed in a manner that prevents the intended purpose from being achieved.

Article (475)

Nullity shall result from failure to observe the provisions of the law concerning the formation of courts, their jurisdiction, or competence, or any other matters related to public order. It may be raised at any stage of the proceedings, and the court shall decide on it ex officio.

Article (476)

Except in cases where nullity relates to public order, it may be invoked only by the party for whose benefit the procedure was prescribed, unless they caused the defect or expressly or implicitly waived it.

Article (477)

The nullity of a procedure does not entail the nullity of previous procedures or subsequent ones unless they are based on the invalidated procedure. If a procedure is partially invalid, only the invalid part shall be nullified.

Article (478)

In cases not involving public order, the right to invoke the nullity of procedures related to evidence collection, preliminary investigation, or trial session procedures shall lapse if the defendant has a lawyer and the procedure was conducted in the lawyer’s presence without objection. The Public Prosecution loses the right to claim nullity if it fails to raise the objection at the proper time.

Article (479)

If the defendant appears in court in person or through a representative, they may not invoke the nullity of the summons. However, they may request that it be corrected or any deficiency completed,

and to be granted time to prepare their defense before the trial begins. The court must comply with such a request.

PART FIVE
Calculation of Time

Article (480)
A day of punishment shall be twenty-four (24) hours, a month shall be thirty (30) days, and a year shall be twelve (12) months, according to the solar calendar. Punishment durations shall be calculated based on the solar calendar.

Article (481)
The term of a custodial sentence shall begin from the day the convict is apprehended pursuant to an enforceable judgment, and it shall be reduced by the duration of pretrial detention and arrest.

Article (482)
The day on which enforcement begins shall count toward the sentence duration. The convict shall be released at noon on the last day of the sentence.

Article (483)
If the custodial sentence imposed is twenty-four (24) hours, its execution shall end on the following day of the arrest.

Article (484)
Official holidays shall not be counted within the legally prescribed time periods for filing objections, appeals, cassation, or any other time periods if such holidays fall at the end of the respective period.

BOOK SIX
FINAL PROVISIONS

Article (485)
The following laws and orders are hereby repealed:

First:
a. The Penal Procedure (Arrest and Investigation) Law No. (4) of 1924;
b. The Penal Procedure (Accusatory) Law No. (22) of 1924;
c. The Judges Investigating Questionable Deaths Law No. (35) of 1926;
d. The Law Amending Rules of Procedure No. (21) of 1934;
e. The Penal Procedure Law No. (24) of 1935;
f. The Fire Incidents Investigation Law No. (7) of 1937;
g. The Penal Procedure Law (Partial Trials before Central Courts) No. (70) of 1946;
h. The Law on the Jurisdiction of Magistrate Courts No. (45) of 1947;

i. Order No. (269) of 1953 on the Jurisdiction of the Criminal Court;
j. Order No. (473) of 1956 on the Functions of the Public Prosecution;
k. Order No. (554) of 1957 on the Authorization 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. Chapter XXVI of the Palestinian Law of Procedure before the Magistrate Courts of 1940 in force in the Governorates of Gaza Strip.

Second:
a. The Jordanian Contempt of Courts Law No. (9) of 1959;
b. The Jordanian Penal Procedure Law No. (9) of 1961;
c. The Jordanian Magistrate Courts Law No. (15) of 1952, in force in the Governorates of the West Bank.

Third:

Any provision that contradicts the provisions of this Law is hereby repealed.

Article (486)

All competent authorities, each in its respective field, must implement the provisions of this Law, and it shall enter into force thirty (30) days after its publishing in the Official Gazette.

YASSER ARAFAT
Chairman of PLO Executive Committee
President of the Palestinian National Authority