Federal Decree-Law No. (38) of 2022

On the Issuance of the Criminal Procedures Law

We, Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates,

Having reviewed the Constitution,

— And Federal Law No. (1) of 1972 regarding the Competencies of Ministries and Powers of Ministers, and its amendments,

— And Federal Law No. (9) of 1976 on Juvenile Delinquents and Vagrants,

— And Federal Law No. (11) of 1992 on the Issuance of the Civil Procedures Law, and its amendments,

— And Federal Law No. (35) of 1992 on the Issuance of the Criminal Procedures Law, and its amendments,

— And Federal Law No. (43) of 1992 on the Regulation of Correctional Facilities,

— And Federal Law No. (5) of 2017 on the Use of Remote Communication Technology in Criminal Procedures,

— And Federal Law No. (10) of 2019 on the Regulation of Judicial Relations between Federal and Local Judicial Authorities,

— And Federal Law No. (6) of 2021 on Mediation for the Settlement of Civil and Commercial Disputes,

— And Federal Decree-Law No. (31) of 2021 on the Issuance of the Crimes and Penalties Law,

— And Federal Decree-Law No. (46) of 2021 on Electronic Transactions and Trust Services,

— And Federal Decree-Law No. (34) of 2022 on the Regulation of the Legal Profession and Legal Consultancy,

— And Federal Decree-Law No. (35) of 2022 on the Issuance of the Law of Evidence in Civil and Commercial Transactions,

— And based on the proposal of the Minister of Justice, and the approval of the Cabinet,

Have issued the following Decree-Law:

Article One

The attached Law on Criminal Procedures shall be enforced.

Article Two

1. Federal Law No. (35) of 1992 on the Issuance of the Criminal Procedures Law shall be repealed.

2. Federal Law No. (5) of 2017 on the Use of Remote Communication Technology in Criminal Procedures shall be repealed.

3. Any provision that contradicts or is inconsistent with the provisions of the attached Law shall be repealed.

Article Three

The heads of the federal and local judicial authorities and the Federal Public Prosecutor, in coordination and agreement with the public prosecutors in the local judicial authorities, each within their jurisdiction, shall issue the necessary executive decisions to implement the provisions of the Law attached to this Decree-Law.

Article Four

All ministries and competent government authorities, each within its jurisdiction, shall implement the provisions of the Law attached to this Decree-Law.

Article Five

This Decree-Law shall be published in the Official Gazette and shall come into force as of March 1, 2023.

Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace - Abu Dhabi:

On: 7 / Rabi' al-Awwal / 1444H

Corresponding to: 3 / October / 2022 AD

Criminal Procedures Law

Preliminary Chapter

General Rules

Article (1)

Scope of Application of the Law

1. The provisions of this Law shall apply to procedures related to crimes punishable under the Crimes and Penalties Law and other penal laws, and shall also apply to procedures related to crimes of Qisas and Diyah, in a manner that does not conflict with the provisions of Islamic Sharia.

2. The provisions of this Law shall apply to cases that have not been decided upon and procedures that have not been completed before the date of its entry into force, with the exception of:

a. Provisions amending jurisdiction if their date of entry into force is after the closing of pleadings in the case.

b. Provisions amending time limits if the time limit had started before their date of entry into force.

c. Provisions regulating methods of appeal with respect to judgments issued before their date of entry into force, if these laws repeal or create one of those methods.

3. Every procedure correctly carried out under an effective law shall remain valid unless otherwise stipulated.

4. Any new time limits for the expiration of the criminal case or other procedural time limits shall only run from the date of entry into force of the law that introduced them.

5. The provisions of the Civil Procedures Law shall apply to matters not specifically provided for in this Law.

Article (2)

Non-infringement of Personal Freedom

1. No criminal penalty may be imposed on any person except after their conviction is proven in accordance with the law.

2. No one may be arrested, searched, detained, imprisoned, banned from travel, or placed under electronic monitoring except in the cases and under the conditions stipulated by law. Detention or imprisonment shall only take place in the designated locations for each and for the period specified in the order issued by the competent authority.

3. It is prohibited to harm the accused physically or morally. It is also prohibited to subject any person to torture or degrading treatment. Any evidence obtained by any of these means shall be null and void.

Article (3)

Entering a Residence

Members of the public authority may not enter any inhabited place except in the cases specified by law, or in the case of a request for help or relief from inside, or the occurrence of a grave danger threatening life or property.

Article (4)

Appointment of a Defense Lawyer

1. Every person accused of a felony punishable by death or life imprisonment must have a lawyer to defend them at the trial stage. If the accused does not appoint a lawyer, the court shall appoint one for them to undertake their defense, and the state shall bear the cost for their effort, as specified by law.

2. An accused person in a felony punishable by temporary imprisonment may request the court to appoint a lawyer to defend them if it is verified that they are financially unable to appoint one.

3. If the appointed lawyer has excuses or impediments they wish to invoke, they must present them without delay to the president of the criminal court. If the court accepts the excuses, another lawyer shall be appointed.

Article (5)

The Public Prosecution

The Public Prosecution is part of the judicial authority and shall conduct investigations and prosecutions in crimes in accordance with the provisions of this Law.

Article (6)

Supervision of Correctional Facilities by the Public Prosecution

The Public Prosecution shall supervise correctional facilities, places of pre-trial detention, confinement, and imprisonment of debtors.

Article (7)

Disclosure of the Victim's Data

1. Judicial police officers and investigation authorities may not disclose the victim's data except to the concerned parties, in crimes specified by a decision from the Public Prosecutor.

2. Furthermore, data and information related to crimes may not be disclosed except in accordance with the procedures and controls specified by the Public Prosecutor.

Article (8)

Use of an Interpreter

1. All procedures of evidence gathering, investigation, and trial shall be conducted in the Arabic language.

2. If the accused, a witness, or any other person whose statements are required to be heard in the records of evidence gathering, Public Prosecution investigations, or court sessions is ignorant of the Arabic language, the judicial police officer, the member of the Public Prosecution, or the judge of the competent court, as the case may be, shall seek the assistance of an appointed or licensed interpreter, or any technical means approved by the Ministry of Justice or the local judicial authority.

3. If the accused, a witness, or another person is mute, deaf, or unable to speak, the questions shall be written down for them, and their answers shall be recorded in a document attached to the case file. If writing is not possible, the assistance of a sign language interpreter must be sought.

4. In all cases, judicial police officers, the Public Prosecution, and the court may seek the assistance of an interpreter from any other entity after they have been sworn to perform their duty with honesty and truthfulness.

Book One

Cases before Criminal Courts

Chapter One

The Criminal Case

Article (9)

Filing a Criminal Case

1. The Public Prosecution shall have the exclusive competence to file and conduct the criminal case, and it shall not be filed by others except in the cases specified by law.

2. The jurisdiction of the Federal Public Prosecution shall cover the entire territory of the State with respect to crimes affecting the interests of the Federation.

3. The Public Prosecutor shall, either by himself or through a member of the Public Prosecution, file and conduct the criminal case in the manner prescribed by law.

Article (10)

Waiver of the Criminal Case

It is not permissible to waive, suspend, or obstruct the progress of the criminal case except in the cases specified by law.

Article (11)

Cases of Filing a Criminal Case based on a Complaint

A criminal case may not be filed for the following crimes except based on a complaint submitted by the victim, their representative, or their special agent:

1. Theft, fraud, breach of trust, and concealment of things obtained therefrom, if the victim is the spouse of the offender or one of their ascendants or descendants, and these things are not seized judicially or administratively or encumbered by a right of another person.

2. Failure to hand over a minor to the person entitled to claim them and removing them from the authority of their guardian or custodian.

3. Refraining from paying court-ordered alimony, custody fees, nursing costs, or housing allowance.

4. Insulting and slandering persons.

5. Other crimes specified by law.

The complaint shall not be accepted after (3) three months from the day the victim becomes aware of the crime and its perpetrator, unless the law provides otherwise.

Article (12)

Submitting the Complaint

The complaint shall be submitted to the Public Prosecution or to a judicial police officer. In the case of being caught in the act of the crime (in flagrante delicto), the complaint may be made to any public authority officer present.

Article (13)

Submission of a Complaint by One of the Victims in Case of Multiple Victims

1. If there are multiple victims in the crimes stipulated in Article (11) of this Law, it is sufficient for the complaint to be submitted by one of them.

2. If there are multiple accused persons and the complaint is filed against one of them, it is considered filed against the others.

Article (14)

Acceptance of a Complaint from a Guardian or Custodian

1. If the victim in one of the crimes stipulated in Article (11) of this Law is under (15) fifteen years of age or suffers from a mental disability, the complaint shall be submitted by their legal guardian.

2. If the crime was committed against property, the complaint is also accepted from the custodian or curator.

3. In these two cases, all the preceding provisions related to the complaint shall apply.

Article (15)

Conflict of Interest between the Victim and their Representative

If the interest of the victim conflicts with the interest of their representative, or if they have no representative, the Public Prosecution shall act in their place.

Article (16)

Effect of the Victim's Death on the Complaint

1. The right to complain in the cases mentioned in Article (11) of this Law shall be extinguished by the death of the victim.

2. If the death occurs after the complaint has been submitted, it shall have no effect on the progress of the case.

Article (17)

Waiver of the Complaint

1. The person who submitted the complaint in the crimes stipulated in Article (11) of this Law may waive the complaint at any time before a final judgment is issued in the case, and the criminal case shall be extinguished by the waiver.

2. In the case of multiple victims, the waiver shall not take effect unless it is made by all those who submitted the complaint.

3. In the case of multiple accused persons, a waiver of the complaint with respect to one of them shall have its effect on the others.

4. If the victim dies after submitting the complaint, the right to waive it shall pass to all their heirs.

5. If the waiver is made after the judgment issued in the case has become final, the Public Prosecution must suspend the execution of the penalty and release the convicted person.

Article (18)

Cases of Taking Cognizance

If it becomes apparent to the criminal court that there are other accused persons against whom a criminal case has not been filed, or that there are other facts that have not been attributed to the accused, or if it finds that a felony or misdemeanor related to the charge before it has occurred, it may refer the case to the Public Prosecution for investigation and action.

Article (19)

Assault on the Criminal Court Panel

If a crime is committed that constitutes an assault on the criminal court panel, one of its members, or one of its employees, or is likely to disrupt its orders, show disrespect, or influence one of its members or witnesses in a case pending before it, the court may record this in the session's minutes and order the referral of the accused to the Public Prosecution for investigation.

Article (20)

Commission of a Crime during the Session

1. Without prejudice to the provisions of the Law on Advocacy, if a crime is committed during the session, the court may record this in the session's minutes, order the arrest of the accused if the situation so requires, and refer them to the Public Prosecution for investigation.

2. The filing of the case in this situation does not depend on a complaint, even if the crime is one for which the law requires a complaint to be filed.

Article (21)

Cases of Extinction of the Criminal Case

1. The criminal case shall be extinguished by the death of the accused, the issuance of a final judgment or a final penal order, settlement, waiver by the person entitled to it, a general amnesty, or the repeal of the law that penalizes the act.

2. With the exception of crimes of Qisas and Diyah and felonies punishable by death or life imprisonment, the criminal case shall be extinguished by the lapse of (20) twenty years in other felony cases, by the lapse of (5) five years in misdemeanor cases, and one year in contravention cases, all calculated from the day the crime was committed.

3. The running of the period by which the criminal case is extinguished shall not be suspended for any reason whatsoever.

Article (22)

Interruption of the Period for the Extinction of the Criminal Case

1. The period for the extinction of the criminal case shall be interrupted by investigation, accusation, or trial procedures, or by criminal settlement and reconciliation procedures, as well as by evidence-gathering procedures if taken against the accused or if they are officially notified thereof. If there are multiple procedures that interrupt the period, the running of the period shall start from the date of the last procedure.

2. If there are multiple accused persons, the interruption of the period with respect to one of them shall result in its interruption with respect to the others.

Chapter Two

The Civil Case related to the Criminal Case

Article (23)

Claiming Civil Rights

1. Anyone who has suffered direct personal damage from the crime may claim civil rights against the accused during the gathering of evidence, the conduct of the investigation, or before the court hearing the criminal case at any stage of the proceedings until the close of pleadings. This claim is not admissible before the appellate court.

2. If the damage is inflicted on a legal entity, the court must rule on compensation of its own accord if it is specified in a law or a regulation issued pursuant to a law.

3. A claim for civil rights shall not be accepted until the court fees are paid.

Article (24)

Appointment of a Representative for the Civil Rights Claim

1. If the person harmed by the crime is incompetent to litigate and has no legal representative, the court hearing the criminal case may, upon the request of the Public Prosecution, appoint a representative for him to claim civil rights, and this shall not result in him being obligated to pay judicial expenses.

2. If the accused against whom the civil action is brought is incompetent to litigate and has no legal representative, the court may appoint an agent for him upon the request of the Public Prosecution.

Article (25)

Filing a Civil Action before Criminal Courts

1. A civil action may be brought before the criminal courts against the insurer to compensate for the damage resulting from the crime.

2. Both the person responsible for the civil rights and the insurer may intervene on their own initiative in the case at any stage.

Article (26)

Compensation for Malicious Accusation

The accused may request the court to award him compensation for the damage he suffered due to a malicious accusation by the informant or the victim. The criminal court may award compensation to the accused against anyone it convicts of perjury or false reporting, upon the request of the accused.

Article (27)

Referral of the Civil Action to the Competent Civil Court

If the criminal court deems that deciding on the compensation requested by the civil rights claimant or the accused requires a special investigation that would delay the resolution of the criminal case, it shall refer the civil action to the competent civil court.

Article (28)

Abandonment of a Civil Action Filed before the Criminal Court

The civil rights claimant may abandon his claim at any stage of the case. If the civil rights claimant abandons his claim filed before the criminal court, he may file it before the civil court.

Article (29)

Reasons for Staying a Civil Action

1. If a civil action is filed before the civil court, the proceedings must be stayed until a final judgment is issued in the criminal case filed before or during its course. However, if the criminal proceedings are stayed due to the accused's insanity, the civil action shall be decided against his guardian.

2. The stay of the civil action does not prevent the taking of urgent precautionary measures and following the procedures prescribed by this law when deciding on the civil action brought before the criminal court.

3. The stay of the civil action before the civil court shall end if the criminal court issues a conviction in the absence of the accused, from the day the period for appeal by the Public Prosecution expires or from the day the appeal is decided.

Article (30)

Effect of the Expiration of the Criminal Case on the Civil Action

If the criminal case expires for any reason after it has been filed, the court shall refer the civil action brought before it to the civil court, unless the case is ready for a judgment on its merits.

Book Two

Investigation of Crimes, Collection of Evidence, and Inquiry

Chapter One

Collection of Evidence by Judicial Police Officers

Section One

Judicial Police Officers and Their Duties

Article (31)

Functions of a Judicial Police Officer

Judicial police officers shall investigate crimes, search for their perpetrators, and collect the information and evidence necessary for the investigation and prosecution.

Article (32)

Subordination of Judicial Police Officers to the Public Prosecutor

Judicial police officers shall be subordinate to the Public Prosecutor and subject to his supervision concerning the performance of their duties.

Article (33)

Violation of Duties by a Judicial Police Officer

The Public Prosecutor may request the competent authority to which the judicial police officer belongs to look into his matter if he violates his duties or is derelict in his work, and he may request that disciplinary action be taken against him, all without prejudice to the right to file a criminal case.

Article (34)

Capacity of Judicial Police Officers

The following shall be judicial police officers within their jurisdictions:

1. Members of the Public Prosecution.

2. Police officers, non-commissioned officers, and personnel.

3. Officers, non-commissioned officers, and personnel of the Border and Coast Guard.

4. Officers, non-commissioned officers, and personnel working at the state's ports of entry, including seaports, airports, and land borders, from the police or armed forces.

5. Officers and non-commissioned officers of the Civil Defense.

6. Employees vested with the capacity of judicial police officers by virtue of the laws, decrees, and resolutions in force.

Article (35)

Granting the Capacity of a Judicial Police Officer

By a decision from the Minister of Justice or the head of the competent local judicial authority, in agreement with the competent minister or authority, some employees may be vested with the capacity of judicial police officers with respect to crimes that occur within their jurisdiction and are related to their official duties.

Article (36)

Duties of a Judicial Police Officer

Judicial police officers must accept reports and complaints they receive concerning crimes. They and their subordinates must obtain clarifications and conduct necessary inspections to facilitate the investigation of the facts reported to them or of which they become aware by any means. They must take all necessary precautionary measures to preserve evidence of the crime.

Article (37)

Reports

1. All procedures undertaken by judicial police officers must be documented in reports signed by them, indicating the time and place of the procedures. In addition to the foregoing, these reports must include the signatures of the accused, witnesses, and experts who were questioned.

2. The reports, along with the seized papers and items, shall be sent to the Public Prosecution.

Article (38)

Reporting the Occurrence of a Crime

Anyone who becomes aware of the occurrence of a crime for which the Public Prosecution may initiate proceedings without a complaint or request must report it to the Public Prosecution or a judicial police officer.

Article (39)

Reporting a Crime Occurring During Work

Every public official or person entrusted with a public service who becomes aware, during or by reason of the performance of his duties, of the occurrence of a crime for which the Public Prosecution may initiate proceedings without a complaint or

request, must immediately report it to the Public Prosecution or the nearest judicial police officer.

Article (40)

Requirement to Claim Civil Rights in the Complaint

A complainant shall not be considered a claimant for civil rights unless he explicitly states so in his complaint or in a subsequent document submitted by him, or if he requests any compensation in either.

Article (41)

Powers of a Judicial Police Officer during Evidence Collection

During the collection of evidence, judicial police officers may hear the statements of those who have information about the crimes and their perpetrators and may question the accused about it. They may seek the assistance of doctors and other experts. They may not administer an oath to witnesses or experts unless it is feared that the testimony cannot be heard later.

Article (42)

Seeking Assistance from Public Authorities

While performing their duties, judicial police officers may directly seek the assistance of public authorities.

Section Two

In Flagrante Delicto

Article (43)

Cases of In Flagrante Delicto

1. A crime is considered in flagrante delicto while it is being committed or shortly after its commission.

2. A crime is considered in flagrante delicto if the victim pursues the perpetrator, or if the public pursues him with cries immediately after its occurrence, or if the perpetrator is found shortly after its occurrence carrying tools, weapons, belongings, or items from which it can be inferred that he is the principal or an accomplice, or if at that time, traces or marks are found on him indicating so.

Article (44)

Powers of a Judicial Police Officer in Cases of In Flagrante Delicto

1. In a case of in flagrante delicto, a judicial police officer must immediately go to the scene of the incident, examine the physical traces of the crime, preserve them, document the condition of the places and persons and everything that may help uncover the truth, and hear the statements of those present or from whom

clarifications can be obtained regarding the incident and its perpetrators. He must immediately notify the Public Prosecution of his arrival.

2. The Public Prosecution must immediately go to the scene of the incident as soon as it is notified of a felony in flagrante delicto.

Article (45)

Order to Prevent Leaving the Scene of the Crime in Cases of In Flagrante Delicto

1. Upon arriving at the scene of a crime in flagrante delicto, a judicial police officer may prevent those present from leaving the scene or moving away from it until the report is drawn up, and he may immediately summon anyone from whom clarifications regarding the incident can be obtained.

2. If anyone present violates the order issued to him by the judicial police officer, or if anyone summoned refuses to attend, this shall be recorded in the report and the matter shall be presented to the Public Prosecution to take appropriate action.

3. The competent court shall sentence the violator or the person who refuses to attend, after investigating his defense, to a fine not exceeding (5,000) five thousand dirhams.

Section Three

Arrest of the Accused

Article (46)

Cases for Arresting the Accused

A judicial police officer may order the arrest of an accused person who is present and against whom there is sufficient evidence of committing a crime in any of the following cases:

1. In felonies.

2. In misdemeanors in flagrante delicto punishable by a penalty other than a fine.

3. In misdemeanors punishable by a penalty other than a fine if the accused is under any type of surveillance or if there is a fear that the accused may escape.

4. In misdemeanors of theft, fraud, breach of trust, aggravated assault, resisting public authority officials by force, violation of public morals, and misdemeanors related to weapons, ammunition, explosives, intoxicants, hazardous materials, narcotic drugs, psychotropic substances, and the like.

Article (47)

Arrest or Summons Order

1. If the accused is not present, the judicial police officer may issue an order for his arrest and summons and shall state this in the report.

2. The arrest and summons order shall be executed by a member of the public authority.

Article (48)

Rights of the Accused

1. Immediately upon arresting or summoning the accused, and before hearing his statements, the judicial police officer must inform him of the crime attributed to him and of his right to remain silent. If, after hearing his statements, he does not provide anything that exonerates him, the officer shall send him within (48) forty-eight hours to the competent Public Prosecution.

2. The Public Prosecution must question him within (24) twenty-four hours and then either order his pre-trial detention or his release.

Article (49)

Handing Over the Offender to Public Authority Officials

Anyone who witnesses an offender in flagrante delicto committing a felony or misdemeanor may hand him over to the nearest public authority official without needing an arrest warrant.

Article (50)

Handing Over the Offender to a Judicial Police Officer

In cases of felonies or misdemeanors in flagrante delicto not punishable by a fine, public authority officials may bring the accused and hand him over to the nearest judicial police officer.

Article (51)

Acceptance of a Complaint from Public Authority Officials

If the crime in flagrante delicto is one for which the initiation of a criminal case depends on a complaint, the accused may not be arrested unless the person entitled to file the complaint does so. In this case, the complaint may be made to any public authority official present.

Section Four

Searching Persons and Homes

Article (52)

Searching the Accused

A judicial police officer may search the accused in cases where it is legally permissible to arrest him. The search of the accused shall be conducted by looking for any traces or items related to the crime or necessary for the investigation on his body, clothes, or belongings.

Article (53)

Searching a Female Accused

If the accused is a female, the search must be conducted by a female judicial police officer or by a female appointed for this purpose by the judicial police officer after she has taken an oath to perform her duties with honesty and truthfulness.

Article (54)

Searching the Accused's Home

1. A judicial police officer may not search the accused's home without a written warrant from the Public Prosecution, unless the crime is in flagrante delicto and there are strong indications that the accused is hiding items or papers in his home that would help uncover the truth. The search of the accused's home and the seizure of items and papers shall be carried out in the manner specified in this law.

2. The search for the items and papers to be seized shall be conducted in all parts of the home, its annexes, and its contents.

Article (55)

Purpose of Searching the Accused's Home

The accused's home may only be searched for items related to the crime for which evidence is being collected or an investigation is being conducted. If, during the search, items are incidentally discovered whose possession constitutes a crime or which may help uncover the truth in another crime, the judicial police officer shall seize them.

Article (56)

Presence of Women During a Home Search

If there are women in the home and the purpose of entry is not to arrest or search them, the judicial police officer must observe the traditions followed in dealing with them, allow them to veil themselves or leave the home, and grant them the necessary facilities for this, provided it does not harm the interest and outcome of the search.

Article (57)

Searching the Accused During the Search of His Home

If, during the search of the accused's home, strong evidence arises against him or against a person present therein, suggesting that he is hiding something that would help uncover the truth, the judicial police officer may search him.

Article (58)

Presence of Sealed or Closed Papers

If sealed or otherwise closed papers are found in the accused's home, the judicial police officer may not open them. He must document them in the search report and present them to the Public Prosecution.

Article (59)

Searching the Accused's Home in the Presence of Two Witnesses

The home search shall be conducted in the presence of the accused or his representative whenever possible, otherwise it shall be conducted in the presence of two witnesses. These two witnesses shall, as far as possible, be his adult relatives, persons living with him in the home, or his neighbors, and this shall be recorded in the report.

Article (60)

Placing Seals

1. Judicial police officers may place available precautionary measures on places and items that contain traces useful in uncovering the truth and may post guards over them. They must notify the Public Prosecution of this immediately.

2. Any interested party may appeal this measure to the president of the court of first instance or the judge, as the case may be, by submitting a petition to the Public Prosecution, which must immediately forward the appeal to the president of the court or the judge, accompanied by its opinion.

Article (61)

Seizing and Securing Items

1. Judicial police officers may seize items that may have been used in committing the crime, resulted from its commission, or on which the crime may have been committed, as well as anything that may help uncover the truth.

2. These items shall be described and shown to the accused, who shall be asked to give his comments on them. A report shall be drawn up to this effect, which the accused shall sign, or his refusal to sign shall be noted therein.

3. The seized items and papers shall be placed in a sealed package that is closed in a suitable manner to prevent tampering, and its details shall be written on the package.

Article (62)

Breaking of Seals

The breaking of seals placed on places and items in accordance with the provisions of Articles (60) and (61) of this Law shall be carried out in the presence of the accused or his representative and the person from whom these items were seized, or after they have been summoned for that purpose.

Article (63)

Disclosure of Search Information

Any person who, by reason of a search, comes into possession of information about the items subject to the search and discloses it to any unauthorized person, or

benefits from it in any way, shall be punished with the penalties prescribed for the crime of disclosing secrets.

Article (64)

Providing a Certified Copy of Seized Documents

If the person from whom the documents were seized has an urgent interest in them, he shall be given a certified copy thereof by the Public Prosecution, unless doing so would be detrimental to the investigation.

Chapter Two

Public Prosecution Investigation

Section One

Conducting the Investigation

Subsection One

General Provisions

Article (65)

Conducting Investigations in Misdemeanors and Felonies

The Public Prosecution shall itself conduct the investigation in felonies, as well as in misdemeanors if it deems it necessary.

Article (66)

Investigation Procedures

1. A member of the Public Prosecution shall carry out the investigation procedures he conducts with the assistance of a clerk from the Public Prosecution, or he may assign another person to do so after administering an oath.

2. The member of the Public Prosecution and the clerk, as the case may be, shall sign each page of the records, and these records shall be kept with the other papers in the case file.

3. Notwithstanding paragraph (1) of this Article, a member of the Public Prosecution may record any investigation procedures dictated by necessity.

Article (67)

Confidentiality of Evidence Gathering and Investigation Procedures

1. The investigation procedures themselves and their results are considered confidential. Members of the Public Prosecution, their assistants such as clerks and experts, and others who are connected with the investigation or attend it by virtue of their position or profession must not disclose them. Anyone who violates this shall be punished with the penalty prescribed for the crime of disclosing secrets.

2. The records of evidence gathering shall be treated with the same confidentiality stipulated in paragraph (1) of this Article.

Article (68)

Assigning a Judicial Police Officer to Carry Out Investigation Work

1. A member of the Public Prosecution may assign a judicial police officer to carry out one or more investigation tasks, except for interrogating the accused. If the situation requires taking a measure in a location outside his jurisdiction, he may delegate its execution to a member of the Public Prosecution or a judicial police officer of that location. In all cases, the person delegated for the investigation shall have, within the limits of his delegation, all the authority of the one who delegated him.

2. Notwithstanding paragraph (1) of this Article, a judicial warrant issued by a member of the Public Prosecution in one of the crimes that the federal courts have exclusive jurisdiction to adjudicate shall be effective in all emirates of the State.

Article (69)

Stating the Matters to be Investigated

In all cases where a member of the Public Prosecution delegates another person to conduct some investigations, he must specify the matters to be investigated and the procedures to be taken. The delegated person may carry out any other investigation work and interrogate the accused in situations where there is a fear of losing time, provided that this action is necessary to uncover the truth.

Subsection Two

Inspection, Search, and Seizure of Items Related to the Crime

Article (70)

Member of Public Prosecution Proceeding for Inspection

1. A member of the Public Prosecution shall proceed to any place to establish the condition of persons, places, and things connected with the crime and everything whose condition needs to be established.

2. If the situation requires taking the measure in a location outside his jurisdiction, he may delegate its execution to a member of the competent Public Prosecution.

Article (71)

Search of Persons

1. A member of the Public Prosecution may search the accused. He may not search a person other than the accused unless it is clear from strong indications that he possesses items related to the crime.

2. When searching a female, the provision of Article (53) of this Law shall be observed.

Article (72)

Search of Places and Seizure of Items Related to the Crime

1. A member of the Public Prosecution may search the accused's home based on a charge against him of committing a crime or participating in its commission. He may search any place and seize any papers, weapons, and everything that was likely used in the commission of the crime, resulted from it, or was the subject of it, as well as anything that helps in uncovering the truth.

2. A member of the Public Prosecution may search a home other than the accused's if it is clear from strong indications that it contains items related to the crime.

Article (73)

Search of Correspondence, Technology Means, and Recording of Conversations

1. A member of the Public Prosecution may seize from post offices all correspondence, letters, newspapers, publications, and parcels, and from telegraph offices all telegrams. He may search devices, networks, equipment, electronic media or carriers, information systems, computer programs, or any technical means whenever the requirements of the investigation so demand, or he may assign experts or specialists he deems appropriate to do so.

2. A member of the Public Prosecution, with the approval of the Attorney General, may monitor and record conversations, including wired and wireless ones.

Article (74)

Reviewing Seized Letters and Documents

The member of the Public Prosecution shall alone review the seized correspondence, letters, and other documents. Based on the examination, he may order that these documents be added to the case file or returned to the person who possessed them or to whom they were sent.

Article (75)

Inadmissibility of Seizing Documents Delivered by the Accused to His Lawyer

A member of the Public Prosecution may not seize from the accused's lawyer the papers and documents that the accused has delivered to him to perform the task entrusted to him, nor the correspondence exchanged between them in the case.

Article (76)

Violation of a Public Prosecution Order to Hand Over a Seizable Item

A member of the Public Prosecution may order the possessor of an item that he deems necessary to seize or review to present it. The provisions prescribed for the crime of refusing to testify shall apply to anyone who violates such an order.

Article (77)

Notifying or Delivering a Copy of Seized Items

1. The accused shall be notified of seized correspondence, letters, telegrams, and similar items addressed to him, or he shall be given a copy thereof as soon as possible, unless doing so would be detrimental to the course of the investigation.

2. Any person claiming a right to the seized items may request the member of the Public Prosecution to hand them over to him.

Subsection Three

Return and Disposal of Seized Items

Article (78)

Return of Seized Items

Items seized during the investigation may be returned, even before a judgment is rendered, unless they are necessary for the proceedings of the case or are subject to confiscation.

Article (79)

Return of Seized Items to Their Possessor

Seized items shall be returned to the person in whose possession they were at the time of seizure. However, if the seized items are those upon which the crime was committed or which resulted from it, they shall be returned to the person who lost possession of them due to the crime, unless the person with whom they were seized has a right to retain them by law.

Article (80)

Order for Return

The order for return is issued by the Public Prosecution. The court may order the return during the hearing of the criminal case.

Article (81)

Effect of the Return Order

The return order does not prevent interested parties from claiming their rights before the civil court. However, this is not permissible for the accused or the claimant of civil rights if the return order was issued by the criminal court at the request of either of them against the other.

Article (82)

Return of a Disputed Item

1. An order for return may be issued even without a request.

2. The Public Prosecution may not order the return of a disputed item or an item where there is doubt as to who has the right to receive it.

Article (83)

Deciding the Fate of Seized Items

1. When an order to dismiss the case or a decision not to file a lawsuit is issued, the member of the Public Prosecution must decide on the fate of the seized items.

2. When ruling on the case, the criminal court must decide on the fate of the seized items if a claim for their return was made before it. It may order the referral of the parties to the civil court if it sees grounds for doing so. In this case, the seized items may be placed under custody and other measures taken to preserve them.

Article (84)

Time Limit for Claiming Seized Items

Seized items that are not claimed by their rightful owners within a period of five (5) years from the date the case is concluded by a final judgment, or by the issuance of a decision not to file a criminal lawsuit, or by one of the cases specified in Article (21) of this Law, shall become the property of the Public Treasury without the need for a judgment to that effect.

Article (85)

Deterioration of a Seized Item Over Time

If the seized item is perishable, diminishes in value over time, or its storage requires expenses that consume its value, its sale by public auction may be ordered if the requirements of the investigation permit. In this case, the rightful owner may claim the price at which it was sold within the period specified in Article (84) of this Law.

Subsection Four

Hearing of Witnesses

Article (86)

Hearing Witness Testimony

The member of the Public Prosecution shall hear the testimony of witnesses whom the parties request to be heard, unless he sees no benefit in hearing them. He may also hear the testimony of any witness he deems necessary to hear regarding the facts that establish or lead to the establishment of the crime, its circumstances, and its attribution to the accused or his acquittal.

Article (87)

Summoning Witnesses to Appear

The member of the Public Prosecution shall summon the witnesses whose testimony is to be heard to appear through public authorities. He may also hear the testimony of any witness who appears voluntarily and shall record this in the minutes.

Article (88)

Confrontation of Witnesses

The member of the Public Prosecution shall hear each witness separately and may confront the witnesses with each other.

Article (89)

Statement of Witness Identity and Procedures for Hearing Testimony before the Public Prosecution

1. The member of the Public Prosecution shall ask each witness to state his name, surname, age, profession, nationality, place of residence, and his relationship with the accused, the victim, and the claimant of civil rights, and shall verify his identity.

2. A witness who has reached the age of fifteen (15) must swear an oath before giving testimony to tell the truth, the whole truth, and nothing but the truth. Those who have not reached the said age may be heard for guidance without an oath.

Article (90)

Signing the Record of Witness Testimony

The member of the Public Prosecution and the investigation clerk shall sign each page of the testimony, as the case may be, as shall the witness after it has been read to him. If he refuses to sign or place his fingerprint, or if it is not possible, this shall be recorded in the minutes, stating the reasons he gives.

Article (91)

Failure to Appear to Give Testimony

Anyone summoned to appear before the Public Prosecution to give testimony must appear in response to the written request. If he fails to appear without a valid excuse, the member of the Public Prosecution may issue an order for his arrest and appearance.

Article (92)

Inability of a Witness to Appear

If the witness is ill or has a reason preventing his attendance, his testimony shall be heard at his location.

Article (93)

Compensation for Witnesses

Taking into account the law on the protection of witnesses and those of similar status, the Minister of Justice, or the head of the local judicial authority, shall establish the rules regulating the assessment of expenses and compensation that witnesses may request and are entitled to for their attendance to give testimony.

Subsection Five

Appointing Experts

Article (94)

Appointing Experts for the Requirements of the Investigation

1. If the investigation requires the assistance of a doctor or other experts to establish a certain condition, the member of the Public Prosecution may issue an order appointing him to submit a report on the task assigned to him.

2. The member of the Public Prosecution may be present when the expert performs his task, and the expert may perform his task without the presence of the parties.

Article (95)

Administering an Oath to Experts

If the expert's name is not registered in the official list, he must swear an oath before the member of the Public Prosecution to perform his work with honesty and integrity.

Article (96)

Expert's Report

The expert shall submit his report in writing. The member of the Public Prosecution shall set a deadline for the expert to submit it and may replace him with another expert if the report is not submitted within the specified deadline or if the investigation requires it.

Subsection Six

Interrogation and Confrontation

Article (97)

Interrogation of the Accused

When the accused appears for the first time in the investigation, the member of the Public Prosecution must record all particulars establishing his identity, inform him of the charge against him, and record in the minutes any statements he may make in this regard.

Article (98)

Attendance of the Accused's Lawyer at Investigation Procedures

The accused's lawyer must be enabled to attend the investigation with him and to review the case file, unless the member of the Public Prosecution deems otherwise for the benefit of the investigation.

Subsection Seven

Summons to Appear, Arrest and Appearance Order, and Travel Ban

Article (99)

Content of Summons to Appear, Arrest and Appearance, and Travel Ban Orders

1. A member of the Public Prosecution may, as the case may be, issue an order summoning the accused to appear, arresting and bringing him in, or banning him from travel.

2. Every order must include the accused's name, surname, profession, nationality, place of residence, the charge against him, the date of the order, the place and time of appearance, the name and signature of the member of the Public Prosecution, and the official seal. The arrest and appearance order shall include instructing public authorities to arrest the accused and bring him before the member of the Public Prosecution if he voluntarily refuses to appear immediately. The travel ban order shall be circulated to all state ports.

3. The orders shall be served to the accused by members of the public authority.

Article (100)

Arrest and Appearance Order

If the accused fails to appear after being summoned without an acceptable excuse, or if there is a fear of his escape, or if he has no known place of residence, or if the crime is in a state of flagrante delicto, the member of the Public Prosecution may issue an order to arrest and bring in the accused, even if the incident is one in which the accused may not be held in pre-trial detention.

Article (101)

Execution of Arrest and Summons Warrants

Warrants issued by a member of the Public Prosecution shall be effective in all regions of the state. Arrest and summons warrants may not be executed after the lapse of (6) six months from their date of issuance, unless a member of the Public Prosecution extends them for another period.

Article (102)

Interrogation of the Arrested Person

A member of the Public Prosecution must immediately interrogate the arrested person. If this is not possible, the person shall be placed in a designated detention facility until interrogation. The period of such placement shall not exceed (24) twenty-four hours. If this period elapses, the person in charge of that facility must send the arrested person to the Public Prosecution, which must interrogate them immediately or order their release.

Section Eight

Pre-trial Detention Order

Article (103)

Pre-trial Detention

Subject to the provisions of the Law on Juvenile Delinquents and those at Risk of Delinquency, a member of the Public Prosecution may, after interrogating the accused, issue an order for their pre-trial detention if the evidence is sufficient and the incident constitutes a felony or a misdemeanor punishable by a penalty other than a fine.

Article (104)

Contents of the Detention Order

In addition to the information mentioned in Clause (2) of Article (99) of this Law, the detention order must include an instruction to the person in charge of the designated detention facility to admit the accused and place them therein, along with a statement of the article of law applicable to the incident.

Article (105)

Regulations for Committal to Designated Detention Facilities

1. Upon committing the accused to the designated detention facility, the detention order must be sent to the person in charge of its administration, and the Public Prosecution must be notified of the receipt.

2. The person in charge of the designated detention facility may not allow any member of a public authority to contact the person in pre-trial detention within that facility except with written permission from the Public Prosecution. They must record in the designated register the name of the authorized person, the time of the meeting, and the date and content of the permission.

Article (106)

Communication of the Person in Pre-trial Detention with Others

If the necessity of the investigation procedures requires it, a member of the Public Prosecution may order that the accused in pre-trial detention not communicate with other detainees and not be visited by anyone, without prejudice to the accused's right to always communicate with their defense counsel in private.

Article (107)

Renewal of the Detention Order

1. The detention order issued by the Public Prosecution shall be after the interrogation of the accused and for a period of (7) seven days, which may be renewed for another period not exceeding (14) fourteen days.

2. If the interest of the investigation requires the continuation of the accused's pre-trial detention after the expiry of the periods stipulated in Clause (1) of this Article, the Public Prosecution must present the case file to a judge of the competent criminal court to issue an order, after reviewing the documents and hearing the accused's statements, to extend the detention for a period not exceeding (30) thirty days, renewable, or to release them with or without bail.

3. The accused may appeal to the president of the court against the order issued in their absence to extend the detention, within (3) three days from the date of being notified of the order or becoming aware of it.

Section Nine

Provisional Release

Article (108)

Provisional Release of a Person in Pre-trial Detention

1. The release of an accused person held in pre-trial detention for a crime punishable by death or life imprisonment is not permissible except with the approval of the Public Prosecutor or their deputy.

2. The Public Prosecution may order the provisional release of an accused person in pre-trial detention or cancel the temporary order for placement under electronic monitoring in a felony or misdemeanor case at any time, either on its own initiative or at the request of the accused, unless the accused has been referred to the competent court for trial, in which case their release shall be within the jurisdiction of that court.

Article (109)

Release Conditional on Bail

1. In cases other than those where provisional release is mandatory, release may be conditioned on the provision of personal or financial bail or a travel ban. The member of the Public Prosecution or the judge, as the case may be, shall determine the amount of financial bail, which shall be designated as a sufficient penalty for the accused's failure to appear at any investigation or trial proceeding, not evading the execution of the judgment, and fulfilling all other duties imposed on them.

2. If it is not possible to provide personal or financial bail, the member of the Public Prosecution may change, substitute, or cancel the bail condition, order their pre-trial detention, or order the continuation of their detention if they were already in pre-trial detention from the date the release order conditional on bail was issued.

Article (110)

Payment of the Bail Amount

The bail amount shall be paid by the accused or by another person, by depositing the estimated amount in the court's treasury. A pledge from any solvent person to pay the estimated bail amount if the accused violates the conditions of release may be accepted. This pledge shall be taken from them in the investigation record or in a report in the case file, and the record or report shall have the force of an executive instrument.

Article (111)

Disposal of the Bail

1. If the accused, without an acceptable excuse, fails to fulfill one of the obligations imposed on them in accordance with Article (109) of this Law, the financial bail shall become the property of the government without the need for a judgment to that effect.

2. The full amount of the bail shall be returned if a decision is issued that there are no grounds for prosecution or if a judgment of acquittal is rendered in the case.

3. The court may, in all cases, order the return of the bail amount or any part of it, or release the guarantor from their pledge.

Article (112)

Arrest Warrant After Release

1. An order of release does not prevent a member of the Public Prosecution from issuing a new warrant for the arrest and detention of the accused if the evidence against them is strengthened, if they breach the duties imposed on them, or if circumstances arise that necessitate taking this measure.

2. If the release was issued by the court, the issuance of a new arrest warrant for the accused shall be from the same court upon the request of the Public Prosecution.

Article (113)

The Competent Court to Consider the Request for Release, Detention, or Temporary Placement under Electronic Monitoring

1. If the accused is referred to the court, their release, if detained, or their detention, if released, or their temporary placement under electronic monitoring, whether detained or released, or its cancellation, shall be within the jurisdiction of the court to which they are referred.

2. In the case of a judgment of lack of jurisdiction, the court that issued the judgment shall be the competent court to consider the request for release, detention, temporary placement under electronic monitoring, or its cancellation, until the case is brought before the competent court.

Article (114)

Non-acceptance of a Request to Detain the Accused from the Victim or the Civil Claimant

A request from the victim or the civil claimant to detain the accused shall not be accepted, nor shall their statements be heard in discussions related to their release.

Section Ten

Seizure of Assets and Prohibition of Disposal

Article (115)

Precautionary Measures on Suspected Assets

1. The Public Prosecution and the competent court, as the case may be, and when there is a need, may order the identification, tracing, or valuation of suspected assets or their equivalent value and take any precautionary measures thereon, including their management or prohibition of their disposal, if they are derived from or related to a crime, or to prevent evasion of seizure orders or confiscation judgments, without prior notice to their owner or possessor, and without prejudice to the rights of bona fide third parties.

2. The Public Prosecution and the competent court, as the case may be, may assign whomever they deem appropriate to manage the suspected assets or their equivalent value on which any precautionary measures have been taken, if necessity so requires. The proceeds of their sale shall accrue to the government in the event of a final conviction. These assets shall remain encumbered, up to their value, with any rights legitimately established for bona fide third parties.

3. The Public Prosecution and the competent court, as the case may be, and when there is a need, may assign the accused, the owner of the assets, their possessor, their manager, or any third party they deem appropriate to manage the suspected assets or their equivalent value on which any precautionary measures have been taken. They may determine the management fees if the person assigned is a third party, to be paid from the public treasury.

4. The Minister of Justice or the head of the local judicial authority may issue a decision regulating the management of seized assets and their expenses.

Article (116)

Grievance against Precautionary Measures

1. Any interested party may file a grievance against the Public Prosecution's order stipulated in Clause (1) of Article (115) of this Law before the competent court within whose jurisdiction the ordering Public Prosecution is located or which is competent to hear the criminal case.

2. The grievance shall be filed by a report submitted to the competent court. The president of the court shall set a hearing date for it, of which the grievant shall be notified. The Public Prosecution shall submit a memorandum with its opinion on the grievance, and the court shall decide on it within a period not exceeding (14) fourteen working days from the date of its submission.

3. The decision on the grievance shall not be subject to appeal. If the grievance is rejected, a new grievance may not be filed until after the lapse of (3) three months from the date of the rejection of the grievance, unless a serious reason arises before the end of that period.

Article (117)

Termination of Precautionary Measures

In all cases, the precautionary measures stipulated in Clause (1) of Article (115) of this Law shall terminate upon the issuance of a decision that there are no grounds for initiating the criminal case, upon a final judgment of acquittal, or upon the full settlement of the amounts adjudged.

Chapter Two

Disposition of the Charge and the Case

Article (118)

Order of No Grounds for Prosecution

1. After the investigation it has conducted, the Public Prosecution may issue an order that there are no grounds for prosecution and order the release of the accused, unless they are detained for another reason.

2. The issuance of an order of no grounds for prosecution in felonies shall only be made by a chief prosecutor or their deputy, and it shall not be effective until ratified by the Public Prosecutor or their delegate.

3. The order shall state the accused's name, surname, age, place of birth, place of residence, profession, and nationality, and a statement of the incident attributed to them, its legal classification, and the reasons on which it was based.

4. The order shall be announced to the victim and the civil claimant. If either of them has died, the announcement shall be made to their heirs collectively, without mentioning their names, at the last known domicile of their predecessor.

Article (119)

Order to Dismiss the Case

If the Public Prosecution, in cases of misdemeanors and violations, deems that the case is ready to be filed based on the collected evidence, it shall summon the accused to appear directly before the competent criminal court. If it deems that there are no grounds to proceed with the case, it shall order its dismissal.

Article (120)

Revocation of the Order of No Grounds for Prosecution

In misdemeanor cases, the Public Prosecutor may revoke the order stipulated in Article (118) of this Law within (3) three months following its issuance, unless it has already been appealed and the appeal was rejected.

Article (121)

Referral of the Case to the Criminal Court

If the Public Prosecution finds that the incident is a misdemeanor or a violation and that the evidence against the accused is sufficient, it shall refer the case to the competent criminal court to hear it.

Article (122)

Referral of the Case to the Felony Court

If the head of the Public Prosecution or their deputy finds that the incident is a felony and that the evidence against the accused is sufficient, they shall decide to refer them to the Felony Court. If there is doubt as to whether the incident is a felony or a misdemeanor, they shall refer it to the Felony Court under the classification of a felony.

Article (123)

Judgment of Lack of Jurisdiction

If the incident has previously been finally judged by the Misdemeanor Court as being outside its jurisdiction because it is a felony, the Public Prosecution must decide to refer the case to the Felony Court.

Article (124)

Order to Refer the Criminal Case to the Court

1. The referral order shall include the accused's name, surname, age, place of birth, place of residence, profession, and nationality, and shall specify the crime attributed to them with all its constituent elements, any extenuating or aggravating circumstances, and the articles of law to be applied.

2. The Public Prosecution shall notify the parties of this order within (3) three days following its issuance. Excluded from this are single-day crimes, which shall be determined by a decision from the Public Prosecutor.

Article (125)

Referral of All Crimes under a Single Referral Order

1. If the investigation covers more than one related crime falling within the jurisdiction of courts of the same level, they shall all be referred under a single referral order to the court with territorial jurisdiction over one of the crimes.

2. If the crimes fall within the jurisdiction of courts of different levels, they shall be referred to the court of the higher level.

Article (126)

Release of the Person in Pre-trial Detention

The accused held in pre-trial detention shall be released if the referral order to the competent court does not include the continuation of their detention.

Article (127)

List of Witnesses

1. When the Public Prosecution issues a referral order to the criminal court, it shall ask each of the accused, the civil claimant, and the party responsible for civil rights to

provide it immediately with a list of the witnesses they request to be heard before the court, with their names and places of residence.

2. The Public Prosecution shall prepare a list of its witnesses and the witnesses stipulated in Clause (1) of this Article.

3. This list shall be announced to the accused and to the witnesses included in it.

Article (128)

Summoning Witnesses Not Included in the List

Each of the parties shall summon their witnesses who were not included in the Public Prosecution's list to attend by means of a process server at their own expense.

Article (129)

Referral of the Case to the Competent Court

The Public Prosecution shall refer the case to the competent court immediately after the completion of the investigation and its disposition by referral.

Article (130)

Order to Refer an Accused to the Felony Court in Absentia

If an order is issued to refer an accused of a felony to the Felony Court in their absence, and they later appear or are arrested, the case shall be heard anew in their presence before the court.

Article (131)

Supplementary Investigations

If, after the issuance of the referral order, something arises that requires supplementary investigations, the Public Prosecution shall conduct them and submit the record to the court.

Article (132)

Emergence of New Evidence

1. An order issued by the Public Prosecution that there are no grounds for prosecution prevents a return to the investigation unless new evidence emerges.

2. New evidence is considered to be the testimony of witnesses, records, other papers, electronic evidence, or other evidence that was not presented to the Public Prosecution and which would strengthen the evidence that was found to be insufficient or provide further clarification leading to the discovery of the truth.

Part Three

Appeal of Orders and Decisions Issued during the Investigation Stage

Article (133)

Appeal of the Decision to Release or Extend Detention

1. The Public Prosecution may appeal the decision issued by the judge for the provisional release of an accused person in pre-trial detention. The decision of release may not be executed before the expiry of the appeal period.

2. The accused may appeal the decision issued by the judge to extend their pre-trial detention within the appeal period.

Article (134)

Appeal of the Order of No Grounds for Prosecution

The victim and the civil claimant may appeal the order issued by the Public Prosecution that there are no grounds for prosecution due to the absence of the charge, because the act is not punishable by law, or because the evidence against the accused is insufficient.

Article (135)

Appeal Procedures

1. The appeal provided for in Articles (133) and (134) of this Law shall be made by a report at the criminal registry. The appeal period shall be (24) twenty-four hours in the case provided for in Article (133) and (10) ten days in the case provided for in Article (134) of this Law.

2. The period shall begin from the date of the issuance of the decision for the Public Prosecution, and from the date of the announcement of the order for the other parties.

Article (136)

Appeal Hearing

The appellant shall be assigned a hearing date in the appeal report, which shall be within (3) three days. The Public Prosecution shall summon the other parties to attend the specified hearing.

Article (137)

Jurisdiction of the Court of Appeal

The Court of Appeal shall hear appeals of orders and decisions stipulated in this Part in chambers. It may hear them on days other than those designated for its sessions or at a location other than the court's premises whenever the situation so requires.

Article (138)

Decisions of the Court of Appeal on the Order that there is no ground for filing the case

1. The Court of Appeal shall issue its decisions on the appeal against the order that there are no grounds for filing the case after reviewing the papers and hearing the clarifications it deems necessary to request from the litigants. It may conduct any

supplementary investigations it deems necessary to decide on the appeal before it or delegate one of its members or the Public Prosecution for that purpose.

2. The Appellate Court, upon canceling the order that there are no grounds for filing the case, must return it to the Public Prosecution with a reasoned decision stating the crime, its elements, and the applicable legal provision, for referral to the competent criminal court.

3. The decisions issued by the Court of Appeal shall, in all cases, be unappealable.

Article (139)

Decisions of the Court of Appeal on Appealing a Release Order or Extension of Detention

1. The Court of Appeal, when considering an appeal against an order to release a defendant in pretrial detention, may order the extension of his detention. If the appeal is not decided within (3) three days from the date it was filed, the release order must be executed immediately.

2. The Court of Appeal, when considering an appeal against an order to extend the pretrial detention of a defendant, may order the defendant's release with or without bail.

3. The decisions issued by the Court of Appeal in this regard shall be unappealable.

Book Three

The Courts

Part One

Jurisdiction

Chapter One

Jurisdiction in Criminal Matters

Article (140)

The Court of First Instance

1. With the exception of crimes falling under the jurisdiction of the Federal Supreme Court, the Court of First Instance, composed of (3) three judges, shall have jurisdiction to hear felonies punishable by Qisas, death, or life imprisonment, which are referred to it by the Public Prosecution, and is referred to in this law as the Major Felony Court. The court composed of a single judge shall have jurisdiction to hear other felonies punishable by temporary imprisonment and is referred to in this law as the Minor Felony Court.

2. The court composed of a single judge shall have jurisdiction to hear all misdemeanors and infractions and is referred to in this law as the Misdemeanor Court.

3. Notwithstanding the provisions of this law, the President of the Federal Judiciary Council and the heads of local judicial authorities, as the case may be, and in accordance with the laws regulating their work, may establish the rules governing the work of the One-Day Court within the Misdemeanor Court, defining its jurisdictions, notification of litigants, rules for its sessions, and other procedures.

Article (141)

Lack of Jurisdiction of the Misdemeanor Court to Hear a Felony

If it becomes apparent to the Misdemeanor Court that the incident constitutes a felony, it shall rule that it lacks jurisdiction and return the case file to the Public Prosecution to take the prescribed legal measures.

Article (142)

Lack of Jurisdiction of the Felony Court to Hear a Misdemeanor

1. If the Major Felony Court finds that the incident, as described in the referral order and before its investigation in the session, constitutes a misdemeanor or a felony punishable by temporary imprisonment, it must rule that it lacks jurisdiction and refer it to the competent court.

2. If it becomes apparent to the Minor Felony Court that the incident is a felony punishable by death or life imprisonment, it must rule that it lacks jurisdiction and refer it to the Major Felony Court.

3. If the Minor Felony Court finds that the incident, as described in the referral order and before its investigation in the session, constitutes a misdemeanor, it must rule that it lacks jurisdiction and refer it to the Misdemeanor Court.

Article (143)

Territorial Jurisdiction

Jurisdiction shall be determined by the place where the crime occurred, unless the law provides otherwise.

Article (144)

Determining the Place of the Crime

In the case of an attempt, the crime is considered to have occurred in every place where an act of commencement of execution took place. In continuous crimes, every place where the state of continuity exists is considered a place of the crime. In habitual crimes and consecutive crimes, every place where one of the constituent acts occurs is considered a place of the crime.

Article (145)

Commission of a Crime Subject to National Law Abroad

If a crime to which the provisions of national law apply is committed abroad, the case against the perpetrator shall be filed before the federal criminal courts in the capital of the Union.

Article (146)

Jurisdiction in Related Crimes

If one or more defendants are brought for a single crime or for related crimes covered by a single investigation before two judicial bodies, both of which have jurisdiction, the case shall be referred to the court to which it was first presented.

Article (147)

Ruling of Lack of Jurisdiction

If the court, at any stage of the case, determines that it lacks jurisdiction to hear it, it shall rule its lack of jurisdiction, even without a request.

Chapter Two

Jurisdiction of Criminal Courts to Hear Civil Claims and Stay of Criminal Proceedings

Article (148)

Filing a Civil Claim before Criminal Courts

A civil claim, regardless of its value, for compensation for damages arising from a crime may be filed before the criminal court to be heard along with the criminal case, after payment of the legally prescribed fees.

Article (149)

Jurisdiction of the Criminal Court

The criminal court has jurisdiction to decide on all matters on which the judgment in the case before it depends, unless the law provides otherwise.

Article (150)

Stay of Criminal Proceedings Pending Decision in Another Criminal Case

If the judgment in a criminal case depends on the outcome of another criminal case, the former must be stayed until the latter is decided.

Article (151)

Stay of Criminal Proceedings Pending Decision on a Personal Status Matter

If the judgment in a criminal case depends on the resolution of a personal status matter, the criminal court may stay the proceedings and set a deadline for the defendant, the civil claimant, or the victim, as the case may be, to bring the said matter before the competent authority. The stay of proceedings does not prevent the taking of necessary or urgent measures or investigations.

Article (152)

Disregarding the Stay of Criminal Proceedings

If the deadline stipulated in Article (151) of this law expires and the case has not been brought before the competent authority, the court may disregard the stay of proceedings and decide on the case. It may also grant the litigant another deadline if it sees justifying reasons.

Article (153)

Proof in Non-Criminal Matters

In non-criminal matters that criminal courts decide upon as an adjunct to a criminal case, they shall follow the methods of proof prescribed in the law pertaining to those matters.

Chapter Three

Conflict of Jurisdiction

Article (154)

Designation of the Competent Court by the Federal Supreme Court

If two final judgments are issued, one affirming jurisdiction and the other denying it in the same case, a request to designate the competent court shall be submitted to the Federal Supreme Court in accordance with the following two articles.

Article (155)

Request for Designation of the Competent Court

1. The Public Prosecution and the litigants in the case may each submit a request for the designation of the competent court by a petition accompanied by supporting documents.

2. The court to which the request is submitted shall, within (24) twenty-four hours of its submission, order the deposit of the documents with the case management office.

3. The case management office must notify the other litigants of this deposit within (3) three days of its occurrence, so that each may review them and submit a memorandum of his statements within (10) ten days following his notification of the deposit.

4. The deposit order shall result in a stay of the proceedings for which the request was submitted, unless the court decides otherwise.

Article (156)

Jurisdiction of the Court to Which the Designation Request is Submitted

The court to which the request is submitted shall, after reviewing the documents, designate the competent court and shall decide on the procedures and judgments that may have been issued by the other court whose jurisdiction it has nullified.

Part Two

Trial Procedures

Chapter One

General Provisions

Section One

Notification of Litigants

Article (157)

Appearance of the Defendant before the Court

If the case is referred to a criminal court, the Public Prosecution shall summon the defendant to appear before the competent court specified in the referral order.

Article (158)

Waiving the Summons for the Defendant's Appearance

The summons for the defendant's appearance before the court may be waived if he attends the session, the charge is brought against him by the Public Prosecution, and the defendant accepts the trial.

Article (159)

Summons Procedures

1. Litigants shall be summoned to appear before the court at least one full day before the session in cases of infractions, (3) three days in misdemeanors, and (10) ten days in felonies.

2. The summons shall state the charge and the articles of the law that provide for the penalty.

Article (160)

Methods of Serving the Summons

1. The summons shall be served by any of the following methods:

a. Recorded audio or video calls, text messages on a mobile phone, smart applications, email, or any other technological means.

b. In person to the defendant wherever he is found, at his residence, or place of work. If service is not completed for a reason attributable to the defendant or if he refuses to accept it, it shall be considered as personal service. If the process server does not find the defendant to be served at his residence, he may notify or deliver the summons to any of the persons living with him, such as spouses, relatives, in-laws, or his employees.

2. The process server must verify the identity of the person being served or the recipient of the summons, who must appear to be at least (18) eighteen years of age

and have no apparent interest, nor represent anyone with an interest, that conflicts with the defendant's interest.

3. In the case of service by modern communication technologies as stipulated in paragraph "a" of clause (1) of this article, the process server must verify that the means, whatever it may be, belongs to the defendant. In the case of service by recorded audio or video calls, he must draw up a report documenting the content of the call, its time, date, and the person served. This report shall have evidentiary value and be attached to the case file.

4. If it is not possible to serve the defendant in accordance with clause (1) of this article, the summons shall be delivered to the police station that has jurisdiction over the defendant's last known place of residence. The place where the crime occurred shall be considered the defendant's last place of residence unless proven otherwise.

5. In misdemeanors and infractions, service may be carried out by a member of the public authority.

Section Two

Court Session Rules and Procedures

Article (161)

Appearance of the Defendant in Person or by Proxy

In a felony or a misdemeanor punishable by a penalty other than a fine, the defendant must appear in person. In other misdemeanors and in infractions, he may appoint a proxy to present his defense, all without prejudice to the court's right to order his personal appearance.

However, in all cases, his proxy, a relative, or an in-law may attend and present the defendant's excuse for not appearing. If the court finds the excuse acceptable, it shall set a date for the defendant's appearance before it, and the Public Prosecution shall notify him of this date.

Article (162)

Public and Private Sessions

1. The session must be public. However, the court may, in the interest of public order or morals, order the hearing of all or part of the case in a closed session or prohibit certain groups of people from attending.

2. Sessions shall be held in private for crimes against honor and in other cases stipulated by law.

Article (163)

Attendance of the Public Prosecution at Criminal Court Sessions

A member of the Public Prosecution must attend the sessions of the criminal courts. The court must hear his statements and rule on his requests.

Article (164)

Maintaining Order in the Session

1. Maintaining order in the session and managing it is the responsibility of the presiding judge. Subject to the provisions of the Advocacy Law, he may remove from the courtroom anyone who disrupts its order. If the person does not comply and persists, the court may immediately sentence him to (24) twenty-four hours' imprisonment or a fine of not less than (1,000) one thousand dirhams and not exceeding (5,000) five thousand dirhams. Its judgment in this regard shall be final.

2. The court may, at any time before the end of the session, reverse the judgment or decision it issued based on clause (1) of this article.

Article (165)

Appearance of the Defendant before the Court without Restraints

1. The defendant shall appear before the court without restraints or shackles, but necessary observation shall be maintained.

2. The defendant may not be removed from the session during the hearing of the case unless he causes a disturbance that necessitates it. In such a case, the proceedings shall continue until they can proceed in his presence, and the court must inform him of the procedures that took place in his absence.

Article (166)

Investigation Procedures in the Session

1. The investigation in the session begins by calling the litigants and witnesses. The defendant is asked for his name, surname, profession, nationality, place of residence, and date of birth. The charge against him is read out. Then, the Public Prosecution and the civil claimant, if any, present their requests. The defendant is then asked if he confesses to committing the alleged act. If he confesses, the court may suffice with his confession and sentence him without hearing witnesses. Otherwise, it shall hear the testimony of the prosecution witnesses, unless the crime is punishable by death, in which case the court must complete the investigation.

2. Questions shall be directed to these witnesses by the Public Prosecution, then by the victim if present, then by the civil claimant regarding his claim, then by the defendant, and then by the person civilly liable. The Public Prosecution, then the victim, then the civil claimant may cross-examine the said witnesses a second time to clarify the facts they testified about in their answers. The court shall hear the testimony of each witness individually.

Article (167)

Hearing Defense Witnesses

1. After hearing the prosecution witnesses, the court shall hear the defense witnesses. They shall be questioned first by the defendant, then by the person civilly

liable, then by the Public Prosecution, and then by the civil claimant. The defendant and the person civilly liable may direct a second round of questions to the said witnesses to clarify the facts they testified about in their answers to the questions posed to them.

2. Each of the litigants may request the re-examination of the said witnesses to clarify or verify the facts about which they testified, or request to hear other witnesses for this purpose.

Article (168)

Procedures for Giving Testimony

Witnesses shall be called by name one by one to give testimony before the court. A witness who has testified shall remain in the courtroom until the closing of the pleadings unless the court permits him to leave. If necessary, a witness may be removed while another witness is testifying, and witnesses may be confronted with each other.

Article (169)

Directing Questions to the Witness

1. The court may, at any stage of the case, ask the witnesses any question it deems necessary to reveal the truth or authorize the litigants to do so.

2. The court must prevent questions from being directed to a witness if they are irrelevant to the case or inadmissible.

3. The court must protect the witness from any explicit or implicit statement or any gesture that might confuse his thoughts or intimidate him.

4. The court may decline to hear the testimony of witnesses regarding facts it considers to be sufficiently clear.

Article (170)

Hearing the Litigants

1. After hearing the prosecution and defense witnesses, the Public Prosecution, the defendant, and each of the other litigants in the case may speak. In all cases, the defendant shall be the last to speak.

2. The court may prevent the defendant, the other litigants, and their defenders from continuing to speak if they digress from the subject of the case or repeat their statements.

Article (171)

Appearance of the Absent Defendant

If an absent defendant appears before the end of the session in which the judgment was issued, the case must be reheard in his presence.

Article (172)

Trial Record

1. A record shall be made of the trial session's proceedings, and each page shall be signed by the presiding judge and the clerk.

2. The record must include the date of the session, state whether it was public or private, the names of the judges, the attending Public Prosecution member, the clerk, the names of the litigants and their defenders, the testimony of witnesses, and the statements of the litigants. It shall also refer to the documents that were read and all other procedures that took place. The requests submitted during the hearing of the case, the rulings on ancillary matters, the operative part of the issued judgments, and other proceedings of the session shall be recorded therein.

Section Three

Witnesses and Other Evidence

Article (173)

Summoning Witnesses to Attend

1. Witnesses shall be summoned to attend at the request of the litigants in accordance with this Law at least twenty-four (24) hours before the session. A witness may attend the session without a summons at the request of the litigants.

2. During the hearing of the case, the court may summon and hear the statements of any person, even by issuing a warrant for arrest and appearance if necessary, and it may order that person to be summoned to attend another session.

Article (174)

Failure of a Witness to Attend

1. If a witness fails to appear before the court after being summoned, he may be sentenced, after hearing the statements of the Public Prosecution, to a fine of not less than (1,000) one thousand Dirhams and not more than (5,000) five thousand Dirhams.

2. If the court deems the witness's testimony necessary, it may adjourn the case to re-summon the witness, and it may order his arrest and appearance.

3. If the witness attends after being summoned a second time, or of his own accord, or presents an acceptable excuse, he may be exempted from the fine after hearing the statements of the Public Prosecution.

4. If the witness fails to appear the second time, he may be sentenced to a fine not exceeding double the maximum limit prescribed in clause (1) of this article, and the court may order his arrest and appearance in the same session or in another session to which the case is adjourned.

Article (175)

Failure of a Witness to Attend Until Judgment is Rendered

If the witness fails to appear before the court until the judgment in the case is rendered, he may appeal the fine to the court that issued the judgment.

Article (176)

Witness's Excuse for Non-Attendance

1. If a witness excuses himself due to illness or any other reason preventing him from attending to give testimony, the court may go to him and hear his testimony after notifying the Public Prosecution and the other litigants. The litigants may attend in person or through their agents and may ask the witness questions they deem necessary.

2. If it becomes clear to the court, after going to him, that the excuse is not valid, it may, after hearing the statements of the Public Prosecution, sentence him to imprisonment for a period not exceeding (3) three months or a fine not exceeding (20,000) twenty thousand Dirhams.

Article (177)

Witness Identification and Hearing Procedures Before the Court

1. The court shall ask each witness to state his name, surname, age, profession, nationality, place of residence, and his relationship to the accused, the victim, and the civil rights claimant, and shall verify his identity.

2. A witness who has completed (15) fifteen years of age must, before giving testimony, swear an oath to tell the truth, the whole truth, and nothing but the truth. Those who have not reached the said age may be heard for information without an oath.

3. The aforementioned data, the testimony of witnesses, and the procedures for hearing them shall be recorded in the record without modification, deletion, scraping, interlineation, or addition. None of this shall be considered valid unless certified by the presiding judge, the clerk, and the witness.

Article (178)

Inability to Hear a Witness

The court may decide to read the testimony given in the preliminary investigation or in the evidence-gathering record or after taking the oath in accordance with the provisions of Article (41) of this Law if it is impossible to hear the witness for any reason.

Article (179)

Witness Not Recalling Certain Facts

If a witness states that he no longer remembers an event, or if the witness's testimony in the session contradicts his previous testimony or statements, the part of

his testimony that he affirmed in the investigation or his statements in the evidence-gathering record related to that event may be read out.

Article (180)

Ordering the Presentation of Evidence

The court may, even on its own initiative, during the hearing of the case, order the presentation of any evidence it deems necessary to reveal the truth.

Article (181)

Appointing Experts

1. The court, either on its own initiative or at the request of the litigants, may appoint one or more experts in the case. If the matter requires the appointment of a committee of experts, their number must be odd.

2. The court may, on its own initiative, order the experts to be summoned for questioning regarding the content of the reports they submitted in the preliminary investigation or before the court, and it must do so if the litigants request it.

3. If it is impossible to obtain a piece of evidence before the court, it may move to obtain it.

Section Four

Ancillary Forgery Claim

Article (182)

Challenging Documents in the Case for Forgery

1. The Public Prosecution and all other litigants may, at any stage of the case, challenge any document submitted in the case for forgery.

2. The challenge shall be made by a report in the session record, and the challenged document, the location of the forgery, and the evidence of its forgery must be specified.

Article (183)

Authority to Decide on a Forgery Claim

1. If the court hearing the case finds that its decision depends on the challenged document and that there are grounds for proceeding with the investigation of the forgery evidence, it may refer the papers to the Public Prosecution and suspend the case until the forgery is decided by the competent authority. If the decision on the forgery falls within its jurisdiction, it may investigate the challenge itself and decide on the validity of the document.

2. This court may sentence the claimant of forgery to a fine not exceeding (5,000) five thousand Dirhams if a judgment or decision is issued finding no forgery.

Article (184)

Forgery of an Official Document

If an official document is judged to be forged in whole or in part, the court that ruled on the forgery shall order its cancellation or correction, as the case may be, and a record shall be drawn up to that effect, which shall be noted on the document accordingly.

Section Five

Accused Persons with Mental or Psychological Disorders

Article (185)

Placing the Accused in a Therapeutic Shelter or Other Location

1. If it is necessary to examine the mental or psychological state of the accused, the Chief Prosecutor during the investigation or the court hearing the case may order the accused, if in pretrial detention, to be placed under observation in a designated therapeutic shelter for consecutive periods, each not exceeding (15) fifteen days, and the total not exceeding (45) forty-five days. If the Public Prosecution has not completed the investigation with the accused and the situation requires extending the pretrial detention period, the Chief Prosecutor must refer the matter to the competent court to issue its decision on continuing the pretrial detention for a specific period or releasing the accused.

2. If the accused is not in pretrial detention, the Chief Prosecutor or the competent court may order the accused to be placed under observation in any other location.

Article (186)

Suspending the Case if the Accused is Unable to Defend Himself

1. If it is proven that the accused is unable to defend himself due to a state of insanity, mental disorder, mental deficiency, or a serious psychological illness that occurred after the commission of the crime, the filing of the case against him or his trial shall be suspended until that cause ceases.

2. In this case, the accused shall be placed in a therapeutic shelter by order of the Public Prosecution or the court hearing the case, as the case may be.

3. The suspension of the case does not prevent taking investigation measures that are deemed urgent and necessary.

Article (187)

Calculating the Period the Accused Spends in a Therapeutic Shelter

The period that the accused spends in the therapeutic shelter in accordance with the two preceding articles shall be deducted from the period of the penalty or measures to which he is sentenced.

Article (188)

Order of No Grounds for Prosecution or Judgment of Acquittal Due to the Accused's Insanity

If an order is issued that there are no grounds for prosecution or a judgment acquitting the accused is rendered due to a state of insanity, mental disorder, mental deficiency, or a serious psychological illness, the Public Prosecution or the court—as the case may be—shall order the accused to be placed in a therapeutic shelter until such authority decides to release him. This shall be done after reviewing the report from the facility where the accused is placed and hearing the statements of the Public Prosecution in cases where the order was not issued by it, and after verifying that the accused has regained his sanity or that his dangerousness has ceased.

Section Six

Protection of Victims with Mental or Psychological Illness

Article (189)

Crimes Committed Against Persons with Mental or Psychological Illness

If a crime is committed against a person with a mental or psychological illness, the competent court may, on its own initiative or at the request of the Public Prosecution, issue an order for his temporary placement in a sanatorium or therapeutic shelter, or hand him over to his relatives or a trustworthy person—as the case may be—until the case is decided.

Chapter Two

Special Procedures for Misdemeanor and Infraction Courts

Article (190)

Judgment in Absentia or In Personam

1. If the litigant who has been summoned according to the law does not appear on the day specified in the summons and does not send an agent on his behalf in cases where this is permissible, the court shall rule on the case in absentia.

2. If the case is brought against several persons for a single incident, and some have appeared before the court while others have not, the court must adjourn the hearing of the case to a subsequent session to re-notify those who are absent. The judgment in the case shall be considered in personam for all of them.

Article (191)

Judgment Considered In Personam

The judgment shall be considered in personam with respect to any litigant who is present when the case is called, even if he leaves the session thereafter or fails to attend the sessions to which the case is adjourned.

Article (192)

Effect of Considering the Judgment In Personam on the Case

In the preceding cases where the judgment is considered in personam, the court must investigate the case before it as if the litigant were present.

Chapter Three

Special Procedures for Felony Courts

Article (193)

Felony Chamber

Each court of first instance shall have one or more chambers for major felonies, composed of three of its judges, and one or more chambers for minor felonies, composed of a single judge.

Article (194)

Scope of Jurisdiction of the Felony Court

The jurisdiction of the Felony Court includes the territorial scope of the jurisdiction of the Court of First Instance at the headquarters of this court, and it may convene in any other place within its jurisdiction.

Article (195)

Duties of the Appointed Lawyer

1. The appointed or retained lawyer for the accused must defend him in the session or appoint a substitute, otherwise he shall be sentenced to a fine not exceeding (1,000) one thousand Dirhams, without prejudice to disciplinary proceedings if the situation so requires. The judgment imposing the fine shall be final.

2. The court may exempt him from the fine if it is proven that he had an acceptable excuse that prevented him from attending the session himself or appointing a substitute.

Article (196)

Assessment of the Appointed Lawyer's Fees

The court shall, upon the request of the appointed lawyer, issue an order assessing his fees, to be borne by the Public Treasury, guided by the fee assessment schedule issued by a decision of the Minister of Justice or the head of the judicial authority, as the case may be. This assessment may not be appealed in any way.

Article (197)

Setting Dates for Hearing the Case

1. The president of the competent Felony Court, upon referral of the case to him, shall order the notification of the accused and witnesses of the day he sets for the hearing of the case. The Public Prosecution shall be responsible for summoning them to attend.

2. If there are serious reasons to adjourn the hearing of the case, the adjournment must be to a specific day.

Article (198)

Authority to Arrest, Summon, or Place the Accused in Pretrial Detention

The Felony Court may, in all cases, order the arrest and summoning of the accused, and it may order his pretrial detention and release the accused in pretrial detention on personal or financial bail or without bail.

Article (199)

Failure of the Accused in a Felony Case to Attend the Session

If the accused in a felony case does not appear on the day of the session after being legally notified of the referral order and summoned to attend, the court may rule in his absence. It may also adjourn the case and order his re-summoning.

Article (200)

Depriving the Accused of Disposing of His Property

Every judgment of conviction that results in depriving the accused of disposing of or managing his property, or from filing any lawsuit in his name, shall require the Public Prosecution, the accused, or any interested party to request the Court of First Instance within whose jurisdiction the convicted person's property is located to appoint a custodian to manage it. The court may require the custodian it appoints to provide a bond, and he shall be subject to it in all matters related to the custody and rendering of accounts.

Article (201)

Notifying an Accused Residing Outside the State

If the accused resides outside the state, the referral order and the summons to attend shall be served to him at his place of residence, if known, at least one month before the session scheduled for hearing the case. If he does not appear after being notified or if service is impossible, a judgment may be rendered in his absence.

Article (202)

Reading the Referral Order and Papers in the Session

The referral order shall be read in the session, followed by the papers proving the notification of the absent accused. The Public Prosecution and other litigants shall present their statements and requests, and the court shall hear the witnesses if necessary, then decide the case.

Article (203)

Enforcement of a Judgment in Absentia

All penalties and measures that can be enforced from a judgment in absentia shall be enforced from the time it is issued. It may also be enforced with respect to compensation from the time it is issued. In this case, the civil rights claimant must provide a personal or financial guarantee unless the judgment provides otherwise. The financial guarantee shall be returned two years after the judgment is issued.

Article (204)

Retrial of a Person Convicted in Absentia

If the person convicted in absentia appears or is arrested, the case shall be reheard before the court. If the previous judgment for compensation has been executed, the court may order the return of all or part of the amounts collected.

Article (205)

Absence of One of the Accused

The absence of an accused shall not delay the judgment in the case with respect to other co-accused. If an accused in a misdemeanor case referred to the Felony Court is absent, the procedures applicable before the Misdemeanor Court shall be followed in his regard.

Part Three

Disqualification, Recusal, and Withdrawal of a Judge from Hearing a Case

Article (206)

Judge's Qualification, Recusal, and Withdrawal

The provisions and procedures stipulated in the Civil Procedure Law shall be followed regarding the judge's qualification to hear the case, his recusal, and his withdrawal, subject to the provisions of Articles (207) and (208) of this Law.

Article (207)

Cases Where a Judge is Prohibited from Participating in Hearing a Case

1. A judge is prohibited from participating in hearing a case if the crime was committed against him personally, or if he acted in the case as a judicial police officer, a public prosecutor, a defender for one of the litigants, or gave testimony in it, or performed any expert work in it.

2. He is also prohibited from participating in the judgment on appeal if the appealed judgment was issued by him.

Article (208)

Recusal of Judges from Judgment

1. The litigants may recuse judges from judgment in the cases mentioned in Article (207) of this Law, and in all other cases of recusal specified in the Civil Procedure Law.

2. Members of the Public Prosecution and judicial police officers may not be recused.

Part Four

The Judgment

Chapter One

Issuing the Judgment

Article (209)

Court's Non-Adherence to Preliminary Investigation and Inquiry Records

The court shall not be bound by what is recorded in the preliminary investigation or in the inquiry records, unless the law provides otherwise.

Article (210)

The Judge's Conviction

The judge shall rule in the case according to the conviction he has formed; however, he may not base his judgment on any evidence not presented to the litigants before him in the session.

Article (211)

Publicity of the Judgment

1. The judgment shall be issued in a public session, even if the case was heard in a private session, and it must be recorded in the session's minutes and signed by the presiding judge and the clerk.
2. The court may order the necessary measures to prevent the accused from leaving the courtroom before the judgment is pronounced or to ensure his presence in the session to which the judgment is postponed, even by issuing an order for his detention if the incident is one for which pre-trial detention is permissible.

Article (212)

Judgment of Acquittal for the Accused

If the incident is not proven or if the law does not penalize it, the court shall rule to acquit the accused and he shall be released if he was detained solely for this incident.

Article (213)

Judgment of Penalty

If the incident is proven and constitutes a punishable act, the court shall impose the penalty in accordance with the provisions prescribed by law.

Article (214)

Court's Limitation to the Scope of the Case

It is not permissible to sentence the accused for an incident other than that which was stated in the referral order or the summons, nor is it permissible to pass judgment on anyone other than the accused against whom the lawsuit was filed.

Article (215)

Changing the Legal Description of the Incident

1. The court may, in its judgment, change the legal description of the incident attributed to the accused, and it may amend the charge as it deems appropriate based on what is proven to it from the investigation or from the pleadings in the session.
2. The court must notify the accused of this change and grant him a period to prepare his defense based on the new description or amendment if he requests it.
3. The court may also correct any material error and rectify any omission in the wording of the accusation that may be in the referral order or in the summons.

Article (216)

Session Minutes and Judgment

The session minutes and the judgment complement each other in establishing the trial procedures and the data of the judgment's preamble.

Article (217)

Contents of the Judgment and Ruling on Motions

1. The judgment must include the reasons upon which it is based, and every conviction judgment must include a statement of the incident warranting punishment, the circumstances under which it occurred, and a reference to the provision of the law under which the judgment was made.
2. The court must rule on the motions submitted to it by the litigants and state the reasons on which it relies.
3. Notwithstanding the provisions of clauses (1) and (2) of this Article, in judgments issued in one-day cases, it is permissible to suffice with a statement of the description of the accusation, its articles, and a summary of the reasons for the judgment. This shall not be considered a deficiency or shortcoming in the factual reasons for the judgment, nor shall it result in the nullity of the judgment.

Article (218)

Issuance of Judgments by Majority or Unanimous Vote

The presiding judge collects the opinions, starting with the most junior judge then the most senior, and then gives his opinion. Judgments are issued by a majority of votes, except for judgments of capital punishment, which must be issued by a

unanimous vote. If unanimity is not achieved, the death penalty shall be replaced by life imprisonment.

Article (219)

Required Procedures upon Pronouncing the Judgment

Upon pronouncing the judgment, the court must deposit it in the case file, including its reasons, signed by the presiding judge and the judges.

Chapter Two

Correction of Judgments and Decisions

Article (220)

Correction of Material Error

1. If a material error occurs in a judgment or a decision and does not result in nullity, the body that issued the judgment or decision shall correct this error on its own initiative or at the request of one of the litigants without pleadings. The correction shall be made on the decision or judgment subject to correction and signed by the presiding judge of the session.
2. This procedure shall be followed in correcting the name and surname of the accused.
3. The incorrect entry or issuance of the decision or judgment in the electronic system is considered a material error.
4. The decision issued for correction may be appealed if the issuing body exceeded its authority in the correction, through the permissible methods of appeal for the judgment or decision subject to correction.
5. A decision issued rejecting the correction may not be appealed independently.

Part Five

Nullity

Article (221)

Void Procedure

A procedure shall be void if the law explicitly provides for its nullity or if it is flawed in a way that prevents the purpose of the procedure from being achieved.

Article (222)

Asserting Nullity Related to Public Order

If the nullity is due to non-compliance with the provisions of the law related to the formation of the court, its jurisdiction to rule in the case, its competence regarding the type of crime presented to it, or is related to public order, it may be asserted at any stage of the case, and the court shall rule on it even without a request.

Article (223)

Nullity Not Related to Public Order

Except in cases where the nullity is related to public order, nullity may only be asserted by the party for whose benefit it was established, unless that party caused it.

Article (224)

Ruling of Nullity

Nullity shall not be ruled, despite being stipulated, if it is proven that the purpose of the required form or statement has been achieved.

Article (225)

Cessation of Nullity

Nullity ceases if it is waived, expressly or implicitly, by the party for whose benefit it was established, except in cases where the nullity is related to public order.

Article (226)

Correction of the Summons

If the accused appears at the session in person or through an agent, he may not assert the nullity of the summons, but he may request to be given time to prepare his defense before the hearing of the case begins, and the court must grant his request.

Article (227)

Renewal of a Void Procedure

A void procedure may be renewed with a valid one, even after nullity has been asserted, provided that this is done within the period prescribed by law for taking the procedure. If no period is prescribed by law for the procedure, the court shall set a suitable period for its renewal. The procedure shall only be considered valid from the date of its renewal.

Article (228)

Effect of a Void Procedure

The nullity of a procedure does not result in the nullity of the preceding procedures or the subsequent procedures if they are not based on it.

Part Six

Appealing Judgments

Chapter One

Opposition

Article (229)

Opposition to a Judgment in Absentia

1. The convicted person and the person responsible for civil rights may appeal by way of opposition to judgments in absentia issued in misdemeanors and infractions within (7) seven days from the date of notification of the judgment. This is done by a report filed at the criminal clerk's office of the Public Prosecution located in the district of the court that issued the judgment, specifying the date of the session set to hear the opposition. This shall be considered a notification thereof, even if the report is from an agent.
2. The opposition results in a retrial of the case with respect to the opponent before the court that issued the judgment in absentia. The opponent may not be harmed by his opposition. If the opponent does not attend the first session scheduled to hear the opposition, the opposition shall be considered as if it had not been made, and the opponent may not oppose the judgment issued in his absence.

Chapter Two

Appeal

Article (230)

Appeal of First Instance Judgments

1. Both the accused and the Public Prosecution may appeal the judgments issued in criminal cases by the courts of first instance.
2. An appeal of the judgment does not suspend its execution unless the Court of Appeal decides otherwise, according to the conditions it deems appropriate.
3. A judgment imposing the death penalty is considered appealed by force of law, and its execution is suspended.

Article (231)

Appeal of a Judgment Issued in Interrelated Crimes

It is permissible to appeal a judgment issued in crimes that are interrelated in an indivisible manner, even if the appeal is only permissible for the appellant with respect to some of the crimes.

Article (232)

Appeal of Judgments Related to Jurisdiction

1. Judgments issued before ruling on the merits may not be appealed unless they result in preventing the proceedings of the case.
2. The appeal of a judgment on the merits inevitably entails the appeal of these judgments. However, all judgments of lack of jurisdiction may be appealed.
3. Judgments on jurisdiction may be appealed if the court does not have the authority to rule in the case.

Article (233)

Appeal of Judgments Issued in a Civil Action

The claimant of civil rights, the person responsible for them, the insurer, and the accused may all appeal the judgments issued in the civil action by the court of first instance concerning civil rights alone, if the damages claimed exceed the jurisdictional amount for a final judgment by the judge, or if there was a nullity in the judgment or in the procedures that affected the judgment.

Article (234)

Appeal Procedures

1. An appeal is filed by submitting a report to the criminal clerk's office within (15) fifteen days from the date of the pronouncement of the judgment in person or from the date of the judgment issued in the opposition.
2. If the convicted person is in prison, he may submit his appeal report to the prison warden, and the prison warden must send the appeal report to the criminal clerk's office immediately.
3. If the convicted person is on bail, the Court of Appeal may release him on recognizance or any other guarantee as the court deems fit, pending the decision on the appeal.
4. The Public Prosecutor may appeal within a period of (30) thirty days from the time the judgment is issued.

Article (235)

Appeal of Judgments Considered In Person

For judgments considered to be in person according to Articles (190) and (191) of this law, the appeal period for the litigant against whom the judgment was issued in his absence begins from the date he is notified of it.

Article (236)

Setting the Session to Hear the Appeal

1. The criminal clerk's office shall specify for the appellant in the appeal report the date of the session set to hear it, and this shall be considered a notification thereof, even if the report is from an agent. The Public Prosecution shall notify the other litigants of the scheduled session.
2. If the accused is detained, the Public Prosecution must transfer him in a timely manner to the correctional facility where the Court of Appeal is located, and the Court of Appeal must rule on the appeal expeditiously.

Article (237)

Procedures for Hearing and Ruling on the Appeal

The court shall hear the statements of the appellant and the grounds on which his appeal is based. Then, the other litigants shall speak, with the accused being the last to speak. The court shall then issue its judgment after reviewing the documents.

Article (238)

Forfeiture of Appeal

The appeal filed by an accused sentenced to a custodial penalty shall be forfeited if he does not surrender for execution of the sentence before the session scheduled for hearing the appeal.

Article (239)

Hearing of Witnesses

1. The Court of Appeal shall itself hear the witnesses who should have been heard before the court of first instance and shall complete any other deficiency in the investigation procedures.
2. The Court of Appeal may, in all cases, order what it deems necessary to complete an investigation or hear witnesses. No witness may be summoned to appear unless ordered by the court.

Article (240)

Annulment of the Appealed Judgment and Referral of the Case to the Public Prosecution

In an appeal filed by the Public Prosecution, if the Court of Appeal finds that the act judged as a misdemeanor constitutes a felony, it must rule to annul the appealed judgment, rule that the court of first instance lacks jurisdiction, and return the case to the Public Prosecution to take the necessary action.

Article (241)

Judgment on Appeal

1. If the appeal is filed by the Public Prosecution, the court may uphold, annul, or amend the appealed judgment, whether against or in favor of the accused. However, a judgment of acquittal may not be annulled except by a unanimous vote.
2. If the appeal is filed by someone other than the Public Prosecution, the court may only uphold, annul, or amend the judgment in favor of the appellant. For judgments in absentia and oppositions thereto before the Court of Appeal, the procedures prescribed for the court of first instance shall be followed.

Article (242)

Annulment of the First Instance Judgment

1. If the court of first instance has ruled on the merits, and the Court of Appeal finds that there is a nullity in the judgment or a nullity in the procedures that affected the judgment, it shall rule to annul it and decide the case.
2. If the court of first instance has ruled lack of jurisdiction or accepted an interlocutory plea that prevents the case from proceeding, and the Court of Appeal rules to annul the judgment, affirm the court's jurisdiction, or reject the interlocutory plea and hear the case, it must return the case to the court of first instance to rule on its merits. The Public Prosecution must notify the absent litigants of this.

Article (243)

Annulment of the Judgment for Damages

If the judgment for damages is annulled, and it had been provisionally executed, the amount shall be returned based on the annulment judgment.

Chapter Three

Cassation

Article (244)

Grounds for Cassation of Appellate Judgments

The Public Prosecution, the convicted person, the person responsible for civil rights, the claimant thereof, and the insurer may all appeal by way of cassation against final judgments issued by the Court of Appeal in a felony or misdemeanor in the following cases:

1. If the appealed judgment is based on a violation of the law or an error in its application or interpretation.
2. If there was a nullity in the judgment or in the procedures that affected the judgment.
3. If the court ruled on the civil claim beyond the litigant's request.
4. If the appealed judgment lacks reasons, or its reasons are insufficient or ambiguous.
5. If two contradictory judgments were issued on the same incident.

The appellant may prove by all means that the procedures were neglected or violated, if they are not mentioned in the session minutes or in the appealed judgment. If it is mentioned in either of them that they were followed, it is not permissible to prove that they were not followed except by appealing on grounds of forgery.

Article (245)

Appeal Procedures

1. An appeal is initiated by a report that includes the grounds for the appeal, to be filed with the Case Management Office of the court to which the appeal is submitted within (30) thirty days from the date the judgment was issued, unless the judgment is considered to have been delivered in the presence of the parties, in which case the period runs from the day of its notification. The appeal shall be recorded in the register designated for this purpose.

2. If the appeal is filed by the Public Prosecution, its grounds must be signed by at least a Chief Prosecutor. If filed by another party, its grounds must be signed by a lawyer admitted to practice before the court.

3. The court's Case Management Office shall notify the respondent of a copy of the appeal report within a period not exceeding (8) eight days from the date the appeal is recorded in the designated register. The respondent may file a memorandum with the court's Case Management Office in response to the appeal within (8) eight days from the date of being notified thereof.

Article (246)

Cassation of the Judgment by the Court

1. It is not permissible to present other grounds for cassation before the court than those previously stated in the cassation report filed with the clerk's office of the court to which the report was submitted.

2. The court may, on its own initiative, quash the judgment in favor of the accused if it finds from the evidence in the record that the appealed judgment is flawed with a defect related to public order, is based on a violation of the law or an error in its application or interpretation, or that the court that issued it was not constituted in accordance with the law or did not have jurisdiction to decide the case, or if, after the appealed judgment, a law more favorable to the accused that applies to the facts of the case is enacted.

Article (247)

Deposit of a Sum as Security

If the appeal is not filed by the Public Prosecution or by a person sentenced to death or a custodial penalty, for it to be accepted, the appellant must deposit with the court treasury a sum of (1,000) one thousand Dirhams as security.

Article (248)

Joinder of the Case File

1. The court's Case Management Office must request the joinder of the case file in which the appealed judgment was issued within (3) three days from the date of filing the statement of cassation appeal. The Case Management Office of the court that issued the appealed judgment must send the case file within a maximum of (6) six days from the date the request is received.

2. The court shall rule after deliberation, without a hearing, and after the reading of the report prepared by one of its members. It may hear the statements of the Public Prosecution, the lawyers for the parties, or the parties themselves if it deems it necessary.

Article (249)

Acceptance of the Appeal

1. If the appeal is not filed in accordance with the procedures stipulated in Article (245) of this Law, the court shall rule it inadmissible.

2. If the court accepts the appeal and the subject matter is ready for judgment, or if it is the second appeal, it shall proceed to decide the case and may complete the necessary procedures. In other cases, the court shall rule to quash the judgment in whole or in part

and remand the case to the court that issued the judgment for consideration by a panel composed of different judges, or remand it to the competent court to rule on it anew. The court to which the case is remanded shall be bound by the cassation ruling on the points it has decided.

3. The provision of Clause (2) of this Article shall apply to judgments quashed based on Clause (2) of Article (246) of this Law.

Article (250)

Correction of Error in Citing the Law or Legal Provisions

If the grounds of the appealed judgment contain an error in citing the law or an error in citing legal provisions, the judgment may not be quashed as long as the penalty imposed is prescribed by law for the crime. The court shall correct the error that occurred.

Article (251)

Quashing the Judgment

Only the parts of the judgment related to the grounds upon which the cassation is based shall be quashed, unless severance is not possible. If the appeal is not filed by the Public Prosecution, the judgment shall be quashed only with respect to the appellant, unless the grounds on which the cassation is based are related to other co-accused persons, in which case the judgment shall be quashed with respect to them as well, even if they did not file an appeal.

Article (252)

Legal Plea Preventing Proceeding with the Case

If the appealed judgment was issued accepting a legal plea that prevents proceeding with the case, and the court quashes it and remands the case to the court that issued it to consider the merits, that court may not rule contrary to the cassation judgment.

Article (253)

Appeal of a Death Sentence

Without prejudice to the foregoing provisions, a judgment imposing the death penalty shall be deemed appealed by cassation and its execution suspended until the appeal is decided. The clerk's office of the appellate court that issued the judgment must send the case file to the Case Management Office of the court to which the appeal is submitted within (3) three days from the date the judgment was issued. The Public Prosecution must file a memorandum with the court's Case Management Office with its opinion on the judgment within (20) twenty days of its issuance and appoint a lawyer for the convict from those admitted to practice before the court if he has not appointed one to defend him. The court shall rule on the appeal in accordance with the provisions of Clause (2) of Article (246) and Clause (2) of Article (249) of this Law.

Article (254)

Order to Pay Costs and Compensation

1. If the court to which the appeal is submitted rules the appeal inadmissible, dismisses it in whole or in part, or rules that it cannot be heard, it shall order the appellant to pay the appropriate costs, in addition to forfeiting the security in whole or in part, as the case may be.

2. If the court finds that the appeal was intended to be vexatious, it may award compensation to the respondent if requested.

Article (255)

An Appellant Shall Not Be Prejudiced by Their Appeal

If the judgment is quashed at the request of a party other than the Public Prosecution, that party shall not be prejudiced by their appeal.

Article (256)

Cassation Appeal in the Interest of the Law

1. The Public Prosecutor, on their own initiative or upon a written request from the Minister of Justice or the head of the competent local judicial authority, may appeal by way of cassation in the interest of the law against final judgments, regardless of the court that issued them, if the appeal is based on a violation of the law or an error in its application or interpretation, in the following two cases:

a. Judgments which the law does not permit the parties to appeal.

b. Judgments for which the parties have missed the appeal deadline, have waived their right to appeal, or have filed an appeal that was ruled inadmissible.

2. This appeal shall be filed without being bound by a specific deadline, by a statement signed by the Public Prosecutor. The court shall consider the appeal after summoning the parties.

Chapter Four

Review of Judgment

Article (257)

Cases for Review of Final Judgments

A request for review of final judgments imposing a penalty or measure may be made in the following cases:

1. If the accused was convicted of murder, and the alleged victim is then found alive.

2. If a judgment is issued against a person for an act, and then another judgment is issued against another person for the same act, and there is a contradiction between the two judgments from which the innocence of one of the convicts can be inferred.

3. If a witness or expert is convicted of perjury, or if a document submitted during the case is ruled to be forged, and the testimony, expert report, or document had an impact on the judgment.

4. If the judgment was based on a ruling issued by a civil or personal status court, and that ruling has been overturned.

5. If, after the judgment, facts occurred or emerged, or documents were presented that were not known to the court at the time of the trial, and such facts or documents would have established the innocence of the convicted person.

Article (258)

Applicant for Review and its Procedures

1. In the first four cases of Article (257) of this Law, the Public Prosecutor, the convicted person or their legal representative if they are incapacitated or missing, or their relatives or spouse after their death, shall have the right to request a review.

2. If the applicant is not the Public Prosecutor, they must submit the request to the Public Prosecutor in a petition stating the judgment for which review is sought, the grounds on which it is based, and attach supporting documents.

3. The Public Prosecutor shall submit the request, whether filed by them or by another party, along with the investigations they have conducted, to the Criminal Cassation Chamber with a report stating their opinion and the grounds on which it is based.

4. The request must be submitted to the court within (3) three months following its submission.

Article (259)

Cases where the Right to Request a Review is Exclusive to the Public Prosecutor

1. The right to request a review in the case provided for in Clause (5) of Article (257) of this Law shall belong exclusively to the Public Prosecutor, either on their own initiative

or upon the request of the concerned parties. If they find grounds for such a request, they shall submit it, along with any investigations they deemed necessary, to the Criminal Cassation Chamber. The request must specify the fact or document on which it is based.

2. The Criminal Cassation Chamber shall decide on the request after reviewing the documents and completing any investigation it deems necessary, in accordance with the procedures prescribed for considering cassation appeals in criminal matters.

Article (260)

Notifying Parties of the Hearing

The Public Prosecution shall notify the parties of the hearing set to consider the request before the Criminal Cassation Chamber at least three (3) days before it is convened.

Article (261)

Procedures for Deciding on a Request for Review

1. The Criminal Cassation Chamber shall decide on the request after hearing the statements of the Public Prosecution and the parties, and after conducting any investigation it deems necessary, in accordance with the procedures prescribed for cassation appeals. If it decides to accept the request, it shall rule to annul the judgment and acquit the accused if the innocence is apparent. Otherwise, it shall remand the case to the court that issued the judgment, unless the Criminal Cassation Chamber decides to hear it before a panel composed of different judges, or remands it to the competent court to rule on it anew. The court to which the case is remanded shall be bound by the cassation ruling on the points it has decided.

2. If it is not possible to retry the case, such as in the event of the criminal case being terminated due to the death of the convicted person or their affliction with insanity, mental disorder, deficiency, or a serious psychological illness, the Criminal Cassation Chamber shall hear the case.

3. The Criminal Cassation Chamber shall only annul the parts of the judgment that it finds to be erroneous.

Article (262)

Suspension of the Judgment's Execution

A request for review shall not result in the suspension of the judgment's execution unless it imposes the death penalty. In other cases, the court may order the suspension of execution in its decision accepting the request for review.

Article (263)

Publication of the Acquittal Judgment

Any judgment of acquittal issued upon a review must be published at the expense of the government in the Official Gazette and in a local newspaper designated by the concerned party.

Article (264)

Forfeiture of the Judgment for Damages

The annulment of the appealed judgment shall result in the forfeiture of the judgment for damages and the obligation to return any amount executed thereof.

Article (265)

Compensation for Damage Resulting from the Annulled Judgment

1. If the convicted person requests compensation for the damage suffered as a result of the judgment that was annulled, the court may award it in the judgment of acquittal.

2. If the convicted person is deceased at the time of the review of the judgment against them, the right to request the compensation provided for in Clause (1) of this Article shall belong to their legal heirs.

3. Compensation may be requested at any stage of the retrial.

Article (266)

Appealing Judgments on Review

1. Judgments issued on the merits of the case upon review by a court other than the Criminal Cassation Chamber may be appealed through all methods prescribed by law.

2. The accused may not be sentenced to a penalty or measure more severe than that previously imposed.

Article (267)

Rejection of a Request for Review

If a request for review is rejected, it may not be renewed based on the same facts on which it was based.

Part Seven

Force of Final Judgments

Article (268)

Effect of a Final Judgment

1. The criminal case against the accused and concerning the facts attributed to them shall be terminated by the issuance of a final judgment of acquittal or conviction.

2. If a judgment is issued on the merits of a criminal case, it may not be reconsidered except by appealing this judgment through the methods prescribed by law.

Article (269)

Authority of Criminal Judgments before Civil Courts

A final criminal judgment of acquittal or conviction on the merits of a criminal case shall have binding authority on civil courts in cases that have not yet been decided by a final judgment, concerning the occurrence of the crime, its legal characterization, and its attribution to the perpetrator. A judgment of acquittal shall have this force whether it is based on the absence of the charge or on insufficient evidence. It shall not have this force if it is based on the fact that the act is not punishable by law.

Article (270)

Authority of Civil Judgments before Criminal Courts

Judgments issued in civil matters shall have no binding authority before criminal courts concerning the occurrence of the crime and its attribution to the perpetrator.

Article (271)

Authority of Personal Status Judgments before Criminal Courts

Judgments issued in personal status matters shall have the force of res judicata before criminal courts in personal status issues on which the decision in the criminal case depends.

Book Four

Execution

Part One

General Provisions

Chapter One

Enforceable Judgments

Article (272)

Execution of Criminal Judgments

The Public Prosecution shall be responsible for the execution of judgments issued in all criminal cases it brings before the courts and may, when necessary, directly seek the assistance of public authorities.

Article (273)

Prohibition of Substituting Penalties or Measures Except in Cases Prescribed by Law

Subject to the provisions contained in the First Book of the aforementioned Crimes and Penalties Law, it is not permissible to substitute the penalties or measures stipulated therein, or in any other laws, or to alter them when they are imposed or executed, except in cases prescribed by law. They shall be applied and executed in the manner set out in this Law.

Article (274)

Execution of Judgments in Retribution (Qisas) Crimes

Judgments issued in retribution (Qisas) crimes may not be executed immediately.

Article (275)

Execution of the Blood Money (Diya) Penalty

A person sentenced to pay Sharia-compliant blood money (Diya) shall be placed in a correctional facility by order of the Public Prosecution until the judgment for the Sharia-compliant blood money is fully executed or settled.

Article (276)

Postponement of the Sharia-compliant Blood Money Penalty by the Public Prosecutor

The penalty of Sharia-compliant blood money may be postponed or paid in installments with the approval of the Public Prosecutor for reasons they deem appropriate. The decision shall specify the period of postponement and the precautions necessary to prevent the convicted person from absconding.

Article (277)

Release from Pre-trial Detention or Cancellation of Temporary Electronic Monitoring

An accused person held in pre-trial detention shall be released immediately, or their temporary electronic monitoring shall be cancelled immediately, as the case may be, if the judgment is an acquittal, imposes a non-custodial measure, or a penalty that does not require imprisonment, or if the court orders the suspension of the penalty's execution, or if the accused has already served the duration of the penalty or measure imposed in pre-trial detention or temporary electronic monitoring.

Chapter Two

Execution Disputes and their Procedures

Article (278)

Filing Execution Disputes

Any disputes arising in the execution of criminal judgments shall be referred to the court that issued the judgment.

Article (279)

Dispute Procedures

A dispute is initiated by a report submitted to the court in whose jurisdiction the execution is taking place. The report shall specify a day for the competent court to hear the dispute, not exceeding (7) seven days from the date of the report. The filer shall be notified to attend on that day, and the Public Prosecution shall summon the parties to attend on the said day.

Article (280)

Dispute in the Execution of a Death Sentence

If the dispute concerns the execution of a death sentence, it may be reported to the person in charge of the facility or place where the execution is to take place. They must immediately refer it to the Public Prosecution to set a hearing date and summon the parties to attend on the said day.

Article (281)

Suspension of Execution of the Disputed Judgment

Reporting a dispute shall not result in the suspension of the execution of the disputed judgment, unless the judgment imposes the death penalty. In other cases, the court may order the suspension of execution until the dispute is resolved.

Article (282)

Representation by an Agent for the Appellant

The appellant may, in all cases, appoint an agent to present their defense, without prejudice to the court's right to order their personal attendance.

Article (283)

Ruling on the Appeal

The appeal shall be decided after hearing the Public Prosecution and the concerned parties. The court may conduct any investigations it deems necessary and rule on the appeal by prohibiting enforcement, rejecting the appeal, or continuing with the enforcement. Its ruling on the appeal shall not be subject to challenge.

Chapter Two

Execution of the Death Penalty

Article (284)

Place of Confinement for a Person Sentenced to Death

A person sentenced to death shall be placed in a penal institution by order of the Public Prosecution until the sentence is carried out.

Article (285)

Ratification of the Death Sentence

If a death sentence issued by a federal court becomes final, the case file must be submitted to the President of the State through the Minister of Justice for ratification.

Article (286)

Meeting with the Person Sentenced to Death

1. Relatives of the person sentenced to death may meet with them on the day designated for the execution, provided it is away from the place of execution.

2. If the condemned person requests to meet with the penal institution's preacher or a member of their clergy before the execution, the necessary arrangements must be made to enable this.

Article (287)

Place of Execution of the Death Penalty

The death penalty shall be carried out inside the penal institution or at any other location upon a written request from the Public Prosecutor, stating that the procedures stipulated in Article (289) of this Law must be fulfilled.

Article (288)

Attendance at the Execution of the Death Sentence

1. The execution shall be carried out in the presence of a member of the Public Prosecution, a representative from the Ministry of Interior, the director of the penal institution, and its physician or another physician appointed by the Public Prosecution.

2. The victim's heirs in cases of qisas (retribution) killing have the right to attend the execution procedures. The Public Prosecution must notify them of this thirty (30) days before the scheduled date of execution.

3. No one other than those mentioned may attend the execution except with special permission from the Public Prosecution, and the defense counsel for the condemned person must always be permitted to attend.

Article (289)

Procedures for Executing the Death Sentence

1. The director of the penal institution shall read the operative part of the death sentence and the charge for which the person was convicted to the condemned, at the place of execution and in the hearing of those present. If the condemned wishes to make a statement, a member of the Public Prosecution shall record it in minutes.

2. Upon completion of the execution, a member of the Public Prosecution shall draw up minutes thereof, including the physician's certification of death and the time it occurred.

Article (290)

Times for Executing the Death Penalty

The death penalty shall not be carried out on official holidays or on religious holidays specific to the condemned person's faith.

Article (291)

Postponement of Execution for a Pregnant Woman

The execution of the death penalty on a pregnant woman shall be postponed until she gives birth and completes two years of breastfeeding. She shall be imprisoned until the time of execution.

Chapter Three

Execution of Custodial Sentences

Article (292)

Place of Execution of Custodial Sentences

1. Judgments imposing custodial sentences shall be executed in the penal institutions designated for this purpose, pursuant to an order issued by the Public Prosecution.

2. Notwithstanding any provision in this Law or any other law, the employment of persons sentenced to a custodial penalty or subjected to physical coercion, either outside or inside the penal institution during the period of sentence execution, may be regulated by the Penal Institutions Law or by legislation issued by the concerned Emirate within its jurisdiction.

3. In all cases, the employment order must be issued by the Public Prosecution in accordance with the conditions and controls specified by the law or legislation, as the case may be.

Article (293)

Calculation of the First Day of Execution

The day on which the execution of the sentence begins for the convicted person shall be counted as part of the sentence term, and they shall be released on the day following the end of the sentence at the time specified for the release of prisoners.

Article (294)

Commencement of the Custodial Sentence Term

The term of the custodial sentence shall begin on the day the convicted person is arrested based on the enforceable judgment, taking into account its reduction by the period of pretrial detention and the period of arrest.

Article (295)

Deduction of Pretrial Detention or Monitoring Period from the Sentenced Term

If the accused is acquitted of the crime for which they were held in pretrial detention or placed under temporary electronic monitoring, or if an order is issued to dismiss the case, the period of pretrial detention or temporary electronic monitoring shall be deducted from the sentence imposed for any crime they may have committed during or before the pretrial detention.

Article (296)

Multiple Custodial Sentences

When there are multiple custodial sentences imposed on the accused, the period of pretrial detention and arrest shall be deducted from the lightest sentence first.

Article (297)

Postponement of Execution of a Custodial Sentence for a Pregnant Woman

If a woman sentenced to a custodial penalty is pregnant, the execution may be postponed until she gives birth and a period not exceeding six (6) months has passed since the delivery.

Article (298)

Postponement of Execution of a Custodial Sentence for an Ill Person

If a person sentenced to a custodial penalty is suffering from a disease that, either by itself or due to the execution, endangers their life, the execution of the sentence may be postponed.

Article (299)

Postponement of Execution of a Custodial Sentence for the Mentally and Psychologically Ill

If a person sentenced to a custodial penalty suffers from insanity, a mental disorder, mental weakness, or a serious psychological illness that renders them completely unable to control their actions, the execution of the sentence must be postponed until they recover. They shall be placed in a therapeutic facility, and the time spent there shall be deducted from the term of the sentence imposed.

Article (300)

Postponement of Execution of a Custodial Sentence for One of the Spouses

If a husband and wife are both sentenced to a custodial penalty, the execution of the sentence on one of them may be postponed until the other is released, provided they are caring for a minor who has not reached the age of fifteen (15) and they have a known place of residence in the State.

Article (301)

Procedures for Postponing a Custodial Sentence

1. The postponement of the execution of a custodial sentence, in accordance with the preceding articles, shall be by order of the Public Advocate or their deputy, either on their own initiative or at the request of the concerned parties. They may order the adoption of any precautions deemed necessary to prevent the convicted person from escaping.

2. Except for the cases mentioned in the preceding articles, the execution may not be postponed except by a decision of the Public Prosecutor, based on considerations they deem appropriate. The decision shall specify the period of postponement and the precautions to prevent the convicted person from escaping.

Article (302)

Variety of Custodial Sentences

If there are various custodial sentences, the most severe sentence must be executed first.

Chapter Four

Execution of Measures

Article (303)

Release of the Convicted Inmate

Except in the cases specified by law, a convicted inmate may not be released before completing the term of their sentence.

Article (304)

Conditional Release

1. Any person sentenced to a custodial penalty may be conditionally released if they meet the conditions stipulated in the Penal Institutions Law.

2. The conditionally released person shall be subject to the conditions specified in the aforementioned law for the remainder of their sentence term.

3. At the request of the Public Prosecution, the conditional release may be revoked if the released person violates the conditions stipulated in clause (2) of this Article.

Article (305)

Places of Confinement for the Convicted Person

1. Judgments ordering confinement shall be executed in a labor institution, a therapeutic facility, or other places designated for this purpose.

2. The confinement of the convicted person shall be pursuant to an order issued by the Public Prosecution.

3. The provisions of Article (299) of this Law shall apply to confinement in a therapeutic facility.

4. The provisions of Articles (297) and (298) and Articles (301) to (306) of this Law shall apply to confinement in a labor institution.

5. If the convicted person is mentally or psychologically ill and deemed dangerous in accordance with Article (140) of the Crimes and Penalties Law, they may be confined in a therapeutic facility attached to the penal institutions, as determined by a decision from the Minister of Interior or the head of the local judicial authority, as the case may be.

Article (306)

Order of Execution of Measures

1. Measures shall not be executed until after the execution of custodial sentences.

2. Notwithstanding the provision of clause (1) of this Article, the measure of confinement in a therapeutic facility shall be executed before any other penalty or measure, and physical measures shall be executed immediately, unless otherwise stipulated.

Chapter Five

Settlement of Awarded Amounts

Article (307)

Settlement of Amounts Due to the Government

When settling amounts due to the government for fines, fees, restitution, and compensation, the Public Prosecution must, before executing them, notify the convicted person of the amount of these sums, unless they are specified in the judgment.

Article (308)

Collection of Awarded Amounts

1. A judgment imposing a fine, restitution, compensation, or other financial penalties shall serve as an executory instrument.

2. The Public Prosecution may directly execute the judgment imposing a fine, restitution, compensation, or other financial penalties. In this regard, it shall have the powers of an execution judge concerning executive seizure procedures on the convicted person's assets, ordering their arrest and summons, imposing a travel ban, or referring the execution file to the competent execution judge. These procedures and decisions shall be subject to grievance or appeal, as the case may be, in accordance with the aforementioned Civil Procedure Law.

3. In all cases, the Public Prosecution may refer the judgment execution procedures to the competent execution judge.

Article (309)

Judge for the Execution of Criminal Judgments

The Federal Judicial Council or the head of the competent local judicial authority, as the case may be, may delegate one or more judges of the Court of First Instance to perform the duties of a judge for the execution of criminal judgments concerning the amounts stipulated in clauses (1, 2, 4) of Article (311) of this Law.

Article (310)

Notification of the Executory Instrument

The execution of judgments for the amounts stipulated in Article (311) of this Law shall be carried out upon the request of the Public Prosecution. The execution must

be preceded by the notification of the executory instrument in accordance with the procedures stipulated in the Civil Procedure Law.

Article (311)

Distribution of the Convicted Person's Assets

If a sentence includes a fine, restitution, and compensation, and the convicted person's assets are insufficient to cover all of them, the proceeds collected shall be distributed among the entitled parties in the following order:

1. Fines and other financial penalties.

2. Fees and costs of the criminal case.

3. Amounts due to the civil claimant.

4. Amounts due to the government for restitution and compensation.

If the convicted crimes are different, the amounts paid or collected through execution on the convicted person's property shall be deducted first from the amounts awarded for felonies, then for misdemeanors, then for contraventions.

Article (312)

Reduction of Fine

1. If a person is held in pretrial detention or placed under temporary electronic monitoring and is only sentenced to a fine, one hundred (100) dirhams shall be deducted from it upon execution for each day of pretrial detention or temporary electronic monitoring.

2. If the sentence is for both imprisonment and a fine, and the period the convicted person spent in pretrial detention or temporary electronic monitoring exceeds the term of imprisonment sentenced, the aforementioned amount shall be deducted from the fine for each day of the said excess period.

Article (313)

Postponement and Installment Payment of Amounts Due to the Government

1. The Public Prosecution may, when necessary and upon the convicted person's request, grant them a grace period to pay the amounts due to the government, fines, and other financial penalties, or authorize them to pay in installments, provided that the period does not exceed two years.

2. The Public Prosecution may revoke its order if there is a reason to do so.

Article (314)

Physical Coercion

Physical coercion may be used to collect fines and other financial penalties. This coercion shall be by imprisoning the convicted person, and its duration shall be calculated at the rate of one day for every one hundred (100) dirhams or less. The

duration of coercion may not exceed six (6) months, taking into account the provisions of the following clauses:

1. If the fines and other financial penalties imposed do not exceed twenty thousand (20,000) dirhams, the duration of physical coercion may not exceed sixty (60) days.

2. If the fines and other financial penalties imposed exceed twenty thousand (20,000) dirhams but do not exceed fifty thousand (50,000) dirhams, the duration of physical coercion shall be one hundred and twenty (120) days.

3. If the fines and other financial penalties imposed exceed fifty thousand (50,000) dirhams, the duration of physical coercion shall be one hundred and eighty (180) days.

Article (315)

Application of Custodial Sentence Provisions to Execution by Physical Coercion

The provisions for the execution of custodial sentences stipulated in this Law shall apply to execution by way of physical coercion.

Article (316)

Multiple Judgments

If there are multiple judgments, the execution shall be based on the total amount awarded, provided that the duration of coercion does not exceed one year.

Article (317)

Order to Execute Physical Coercion

The execution of physical coercion shall be by order of the Public Prosecution and may be initiated at any time after notifying the convicted person and after they have served all terms of custodial sentences imposed.

Article (318)

Termination of Physical Coercion

Physical coercion shall end when the amount equivalent to the period the convicted person has spent in coercive detention, in accordance with the preceding articles, becomes equal to the originally required amount, after deducting what the convicted person has paid or what has been collected from them through execution on their property.

Article (319)

Discharge of the Convicted Person's Liability

The convicted person's liability for the fine and other financial penalties shall be discharged by the execution of physical coercion, at a rate of one hundred (100) dirhams for each day.

Chapter Six

Lapse of Penalty by Time and Death of the Convicted Person

Article (320)

Lapse of the Sentenced Penalty by Passage of Time

1. With the exception of crimes of qisas (retribution), diya (blood money), and felonies with a final sentence of death or life imprisonment, the penalty imposed for other felonies shall lapse after the passage of thirty (30) Gregorian years.

2. A penalty imposed for a misdemeanor shall lapse after (7) seven years, and a penalty imposed for a contravention shall lapse after two years. The period begins from the date the judgment becomes final, unless the penalty was imposed in absentia by the Criminal Court for a felony, in which case the period begins from the day the judgment is issued.

Article (321)

Interruption of the Penalty Lapse Period

1. The period for the lapse of a penalty shall be interrupted by the arrest of the convict sentenced to a penalty restricting freedom, and by any enforcement measure taken against them or brought to their knowledge.

2. The period for the lapse of a penalty shall be interrupted if the convict commits, during this period, a crime of the same type as the one for which they were convicted, or a similar one, in matters other than contraventions.

Article (322)

Suspension of the Penalty Lapse Period

The running of the period for the lapse of a penalty shall be suspended by any impediment, whether legal or material, that prevents the commencement of enforcement.

Article (323)

Provisions Related to Compensations and Expenses

1. The provisions stipulated for the statute of limitations in the Civil Transactions Law shall be followed with respect to compensations, restitution, and awarded expenses.

2. Enforcement by means of physical coercion is not permissible after the expiration of the period prescribed for the lapse of the penalty.

Article (324)

Death of the Convict

If the convict dies after the judgment against them becomes final, the compensations, restitution, and expenses shall be enforced against their estate.

Book Five

Miscellaneous Provisions

Part One

Judicial Supervision of Penal Institutions

Article (325)

Entry of Public Prosecution Members into Penal Institutions and the Like

Members of the Public Prosecution have the right to enter penal institutions, places of pre-trial detention, confinement, and debtors' prisons located within their jurisdictions to ensure that no person is unlawfully detained. They may inspect the records and arrest and detention orders, take copies thereof, contact any detainee, and hear any complaint they wish to make. All assistance must be provided to them to obtain the information they request.

Article (326)

Rights of a Detainee in a Penal Institution

1. Every person detained in one of the places stipulated in Article (325) of this Law may, at any time, submit a written or oral complaint to the person in charge of its administration and request that it be communicated to the Public Prosecution. The person in charge of the place must accept the complaint and immediately communicate it to the Public Prosecution after recording it in a register designated for that purpose.

2. Anyone who becomes aware of a person being detained unlawfully or in a place not designated for detention shall notify a member of the Public Prosecution. Upon receiving such information, the member must immediately go to the location where the person is detained, conduct an investigation, order the release of the unlawfully detained person, and shall draw up a report thereof.

Part Two

Loss of Documents

Article (327)

Loss of Judgment or Investigation Papers

If a copy of the judgment is lost for any reason before its enforcement, or if all or some of the investigation papers are lost before a decision is issued, the procedures stipulated in the following articles shall be followed.

Article (328)

Official Copy of the Judgment

If an official copy of the judgment is found, it shall replace the lost judgment. If the copy is in the possession of a person or entity, the Public Prosecution shall obtain an order from the president of the court that issued the judgment to hand it over.

Article (329)

Loss of the Judgment

The loss of a copy of the judgment shall not result in a retrial if the avenues for appealing the judgment have been exhausted.

Article (330)

Retrial due to the Impossibility of Obtaining a Copy of the Judgment

If the case is pending before the Criminal Cassation Chamber and it is not possible to obtain a copy of the judgment, the court shall order a retrial, provided that all procedures for appeal have been fulfilled.

Article (331)

Loss of Investigation Papers before a Decision is Issued

If all or part of the investigation papers are lost before a decision is issued, the investigation shall be re-conducted for the lost parts. If the case is before the court, the court shall undertake any investigation it deems necessary.

Article (332)

Loss of Investigation Papers but Not the Judgment

If all or part of the investigation papers are lost while the judgment exists and the case is pending before the Criminal Cassation Chamber, the proceedings shall not be repeated unless the court deems it necessary.

Part Three

Calculation of Timeframes and Periods

Article (333)

Times for Notification

1. No notification may be served before seven o'clock in the morning or after six o'clock in the evening, nor may it be served on official holidays, except with the permission of the competent judge in cases of necessity, and this permission shall be recorded in the original notification.

2. If the notification is made through technological means, whether to natural or private legal persons, the time restrictions stipulated in clause (1) of this Article shall not apply.

Article (334)

Calculation by the Gregorian Calendar

The timeframes and periods specified in this Law shall be calculated according to the Gregorian calendar, unless stipulated otherwise.

Article (335)

How to Calculate Timeframes

1. If the law specifies a timeframe for attendance or for a procedure, calculated in days, months, or years, the day of notification or the occurrence of the event considered by law to initiate the timeframe shall not be counted. The period expires at the end of official working hours on the last working day.

2. If the period is calculated in hours, the hour from which the period begins and the hour at which it ends shall be calculated in the manner described above.

3. If the period is one that must elapse before the procedure, the procedure may not take place until after the last day of the period has passed.

4. Periods calculated by months or years end on the corresponding day of the following month or year.

5. In all cases, if the last day of the period falls on an official holiday, the period shall be extended to the first working day thereafter.

Part Four

Special Criminal Procedures

Chapter One

The Penal Order

Article (336)

Concept and Effect of the Penal Order

The Penal Order is a judicial order issued by a member of the Public Prosecution to decide on the subject of a criminal case that they do not see fit to dismiss or refer to the competent court, in misdemeanor and contravention crimes specified in this chapter, even in the absence of the accused. It results in the termination of the criminal case unless the accused objects within the legally specified period.

Article (337)

Scope of Application of Penal Order Provisions

1. The provisions of the Penal Order shall apply to misdemeanor and contravention crimes stipulated in the laws in force in the State and punishable by means other than mandatory imprisonment.

2. The Attorney General shall, by a decision issued in agreement with the Public Prosecutors in the local judicial authorities, specify the misdemeanors and contraventions to which the provisions of the Penal Order apply. Each Public Prosecutor, within their jurisdiction, shall issue the necessary decisions to implement the provisions of this Article.

Article (338)

Crimes Excluded from the Application of Penal Order Provisions

The following crimes are excluded from the application of the provisions of the Penal Order:

1. Crimes of Qisas and Diyat (retaliation and blood money).

2. Crimes affecting state security and its interests.

3. Crimes of influencing the judiciary, damaging its reputation, and obstructing judicial procedures.

4. Crimes covered by the Law on Juvenile Delinquents and Those at Risk of Delinquency.

5. Crimes for which the law does not permit a reduction of the prescribed penalty.

6. Crimes for which the law mandates a deportation measure.

Article (339)

Issuance of the Penal Order by a Public Prosecution Member

A member of the Public Prosecution may issue a penal order against anyone proven to have committed the crime, by imposing the legally prescribed fine, not exceeding half of its maximum limit, in addition to complementary penalties and fees.

Article (340)

Contents of the Penal Order

The Penal Order issued by a member of the Public Prosecution must include the following information:

1. Date of issuance of the Penal Order.

2. Name of the accused, their personal details, and the criminal case number.

3. The charge brought against the accused.

4. The legal provision applicable to the committed crime.

5. The penalty imposed by the Penal Order.

6. Name and rank of the Public Prosecution member who issued the Penal Order.

Article (341)

Amendment or Cancellation of the Penal Order

1. A member of the Public Prosecution, with a rank not less than Chief Prosecutor, as specified by a decision from the Attorney General, may amend or cancel the Penal Order within (7) seven days of its issuance.

2. The cancellation of the Penal Order shall result in it being considered null and void, and the criminal case shall proceed and be disposed of according to the procedures stipulated in this Law.

3. The accused shall be notified of the Penal Order issued against them after its amendment.

4. The Penal Order may not be re-issued after its cancellation, unless the cancellation was to establish the validity of the accusation or its attribution, or its non-compliance with the law.

Article (342)

Objection to the Penal Order

1. The accused may object to the Public Prosecution against the Penal Order issued against them within (7) seven days from the date of its issuance if they were present, or from the date of its notification if issued in their absence or after its amendment. This objection shall result in the Penal Order being considered null and void, and the criminal case shall proceed and be disposed of according to the procedures stipulated in this Law.

2. If there are multiple accused persons and one of them objects to the Penal Order, the order shall be considered null and void only for the objector, not for the other accused persons.

3. The accused may withdraw their objection to the Penal Order before being summoned to appear for the case hearing before the competent court. This withdrawal shall result in the dismissal of the objection and the Penal Order becoming final for them.

4. In all cases, the court, when hearing the criminal case, shall not be bound by the objected-to Penal Order.

Article (343)

When the Penal Order Becomes Final

The Penal Order becomes final for the accused and cannot be objected to in either of the following two cases:

1. The accused executes the Penal Order by paying the fine prescribed therein.

2. The expiry of the period for objecting to the Penal Order.

Article (344)

Civil Claim

1. A civil claim shall not prevent the issuance of a Penal Order. The civil claimant may resort to the competent civil court to claim their rights.

2. The decision made in the Penal Order on the subject of the criminal case shall not have res judicata effect before civil courts.

Article (345)

Challenge in the Enforcement of the Penal Order

1. The final Penal Order shall be enforced according to the rules stipulated in this Law.

2. A challenge to the enforcement of the order may be raised in the following two cases:

a. If the order was issued contrary to the procedures stipulated in this chapter.

b. If the order was issued against someone other than the accused.

3. The challenge shall be submitted to the Public Prosecution, which must, in all cases, refer it within (7) seven days to the competent Misdemeanor Court hearing the case to decide on it without a hearing, unless it deems it impossible to decide on it in its current state or without investigation or a hearing. In such a case, it shall set a date to hear the challenge according to ordinary procedures, summon the challenger to attend, and the court shall decide

on the challenge after hearing the Public Prosecution, either by rejecting it and continuing the enforcement, or by accepting it, which results in the order being nullified and considered void. The court shall then refer the case files to the Public Prosecution for disposition.

4. The court's judgment on the challenge shall not be subject to appeal.

Article (346)

Penalty Issued by the Penal Order

The penalty issued by a Penal Order shall not be considered a criminal record requiring rehabilitation.

Article (347)

Amendment or Cancellation of the Penal Order by the Attorney General

1. The Attorney General may amend or cancel the Penal Order within (30) thirty days from the date of its issuance or amendment, or from the date of the accused's withdrawal of their objection, even if it has already been enforced. The accused shall be notified of the order.

2. The Attorney General shall issue the necessary decisions and instructions for the implementation of the provisions contained in this chapter.

Chapter Two

Criminal Conciliation

Article (348)

Criminal Conciliation Procedures

The Public Prosecution or the competent court, as the case may be, may undertake criminal conciliation procedures based on an agreement between the victim or their special agent, or their heirs or their special agent, and the accused to amicably resolve the dispute in criminal matters in accordance with the provisions contained in this chapter.

Article (349)

Crimes in which Criminal Conciliation is Permissible

The provisions of criminal conciliation in this chapter apply to the following crimes:

1. Misdemeanors and contraventions stipulated in Articles 382(1), 390, 394, 403, 404, 425, 426, 427, 431, 432(1), 433, 447, 453, 454, 455, 464(1), 465(1), 467, 468, 473, 474 of the Crimes and Punishments Law.

2. Other misdemeanors and contraventions where the law provides for the termination of the criminal case by conciliation or waiver.

Article (350)

Proving Criminal Conciliation

1. The victim, their representative, their special agent, their heirs, or their special agent may prove the conciliation with the accused before the Public Prosecution or the competent court, as the case may be.

2. The accused, their representative, their special agent, their heirs, or their special agent may prove the conciliation stipulated in the preceding clause by means of a document certified by the competent Notary Public, signed by the victim, their heirs, or their special agent, as the case may be.

3. If the victim, their representative, their special agent, their heirs, or their special agent agrees to conciliation with the accused, a conciliation report shall be drawn up documenting the content of the parties' agreement, to be approved by a member of the Public Prosecution, after being signed by its parties.

4. A request to prove conciliation shall not be accepted if it is conditional or subject to a time limit.

5. Conciliation is permissible at any stage of the case, even after the judgment has become final or the Penal Order is final.

Article (351)

Proving Conciliation Offered by the Victim to the Accused before the Criminal Court

1. If the victim, their representative, their special agent, their heirs, or their special agent offers conciliation with the accused before the criminal court, in any of the crimes stipulated in Article (349) of this Law, and before the judgment becomes final, the court shall record the conciliation in the session minutes, to be signed by the victim or their special agent, as the case may be.

2. If the conciliation is proven in a certified report in accordance with the provisions of Article (350) of this Law, the court shall record it in the session minutes, and the original certified report shall be attached to the case file.

Article (352)

Offering Conciliation through Criminal Mediation

1. The Public Prosecution may, in crimes that are terminated by conciliation or waiver and before referring the case to the criminal court, on its own initiative and with the consent of the accused and the victim or their representatives, or upon their joint request, conduct criminal mediation between the accused and the victim, with the aim of achieving reconciliation between them, through a third-party mediator under its supervision, if it appears from the circumstances of the incident that such a procedure can ensure compensation for the harm suffered by the victim or end the effects of the crime.

2. The Public Prosecution shall, in the decision of referral to criminal mediation, specify its duration, which shall not exceed one month from the date the mediator is notified of the task, and it may be renewed for a similar period only once upon the mediator's request if there are justified reasons for the request.

Article (353)

Confidentiality of Mediation Procedures

1. Mediation procedures are considered confidential, and neither they nor any documents, information, agreements, or concessions made by the parties therein may be used as evidence before any court or any other authority. The mediator, the parties, and all participants in the mediation are prohibited from disclosing any information raised during the mediation procedures.

2. The mediator may not be summoned before investigation authorities, courts, arbitration centers, or others to give testimony regarding the information obtained during the course of their criminal mediation duties.

3. The mediator is exempted from the prohibition mentioned in the two preceding clauses in the following cases:

a. If the accused or the victim requests them to disclose this information, and the information relates to that person.

b. If observing confidentiality would endanger the life of another person.

c. If these secrets relate to another crime that has been or will be committed.

Article (354)

Cases of Recusal, Rejection, and Removal of the Mediator

1. If the mediator becomes aware of any legal, ethical, or other reasons that prevent their impartiality, they must submit a request to the Public Prosecution to be relieved from continuing the criminal mediation, stating the reasons for their recusal, for a decision to be made on their replacement if the reasons are found to be serious.

2. The accused, the victim, or their legal representative may request the rejection of the criminal mediator if there is a reason to believe that the mediator cannot perform their duties without bias.

3. In the event that any of the parties objects to the mediator and requests their rejection, or in the case of the mediator's removal, death, or inability to continue their mission for any reason at any stage of the mediation, the Public Prosecution shall appoint another mediator to complete the mediation procedures.

Article (355)

Termination of Mediation Proceedings

1. Criminal mediation proceedings shall terminate in the following cases:

a. The accused and the victim, or their legal representatives, agree to end the dispute between them through waiver, settlement, or payment before the mediator assumes their duties.

b. The accused and the victim sign the settlement agreement before the specified period expires.

c. The accused, the victim, and the mediator agree to terminate the criminal mediation for any reason before reaching a settlement agreement.

d. Either the accused or the victim expresses to the mediator or the Public Prosecution their unwillingness to continue with the criminal mediation.

e. The mediator informs the Public Prosecution of the futility of the criminal mediation and the absence of any possibility of reaching a settlement between the accused and the victim, or due to absolute lack of cooperation in the criminal mediation sessions, or the absence of either or both of them.

f. The expiration of the criminal mediation period without extension.

2. In all cases, upon the termination of the mediation, the mediator must return to each party the memoranda and documents they submitted and is prohibited from retaining them or any copies thereof. The mediator must send a report to the Public Prosecution on the outcome of the criminal mediation within (3) three working days from the date of the termination of the criminal mediation for any reason.

Article (356)

Reaching a Settlement Agreement through Mediation

1. If the parties reach an agreement to settle and resolve the dispute, wholly or partially, upon the conclusion of the mediation, the mediator shall draft the criminal mediation agreement, which shall be signed by the parties and the mediator, indicating its content and the deadlines for the accused to fulfill their obligations towards the victim. A copy shall be given to each of them, and the agreement shall be presented to the Public Prosecution member for approval.

2. The accused is obligated to begin fulfilling the obligations included in the settlement agreement within a period specified by the Public Prosecution, not exceeding two weeks from the approval of the settlement agreement.

3. If the accused fails to fulfill all or some of the aforementioned obligations, the competent Public Prosecution member may decide to resume the criminal proceedings and proceed with the case in accordance with the procedures stipulated in this Code.

Article (357)

Effect of the Settlement Agreement

1. The settlement shall result in the extinguishment of the criminal case or the suspension of the execution of the judgment rendered therein, as the case may be.

2. If the settlement with the accused occurs after the criminal judgment has become final or the penal order has become definitive, the Public Prosecution shall order the suspension of its execution.

3. The settlement agreement cannot be challenged after its approval by the Public Prosecution member, and it cannot be revoked by the accused or the victim. The minutes of the settlement approval shall have the force of an executive instrument.

4. The settlement agreement shall only be binding on those who were party to it, and its obligations shall only extend to those upon whom the agreement imposes an obligation. It may not be used to oppose third parties.

5. The accused's acceptance to enter into criminal mediation procedures and any statements made during them may not be used as a confession.

Article (358)

Effect of Settlement on the Civil Action

The settlement has no effect on the civil rights of the victim or the person harmed by the crime, or their right to resort to civil courts to claim final compensation for the damage they suffered, unless they waive such rights or they are included in the settlement agreement.

Article (359)

Regulation of Criminal Mediation

1. A decision shall be issued by the Minister of Justice or the head of the local judicial authority to regulate the work of the mediator in criminal mediation, the conditions they must meet, their discipline, and the schedule of fees.

2. The Attorney General, in agreement with the public prosecutors in the local judicial authorities, shall issue a decision regulating the procedures for referral to criminal mediation, its sessions, the procedures for selecting the criminal mediator, their role, and their obligations, in a manner that does not conflict with the provisions of this chapter.

Chapter Three

Criminal Settlement

Section One

Criminal Settlement in Misdemeanors

Article (360)

Provisions of Criminal Settlement in Misdemeanor Crimes

When a criminal case is ready to be brought before the competent court, the Public Prosecution may propose to the accused in misdemeanor crimes a final settlement of the criminal case, by not filing it in exchange for agreeing to one of the penalties and measures stipulated in Article (362) of this Code. The criminal settlement shall be executed upon the ratification of the final settlement record by the competent criminal judge.

Article (361)

Scope of Criminal Settlement in Misdemeanor Crimes

The criminal settlement system shall not apply to the following crimes:

1. Crimes of Qisas (retaliation) and Diyat (blood money).

2. Crimes affecting state security.

3. Crimes stipulated in the law concerning juvenile delinquents and those at risk of delinquency.

4. Crimes for which the law has prohibited the reduction of the penalty imposed.

5. Specific crimes to which the Public Prosecution applies the provisions of the penal order.

6. Crimes that are indivisibly linked to one of the crimes to which the criminal settlement system does not apply.

Article (362)

Proposal for Criminal Settlement in Misdemeanor Crimes

1. Criminal settlement in misdemeanors shall be by a proposal from the Public Prosecution to impose one or more of the following penalties or measures:

a. Payment of the fine prescribed by law for the crime, not exceeding half of its maximum limit.

b. Forfeiture to the state of the object used or prepared for use in committing the crime or obtained from it.

c. Withdrawal or cancellation of the license granted to the accused for a period not exceeding (6) six months.

d. Closure of the establishment or suspension of the commercial activity for a period not exceeding (6) six months.

e. Performing one of the community service works, taking into account the general provisions regulating it by law.

f. Prohibiting the accused from frequenting certain public places for a period not exceeding one year, taking into account the general provisions regulating it by law.

g. Prohibiting the use of certain means of communication or banning their possession or acquisition for a period not exceeding (6) six months, taking into account the general provisions regulating it by law.

h. Obligation to pay temporary compensation for the damage suffered by the victim, if requested and assessed, and the victim shall be notified of this proposal.

2. In all cases, the penalty of a fine and the measure of community service may not be combined.

3. In all cases, and without prejudice to the rights of bona fide third parties, if the accused accepts the criminal settlement, they must surrender any items and funds in their possession or under their direct or indirect control that were used in the crime, were intended to be used in it, were the subject of it, or were obtained from it.

Article (363)

Initial Offer of Criminal Settlement in Misdemeanor Crimes

1. The Public Prosecution shall notify the accused, if not present, of the proposal for criminal settlement, in accordance with the notification methods and procedures stipulated in this Code. The notification shall mention their right to seek the assistance of a lawyer before agreeing to the Public Prosecution's proposal.

2. The accused must express their opinion on the proposal by accepting or rejecting it within a period not exceeding (5) five working days from the date it was presented to them or from the date of their notification, as the case may be. Failure to respond shall be considered a rejection of the settlement.

Article (364)

Acceptance of Criminal Settlement by the Accused in Misdemeanor Crimes

If the accused accepts the criminal settlement, the Public Prosecution member shall draw up a separate record including the accused's details, a description of the charges against them, the applicable legal articles, and the proposed penalties and measures, which shall be signed by the accused.

Article (365)

Referral of Criminal Settlement in Misdemeanors to the Competent Court

1. The Public Prosecution shall refer the criminal settlement record in misdemeanors, after notifying the accused, to the competent criminal court. The court shall review, in private, the validity of the procedures, the appropriateness, and the absence of nullity, and may, by a reasoned decision in the same scheduled session, ratify or reject it.

2. The decision ratifying the criminal settlement in misdemeanors shall be equivalent to a judgment extinguishing the criminal case against the accused. The accused shall be bound by the content of the ratified criminal settlement record and shall implement all the obligations it contains. It may not be revoked or appealed by any means of appeal.

Article (366)

Considering the Settlement Null and Void and Breach of its Conditions

1. If the accused does not accept the proposed criminal settlement in misdemeanors, or if the court rules to reject it, the settlement shall be considered null and void. The Public Prosecution shall delete or conceal the settlement record and shall have the right to proceed with and dispose of the criminal case in the legally prescribed manner.

2. If the accused breaches the conditions of the settlement or their obligations, the Public Prosecution may bring the criminal case before the competent criminal court, and may compel them to implement it in accordance with the rules for the execution of judgments in this Code.

3. If a judgment of conviction is issued against the accused, the work, training, or rehabilitation performed by the accused in fulfillment of the settlement conditions, and the financial amounts they have paid, shall be taken into account when executing the sentence.

Article (367)

Effect of Criminal Settlement on Rehabilitation

The penalty issued under a criminal settlement in misdemeanors shall not be considered a judicial precedent requiring rehabilitation.

Section Two

Criminal Settlement in Felonies

Article (368)

Provisions of Criminal Settlement in Felonies

The Public Prosecution, on its own initiative or at the request of the accused in crimes of felonies and indivisibly linked misdemeanors, once the investigation procedures are complete and there is strong evidence of the accused's commission thereof, may offer them, in the presence of their lawyer, to confess in detail to committing them, in exchange for requesting the court to mitigate the penalty, as set out in Article (370) of this Code.

Article (369)

Scope of Criminal Settlement in Felonies

Without prejudice to the provisions of Article (361) of this Code, the provisions of criminal settlement shall apply to felonies punishable by temporary imprisonment and to misdemeanors indivisibly linked to them.

Article (370)

Proposal for Criminal Settlement in Felonies

1. A member of the Public Prosecution, with a rank of at least Chief Prosecutor, to be determined by a decision of the Attorney General, when applying criminal settlement in felonies and linked misdemeanors, may propose a request to impose a penalty on the accused of imprisonment for a period not exceeding (3) three years and not less than (3) three months.

2. In addition to the penalty mentioned in clause (1) of this Article, the Public Prosecution may propose to the accused one or more of the penalties prescribed in Article (362) of this Code.

3. The competent court may, on its own initiative or at the request of a member of the Public Prosecution, apply the proposed penalty under the criminal settlement system, as follows:

a. Sentencing to electronic monitoring as an alternative to a custodial penalty, taking into account the general provisions regulating it.

b. Applying the provisions related to the suspension of the execution of the penalty or pardon thereof.

4. The application of the criminal settlement system in felonies does not prevent the competent court from ruling on accessory or complementary penalties, what must be returned, and penal measures, with the exception of the measure of deportation, in accordance with the rules and procedures stipulated by law.

Article (371)

Initial Offer of Criminal Settlement in Felonies

1. The Public Prosecution shall notify the accused or any of the accused it deems appropriate, if not present, of the proposal for criminal settlement in felonies, in accordance with the notification methods and procedures stipulated in this Code. The notification shall state the necessity of seeking the assistance of a lawyer.

2. The accused must express their opinion on the proposal by accepting or rejecting it within a period not exceeding (10) ten working days from the date it was presented to them or from the date of their notification, as the case may be. Failure to respond shall be considered a rejection of the settlement.

Article (372)

Acceptance of Criminal Settlement by the Accused in Felonies

1. If the accused accepts the proposal for criminal settlement in felonies, the competent Public Prosecution member shall interrogate the accused in detail and

complete the necessary investigation procedures to corroborate the evidence, as the case may be. Then, the proposal shall be recorded in a separate record, including the accused's details, a description of the charges against them, the applicable legal articles, their evidence, and the date and place of their occurrence. It shall be signed by both the Public Prosecution member and the accused.

2. The Public Prosecution member must verify that the accused's confession was truthful and consistent with the facts, by corroborating it with the discovery of the material aspects and evidence of the crime.

Article (373)

Referral of Criminal Settlement in Felonies to the Competent Court

The Public Prosecution shall refer the criminal case and the settlement record in felonies to the competent criminal court in accordance with the legally prescribed procedures. The court shall examine the validity of the criminal settlement procedures and the absence of nullity. It must ask the accused, in the presence of their lawyer, whether they confess to committing the act attributed to them. If they confess, the court shall be satisfied with their confession and sentence them to the penalty proposed by the Public Prosecution or a sentence within the scope of the penalty prescribed in accordance with the provisions of Article (370) of this Code.

Article (374)

Retraction of Confession by the Accused

The accused may retract their confession at any stage before the judgment is issued. The criminal case shall be returned to the Public Prosecution to proceed with and dispose of it in accordance with the legally prescribed procedures, by another Public Prosecution member who was not a party to the criminal settlement system procedures.

Article (375)

Considering the Criminal Settlement in Felonies Null and Void

1. The criminal settlement in felonies shall be considered null and void if the accused does not accept the proposed criminal settlement, or if the accused retracts their confession before the judgment is issued, or if the court rules to reject it. The Public Prosecution shall have the right to proceed with and dispose of the criminal case in the legally prescribed manner.

2. The consequence of considering the confession null and void is the removal of all its effects, and this confession shall not be held against the accused or others.

3. Considering the confession null and void due to the accused's retraction does not affect the validity of other evidence obtained by the Public Prosecution based on that confession.

4. The Public Prosecution shall delete or conceal the criminal settlement record and the confession stipulated in Article (372) of this Code.

Section Three

Common Provisions in Criminal Settlement in Felonies and Misdemeanors

Article (376)

Presence of the Accused's Lawyer in Criminal Settlement

1. Criminal settlement procedures shall be conducted in the presence of the accused's lawyer. The lawyer's presence is mandatory in criminal settlement procedures for felonies. If the accused in a felony does not appoint a lawyer for their defense due to financial inability, the Public Prosecution shall appoint a lawyer for them, whose fees shall be borne by the state, as specified by law. If the appointed lawyer has excuses or impediments they wish to invoke, they must present them to the Public Prosecution without delay. If the excuses or impediments are accepted, another lawyer shall be appointed.

2. The accused and their lawyer must be enabled to review the documents of the criminal case when undertaking criminal settlement procedures.

Article (377)

Surrender of Items and Funds

If the accused accepts the criminal settlement, they must surrender any items and funds in their possession or under their direct or indirect control that were used in the crime, were intended to be used in it, were the subject of it, or were obtained from it, all without prejudice to the rights of bona fide third parties.

Article (378)

Effect of Multiple Accused Persons on the Offer of Criminal Settlement

The presence of multiple accused persons in a criminal case does not prevent the Public Prosecution from initiating criminal settlement procedures with one or some of them. It may dispose of the criminal case against the remaining accused persons in accordance with the legally prescribed procedures.

Article (379)

Effect of Settlement on the Interruption of the Period in a Criminal Case

1. The period for the statute of limitations of a criminal case shall be interrupted by the procedures of the criminal settlement system. If there are multiple procedures, the period shall start to run from the date of the last procedure.

2. If there are multiple accused persons, the interruption of the period for one of them shall result in its interruption for the others.

Article (380)

Effect of Criminal Settlement on the Civil Claim

1. Subject to the provisions of clause (2) of Article (24) of this Code, the victim or the civil claimant may request the Public Prosecution that the accused pay them temporary compensation for the damage they have suffered, and to record this in the settlement record. In all cases, the submission of the request shall not prevent the Public Prosecution from proceeding with the criminal settlement procedures.

2. The criminal settlement record, after ratification, shall be considered an executive instrument. The settlement has no effect on the civil rights of the victim or the person harmed by the crime, or their right to resort to civil courts to claim final compensation for the damage they have suffered.

3. The victim or the civil claimant is not permitted to request the application of criminal settlement with the accused, nor shall their statements be heard in discussions related to its application.

Article (381)

Recusal from Hearing the Criminal Case

Subject to the provisions of Article (207) of this Code, if a criminal settlement is rejected and the Public Prosecution decides to refer the criminal case to the competent court, the judge who ruled on the rejection of the criminal settlement is precluded from hearing the case.

Article (382)

Appealing the Decision or Judgment Issued in a Criminal Settlement

1. The Public Prosecution and the convicted person may appeal the judgment issued in a criminal settlement in felonies regarding the assessment of the penalty, a violation of the law, an error in its application or interpretation, or if there was a nullity in the criminal settlement procedures.

2. The Public Prosecution and the convicted person in a penal settlement for misdemeanors may appeal the decision issued therein for violation of the law, or error in its application or interpretation. The appeal period begins from the date of the decision's issuance, and the judgment rendered on appeal shall be final and not subject to further challenge.

Chapter Four

Placement under Electronic Monitoring

Section One

General Provisions

Article (383)

Concept of Placing the Accused under Electronic Monitoring

1. The procedure of placement under electronic monitoring is the deprivation of the accused or convicted person from being absent from their place of residence or any other location designated by the order of the Public Prosecution or the competent court, as the case may be, outside the specified times. It is implemented through electronic means that allow for remote monitoring and require the subject to wear an integrated electronic transmitting device throughout the period of electronic monitoring.

2. In determining the periods and locations stipulated in clause (1) of this Article, consideration shall be given to the convicted person's engagement in a professional or craft activity, pursuit of education or vocational training, receipt of medical treatment, or any other circumstances deemed appropriate by the Public Prosecution or the competent court, as the case may be.

Article (384)

Determining the Means and Mechanisms for Implementing Electronic Monitoring

1. The Council of Ministers, upon the proposal of the Minister of Interior, shall issue a decision specifying the means used for implementing electronic monitoring, its controls, and mechanisms for all or some of its stages, or entrusting the implementation to a licensed authority or legal person in accordance with the conditions stipulated in the decision.

2. In all cases, the electronic means stipulated in clause (1) of this Article must respect the dignity, safety, and privacy of the person subject to them.

Article (385)

Decisions Regulating Remote Control Operations

The Minister of Interior, after coordinating with the relevant local authorities, shall issue decisions regulating remote control operations in places of placement under electronic monitoring.

Article (386)

Monitoring the Implementation by the Person under Electronic Monitoring

1. Police officers, non-commissioned officers, and personnel in specialized police stations and units are responsible for monitoring the extent of compliance of the person under electronic monitoring with the content and scope of the order or judicial ruling issued for placement under electronic monitoring, as the case may be. They may visit the designated location for its implementation during the periods specified in the decision or ruling to verify the subject's compliance with their obligations, their presence, means of livelihood, and the integrity of the electronic monitoring devices. Reports on the findings shall be submitted to the competent Public Prosecution.

2. The Minister of Justice may, in coordination with the head of the concerned authority, issue a decision specifying public officials other than the categories mentioned in clause (1) of this Article. The decision shall define their duties and jurisdictions regarding the monitoring of the subject's compliance with their obligations under electronic monitoring as stipulated in this chapter.

Article (387)

Verifying No Harm to the Health of the Person under Electronic Monitoring

The competent Public Prosecution may, at any time and upon the request of the person under electronic monitoring, assign a licensed and specialized physician to verify that the electronic means used for implementing electronic monitoring have not caused any harm to the subject's health or physical integrity, and to prepare a medical report thereon.

Article (388)

Execution of Monitoring Penalty via Electronic Means

The penalty of monitoring and the measures stipulated in the penal laws in force in the State may be executed through electronic means and in accordance with the provisions and procedures stipulated in this Section and in Article (404) of this Law.

Section Two

Temporary Placement under Electronic Monitoring

Article (389)

Temporarily Placing the Accused under Electronic Monitoring

1. A member of the Public Prosecution may issue an order to temporarily place the accused under electronic monitoring, with their consent or upon their request, instead of pretrial detention, under the same conditions stipulated in Article (103) of this Law.

2. The order shall specify the place of residence from which the accused is prohibited from being absent, or the places they are permitted or prohibited from being present in or frequenting, the specified times and schedules for this, and other data mentioned in Article (104) of this Law.

Article (390)

Prohibiting the Accused under Temporary Electronic Monitoring from Contacting Others

1. The Public Prosecution may, if the necessity of the investigation procedures so requires, include in the temporary electronic monitoring order a requirement for the accused to refrain from contacting other accused persons, accomplices in the crime, the victim, or their relatives, all without prejudice to the accused's right to always communicate with their defense counsel.

2. The order may include subjecting the accused to the obligations stipulated in clauses (1) and (2) of Article (404) of this Law.

Article (391)

Crimes for which a Temporary Electronic Monitoring Order May Not Be Issued

An order for temporary placement under electronic monitoring may not be issued for crimes punishable by death or life imprisonment, crimes affecting the internal or external security of the state, and crimes for which the law mandates deportation from the country.

Article (392)

Duration of Temporary Electronic Monitoring

1. Temporary placement under electronic monitoring shall occur after the interrogation of the accused, for a period of (30) thirty days, renewable once for the same duration, with the consent of the accused.

2. If the interest of the investigation requires the continuation of the accused's temporary placement under electronic monitoring after the expiration of the periods stipulated in clause (1) of this Article, the Public Prosecution must present the case file to a judge of the competent criminal court. The judge shall issue an order after reviewing the file and hearing the statements and obtaining the consent of the accused to extend the temporary electronic monitoring for a period not exceeding (30) thirty days, renewable, or to cancel the electronic monitoring and order pretrial detention, or release them with or without bail.

3. In all cases, the judge of the competent criminal court may modify the times of presence at the place of residence or in the designated places, after hearing the statements of the accused and taking the opinion of the Public Prosecution.

Article (393)

Cancellation of the Temporary Electronic Monitoring Order

1. The Public Prosecution may cancel its order for temporary placement under electronic monitoring and issue an order to arrest the subject and place them in pretrial detention pending investigation if the evidence against them strengthens, they violate the obligations stipulated in the order, the accused requests it, or circumstances arise that necessitate such a measure.

2. If the order was issued by a judge of the competent criminal court, a new arrest warrant for the accused shall be issued by the same court upon the request of the Public Prosecution.

Article (394)

Temporary Placement under Electronic Monitoring Instead of Pretrial Detention

The judge of the competent criminal court may, while considering a request for pretrial detention, order the temporary placement of the accused under electronic monitoring with their consent, instead of pretrial detention.

Article (395)

Rules and Procedures for Appealing or Cancelling a Temporary Electronic Monitoring Order

The same rules, procedures, and timelines stipulated for pretrial detention in Articles (133, 135, 136, 137, 139) of this Law shall apply to the appeal or cancellation of a temporary electronic monitoring order.

Article (396)

Deduction of Temporary Electronic Monitoring Periods from Custodial Sentences

The same rules stipulated for pretrial detention in Articles (294, 295, 296) of this Law shall apply to the deduction of temporary electronic monitoring periods from the duration of custodial sentences.

Section Three

Sentencing to Placement under Electronic Monitoring as an Alternative to a Custodial Penalty

Article (397)

Sentencing to Placement under Electronic Monitoring Instead of Imprisonment

1. When sentencing to imprisonment for a term not exceeding two years, the court may order in the judgment that the sentence be served under the electronic monitoring system if it finds, from the circumstances or age of the convicted person, reason to believe that they will not commit another new crime, and that they have a fixed and known place of residence in the State, or it is proven that they are engaged in a stable professional activity, even if temporary, or are pursuing their education or recognized vocational training, or are the sole provider for their family, or any other circumstances deemed appropriate by the court, as the case may be.

2. The application of electronic monitoring as stipulated in this section is not permissible for a repeat offender.

Article (398)

Commencement of the Sentence Term under the Electronic Monitoring System

The term of the sentence under the electronic monitoring system stipulated in this section shall begin from the day of the convicted person's arrest based on the enforceable judgment.

Article (399)

Compliance with Criminal Measures

When sentencing to a penalty under the electronic monitoring system, the court may include in its order the requirement to comply with any of the criminal measures stipulated in Articles (111), clauses (1, 2), and (127) of the aforementioned Crimes and Penalties Law.

Article (400)

Obligations of the Convicted Person under Electronic Monitoring

A convicted person placed under electronic monitoring is obliged to notify the Public Prosecution responsible for executing the sentence of the following:

1. Changes in their job or place of residence.

2. If they wish to move or be absent from their designated place of residence for more than (15) fifteen days within the country, the reason for this, and to notify them upon their return.

3. To accept periodic visits from the specialists mentioned in Article (386) of this Law to verify their means of livelihood and their compliance with the obligations stipulated in this section.

In all cases, the convicted person under electronic monitoring may not leave the country without permission from the competent court as stipulated in Article (405) of this Law, and after obtaining the opinion of the Public Prosecution. The court may refuse permission without stating reasons. If permission is granted, the decision must specify the travel date, destination, reason, and return date, with the obligation to notify the Public Prosecution immediately upon return. The period of their presence outside the country shall not be counted as part of the sentence being served.

Article (401)

Execution of Ancillary Penalties, Compensations, and Costs

Placing the convicted person under electronic monitoring does not preclude the execution of ancillary penalties, compensations, restitution, and costs.

Article (402)

Supervision of Electronic Monitoring Implementation

1. The Public Prosecution shall supervise the implementation of electronic monitoring based on periodic reports submitted to it by the competent authority on the conduct of the convicted person and their compliance with the obligations stipulated in this chapter.

2. The court that issued the judgment may modify the locations, periods, or restrictions of the placement under electronic monitoring, upon the request of the Public Prosecution, or upon the request of the convicted person after obtaining the opinion of the Public Prosecution.

Article (403)

Cases Requiring Mandatory Cancellation of the Electronic Monitoring Order

The order for placement under electronic monitoring must be cancelled in any of the following cases:

1. If it appears during the period of electronic monitoring that the convicted person had a final judgment for a custodial sentence issued against them before the electronic monitoring order, and the court was not aware of it when ordering the placement under electronic monitoring.

2. If the medical report issued in accordance with Article (387) of this Law proves that the means used in electronic monitoring have caused harm to the health or physical integrity of the convicted person.

3. If the convicted person requests it themselves.

4. If the implementation of electronic monitoring becomes impossible.

Article (404)

Cases Allowing Discretionary Cancellation of the Electronic Monitoring Order

The order for placement under electronic monitoring may be cancelled in either of the following two cases:

1. If the convicted person commits an intentional crime during the electronic monitoring period, for which they are placed in pretrial detention, or are sentenced to a custodial penalty.

2. If the periodic follow-up reports stipulated in Article (386) of this Law show the poor conduct of the convicted person, or their non-compliance with the measures and obligations imposed on them under Articles (399) and (400) of this Law.

Article (405)

Competent Authority to Cancel the Electronic Monitoring Order

1. The cancellation judgment stipulated in Articles (403) and (404) of this Law shall be issued by the court that ordered the placement under electronic monitoring, upon the request of the Public Prosecution, and after summoning the convicted person to appear.

2. The court that issued the final judgment for the custodial sentence according to clause (1) of Article (403) of this Law may, on its own initiative or upon the request of the Public Prosecution, rule to cancel the electronic monitoring order.

Article (406)

Appealing and Contesting the Judgment Cancelling the Electronic Monitoring Order

1. The judgment of cancellation in the cases stipulated in Article (403) of this Law shall be final and not subject to any form of appeal.

2. Default judgments of cancellation in the two cases stipulated in Article (404) of this Law may be contested by opposition, in accordance with the conditions, deadlines, and procedures stipulated in Article (229) of this Law. The judgment rendered on the opposition shall be final and not subject to any form of appeal.

Article (407)

Effect of Cancelling the Electronic Monitoring Order

The issuance of a judgment cancelling the electronic monitoring order entails that the convicted person must serve the remainder of the custodial sentence imposed, from the day they were placed under electronic monitoring. The period spent under electronic monitoring shall be deducted from the duration of the sentence.

Section Four

Release and Placement of the Convicted Person under Electronic Monitoring

Article (408)

Request for Placement under Electronic Monitoring for the Remainder of the Sentence

Any person sentenced to a custodial penalty for a term of not less than two years and not more than (5) five years, who has served half of the sentence, may submit a request to the Public Prosecution to be released and placed under electronic monitoring for the remainder of their sentence term via electronic means.

Article (409)

Verification of the Request for Placement under Electronic Monitoring

1. The competent Public Prosecution shall investigate the request stipulated in Article (408) of this Law to verify the good conduct of the convicted person during their time in the facility, which inspires confidence in their rehabilitation, and that there is no danger to public security from their release. The case file, along with its opinion, is then submitted to the court that issued the sentence.

2. The court may rule to accept the request, release the convicted person, and place them under electronic monitoring if their good conduct and reform are proven, and it sees reason to believe they will not commit another new crime. The court may include in its judgment an order obliging the convicted person to comply with any of the measures and obligations stipulated in Articles (399) and (400) of this Law.

Article (410)

Decision on the Request for Release and Placement under Electronic Monitoring

1. The court's judgment to accept or reject the request for the release of the convicted person and their placement under electronic monitoring shall be final and not subject to appeal.

2. If the request is rejected, a new request may not be submitted before the lapse of at least (6) six months from the date of the previous rejection, unless the conditions for conditional release stipulated in the aforementioned Penal and Correctional Institutions Law are met.

Article (411)

Rules Applicable to the Implementation of the Electronic Monitoring Order

The same rules stipulated in Article (402) of this Law shall apply to the implementation of the electronic monitoring order provided for in this section.

Article (412)

Rules Regarding the Procedures and Effects of Cancelling the Electronic Monitoring Order

1. The electronic monitoring order stipulated in this section shall be cancelled if one of the cases provided for in Articles (403) (clauses 2, 3, 4) and (404) of this Law arises.

2. The same rules stipulated in Articles (405) and (407) of this Law shall apply to the procedures and effects of cancelling the electronic monitoring order.

3. Notwithstanding clause (2) of Article (406) of this Law, the judgment of cancellation in the cases stipulated in clause (1) of this Article shall be final and not subject to any form of appeal provided for by law.

Article (413)

Implementation of Release and Placement under Electronic Monitoring

The competent authority for conditional release as stipulated in the Penal and Correctional Institutions Law may order its implementation through electronic means and in accordance with the provisions and procedures set forth in Section One of this chapter, and in Article (401) of this Law.

Part Five

Use of Electronic Technologies in Criminal Procedures

Article (414)

Scope of Application

The authorities tasked with law enforcement, crime investigation, evidence collection, public prosecutions, and courts may use remote communication technology in criminal procedures with the accused, victim, witness, lawyer, expert, interpreter, civil claimant, or the person civilly liable.

Article (415)

Presence, Publicity, and Confidentiality of Investigations

The provisions of presence, publicity, and confidentiality of investigations are fulfilled through the use of remote communication technology if conducted in accordance with the provisions of this Law.

Article (416)

Taking Procedures Remotely

The head of the competent authority, or their delegate, may take procedures remotely whenever they deem it appropriate at any stage of the criminal case, in a manner that facilitates the procedures of inference, investigation, or litigation.

Article (417)

Remote Procedures Outside the Competent Emirate's Jurisdiction

Remote procedures may be taken outside the competent Emirate's jurisdiction in coordination with the competent authority if the person against whom the procedure is to be taken is located there.

Article (418)

The Defendant's Right to Object

In the first session of their trial conducted via remote communication technology at any level of litigation, the defendant has the right to request to be physically present before the court. The court may accept or reject this request based on considerations required by the interest of the workflow.

Article (419)

Presence of the Lawyer with the Defendant

Subject to the provisions of this Law, the defendant's lawyer may meet with their client or be present with them during investigation or trial procedures via remote communication technology, in coordination with the competent authority.

Article (420)

Confidentiality of Remote Procedures

Remote procedures shall be recorded and saved electronically and shall be confidential. It is not permissible to circulate, access, or copy them from the electronic information system except with permission from the Public Prosecution or the competent court, as the case may be.

Article (421)

Application of Information Security Policy

The remote communication technology stipulated in this Law is subject to the information security regulations and policies adopted in the State.

Article (422)

Transcription of Remote Procedures

The competent authority may transcribe the remote procedures into minutes or paper or electronic documents that it approves, without the need for signatures from the concerned parties.

Article (423)

Use of Remote Procedures with Foreign Countries

Remote procedures may be used to implement judicial assistance and rogatory commissions with foreign countries in accordance with the provisions of agreements and treaties ratified by the State.

Article (424)

Use of Remote Procedures with Juveniles and Children

Without prejudice to the law on juvenile delinquents and those at risk of delinquency, the competent authority shall consider taking remote procedures with juveniles and children.

Article (425)

Authenticity of Electronic Signatures and Documents

1. An electronic signature shall have the same authenticity as the signatures referred to in this Law, provided that the provisions stipulated in the law on Electronic Transactions and Trust Services are observed.

2. Electronic documents shall have the same authenticity as official and customary paper documents under this Law, provided they meet the conditions and provisions stipulated in the law on Electronic Transactions and Trust Services.

Article (426)

Coordination and Technical and Procedural Assistance

Coordination shall be established between the Ministry of Interior, the Ministry of Justice, judicial authorities, and relevant entities to provide electronic signature devices, prepare halls, and provide modern means of communication to implement remote procedures in the competent authorities, penal institutions, and other relevant bodies, and to provide the necessary technical and procedural assistance, in accordance with the decisions issued by the Council of Ministers in this regard.

Article (427)

Manual or Electronic Implementation of the Provisions of this Law

1. Crime investigation and evidence collection authorities, investigation bodies, and courts may take any of the procedures stipulated in this Law manually or electronically.

2. Orders, decisions, and judicial rulings may be issued manually or electronically.