

Status: Law in force

Penal Procedures Law [Fed. Law 35 of 1992] AS AMENDED

FEDERAL LAW NO. 35 CONCERNING THE PENAL PROCEDURES LAW

Amended by

[Federal Law No. 29 / 2005 dated 30 / 11 / 2005](#)

[Federal Law No. 35 / 2006 dated 09 / 10 / 2006](#)

We Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates State,

Pursuant to the perusal of:

The provisional Constitution;

[Federal Law No. 1 of 1972](#) on the Jurisdiction of Ministries, the Powers of the Ministers and its amending laws;

[Federal Law No. 10 of 1973](#) on the Federal Supreme Court and its amending laws;

Federal Law No. 11 of 1973 regulating the judicial relations between the Emirates members of the Federation;

[Federal Law No. 6 of 1978](#) on the establishment of Federal Courts and transferring to it the jurisdictions of local judicial organizations in some Emirates, and its amending laws;

[Federal Law No. 17 of 1978](#) regulating the cases and procedures of appeal before the Federal Supreme Court, and its amending laws;

[Federal Law No. 3 of 1983](#) on the Federal Judicial Authority and its amending laws;

[Federal Law No. 3 of 1987](#) promulgating the Penal Code;

[Federal Law No. 11 of 1992](#) promulgating the Law on Civil Procedures; and

Acting upon the proposal of the Minister of Justice, the approval of the Cabinet and the ratification of the Federal Supreme Council,

Have promulgated the following Law:

Status: Law in force

Article (1)

The accompanying Law on [Criminal Procedures](#) shall come into effect and abrogate all laws, decrees, orders, measures and instructions in force as well as all provisions in contradiction with the provisions of this Law.

Status: Law in force

Article (2)

The ministers and the competent authorities in the Emirates, each within its jurisdiction, shall implement this Law which shall be published in the Official Gazette and shall come into force three months as of the date of its publication.

Status: Law in force

[Signed]

Promulgated by Us at the Presidential Palace in Abu Dhabi

On 14 Dhu al-Hijjah 1412 H.

Corresponding to 15 June 1992

Zayed Bin Sultan Al Nahyan

President of the United Arab Emirates

This Federal Law has been published in the Official Gazette, issue no. 239, p. 9.

Status: Law in force

CRIMINAL PROCEDURAL LAW

INTRODUCTORY TITLE

GENERAL PROVISIONS

Article (1)

1 - The provisions of this Law shall apply to the procedures concerning offences whose punishments are not specified (Ta'ziriah) as well as procedures relating to Dogma offences (Hodoud) and punitive offences (Kassas) and blood money (Diyah), if they do not violate the Shari'a rules.

2 - The provisions of this law shall also apply to pending lawsuits and uncompleted procedures prior to the effective date of this law, with the exception of:

a - Provisions amending jurisdiction, whenever they are put into effect subsequent to the close of pleadings in the case.

b - Provisions amending delays, whenever the delay has started to run prior to the effective date of these provisions.

c - Provisions regulating the means of appeals as concerns the judgments rendered prior to their effective date, whenever these laws were abrogated or were initiating one of these appeal means.

3 - Any procedure validly taken, according to a law in force at that time, shall remain valid unless otherwise provided.

4 - Newly introduced delays for the forfeiture of the criminal action or other procedural delays shall not take effect except as of the effective date of the law that has initiated such delays.

5 - Criminal procedures provisions are applicable before the civil courts unless they are governed by a specific

provision in this Law.

Status: Law in force

CRIMINAL PROCEDURAL LAW

INTRODUCTORY TITLE

GENERAL PROVISIONS

Article ((2))

No criminal sanction may be adjudicated against any person unless he is proved guilty according to this Law.

No person may, as well, be arrested, searched, detained or imprisoned except in the cases and under the conditions provided for in this Law. Detention and imprisonment may not occur except in the places specially reserved for each and for the period specified in the order issued by the competent authority.

It is forbidden to cause bodily or moral harm to the accused or subject any person to torture or degrading treatment.

Status: Law in force

CRIMINAL PROCEDURAL LAW

INTRODUCTORY TITLE

GENERAL PROVISIONS

Article ((3))

The public authority member may not enter any inhabited place unless in cases stated in the law or in case of asking for a help from inside or in case of a gross danger threatening the self or money.

Status: Law in force

CRIMINAL PROCEDURAL LAW

INTRODUCTORY TITLE

GENERAL PROVISIONS

Article (4)

Every person, accused of a felony punished by a death sentence or life imprisonment, must have a lawyer to defend him during the trial and, in case he has none, the court shall appoint an attorney for him taking in charge his fees for his services as specified by law.

The accused in a felony sanctioned by time imprisonment may ask the court to delegate an attorney for his defence in case his financial inability to appoint a lawyer is verified by it.

Should the delegated lawyer have excuses or impediments he wishes to raise, he must, without delay, submit these to the president of the criminal assize court and, in case the excuses are accepted, the president of the court shall delegate another lawyer.

Status: Law in force

CRIMINAL PROCEDURAL LAW

INTRODUCTORY TITLE

GENERAL PROVISIONS

Article (5)

The public prosecution is part of the judiciary; it investigates crimes and directs indictments in accordance with the provisions of this Law.

Status: Law in force

CRIMINAL PROCEDURAL LAW

INTRODUCTORY TITLE

GENERAL PROVISIONS

Article (6)

The public prosecution supervises punitive establishments, places of provisional detention, arrest and incarceration of debtors.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (7)

Excluding the cases specified by law, the public prosecution has exclusive jurisdiction to lodge and pursue

criminal cases.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (8)

Relinquishment, discontinuance of a criminal action or impeding it may not be done except in cases specified by law.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (9)

The Public Prosecutor, in person or through a member of the public prosecution, shall initiate and proceed with the lodging of the criminal action in the manner specified by law.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (10)

The criminal action may not be lodged, in the following cases, except upon a written or verbal complaint of the victim or his legal representative:

1 - Theft, swindling, breach of trust, as well as concealment of objects obtained there from, in case the victim is a spouse of the perpetrator or one of his ascendants or descendants and these objects are not seized judicially or administratively or encumbered by a lien in favour of another person.

2 - Abstention from delivering a minor to the one who has the right to ask it or take him away from the authority of his custodian or surety.

3 - Abstention from paying the adjudicated alimony, or cost of fostering, suckling or housing.

4 - Insult and slander.

5 - Other crimes specified by law.

Unless otherwise provided by law, the complaint shall not be accepted after the lapse of three months as of the victim's knowledge of the crime and its perpetrator.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (11)

The complaint shall be submitted to one of the judiciary police and, in case of a red - handed crime, it may be submitted to the public authority officer in presence.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (12)

Should there be multiplicity of the agreed in the crimes provided for in [article 10](#), filing a complaint by any one of them shall be sufficient.

Should there be multiplicity of the accused and in case the complaint is filled against one of them shall be deemed as well filled against the others.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (13)

In case the victim in one of the crimes referred to in [Article 10](#) did not complete his fifteen years of age or suffers a brain disability, the complaint shall be submitted by his tutor.

Should the crime be perpetrated on property, the complaint may be submitted by the guardian or the curator.

In both these instances, all the above provisions concerning the complaint shall apply.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (14)

If there is a conflict of interest between the victim and whoever represents him, or if the former is not represented, the public prosecution shall act for him.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (15)

The right to submit a complaint, in the instances stated in [Article 10](#), shall be forfeited by the death of the victim.

Should death occur subsequent to the filing of the complaint, it shall not affect the action process.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (16)

Whoever submits a complaint in crimes mentioned in [article \(10\)](#) herein shall be entitled to assign the complaint at any time before sentencing a final judgment in the litigation.

The penal litigation shall be terminated with the assignment.

In case of multiplying the victims, the assignment shall not have any effect unless if it is submitted by all who presented the complaint.

In case of multiplying the accused persons, assigning the complaint for one of them shall affect the rest of the accused..

If the victim died after submitting the complaint, the right of assignment shall transfer to all his heirs.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (17)

If the penal court finds that there are other accused persons against whom the penal litigation is not filed or that there are other facts are not attributed to the accused in such crime or if the court finds that a felony or a misdemeanour related to the accusation submitted before it is committed, the court shall refer the litigation papers to the public prosecution for investigation and disposal.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (18)

In case of perpetration of an offence against the court, one of its judges or one of its staff or if the offence results in a breach of its orders or of the respect due to it or exercise an influence on one of its members or of the witnesses, in the course of examining a case submitted to it, the court has to refer the accused to the public prosecution for investigation.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER ONE: CASES OF LODGING THE CRIMINAL CASE

Article (19)

1 - With due observance of the Law regulating the lawyer's profession, should a misdemeanour or contravention be perpetrated during the hearings, the court has to immediately sue the accused and give its decision thereon after hearing the public prosecution and its judgment shall be executory even if appealed. Should the offence be a felony or a misdemeanour of perjury, the court shall order the arrest of the culprit and refer him to the public prosecution.

2 - In this case, the filing of the action is not dependent on filing a complaint, if the law requires for such an offence filing such complaint as a condition precedent.

3 - In all other circumstances, the court shall order, where necessary, the arrest of the culprit.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER TWO: TERMINATION OF THE CRIMINAL ACTION

Article (20)

The penal litigation shall terminate with the accused death or the issuance of an irrevocable judgment or with the assignment of those who have the right of such or with the general pardon or cancelling the law that punished such litigation.

Excluding the crimes of doctrinal punishments, penalty, wergild and felonies punished by the death penalty or

the life imprisonment, the penal litigation shall terminate with passing twenty calendar years in the other felonies' articles and also with passing five years in misdemeanours' articles and a year in violations' articles starting from day of committing the crime.

The validity of the period in which the penal litigation has terminated shall not stop for any reason.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER TWO: TERMINATION OF THE CRIMINAL ACTION

Article (20 bis)

The victim, or his representative in relation to misdemeanors provided for in [Articles \(339\), \(394\), \(395\), \(403\), \(404\), \(405\) of the Penal Code](#) and in other cases stipulated by the law, is entitled to request the Public Prosecution or the Court, as the case may be, to confirm reconciliation with the accused, and such conciliation implies termination of the penal lawsuit.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE ONE: CRIMINAL ACTION

CHAPTER TWO: TERMINATION OF THE CRIMINAL ACTION

Article (21)

The period in which the penal litigation has terminated shall stop with the investigation procedures or the accusation or the trial, and also with the deduction procedures if they are taken in facing the accused or if he is officially notified of such procedures or in case of multiplying the procedures that stop the period, then the period validity shall start from date of the last procedure.

In case of multiplying the accused persons, stopping the period for any of them shall result in stopping the period for the rest of them.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE TWO: THE CIVIL ACTION RELATED TO THE CRIMINAL ACTION

Article (22)

Whoever is harmed directly from the crime shall be entitled to claim with civil rights against the accused during collecting the deductions or following the investigation or before the court that hears the penal action in any case of the litigation and until ending the proceeding in such action.

This matter shall not be accepted from him before the appeal court. If the harm occurred against the juristic person, the court must judge with compensation ex officio if it is determined in a law or a regulation issued upon a law.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE TWO: THE CIVIL ACTION RELATED TO THE CRIMINAL ACTION

Article (23)

If the person who is harmed from the crime is not fully capacitated for filing litigation and he does not have a legally representative, the court must appoint who shall represent him.

If the accused who the litigation is filled against him is not fully capacitated for filing litigation and he does not have a legally representative, the court must appoint who shall represent him.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE TWO: THE CIVIL ACTION RELATED TO THE CRIMINAL ACTION

Article (24)

The civil litigation may be filed before the penal courts against the insurer for a compensation for the harm resulted from the crime.

Each of the responsible of civil rights and the insurer shall be entitled to enter in the action ex officio in any case of the action.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE TWO: THE CIVIL ACTION RELATED TO THE CRIMINAL ACTION

Article (25)

The accused may ask the court to indemnify him for the prejudice sustained because of directing to him a vexatious accusation by the accuser or the victim. The criminal court shall, upon request of the accused, condemn whoever is found guilty of perjury or false accusation to indemnify him.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE TWO: THE CIVIL ACTION RELATED TO THE CRIMINAL ACTION

Article (26)

Should the criminal court deem that deciding on the damages claimed by the plaintiff asking his civil rights or the accused requires a special investigation which may delay the settlement of the criminal case; it shall refer the civil action to the competent civil court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE TWO: THE CIVIL ACTION RELATED TO THE CRIMINAL ACTION

Article (27)

The plaintiff in the civil claim may relinquish his claim at any stage of the action and should he does so as concerns the action brought before the criminal court, he may file his case with the civil court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE TWO: THE CIVIL ACTION RELATED TO THE CRIMINAL ACTION

Article (28)

If the civil litigation is filed before the civil court, adjudicating the action should be stopped until an irrevocable judgment is issued in the current penal action before filing such or during running in such provided that if adjudicating the penal action is stopped because of the accused insanity, the civil action shall be adjudicated in face of the person responsible for him.

Stopping the civil action shall not prevent taking the urgent provisional procedures. The procedures decided in this law shall be followed when setting the civil action filed before the penal court. Stopping the civil action shall terminate before the civil court if the penal court issued a condemnation judgment in the accused absence from day of passing the date of appealing such by the public prosecution or from day of adjudicating such appeal.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK ONE: CRIMINAL ACTION BEFORE THE COURTS

TITLE TWO: THE CIVIL ACTION RELATED TO THE CRIMINAL ACTION

Article (29)

If the criminal action is filed then extinguished for any reason whatsoever, the court shall refer the civil action brought before it to the civil court unless the action is ready for judgment on its merits.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (30)

The judicial police shall inquire about crimes, search for their perpetrators and collect the necessary information and evidence for investigation and indictment.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (31)

Members of the judicial police are answerable to the public prosecutor and are under his supervision as concerns the performance of their duties.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (32)

The public prosecutor shall ask the competent body of which depends the member of the judicial police to examine his case should he commit a breach of duty or fails to perform his duties in a satisfactory manner. He may as well ask the said authority to institute a disciplinary action against him without prejudice, in any case, to the right of filing the criminal action.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (33)

The judicial seizure commissioners shall include the following in their jurisdiction departments:

- 1- The public prosecution members.

- 2- Police officers and the staff of police officers and members.
- 3- Officers, officers' staff and the members of boarders and coasts' guardians
- 4- Passports' officers.
- 5- Officers of sea and air ports from police men or armed forces.
- 6- Officers and officers' staff of the civil defence.
- 7- Municipalities' inspectors.
- 8- Inspectors of ministry of Labour and Social Affairs.
- 9- Inspectors of the ministry of health.
- 10- Employers who have the capacity of judicial seizure commissioners as per the valid law, decrees and resolutions.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (34)

In agreement with the competent minister or authority, the Minister of Justice may issue a decision granting some civil servants the capacity of judicial police officers as concerns the offences perpetrated within their jurisdiction and related to the performance of their duties.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (35)

The judicial police officers must accept incoming notifications and complaints about the offences. They, and their subordinates, must obtain clarifications and perform the necessary inspection in order to facilitate the examination of the facts reported to them or those that came to their knowledge by any means. They have to

take all precautionary measures necessary for the preservation of the crime's evidences.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (36)

All procedures performed by the judicial seizure commissioners should be recorded in minutes signed by them. Such minutes shall state the time of taking the procedures and place of occurrence of such minutes should include, in addition to the aforementioned, the signatures of the accused, the witnesses and the experts who are asked.

In case of seeking the aid of a translator, he must sign on the mentioned minutes.

The minutes shall be sent to the public prosecution attached with the papers and seized things.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (37)

Whoever has knowledge of the perpetration of a crime, that the public prosecution could prosecute and file an action without being asked to do so through a complaint or request, must report this to the public prosecution or one of the judicial police officers?

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (38)

Whoever among public servants or those in charge of a public service who has knowledge during, or because of, the performance of his duties, of the perpetration of one of the crimes that the public prosecution could prosecute and file an action without being asked to do so through a complaint or request, must report this to the public prosecution or one of the judicial police officers.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (39)

The complaint in which the plaintiff their not make any civil right claim shall be deemed a notification, and the grievant shall not be considered a claimant of the civil right unless he declare such in his complaint or in a paper presented by thereby at a later date or in case he request a compensation in any one of them.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (40)

During the collection of evidence, the judicial police officers have to hear the statements of those who may have information on criminal acts and their perpetrators and question the accused about it. They may also seek the assistance of physicians and other experts but they may not ask the witnesses and experts to take oath unless there is fear that there is an impossibility of hearing their testimony later on.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER ONE: JUDICIAL POLICE AND THEIR DUTIES

Article (41)

The judicial police officers, during the performance of their duties, may directly seek the assistance of the public force.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER TWO: RED-HANDED CRIMES

Article (42)

A crime shall be considered red - handed upon its perpetration or a short while thereafter.

The crime shall also be considered perpetrated red - handed if the victim chases the perpetrator; if the latter is chased by the public with shouts upon perpetration of the crime; if the perpetrator is found, after a short while of the perpetration of the crime carrying tools, weapons, wears or objects indicating that he is the perpetrator or the accomplice or if there exists at that time traces or signs so indicating.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER TWO: RED-HANDED CRIMES

Article (43)

In case of a red - handed crime, the judicial police officer has to go forthwith to the place where the fact occurred, examine and preserve the material facts of the crime,, write down the existing state of places and

persons and anything else that may lead to revealing the truth and he has to take the statements of those present or those who might give some explanations as concerns the fact and the perpetrator. He has in addition to inform immediately the public prosecution of his move.

The public prosecution has, upon its notification of a red - handed crime, to proceed immediately to the place of occurrence of the fact.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER TWO: RED-HANDED CRIMES

Article (44)

The judicial seizure commissioner shall, when he transfers to a red-handed crime, prevent the attendants from leaving the case place or going a way from such until the minute is written. He shall be entitled to call immediately whoever can be asked for clarifications in this case.

If one of the attendants violates the order issued by the judicial seizure commissioner or if one of the invited persons refused to attend, this shall be recorded in the minute and the matter shall be submitted to the public prosecution for taking whatever necessary.

The competent court shall sentence the violator or who refused to attend after his defence to a fine not exceeding the amount of five hundred dirham.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER THREE: ARREST OF THE CONVICT

Article (45)

The judicial police officer may order the arrest of the accused, present and against whom there are enough evidences that he committed a crime, in any of the following instances:

- 1 - In matter of felonies;
- 2 - In suspected misdemeanours sanctioned by a penalty other than the fine;
- 3 - In misdemeanours sanctioned by a penalty other than the fine, if the accused is put under surveillance or

there is an apprehension of his escape;

4 - In misdemeanours of theft, deceit, breach of trust, severe transgression, resistance by force to public authority officers, violation of public morals, misdemeanours concerning arms, ammunitions, intoxicants and dangerous drugs.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER THREE: ARREST OF THE CONVICT

Article (46)

In case the accused is not present, the judicial police officer may order his apprehension and arraignment and this should be mentioned in the report.

The apprehension and arraignment order shall be executed by one of the public authority officers.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER THREE: ARREST OF THE CONVICT

Article (47)

The judicial police officer must hear the deposition of the accused immediately upon his arrest, apprehension and arraignment and if he does not submit proof of his innocence, he shall be sent, within forty eight hours to the competent public prosecution.

The public prosecution shall interrogate the accused within twenty four hours then it shall order either his arrest or his release.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER THREE: ARREST OF THE CONVICT

Article (48)

Whoever has seen the offender red - handed during the perpetration of a felony or a misdemeanour he must deliver him to the nearest public authority officer without need to an order of apprehension.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER THREE: ARREST OF THE CONVICT

Article (49)

In felonies, as well as in misdemeanours sanctioned by a penalty other than fine, the public authority officers have to arraign the accused and deliver him to the nearest judicial authority officer.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER THREE: ARREST OF THE CONVICT

Article (50)

If the red - handed crime is one in which the criminal action should be preceded by a complaint, the arrest of the accused may not take place unless the complaint is authorized by the one who has the right to submit it.

The complaint, in this case, may be submitted by any of the present member of the public authority.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (51)

The judicial police officer has to inspect the accused in the instances where the law allows his arrest. Inspection means the search of the body, clothes or luggage for any trace or things related to the crime or required for the investigation.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (52)

In case the accused is a female person, inspection must be done by a female delegated by the judicial police officer after she takes oath that she will discharge her duties with loyalty and honesty. Witnesses attending the inspection must also be females.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (53)

The judicial police officer may not inspect the dwelling of the accused without a written authorization from the public prosecution unless the crime has been committed red - handed and there are strong indications that the accused is hiding in his house objects or papers which may lead to the truth. Inspection as well as the seizure of the objects and papers shall take place in the manner specified by law. The search for these objects and papers

shall be done in all parts of the house, its appurtenances and contents.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (54)

The judicial police officer, even in cases other than red - handed crimes, may inspect dwellings of persons put under surveillance, either according to a law provision or a court decision, should there be strong indications that they may be suspected of perpetrating a felony or a misdemeanour.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (55)

The dwelling of the accused may not be inspected except for the search of the things related to the crime, for which evidence is collected, or constitute the object of investigation. Nevertheless, if during inspection, some objects are incidentally discovered which possession constitutes per se a crime or which may lead to reveal the truth in another crime, the judicial police officer shall precede with their seizure.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (56)

Should there be in the house women and the purpose of entering it is not their arrest or their search, the judicial police officer must take into consideration the usages followed in treating with them and allow them to cover their faces or leave the house and grant them the necessary facilities to this end to the extent that these are not detrimental to the objective or result of the search.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (57)

Where during the search of the dwelling of the accused, there are strong presumptions against him or against a person present in it that he is concealing with him something which may reveal the truth, the judicial police officer may search him.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (58)

Should there be in the dwelling of the accused documents sealed or closed by any other means, the judicial police officer may not unseal or open these but must mention them in the inspection report and submit them to the public prosecution.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING

EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (59)

The search shall, whenever possible, be done in the presence of the accused or his delegate, otherwise in the presence of two witnesses who, if possible, must be of legal age among his relatives, or those residing with him in the house or among his neighbours. This should be mentioned in the report.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (60)

The judicial police officers shall affix the seals on places and objects, in which there are traces helping to reveal the truth, and put them under custody and report forthwith the matter to the public prosecution.

Any interested person may file a grievance against this procedure with the president of the first instance court or the judge, as the case may be, through a petition submitted to the public prosecution which in turn shall immediately refer it, together with its opinion, to the president of the court or the judge.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (61)

The judicial police officers have to sequester the objects which may have been used in the perpetration of the crime, resulted there from or if the crime has been committed thereon ; in addition to whatever may lead to the truth in the matter.

These objects shall be described and submitted to the accused in order to give his remarks thereon after which a

report shall be made that will be signed by the accused or mention shall be made therein that he refused to sign it.

The sequestered objects and papers shall be put in a closed and sealed package on which shall be written the date of the sequestration report and mention shall be made as to the subject - matter for which the objects were sequestered.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (62)

The break of the seals affixed on the places and objects shall be done in accordance with [articles 60](#) and [61](#) in the presence of the accused or his attorney and the person with whom these objects were seized, or after convening them to attend.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (63)

Whoever came to his knowledge, because of the search, information on the sequestered objects under search and disclosed this information to a non qualified third person, or if he drew benefit from it in whatever manner, shall be sanctioned to the same penalty imposed for the crime of disclosing secret information.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE ONE: COLLECTING EVIDENCE BY THE JUDICIAL POLICE

CHAPTER FOUR: SEARCH OF PERSONS AND DWELLINGS

Article (64)

In case the person with whom the papers were seized has an urgent interest in it, he shall be given a copy thereof countersigned by the public prosecution unless this would be detrimental to the investigation.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION ONE: GENERAL PROVISIONS

Article (65)

The public prosecution shall by itself proceed with the investigation in felonies and in misdemeanours, where deemed necessary.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION ONE: GENERAL PROVISIONS

Article (66)

In all investigation procedures taken by a member of the public prosecution, he must be accompanied by one of the public prosecution's clerk or, if necessary, he may assign this duty to another person after having him take the oath.

The member of the public prosecution and the clerk shall sign every page of the reports which shall be kept and the other papers with the clerks' office.

The member of the public prosecution shall, before the presence of the clerk, record all required investigation

procedures taken.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION ONE: GENERAL PROVISIONS

Article (67)

The investigation procedures in themselves and the ensuing results shall be considered secret information which the members of the public prosecution and their assistants, clerks, experts and others who are related to the investigation or attending it because of their office or profession, must not disclose it. Whoever breaches this duty shall be punished by the same penalty prescribed for the crime of disclosing secret information.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION ONE: GENERAL PROVISIONS

Article (68)

The member of the public prosecution may assign to one of the judicial police officers one or more task of the investigation, except the interrogation of the accused. He may also, if required to take any of the measures outside his jurisdiction, to delegate for its performance a member of the public prosecution or a judicial police officer within this area of performance and, in all cases, the delegated person shall, for the investigation, all powers that the principal may have in order to carry out, in his jurisdiction, the investigation.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION ONE: GENERAL PROVISIONS

Article (69)

Under all circumstances the member of the public prosecution who delegates to another person to perform some investigations has to specify the matters to investigate and the procedures required to be taken. The delegate may carry out any other investigation including the interrogation of the accused in the instances where it would be too late to take such action whenever it is necessary for reaching the truth.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION ONE: GENERAL PROVISIONS

Article (70)

Investigation shall be carried out in Arabic.

In case the accused, one of the parties, the witness or others whose statements are deemed by the public prosecution necessary to be heard, ignore the Arabic language, the member of public prosecution may seek the assistance of a translator after having him taking oath that he will perform his duties in all loyalty and honesty.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION TWO: EXAMINATION, SEARCH AND SEQUESTRATION OF THE OBJECTS RELATED TO CRIME

Article (71)

The member of the public prosecution shall go to any place in order to determine the status of persons, places and objects related to crimes and all what requires this procedure.

Should the case require to take action in an area situated outside his jurisdiction, he shall delegate to a member of the competent prosecution in order accomplish such action.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION TWO: EXAMINATION, SEARCH AND SEQUESTRATION OF THE OBJECTS RELATED TO CRIME

Article (72)

The member of the public prosecution shall search the dwelling of the accused upon a charge imputed to him of perpetrating a crime or by acting as an accomplice in it. He may, in this respect search any place and seize any papers, arms and all what may likely be used in the perpetration of the crime or resulting there from, as well as anything that may help in revealing the truth.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION TWO: EXAMINATION, SEARCH AND SEQUESTRATION OF THE OBJECTS RELATED TO CRIME

Article (73)

Searching the house of the accused shall be made in his presence or in the presence of his representative, wherever possible. Should a search be made in other than the house of the accused the owner thereof shall be called to attend, by himself or through his representative whenever possible?

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION TWO: EXAMINATION, SEARCH AND SEQUESTRATION OF THE OBJECTS RELATED TO CRIME

Article (74)

In searching a female person, the provisions of [Article 52 of this Law](#) shall be observed.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION TWO: EXAMINATION, SEARCH AND SEQUESTRATION OF THE OBJECTS RELATED TO CRIME

Article (75)

The public prosecution member shall be entitled to inspect the accused and he is not allowed to inspect a person other than the accused or a house other than his house unless there are strong evidences shows that such person possesses things related to the crime. He may, upon the approval of the public prosecutor, size all correspondences, letters, newspapers, printed matters and parcels in post offices and all telegram in telegram offices he may also watch and records the calls either wire or wireless whenever this is necessary for investigation.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING

EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION TWO: EXAMINATION, SEARCH AND SEQUESTRATION OF THE OBJECTS RELATED TO CRIME

Article (76)

The member of the public prosecution may exclusively read the correspondence, letters and other seized papers and, as the examination reveals, he is entitled to order the joining of these papers to the action file or return same to its original possessor or to their addressee.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION TWO: EXAMINATION, SEARCH AND SEQUESTRATION OF THE OBJECTS RELATED TO CRIME

Article (77)

The member of the public prosecution may not seize, under the hands of the Attorney for the accused, the papers and documents which were delivered to him by the accused in order to discharge the task entrusted to him, or the correspondence exchanged between them in the case.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION TWO: EXAMINATION, SEARCH AND SEQUESTRATION OF THE OBJECTS RELATED TO CRIME

Article (78)

The member of the public prosecution shall order the person in possession of something which he deems that it should be seized or perused, to submit it. The provisions prescribed for the refusal to testify shall apply in case of refraining from executing this order.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION TWO: EXAMINATION, SEARCH AND SEQUESTRATION OF THE OBJECTS RELATED TO CRIME

Article (79)

Correspondence, letters, cables or similar papers seized or addressed to the accused shall be notified to him or he shall be given, within the shortest period possible, a copy thereof, unless this is prejudicial to the good run of the investigation.

Whoever claims that he has a right on the seized objects, may ask the member of the public prosecution to deliver these to him.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION THREE: RETURN OF THE SEIZED OBJECTS AND THE DISPOSAL THEREOF

Article (80)

Objects seized in the course of the investigation, even before the judgment, may be retained unless they are necessary for the action process or under confiscation.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION THREE: RETURN OF THE SEIZED OBJECTS AND THE DISPOSAL THEREOF

Article (81)

Return of the seized objects to the person who was in possession thereof at the time of their detainment. However, if the seized objects are those on which the crime was perpetrated or resulting thereof, their return shall be to the one who lost its possession as a result of the crime, unless the person with whom they were seized has a right to detain them under the law.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION THREE: RETURN OF THE SEIZED OBJECTS AND THE DISPOSAL THEREOF

Article (82)

The writ of return is issued by the public prosecution and the court may order restitution during the examination of the criminal action.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION THREE: RETURN OF THE SEIZED OBJECTS AND THE DISPOSAL

THEREOF

Article (83)

The writ of return does not prevent the interested persons to claim their rights before the civil court but this claim is not available to the accused or the civil party in the criminal case if the writ was issued by the criminal court upon request of either of them against the other.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION THREE: RETURN OF THE SEIZED OBJECTS AND THE DISPOSAL THEREOF

Article (84)

The writ may be ordered even without a request.

The public prosecution may not order the return of a disputed object or of any other object where there is doubt about the person having the right of reception thereof.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION THREE: RETURN OF THE SEIZED OBJECTS AND THE DISPOSAL THEREOF

Article (85)

At the time of issuing a reserving order or a resolution that there is no reason for filing the action, the public prosecution member must settle the matter of the seized things.

The penal court should, at the time of judging the action, settle the matter of the seized things if any one asks for returning such things before the court. It shall also be entitled to order referring the litigants to the civil court if

it deemed necessary and in this case, the seized things may be put under guardianship and other procedures may be taken for keeping such things.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION THREE: RETURN OF THE SEIZED OBJECTS AND THE DISPOSAL THEREOF

Article (86)

If the arrested object is exposed to damage in time or that maintaining it would depreciate its total value, an order may be issued to sell it by public auction, in case the investigation requirements so allows, and the sale proceeds shall be reserved for its rightful owner.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION THREE: RETURN OF THE SEIZED OBJECTS AND THE DISPOSAL THEREOF

Article (87)

The seized things that are not asked by their owners during a year from date of the penal litigation termination may be ordered to be sold through a public auction and their price shall be kept for their owners.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION FOUR: HEARING THE WITNESSES

Article (88)

The member of the public prosecution shall hear the witnesses which the parties ask to be heard, unless he deems it useless. He may hear those witnesses considered by him useful to be heard as concerns the established facts or those evidencing the crime, its circumstances and its imputation to the accused or his innocence there from.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION FOUR: HEARING THE WITNESSES

Article (89)

The member of the prosecution shall summon the witnesses, decided to be heard, through the public authority personnel. He may also hear the testimony of any witness who attends the hearing session on his own and this shall be recorded in the minutes.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION FOUR: HEARING THE WITNESSES

Article (90)

The member of the public prosecution may hear each witness separately or he may make them confront each other.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION FOUR: HEARING THE WITNESSES

Article (91)

The member of the public prosecution shall ask each witness to specify his name, surname, age, profession, nationality, residence ; his relation to the accused, the victim and the civil party plaintiff and he shall check his identity.

The witness who has completed is fifteen years of age must, before giving his testimony, to swear under oath that he will say the truth, the whole truth and nothing but the truth. Witnesses under this age may be heard for all useful purposes but without being sworn.

The above information, the testimony of witnesses and their hearing procedure shall be recorded in the minutes without modification, crossing out, erasure, insertion or addition. None of these shall be considered unless ratified by the member of the public prosecution, the clerk and the witness.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION FOUR: HEARING THE WITNESSES

Article (92)

Every one of the public prosecution member and the notary shall sign on each page of the testimony and also the witness after reciting such testimony on him. If he refused to sign or his finger print or if he is not able to do so this shall be recorded in the minute with mentioned his reasons for such.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION FOUR: HEARING THE WITNESSES

Article (93)

Whoever is summoned to appear before the public prosecution to give his testimony must comply with the convocation addressed to him and, if he abstains without excuse, the member of the prosecution shall issue a warrant to arrest and have he appear before the public prosecution.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION FOUR: HEARING THE WITNESSES

Article (94)

In case the witness is sick or has his excuse for not appearing, his testimony shall be heard where he is present.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION FOUR: HEARING THE WITNESSES

Article (95)

Upon request of the witnesses, the member of the public prosecution shall assess the amount of expenses and compensation to which they are entitled because of their appearance to give their testimony.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION FIVE: EXPERTS ASSIGNMENT

Article (96)

Should the investigation require the assistance of a physician or other experts to establish a status quo, the member of the public prosecution shall issue an order of assigning him to submit a report on the task he was assigned for.

The member of the public prosecution shall be present when the expert is to perform his task and the expert may discharge his duty without the presence of the parties.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION FIVE: EXPERTS ASSIGNMENT

Article (97)

If the expert's name is not recorded in the roll, he must take oath before the member of the public prosecution to perform the duties of his assignment with trust and loyalty.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION FIVE: EXPERTS ASSIGNMENT

Article (98)

The expert shall submit his report in writing at the time fixed by the member of the public prosecution. In case he fails to submit his report in time or if the investigation so requires, the member of the public prosecution shall replace the expert by another one.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION SIX: INTERROGATION AND CONFRONTATION

Article (99)

The member of the public prosecution must, upon the presence of the accused for the first time before the investigation authority, write down all the information concerning proof of his identity and inform the accused of the charge imputed to him and mention in the report the answer of this latter on this charge.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION SIX: INTERROGATION AND CONFRONTATION

Article (100)

The attorney for the accused must be enabled to attend the investigation with him and take knowledge of the investigation papers, unless otherwise decided by the member of the public prosecution in the interest of the investigation.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION SEVEN: SUMMONS AND ARREST WARRANT

Article (101)

A member of the public prosecution may, as the case may be, issue a summons, an arrest warrant, and an order for the arraignment of the accused.

Each of these instruments must include the accused name, surname, profession, nationality, residence, the charge imputed to him, date of the writ, place and time of appearance, name of the public prosecution member, his signature, the official seal and the arrest warrant must, in addition, include assigning to a member of the public authority the task of arresting the accused and bringing him before the public prosecution member in case he refuses to wilfully and instantly appear.

The said writs shall be notified to the accused by the members of the public authority and he shall be delivered a copy of this notification.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION SEVEN: SUMMONS AND ARREST WARRANT

Article (102)

If the accused does not appear after summoning him to do so, without an acceptable excuse, or if it is feared that he will escape, or if he has no known place of residence, or if the crime is committed red - handed, the public prosecution member may order to arrest and bring the accused even where the event is not one that allows putting the accused under provisional detention.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION SEVEN: SUMMONS AND ARREST WARRANT

Article (103)

Orders issued by the public prosecution member shall be executory in all parts of the State and the arrest warrant may not be executed after the lapse of six months following the date of its issue unless confirmed by the public prosecution member for another period.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION SEVEN: SUMMONS AND ARREST WARRANT

Article (104)

The public prosecution member must immediately interrogate the arrested person or, if this be impossible, he should be put in one of the specialized places of detention until his interrogation. The period of detention must not exceed twenty four hours after which the administrator of this place has to send the detained person to the public prosecution which must instantly interrogate him otherwise order is release.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION SEVEN: SUMMONS AND ARREST WARRANT

Article (105)

With due observance of the provisions of the Federal Law no. 11 of 1973, organizing the relations between the Emirates members of the Federation. If the accused is arrested outside the scope of jurisdiction of the court where the interrogation takes place, he shall immediately be sent to the public prosecution of the place of his arrest which shall verify all information concerning the identity of this person, then refer him to the public prosecution of the court where he is interrogated through the public authority which has to deliver him there as quickly as possible.

In case the accused objects to his moving or if his condition does not allow his transport, the public prosecution member shall inform the investigator of this matter who shall forthwith order what should be followed.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION EIGHT: PROVISIONAL DETENTION ORDER

Article (106)

With due observance of the provisions provided in the law on juvenile delinquents and homeless persons the public prosecution member may, after interrogating the accused, order his provisional detention if there is enough evidence and if the act constitutes a felony or a misdemeanour sanctioned by other than the fine penalty.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION EIGHT: PROVISIONAL DETENTION ORDER

Article (107)

The jail order should include, in addition to the data stated in the [second paragraph of article \(101\)](#), charging the responsible for managing the place specialized for the jail with accepting the accused and putting him in such place with stating the law article applied on such case. The jail order shall be subject to the provisions stipulated in the [last paragraph in article \(108\)](#).

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION EIGHT: PROVISIONAL DETENTION ORDER

Article (108)

When confining the accused in the place of detention, a copy of the order of detention must be delivered to the person in charge of the administration of the place after securing his signature on the original stating that he received the copy thereof.

The administrator of the place of detention may not allow any member of the public authority to have any contact with the person under provisional detention inside the place except by a written authorization from the public prosecution and, if this be the case, he must write down in the book kept for the purpose, the name of the person giving the authorization, the time of the visit and the date and contents of the authorization.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION EIGHT: PROVISIONAL DETENTION ORDER

Article (109)

Should the investigation procedures so necessitate, the public prosecution member shall issue an order forbidding any contact between the provisionally detained accused and the other detained and any visits by any person whatsoever, without prejudice to the right of the accused to permanently contact in private his attorney.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION EIGHT: PROVISIONAL DETENTION ORDER

Article (110)

The detention order given by the public prosecution shall be issued, subsequent to his interrogation, and for a period of seven days renewable for another period not exceeding fourteen days.

Should in the interest of the investigation that the provisional detention be continued after the lapse of the periods mentioned in the above paragraph, the public prosecution must submit the papers to one of the judges of the competent criminal court who may, after perusing the papers and hearing the accused statements, order the extension of the detention period for another period not exceeding thirty days, renewable, or the release of the detained with or without bail.

The accused may submit a grievance to the president of the court against the order issued in his absence extending the detention. The grievance should be submitted within three days as of the date of his notification of the order or from the date of taking knowledge thereof.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION NINE: PROVISIONAL RELEASE

Article (111)

The accused person who is imprisoned provisionally in a crime punished by the death penalty or the life imprisonment may not be released provisionally.

The public prosecution shall be entitled to order the provisional release for the accused person who is imprisoned provisionally in a misdemeanour or a felony at all time either ex officio or upon the accused request, unless the accused person has been referred to the competent court for his trial as his release shall be in the competence of such court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION NINE: PROVISIONAL RELEASE

Article (112)

In cases other than those the provisional release is a must, the release may be conditioned on a personal or pecuniary bail to be determined by the public prosecution or the judge, as the case may be, and the amount of the bail shall be allocated as an adequate penalty for the abstention of the accused from appearing in any of the procedures during investigation or trial and as a remedy against his evasion from the enforcement of the judgment and an incentive to perform all the other duties imposed on him.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION NINE: PROVISIONAL RELEASE

Article (113)

The amount of bail shall be paid by the accused, or others, through depositing the assessed amount with the court treasury. The bail may also consist of an undertaking made by a solvent person to pay the assessed amount of bail in case the accused does not fulfil the release conditions. This undertaking shall be recorded in the investigation report or by making a declaration in the clerks' office and both the report and the declaration shall have the force of an executory instrument.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION NINE: PROVISIONAL RELEASE

Article (114)

Should the accused, without an acceptable excuse, fail to fulfil one of the obligations imposed on him under [Article 112](#), the pecuniary bail shall be the property of the government without need to a judgment to this effect.

The amount of bail shall be returned in full if a non - suit decision is rendered in the case or if the accused is declared innocent. The court may, in any case decide to refund the amount of the bail, any portion thereof or even discharge the bailor from his obligation.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION NINE: PROVISIONAL RELEASE

Article (115)

The order issued of release shall not present the public prosecution from issuing a new order of arresting and imprisoning the accused if evidences are strong against him or if he violates the duties imposed on him or if there are conditions necessitate taking such procedure.

If the release is issued from the court, issuing a new order of arresting the accused shall be issued from the same court upon the public prosecution request.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION NINE: PROVISIONAL RELEASE

Article (116)

Once the accused is referred to the court, his release, if detained, or his detention, if released, shall be of the jurisdiction of this court.

In case of adjudicating non - jurisdiction of the court, the court that rendered this judgment shall have jurisdiction to examine the application for release or detention until the case is brought before the competent court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER ONE: PROCEEDING WITH THE INVESTIGATION

SECTION NINE: PROVISIONAL RELEASE

Article (117)

The application to detain the accused submitted by the victim, the civil party in the case, shall not be accepted and his statements in the discussions related to the release of the accused shall not be heard.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (118)

Subsequent to the investigation done by it, the public prosecution may issue a nonsuit order and order the release of the accused unless he is detained for another reason.

The nonsuit order in felonies may only be issued by the Head of the public prosecution department or his substitute and shall not be executory except after its ratification by the Public Prosecutor.

The order shall state the name and surname of the accused, his age, birth place, residence, profession, nationality and the charge imputed to him together with its legal characterization.

The order must include the reasons on which it is based and should be notified to the civil party in the suit, or if deceased, to his heirs as a whole without detailing their names, at the last domicile of the decedent.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (118 bis)

If the public prosecution finds in the misdemeanours and violations articles that the litigation is valid for referring such based on the collected deductions, it shall summon the accused to attend directly before the competent penal court; if it finds that there is no reason for running the litigation, it shall order keeping such.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (119)

The public prosecutor, in misdemeanour's cases, shall be entitled to cancel the resolution mentioned in [article \(118\)](#) herein during the three months following its issuance unless it has been previously appealed and refused.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (120)

If the public prosecution finds that the case is a misdemeanour or a violation and that the evidences against the accused are enough, it shall refer the action to the penal court competent for hearing the action.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (121)

Should the Head of the prosecution department, or his substitute deem that the act constitutes a felony and the evidence against the accused is sufficient, he shall order the referral of the accused to the assize court. If there is any doubt as to whether the act constitutes or a misdemeanour, the accused shall be referred to the court of assizes under the charge of a felony.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (122)

If a final decision of non - jurisdiction has previously been rendered by the criminal court examining misdemeanours because the act constitutes a felony, the public prosecution must decide the referral of the action to the court of Assizes.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (123)

The order of referral shall include the name and surname of the accused, his age, place of birth, residence and nationality; it shall also specify the charge imputed to him with all its constituting elements, the extenuating or aggravating circumstances and the applicable articles of the governing law.

The public prosecution shall notify this order to the parties within three days from its issuance.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (124)

Without prejudice to the provisions of the Federal Law no. 11 of 1973 concerning the Regulation of the Judicial Relations between the Emirates member of the Federation, should the accusation comprise more than one offence falling within the jurisdiction of more than one court of first degree, they shall all be referred through one order to the court having *ratione loci* jurisdiction in one of these offences.

Should the offences fall within the jurisdiction of courts of different degrees, the action shall be referred to the court of the highest degree.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (125)

The accused detained on remand shall be released if the order referring him to the competent court does not include maintaining him under detention.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (126)

When the public prosecution issues an order of reference to the penal court, it shall charge each of the accused and the civil defendants and the responsible for such rights with submitting to the public prosecution immediately a list of the witness who are asked to witness before the court with stating their names and place of residence.

The public prosecution shall put a list of its witnesses and the witnesses mentioned in the [previous article](#) and shall declare such list before the accused and the witnesses listed hereto.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (127)

Each of the parties shall summon, through the process server and at his own expense, his witnesses mentioned in the list prepared by the public prosecution and shall deposit with the clerks' office their transport expenses.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (128)

The public prosecution shall send the case file immediately after terminating the investigation and dispose of such file with referring such to the competent court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (129)

If an order is issued in absentia to refer an accused of a felony to the court of assizes then he shows up or is arrested, the case shall be re - trailed anew, before the court, in his presence.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (130)

Where, subsequent to the issuance of an order of referral, an event occurs that necessitates a complementary investigation, the public prosecution has to proceed with it and submit the report to the court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE TWO: PUBLIC PROSECUTION INVESTIGATION

CHAPTER TWO: DISPOSAL OF THE ACCUSATION AND OF THE ACTION

Article (131)

The non - suit order issued by the public prosecution prevents from recurring to the investigation unless new evidences are discovered.

Shall be considered new evidence, testimony of witnesses, reports and the other papers that were not submitted to the public prosecution and which shall reinforce the existing evidence considered insufficient or add more clarification which may lead to the truth.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE THREE: APPEAL OF ORDERS AND DECISIONS ISSUED AT THE STAGE OF INVESTIGATION

Article (132)

The public prosecution should appeal the decision rendered by the judge ordering the provisional release of the detained on remand and this decision may not be executed prior to the expiry of the delay of the appeal or prior to reaching a decision thereon if lodged within the prescribed delay.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE THREE: APPEAL OF ORDERS AND DECISIONS ISSUED AT THE STAGE OF INVESTIGATION

Article (133)

The party in a criminal case claiming damages may appeal the non - suit decision issued by the public prosecution on grounds of negation of the charge, the act is not punishable or if the evidence against the accused is insufficient.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE THREE: APPEAL OF ORDERS AND DECISIONS ISSUED AT THE STAGE OF INVESTIGATION

Article (134)

The appeal stipulated in [articles \(132\)](#) and [\(133\)](#) herein shall be attached with a report in the penal department.

The appeal date shall be twenty four in the case stipulated in [article \(132\)](#) and ten days in the case stipulated in [article \(133\)](#).

The date shall start from date of issuing the resolution as for the public prosecution and date of notifying such order as for the rest of the litigants.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE THREE: APPEAL OF ORDERS AND DECISIONS ISSUED AT THE STAGE OF INVESTIGATION

Article (135)

The session date shall be determined in the appeal report for the appellant. Such date shall be during three days. The public prosecution shall charge the other litigants with attending the determined session and shall send the papers immediately to the penal department.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE THREE: APPEAL OF ORDERS AND DECISIONS ISSUED AT THE STAGE OF INVESTIGATION

Article (136)

The appellate court shall examine the appeal, in challenge of the orders and decisions referred to in this Title, in closed chambers, as it may also, whenever necessary; examine it outside the days fixed for holding these hearings and outside the seat of the court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE THREE: APPEAL OF ORDERS AND DECISIONS ISSUED AT THE STAGE OF INVESTIGATION

Article (137)

The appeal court shall issue its resolutions in the appeal in this matter that there is no reason for filing the action after reviewing the papers and hearing the clarifications that are deemed necessary to be requested from the litigants.

The court shall also be entitled to take what it deemed necessary for adjudicating the appeal filed before it from complementary investigations or assigning for such one of its members or the public prosecution. The appeal court, at the time of cancelling the matter that there is no reason for filing the action, shall return the action to the public prosecution with a reasonable resolution stating the crime. Its sides and the law text applied on such crime for referring the action to the penal competent court.

In all cases, the resolutions issued from the appeal court shall not be appealable.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK TWO: INQUIRY AND INVESTIGATION OF CRIMES AND COLLECTING EVIDENCE

TITLE THREE: APPEAL OF ORDERS AND DECISIONS ISSUED AT THE STAGE OF INVESTIGATION

Article (138)

When examining the appeal against the order releasing the accused detained on remand, the court of appeal should, after detaining him and in case it does not take a decision concerning the appeal within three days from filing the report, immediately execute the order of release.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER ONE: JURISDICTION IN CRIMINAL MATTERS

Article 139)

With the exception of the offences falling within the jurisdiction of the Supreme Federal Court, the first degree court composed of three judges shall have jurisdiction to examine the felonies transmitted to it by the public prosecution, referred to in this Law as the Felonies Criminal Court, and when composed of one judge, it shall have jurisdiction to examine all cases of misdemeanours and petty offences and is referred to in this law as the Misdemeanours Criminal Court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER ONE: JURISDICTION IN CRIMINAL MATTERS

Article (140)

Should the Misdemeanours Criminal Court notice that the act constitute a felony, it shall decide that the case is beyond its jurisdiction and shall return the papers to the public prosecution to take the legal prescribed measures.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER ONE: JURISDICTION IN CRIMINAL MATTERS

Article (141)

Should the Felonies Criminal Court notice that the act, as described in the referral order and prior to its investigation in session, is a misdemeanour, it shall decide its lack of jurisdiction and refer the case to the Misdemeanour Criminal Court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER ONE: JURISDICTION IN CRIMINAL MATTERS

Article (142)

Jurisdiction shall be determined by the place where the crime occurred.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER ONE: JURISDICTION IN CRIMINAL MATTERS

Article (143)

In case of attempt, the crime shall be considered perpetrated in each place where one of the acts of commencement of execution has taken place. In continuous crimes, it shall be considered place of the crime each place where a state of continuity is present. In case of recidivism and in successive crimes, the place of the crime is each place where one of the inclusive acts is perpetrated.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER ONE: JURISDICTION IN CRIMINAL MATTERS

Article (144)

Where any crime is perpetrated abroad and is governed by the provisions of the national law, the perpetrator shall be sued before the criminal courts of the capital.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER ONE: JURISDICTION IN CRIMINAL MATTERS

Article (145)

If one or more of the accused, in a single crime or in connected crimes included in the same investigation, is brought before two trial instances and where both instances are competent, the case shall be transferred to the court to which it was first submitted.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER ONE: JURISDICTION IN CRIMINAL MATTERS

Article (146)

Should the court notice, at any stage of the proceedings, that it lacks jurisdiction to examine the case, it shall decide its incompetence even without any request to this effect.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER TWO: JURISDICTION AS TO THE CIVIL CASE FOR DAMAGES AND IN MATTERS WHICH SETTLEMENT IS DEPENDENT ON THE DECISION TO BE RENDERED IN THE CRIMINAL ACTION

Article (147)

The civil action, regardless of the amount involved, may be brought before the criminal court in order to be examined in conjunction with the criminal case after payment of the prescribed legal fees.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER TWO: JURISDICTION AS TO THE CIVIL CASE FOR DAMAGES AND IN MATTERS WHICH SETTLEMENT IS DEPENDENT ON THE DECISION TO BE RENDERED IN THE CRIMINAL ACTION

Article (148)

Unless otherwise provided by law, the criminal court has jurisdiction to decide on any matter that is dependent on the adjudication of the case pending before it.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER TWO: JURISDICTION AS TO THE CIVIL CASE FOR DAMAGES AND IN MATTERS WHICH SETTLEMENT IS DEPENDENT ON THE DECISION TO BE RENDERED IN THE CRIMINAL ACTION

Article (149)

In case the judgment in a criminal case depends on the result of settling another criminal case, the first case should be stayed until the decision in the second case is rendered.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER TWO: JURISDICTION AS TO THE CIVIL CASE FOR DAMAGES AND IN MATTERS WHICH SETTLEMENT IS DEPENDENT ON THE DECISION TO BE RENDERED IN THE CRIMINAL ACTION

Article (150)

Should the adjudication of a criminal action depends on deciding a personal status matter, the criminal court may order the stay of this action and fix a delay to the accused, the party claiming damages or the defendant, as the case may be, to submit the mentioned matter to the competent authority; but the stay of the action shall not prevent taking the necessary or urgent measures or investigations.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER TWO: JURISDICTION AS TO THE CIVIL CASE FOR DAMAGES AND IN MATTERS WHICH SETTLEMENT IS DEPENDENT ON THE DECISION TO

BE RENDERED IN THE CRIMINAL ACTION

Article (151)

If the delay referred to in the [preceding Article](#) has lapsed without submitting the mentioned matter to the competent authority, the court may disregard the order to stay the action and adjudicate it, as it may fix another delay in case it is justified.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER TWO: JURISDICTION AS TO THE CIVIL CASE FOR DAMAGES AND IN MATTERS WHICH SETTLEMENT IS DEPENDENT ON THE DECISION TO BE RENDERED IN THE CRIMINAL ACTION

Article (152)

The criminal courts, in non criminal matters to be decided by it in conjunction with the criminal action, shall follow the means of evidence prescribed by the law governing these matters.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER THREE: CONFLICT OF JURISDICTIONS

Article (153)

In case two final judgments upholding or denying jurisdiction are rendered, concerning the same object under litigation, the application to designate the competent court shall be submitted to the Federal Supreme Court according to the following two articles.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER THREE: CONFLICT OF JURISDICTIONS

Article (154)

Each of the public prosecution and the parties to the litigation may apply for the designation of the competent court through a petition sustained by documents in support thereof.

The court to which the application has been submitted shall, within Twenty Four hours from its submission, order the deposit of the papers with the clerks' office.

The clerks' office shall notify the other parties of this deposit within the three days following this notification in order for them to peruse the deposited papers and submit a Memorandum of their statements thereon within the ten days following their notification of this deposit.

The order of deposit shall entail stay of the action for which the application is submitted, unless otherwise decided by the court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE ONE: JURISDICTION

CHAPTER THREE: CONFLICT OF JURISDICTIONS

Article (155)

After taking knowledge of the papers, the court to which the application was submitted, shall designate the competent court and shall also render a decision as concerns the measures and judgments that may have been taken or rendered by the other court whose jurisdiction has been cancelled.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION ONE: NOTIFICATION OF THE PARTIES

Article (156)

If the action is referred to one of the penal courts, the public prosecution shall summon the accused to attend before the competent court stated in the reference order.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION ONE: NOTIFICATION OF THE PARTIES

Article (157)

The summons addressed to the accused to appear before the court may be dispensed with if the accused attended the session and was faced by the charge addressed to him by the public prosecution and he accepted the trial.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION ONE: NOTIFICATION OF THE PARTIES

Article (158)

Summoning the litigants to attend before the court shall be before a period of a complete day at least in violations, three days in misdemeanours and ten days in felonies from holding the session.

The summoning paper of attendance shall state the accusation and the law articles that stipulate the penalty.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION ONE: NOTIFICATION OF THE PARTIES

Article (159)

The summons to appear shall be notified to the accused in person or at the place of residence or work in the manner prescribed by the law on the procedures followed before the civil courts.

If, despite the search, the place of residence or work of the accused is not known, the notice shall be delivered to the police station of which depends the last known residence of the accused and the place of the crime shall be considered as his last residence unless otherwise established.

In misdemeanours and minor offences, the notification may be served by a member of the public authority.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDERAND PROCEDURES

Article (160)

The accused in a misdemeanour or a felony punished without a fine shall be committed to attend personally, but in the other misdemeanours and violations; he may deputize an attorney for defending him without violating the court right in ordering him to attend personally.

However, in all cases, his attorney or one of his relatives or in-laws may attend and expose the accused excuse for not attending. If the court finds that the excuse is acceptable, it shall determine an appointed time for the accused to attend before it and the public prosecution shall notify him of such appointed time.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDERAND PROCEDURES

Article (161)

The hearing must be public but the court may for reasons relating to public policy or morals order that the action, in whole or in part be examined in closed session or prevent some class of people to attend.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDERAND PROCEDURES

Article (162)

A member of the public prosecution must attend the hearings of the criminal court which has to hear him and rule over his demands.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDERAND PROCEDURES

Article (163)

Order and administration of the hearing are entrusted to its presiding judge who, with due compliance with the law on the Law Profession, may in this respect oust whoever disturb the order and, if he refuses to obey, the court may condemn him instantly to a twenty - four - hour - detention or to a fine of one hundred Dirhams and its judgment in this respect is final.

The court may, at any time prior to the end of the hearing, go back on its judgment or decision issued under the preceding paragraph.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDERAND PROCEDURES

Article (164)

The accused shall be brought to the court hands free but under the necessary surveillance.

He may not be ousted from the hearing during the examination of the action unless he commits any act of disturbance justifying this measure. In this case the procedures shall continue until he is allowed to attend again, then the court shall keep him informed of the procedures taken in his absence.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDERAND PROCEDURES

Article (165)

The investigation shall start in the session with calling the litigants and the witnesses. The accused shall be asked of his name, surname, career, nationality, place of residence and place of birth and his accusation shall be recited. Then, the public prosecution and the civil defendants shall submit their requests, if any exists. Afterwards, the accused shall be asked if he confesses committing the crime attributed to him. If he confessed, the court may be satisfied with his confession and sentencing him without hearing the witnesses, otherwise, it shall hear the witnesses for prosecution unless the crime is punished by the death penalty as the court in this case must complete the investigation.

The questions for the witnesses shall be directed from the public prosecution then from the victim, if he is present, then from the civil defendants concerning his claim, then from the accused, then from the responsible for civil rights. The public prosecution, then the claimant with civil rights, shall investigate the mentioned witnesses for the second time for clarifying the cases that they witnessed in their answers provided that the court shall hear every witness separately.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDERAND PROCEDURES

Article (166)

After hearing the witnesses for prosecution, the court shall hear the witnesses for the defence who shall be asked from the accused firstly, then from the responsible for civil rights, then from the public prosecution, then from the claimant with civil rights. The accused and the responsible for civil rights shall be entitled to direct questions second questions for the mentioned witnesses for clarifying the cases that they witnessed in their answers for the questions directed to them.

Each one of the litigants shall be entitled to ask from rehearing the mentioned witnesses for clarifying the cases that they witnessed or to ask for hearing other witnesses for this purpose.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDERAND PROCEDURES

Article (167)

The witnesses shall be called, by their names one by one, to give their testimony and the one whose testimony was heard shall remain in the hearings room until closing the debates unless the court authorizes him to leave. Where necessary, a witness may be asked to leave the room while hearing the testimony of another witness, or the witnesses may be confronted with each other.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDERAND PROCEDURES

Article (168)

In any case of the litigation, the court shall be entitled to ask the witnesses for any question that it deemed necessary for clarifying the truth or to allow the litigants to do such. The court should prevent directing any question unreasonable or unrelated to the action to the witness.

It should also prevent from the witness any words explicitly or implicitly and any thing that may cause disturbing his mind or terrifying him. The court may also refuse hearing witnesses in cases that are deemed

sufficiently clear.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDER AND PROCEDURES

Article (169)

After hearing the witnesses to the prosecution and to the defence, the public prosecution, the accused and all other parties in the action may speak but in any case the accused shall be the last to speak.

The court may prevent the accused, the remaining parties and those assuming their defence to talk any further in case they speak beyond the subject or repeat themselves.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDER AND PROCEDURES

Article (170)

Should the absent accused appear before the end of the hearing in which the judgment was rendered, the case should be re-examined in his presence.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION TWO: THE SESSION ORDER AND PROCEDURES

Article (171)

A report should be drawn up of all what takes place during the trial and each page thereof should be signed by the presiding judge and the clerk.

This report shall include the date of the hearing, with mention whether it is public or closed, the names of the judges and the member of the public prosecution who assisted in the hearing, the names of the clerk, the parties and their defenders, the testimony of the witnesses, the statements of the parties and reference should be made in it to the papers that were recited and all measures taken, the claims submitted during the examination of the case, the decisions taken in ancillary matters, the decision clause in the judgments rendered and all other things that took place during the hearing.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION THREE: WITNESSES AND OTHER EVIDENCES

Article (172)

The witnesses shall be summoned to attend upon the litigants' request through the notification delegate or one of the public authority members before twenty four hour from the session at least in addition to distance appointed times. The witness may attend the session without a notification upon the litigants' request.

The court, during hearing the action, shall be entitled to summon and hear the sayings of any person even by issuing a seizure and attendance order if it is necessary, and also shall be entitled to order summoning him to attend in another session.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION THREE: WITNESSES AND OTHER EVIDENCES

Article (173)

Should the witness fail to appear before the court after he has been requested by subpoena may, after hearing the public prosecution, be condemned to a fine not exceeding a thousand Dirhams.

If the court deems that his testimony is important, it shall postpone the action to notify him again to appear, as it may order that he be arrested and brought by force.

Should the witness appear, after he has been notified for the second time or by himself or by submitting an acceptable excuse, he may be exempted from the fine, after hearing the public prosecution?

If the witness fails to appear after he has been notified for the second time, he may be condemned to a fine not exceeding double the maximum fine prescribed in the first paragraph. The court may order his arrest and that he be brought by force to the same hearing or to another hearing to which the action was adjourned.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION THREE: WITNESSES AND OTHER EVIDENCES

Article (174)

Should the witness fail to appear before the court until the action is adjudicated, he may complain from the judgment condemning him to a fine before the court that rendered the judgment.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION THREE: WITNESSES AND OTHER EVIDENCES

Article (175)

In case the witness submitted as an excuse his illness or any other excuse preventing him from appearing to give his testimony, the court shall go to him and hear his testimony after informing the public prosecution and the other parties. The parties may attend in person or through their attorneys and address the questions to the witness that they deem necessary.

Should the court, after displacing itself, find out that the excuse was fake, it may condemn the witness to detention for a period not exceeding three months or to a fine not in excess of two thousands Dirhams.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION THREE: WITNESSES AND OTHER EVIDENCES

Article (176)

The provisions of [Article 91 of this Law](#) shall apply as concerns the witnesses.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION THREE: WITNESSES AND OTHER EVIDENCES

Article (177)

In case it was impossible to hear the witness for whatever reason, the court may decide the recital of the testimony made in the preliminary investigation or in the report, concerning the collection of evidence, or after giving oath according to [Article 40 of this Law](#).

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION THREE: WITNESSES AND OTHER EVIDENCES

Article (178)

Should the witness state that he does not remember one of the facts, it is possible to recite from the investigation or from his statements in the report concerning the collection of evidence the part relating to this fact.

This shall be the case where his testimony in the hearing is in contradiction to his previous statements.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION THREE: WITNESSES AND OTHER EVIDENCES

Article (179)

The court shall order, even ex officio, during hearing the action submitting any evidence that it deemed necessary for clarifying the truth.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION THREE: WITNESSES AND OTHER EVIDENCES

Article (180)

The court, either ex officio or upon the litigants' request, shall appoint one or more expert in the action and if necessary, it shall appoint a committee of experts whose number must be odd.

The court shall order ex officio notifying the experts for discussing with them what is mentioned in the reports submitted from them in the initial investigation or before the court and it shall perform such if the litigants asked so.

If it is difficult to investigate evidence before the court, it may transfer for investigating such.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION FOUR: THE ANCILLARY ACTION OF FORGERY

Article (181)

In any case of the litigation, the public prosecution and the rest of the litigants shall be entitled to appeal of forgery in any of the case papers submitted in the action.

The appeal shall be made with a report in the session minute. Such minute should mention, in the paper appealed of forgery, the forgery position and evidences.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION FOUR: THE ANCILLARY ACTION OF FORGERY

Article (182)

Should the court examining the action deem that the decision to be taken is dependent on the challenged paper and there is a reason to proceed with the verification of the evidence to such forgery, it has to refer the papers to the public prosecution and stay the action until a decision is reached in the forgery by the competent authority. It may also, if the decision to be taken concerning the forgery is within its jurisdiction, the court may investigate the challenge and take its decision as to the validity of this paper.

The court may condemn the party claiming forgery to a fine not exceeding one thousand Dirhams in case a judgment or a decision is rendered rebutting the claim of forgery.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION FOUR: THE ANCILLARY ACTION OF FORGERY

Article (183)

In case the judgment confirms the existence of forgery in all or part of an official paper, the court that rendered the judgment shall order the cancellation of the forged paper or its correction, as the case may be, and a report shall be drawn up and mention this on the forged paper.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION FIVE: THE ACCUSED SUFFERING OF A MENTAL HANDICAP OR A PSYCHIC DISORDER

Article (184)

If it is necessary to check the accused mental and psychological case, the public prosecution president may during the investigation or the court before which the litigation is heard may put the accused if he is provisionally imprisoned under observation in a treatment resort specialized for this purpose for following periods provided that each period shall not be less than fifteen days and the total of such shall not be more than forty five days. If the public prosecution does not complete the investigation procedures with the accused and the matter requires increasing the period of the provisional imprisonment, the public prosecution president must refer such matter to the competent court for issuing the resolution of continuing the provisional imprisonment for a certain period or releasing the accused.

If the accused is not provisionally imprisoned, the public prosecution president or the competent court may order putting the accused under observation in any other place.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION FIVE: THE ACCUSED SUFFERING OF A MENTAL HANDICAP OR A PSYCHIC DISORDER

Article (185)

If it is established that the accused is unable to defend him due to a condition of lunacy, brain disorder or weakness or a serious psychic disease occurring after the perpetration of the crime, the action or the trial shall be stayed until recovery from this condition.

The accused shall, in this case, be put in a treatment asylum by order of the public prosecution or the court examining the action, as the case may be.

The stay of the action shall not prevent taking the investigation measures deemed urgent and necessary.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION FIVE: THE ACCUSED SUFFERING OF A MENTAL HANDICAP OR A PSYCHIC DISORDER

Article (186)

The period spent by the accused in the treatment asylum, under the two preceding articles, shall be deducted from the penalty or the measures to which he is condemned.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION FIVE: THE ACCUSED SUFFERING OF A MENTAL HANDICAP OR A PSYCHIC DISORDER

Article (187)

If an order is issued that there is no reason for filing the action or the accused is proved innocent because of a case of insanity or a mental disorder or weakness or a gross psychological illness, the body that issues the order or the judgment, shall order depositing the accused at a treatment resort until it decides releasing him after reviewing the report of the body at which the accused is deposited and hearing the public prosecution sayings in cases when the order is not issued from it and after making sure that the accused recovers his senses.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER ONE: GENERAL PROVISIONS

SECTION SIX: PROTECTION OF UNDER AGED AND IMBECILE VICTIMS

Article (188)

When necessary, in every case committed against a young who does not reach fifteen years old, the young may be ordered to be delivered to an entrusted person who shall be committed to keep and care for him or to a care body approved by the Ministry of Labour and Social Affairs until the action is adjudicated.

In all cases, an order of such shall be issued from the competent court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER TWO: SPECIAL PROCEDURES FOR THE MISDEMEANORS AND MINOR OFFENSES COURTS

Article (189)

In case the party legally summoned to appear on the day shown in the summons paper and does not send an attorney, in case he is allowed to be represented, the court shall judge him in absentia.

Should the action be lodged against several persons for the same act and some have appeared before the court to the exclusion of the others, the court must adjourn the action to a second hearing in order to notify those who did not show. The judgment shall be considered rendered in their presence for all of them.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER TWO: SPECIAL PROCEDURES FOR THE MISDEMEANORS AND MINOR OFFENSES COURTS

Article (190)

The judgment shall be considered rendered in the presence of all who attended the hearing upon roll call of the action even if he left the court room afterwards or was absent at the hearings to which the action was adjourned.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER TWO: SPECIAL PROCEDURES FOR THE MISDEMEANORS AND MINOR OFFENSES COURTS

Article (191)

In the above instances where the judgment is considered as rendered in the presence of the parties, the court has to investigate the case brought before it as if the accused is present.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (192)

In each first instance court, shall be formed one or more Chamber for felonies composed of three of its judges.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (193)

The jurisdiction of the Criminal Court of Felonies shall include the territorial scope for the jurisdiction of the first degree courts at the seat of this court, and it may hold its hearings at any other place within its jurisdiction.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (194)

The attorney deputized by the accused or his representative should defend him in the session, otherwise, he shall be judged with a fine not exceeding one thousand dirham without violating the disciplinary trial if necessary.

The issued judgment of the fine shall be final.

The court may exempt him from the fine if it is proved that he has a reasonable reason that prevented him from attending the session personally or from deputizing another one.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (195)

The assigned attorney - at - law may request the assessment of his fees on the public Treasury and the court shall assess these fees taking into consideration what has already been assessed to him in consideration of his efforts. This assessment may not be challenged by any means.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (196)

The President of the Court examining felonies has, upon receiving the case file, to transmit it to the members of the court and order to notify the accused and the witnesses of the day he fixed to examine the case. The public prosecution shall summon them to be present.

Should there be serious reasons for the adjournment of the case, it should be adjourned to a fixed date.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (197)

The court examining felonies shall order, in all instances, to arrest the accused and have him brought, as it may order the provisional detention thereof, and the release thereof on personal or pecuniary bail, or without bail for the provisionally detained accused

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (198)

Should the accused of a felony fail to attend the hearing, after his legal notification of the writ of referral and the subpoena, the court may render its judgment in absentia as it may adjourn the action and order his summoning once more?

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (199)

Every condemnation judgment rendered in absentia shall necessarily entail depriving him from disposing of, or administering, his properties or file any action in his name. Every act of disposition or undertaking done by the condemned person shall be void.

The court of first instance, in whose jurisdiction the properties of the condemned are located, shall appoint a guardian to administer them, upon request of the public prosecution or any interested person. The court shall obligate the appointed guardian to submit a guarantee and the latter shall be answerable to the court in all what relates to the guardianship and to the accounts he is bound to submit.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (200)

In case the accused is residing outside the country, the referral order and the subpoena shall be notified to him at his residence, if known, one month prior to the hearing fixed for the examination of the action to which shall be added the distance period. Judgment may be rendered in his absence if he fails to appear subsequent to his notification.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (201)

The referral order shall be recited in the hearing and shall be followed by all the papers evidencing that the absentee has been notified, after which the public prosecution and the other parties shall state their claims and the court shall, if necessary, hear the witnesses and then decide the case.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (202)

As soon as rendered, the judgment given in absentia shall be executed as concerns all executable penalties and measures and the damages. In this case, the party claiming damages has to submit a personal or pecuniary guarantee, unless otherwise mentioned in the judgment, and the guarantee has to be refunded after two years from the time the judgment is rendered.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (203)

Should the convicted condemned in absentia appear before the court or if he has been arrested, the judgment be forfeited, whether as concerns the penalty, the measures or the damages and the action shall be re-examined by the court. If the previous judgment for damages has been executed, the court may order the refund of the amount collected in whole or in part.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE TWO: TRIAL PROCEDURES

CHAPTER THREE: SPECIAL PROCEDURES FOR THE CRIMINAL COURT OF FELONIES

Article (204)

The absence of a party shall not delay adjudicating the action as concerns the other accused with him. In case the accused of a misdemeanour, brought before the court examining felonies, absents him, the procedures in force before the misdemeanours court shall be applied.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE THREE: NON JURISDICTION OF THE JUDGE TO EXAMINE THE CASE, HIS CHALLENGE AND WITHDRAWAL

Article (205)

Provisions and procedures provided for in the [Civil Procedural Law](#) shall be followed in cases of non jurisdiction of the judge to examine the case, his challenge and withdrawal ; with due observance of the provisions of the two following articles :

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE THREE: NON JURISDICTION OF THE JUDGE TO EXAMINE THE CASE, HIS CHALLENGE AND WITHDRAWAL

Article (206)

Without prejudice to the provisions of [Article 163](#), a judge is prohibited to examine the action if the crime has been perpetrated on him personally or if he assumed in the case the functions of the judiciary police, the public prosecution, the defence attorney for a party, has given his testimony or has performed an act of expertise.

He is also prohibited to participate in adjudicating the appeal in case the challenged judgment has been rendered by him.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE THREE: NON JURISDICTION OF THE JUDGE TO EXAMINE THE CASE, HIS CHALLENGE AND WITHDRAWAL

Article (207)

Parties to litigation may challenge the judge in the instances provided for in the [preceding article](#) and in all challenge cases stated in the Law on Civil Procedures.

Members of the public prosecution and of the judiciary police may not be challenged.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (208)

The court is not bound to follow what is written in the preliminary investigation or the collection of evidence reports unless there is a law providing for the contrary.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (209)

The judge shall decide the case according to his personal conviction; however he may not base his judgment on evidence that was not submitted by the parties during the hearings.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (210)

The judgment shall be rendered in an open court hearing even if the action was examined in closed chambers and it must be recorded in the minutes and signed by the president of the court and the clerk.

The court may order taking all necessary measures to prevent the accused from leaving the court room before pronouncing the sentence, or to ensure his presence in the hearing to which is adjourned the judgment, even if this necessitates ordering his detention if the act allows detention under remand.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (211)

Should the act be not established or if the law does not punish it, the court shall declare the accused innocent and shall be released in case he is detained for this act alone.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (212)

If the act is established and constitutes a punishable one, the court shall order to apply the penalty as prescribed by law.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (213)

The court may not condemn the accused for an act other than that mentioned in the referral order or the subpoena, as it may not condemn a person other than the accused against whom the action is brought.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (214)

The court, in its judgment, may change the legal characterization of the act imputed to the accused and it may amend the charge as it deems appropriate according to what the investigation or the oral pleadings may reveal.

The court must draw the attention of the accused to this change and allow him a respite to prepare his defence in accordance with the new characterization or amendment, if he so asks.

The court may also correct any material mistake and remedy any omission in the text of the accusation as mentioned in the referral order or the subpoena.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (215)

The minutes of the hearings and the judgment complete each other as regards the trial procedures and the statements shown in the reasons adduced for the verdict.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (216)

The judgment must include the reasons on which it is based and each incriminating judgment must include description of the punishable act, the circumstances surrounding its perpetration and refer to the provisions of the law according to which the judgment was rendered.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (217)

The court must decide the merits of the claims submitted by the parties and mention the grounds on which the decision is based.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (218)

The president shall collect all opinions starting with the most recently nominated judge then he gives his opinion and the sentence shall be rendered by a majority opinion except death sentences which requires unanimity and, if not reached, the death penalty shall be substituted by life imprisonment.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER ONE: ISSUANCE OF THE SENTENCE

Article (219)

Upon pronouncing the sentence, the court must deposit with the clerks' office the first authentic copy of the judgment, comprising the reasoning, signed the soonest by the court president and the clerk.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FOUR: THE SENTENCE

CHAPTER TWO: CORRECTION AND AMENDMENT OF THE SENTENCE

Article (220)

Should a material mistake occur in a judgment or decision that does not entail nullity, the body of judges that rendered the judgment or issued the decision shall correct this mistake de jure, or upon request of one of the parties, after summoning them to be present.

Correction shall take place without pleadings, after hearing the statements of the parties, and it shall be annotated in the margin of the judgment or decision.

The same procedure shall be followed for the correction of the name or surname of the accused.

The decision ordering the correction may be challenged, if the body that issued it has gone beyond its powers to correct, by all means of challenging a judgment or a decision subject to correction.

The decision rejecting correction may not be challenged separately.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FIVE: VOIDANCE

Article (221)

The procedure is void if the law expressly provides for its voidance or if defective to the extent that the procedure did not reach its objective.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FIVE: VOIDANCE

Article (222)

Should voidance be due to the violation of the law provisions relating to the formation of the court, its attributions or its jurisdiction as to the nature of the crime submitted to it or for other reasons relating to public policy, it may be raised at any stage of the trial and the court shall decide this plea even without request therefore.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FIVE: VOIDANCE

Article (223)

With the exception of cases of voidance other than those related to public policy, none may avail himself of the plea of voidance except the one that such voidance has been prescribed in his interest, unless he was the cause for such voidance.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FIVE: VOIDANCE

Article (224)

Voidance shall not be decided despite that it is provided for, if it is established that the objective was reached

through the form or the statement requested.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FIVE: VOIDANCE

Article (225)

Nullity shall be forfeited if it has been expressly or impliedly relinquished by the one in whose interest it was provided for, except in instances where nullity is connected to public policy.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FIVE: VOIDANCE

Article (226)

If the accused attended the hearing in person or through an attorney, he is not entitled to invoke nullity of the summons but he may ask for its correction or remedy to any omission in it and be granted a delay to prepare his defence before the examination of the action. The court has to grant him what he applied for.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FIVE: VOIDANCE

Article (227)

The void procedure may be renewed by a valid one, even after raising the plea of nullity, provided this is done within the period prescribed by law for performing such procedure. In case there is no period prescribed by law, the court shall fix an adequate period for its renewal which procedure shall not be taken into consideration except as of the date of his renewal.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE FIVE: VOIDANCE

Article (228)

The voidance of the procedure shall entail the voidance of all preceding procedures and the following ones, if not based on it.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER ONE: OPPOSITION

Article (229)

Each one of the sentenced person and the responsible for civil rights shall be entitled to appeal with opposition in the default judgment issued in misdemeanour and violations during seven days from the notification of the judgment through a report in the penal department that issued the judgment. Such report shall state the date of the session determined for hearing the opposition. This shall be considered a notification of such even if the report is from the attorney. The opposition shall result in rehearing the action for the opposed before the court that issued the default judgment. The opposed may not be harmed from his opposition. If the opposed does not attend the first session determined for hearing the action, the opposition shall be null and the opposition of the opposed in the judgment issued by default shall not be accepted.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (230)

Each of the accused and the public prosecution may appeal the judgments rendered by the criminal courts of first degree.

The appeal shall not result in staying the execution of the appealed judgment unless otherwise decided by the court that rendered it, under the conditions set forth by this court.

The judgment pronouncing the death sentence is considered de jure appealed and its execution stayed.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (231)

Crimes connected to each other in such a way as to form one non severable entity may be appealed even if the appeal is not allowed except to some of these crimes.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (232)

Interlocutory judgments may not be appealed unless they serve as a basis for preventing to proceed with the action.

Appealing the judgment rendered on the merits of the case shall inevitably result in appealing all those judgments. Nevertheless, all non jurisdiction judgments may be appealed.

Judgments confirming jurisdiction may be appealed in case the court is not competent to settle the subject matter of the action.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (233)

The party claiming damages, the responsible for these damages, the insurer and the accused may appeal the judgments rendered in the civil disputes by the civil court, only as concerns the civil right to these damages, if the claimed damages are beyond the limits of the amounts which the judge may finally adjudge, if the judgment is void or has been affected by the nullity of the procedures.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (234)

The appeal shall be made with a report in the penal department during fifteen days from date of pronouncing the judgment in presence or from date of judgment sued I the opposition.

If the sentenced person is in the prison, he may submit the report of his appeal to the prison commissioner who should send such report immediately to the penal department.

If the sentenced person is guaranteed, the appeal court may release him with a commitment or any other guarantee according to the court estimation till adjudicating the appeal.

The public prosecutor shall be entitled to appeal during thirty days from date of judgment issuance.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (235)

As concerns the party who has been sentenced in absentia, judgments considered as issued in his presence according to [articles 189](#) and [190](#), the period of appeal shall run as of the date of his notification thereof.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (236)

The penal department shall determine for the appellant in the appeal report the session date determined from hearing the appeal. This shall be considered a notification of the session even if the report is from the attorney. The public prosecution shall notify the other litigants of the determined session.

If the accused is imprisoned, the public prosecution should transform him at the suitable time to the penal establishment where the appeal court exists. The appeal court shall adjudicate the appeal urgently.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (237)

The court shall listen to the statements of the appellant and the counts on which are based the appeal, then the other parties shall make their statements and the accused shall be the last one to speak. The court shall, then, render its judgment after perusing the papers.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (238)

The appeal filed by the convicted condemned to a penalty restricting his freedom shall be forfeited if it is not submitted for execution prior to the hearing set for the examination of the appeal.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (239)

The court of appeal shall hear by itself the witnesses who should have been listened to before the court of first instance court and shall remedy to any other shortage in the investigation procedures.

It may, in all circumstances, order to complete whatever investigation, or listening to witnesses as it deems appropriate. Serving a subpoena to any witness may not be done unless the court so orders.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (240)

The appeal court, in an appeal filed from the public prosecution if it finds that the sentenced action as a misdemeanour is considered a felony, shall judge with cancelling the judgment and the non jurisdiction of the court of first instance and returning the case to the public prosecution to take whatever necessary.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (241)

If the appeal is filed from the public prosecution, the court shall support, cancel or amend the appealed

judgment, either against the accused or for his interest provided that the judgment is of innocence may only be judged unanimously.

If the appeal is filed from a body other than the public prosecution, the court should support, cancel or amend the judgment only for the appellant interest. What is decided before the court of first instance shall be followed in the judgments by default and opposition in such before the appeal court.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (242)

Should the first degree court judge the merits of the case and the court of appeal deems that there is a nullity in the judgment or in the procedures affecting, it shall decree its cancellation and re - judge the case.

However, if the court of first instance decided its non jurisdiction or accepted a corollary plea entailing stay of the action's progress and if the court of appeal decides to cancel the judgment and declare the jurisdiction of the court, or to reject the ancillary plea and examine the case, it must return the case to the first instance court and the public prosecution has to notify this to the absent parties.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER TWO: APPEAL

Article (243)

In case the judgment allowing damages has been provisionally executed on these damages, they have to be returned upon the cancellation judgment.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER THREE: CASSATION

Article (244)

Each one of the public prosecution, the sentenced person, the person responsible for civil rights, the civil defendants and the insurer shall be entitled to appeal with cassation in the final judgments issued from the appeal court in a misdemeanour or a felony in the following cases:

- 1- If the appealed judgment is based on violating the law or a fault in applying or explaining the law.
- 2- If voidness occurs in the judgment or in the procedures that affects the judgment.
- 3- If the court judged in the civil claim with what exceeds the litigant's request.
- 4- If the appealed judgment is free from reasons or if reasons are insufficient or vague.
- 5- If two contradicting judgments are issued in the same case.

The appellant shall prove with all means that the procedures have been neglected and violated, if such is not mentioned in the session minute or the appealed judgment; but if it is mentioned in any of the aforementioned that they are followed, proving that they are not followed may only be through appeal with forgery.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER THREE: CASSATION

Article (245)

The challenge shall consist of a report embodying the reasons therefore to be deposited with the clerks' office of the court, to which the challenge is lodged, within thirty days as of the date of issue of the judgment, unless it is considered rendered in the presence of the parties then this period shall start from the date of its notification. The challenge shall be entered in the register kept for this purpose.

If the challenge is filed by the public prosecution, the reasons thereof must be signed, at least, by a Head of the prosecution department and if filed by someone else, the reasons should be signed by an Attorney - at - Law admitted to exercise before the court.

The court clerks' office shall notify the respondent a copy of the challenge within a period not exceeding eight days from the date of recording the challenge in the ad hoc register and the respondent has to deposit with the court clerks' office a memorandum including the answer to the challenge, within eight days as of its notification to him.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER THREE: CASSATION

Article (246)

No other counts of challenge may be raised before the court in the appeal for cassation except those previously stated within the period prescribed for the challenge.

Nonetheless, the court may, of its own motion, quash the judgment in favour of the accused if it notices from what is established by the papers that the challenged judgment is based on a violation relating to public policy, a violation of the law, a misapplication or a misinterpretation thereof, that the court that rendered it is not legally formed or the dispute was not among the disputes that it has the power to settle or if, subsequent to the challenged judgment, a law was enacted, more favourable to the accused and applicable to the case.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER THREE: CASSATION

Article (247)

In case the challenge was not filed by the public prosecution or the party condemned to a death penalty or one that restricts his freedom, it is accepted only if the appellant deposits with the court treasury, as guarantee, an amount of one thousand Dirhams.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER THREE: CASSATION

Article (248)

The court clerk's office has to ask for joining of the case file, which judgment is challenged, within three days as of filing the pleading in cassation and the clerks' office of the court that rendered the challenged judgment has to remit the case file within six days at most as of the receipt of the application asking for the file.

The court, after deliberation and without pleadings, and after reciting the report prepared by of its members, shall render its judgment and it may listen to the statement of the public prosecution and the Attorneys of the parties or the parties themselves, if it deems it necessary.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER THREE: CASSATION

Article (249)

If appeal is not made as per the conditions decided in [article \(245\)](#), the court shall judge with refusing the appeal. If the court accepts the appeal and the subject is valid for judgment or if the appeal is for the second time, it shall be responsible for adjudicating such and shall also complete the necessary procedures. In cases other than the aforementioned, the court shall judge with cassation of all or part of the judgment and shall refer the action to the court that issued the judgment for hearing the action before a department composed of other judges or refer the action to the competent court fro re-judging the litigation. The court to which the litigation is referred shall be committed to the cassation judgment in the adjudicated points.

The [second paragraph of the present article](#) shall be applied to the cassated judgments based on the [second paragraph of article \(246\)](#).

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER THREE: CASSATION

Article (250)

In case the reasons of the challenged judgment include a mistake in law or in mentioning the applicable law provisions, the judgment may not be quashed as long as the adjudicated penalty is prescribed by law for the crime and the court shall correct the occurring mistake.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER THREE: CASSATION

Article (251)

The judgment shall be quashed only as concerns the counts on which were based the appeal in cassation unless the fractioning thereof is not possible. If the challenge is not lodged by the public prosecution, the judgment shall be quashed only as regards the challenger unless the counts on which the challenge in cassation was based have a relation to other accused then the judgment shall be quashed in their respect even if they did not submit a challenge.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER THREE: CASSATION

Article (252)

Should the challenged judgment decide to accept a plea in law staying the action and the court quashed it and referred back the case to the court that rendered it to review the merits of the case; the said court may not render a decision in contradiction to that rendered by the judgment in cassation.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER THREE: CASSATION

Article (253)

Without prejudice to the above provisions, the judgment ordering the death penalty shall be considered challenged in cassation and its execution stayed until the settlement of the challenge. The clerks' office of the appellate court that rendered the judgment has to transmit the case file to the clerks' office of the court, before which the challenge is filed, within three days as of the date of its issue.

The public prosecution has to deposit with the clerks' office of the court, within twenty days from the date of rendering the judgment, a memorandum of its opinion in it and commission to the condemned party a lawyer to defend him. The court shall adjudge the challenge in accordance with [paragraph two of Article 246](#) and

[paragraph two of Article 249.](#)

Status: Law in force

CRIMINAL PROCEDURAL LAW
BOOK THREE: THE COURTS
TITLE SIX: CHALLENGE OF THE JUDGMENTS
CHAPTER THREE: CASSATION

Article (254)

Should the court examining the challenge decide the non acceptance of the challenge or its rejection, in whole or in part, or is not admitted for examination, it shall condemn the challenger to the adequate expenses in addition to the confiscation of the deposit made in guarantee, in whole or in part as the circumstances may require.

Should the court deem the challenge vexatious, it shall decide the payment of damages to the harassed party in case he so claims.

Status: Law in force

CRIMINAL PROCEDURAL LAW
BOOK THREE: THE COURTS
TITLE SIX: CHALLENGE OF THE JUDGMENTS
CHAPTER THREE: CASSATION

Article (255)

In case the quashing of the judgment is ordered upon request of one of the parties, other than the public prosecution, he shall not be prejudiced as a result thereof.

Status: Law in force

CRIMINAL PROCEDURAL LAW
BOOK THREE: THE COURTS
TITLE SIX: CHALLENGE OF THE JUDGMENTS
CHAPTER THREE: CASSATION

Article (256)

The public prosecutor shall, directly or upon a written request of the minister of Justice, challenge in cassation, in favour of the Law, the final judgments, regardless of the court that rendered it, in case the challenge is based on a violation, misapplication or misinterpretation of the law, in the following two instances:

1 - Judgments which the law does not allow the parties to challenge.

2 - Judgments in which the parties have allowed the time limit set for challenge to expire, have relinquished their right to challenge or have filed one but it was not accepted.

This appeal in cassation shall be lodged by way of a pleading signed by the public prosecutor and the court shall examine the challenge after having summoned the opposing parties. The judgment in the challenge shall have no effect unless it is rendered in favour of the condemned party or the party liable to pay the damages.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER FOUR: REVIEW

Article (257)

Final judgments inflicting a penalty or a measure may be subject to review in the following instances:

1 - If the accused is condemned in a crime of murder and the victim was found alive.

2 - If a person was condemned for an act then another person was condemned for the same act and the two judgments were contradictory resulting in that one of the condemned is innocent.

3 - Where one of the witnesses or experts is condemned to the penalty of perjury or of forging a paper produced as an exhibit during the examination of the case, if the testimony, the report or the paper has a bearing on the judgment.

4 - In case the judgment is based on another judgment, rendered by one of the civil or personal status division, which was cancelled.

5 - Should facts occur or be revealed after judgment or if papers were submitted that were unknown to the court during trial and these facts or papers establish the innocence of the condemned.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER FOUR: REVIEW

Article (258)

In the first four instances mentioned in the [preceding article](#), each of the public prosecutor or the condemned, or his legal representative, if incapacitated, absent or one of his relatives or spouse subsequent to his death, are entitled to ask for review.

Should the applicant be someone else than the public prosecution, he has to submit his request to the public prosecution by way of a pleading stating the judgment to be reviewed, the justification it was based upon to which he shall attach the supporting documents.

The public prosecutor, whether the application is submitted by him or by others, shall submit the application together with the investigations that he may have made to the criminal cassation division through a report stating his opinion and the reasons on which he based himself.

The request should be filed with the court within three months following its presentation.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER FOUR: REVIEW

Article (259)

The request for review, in the case provided for in [clause 5 of Article 257](#) is exclusively reserved for the public prosecutor, whether directly or upon request of the concerned persons. Should he be convinced that there is a reason for it, he shall refer it to the criminal cassation division stating in the request the fact or the paper on which he based himself.

The mentioned division shall decide upon this request after perusing the papers and completing whatever investigation deemed necessary, in conformity with the procedures prescribed for the examination of an appeal in cassation in criminal matters.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER FOUR: REVIEW

Article (260)

The public prosecution shall notify the parties of the hearing that will be fixed for the examination of the request before the criminal cassation division, three days at least prior to the date fixed for holding it.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER FOUR: REVIEW

Article (261)

The criminal cassation division shall decide upon the request after hearing the statement of the public prosecution and the parties and after taking the investigation measures it deems necessary in accordance with the procedures prescribed for the appeal in cassation. Should it decide the acceptance the request, it shall order the cancellation of the judgment and declare the condemned not guilty, if his innocence is apparent, otherwise it shall refer the case to the court that has rendered the judgment, unless the said criminal division deems that it should be examined before a division composed of other judges or be referred to the competent court for review. The court to which the case is referred shall be bound to follow the cassation decision as to the points settled by it.

However, if the review is not made possible, i.e. in case of death of the condemned, his incapacity due to lunacy, mental disorder or weakness or serious psychic disease, the criminal cassation division shall examine the case.

The said division shall cancel of the judgment only the part where the mistake occurred.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER FOUR: REVIEW

Article (262)

The request for review shall not cause the stay of execution except in case of a death sentence. In other cases, the court may order the stay of execution in its decision accepting the request in review.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER FOUR: REVIEW

Article (263)

Every judgment declaring the condemned innocent subsequent to a request for review must be published, on the government's expense, in the Official Gazette and in two papers indicated by the person concerned.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER FOUR: REVIEW

Article (264)

The cancellation of the challenged judgment shall entail the forfeiture of the judgment allowing damages and creates an obligation to refund the executed part of it.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER FOUR: REVIEW

Article (265)

Should the condemned claim damages for the prejudice sustained as a result of the judgment deciding its cancellation, the court may adjudicate it to him in the judgment declaring his innocence.

If the condemned is dead when reviewing the judgment rendered against him, the right to claim damages shall devolve to his rightful heirs.

Damages may be claimed at any stage of the judgment review.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER FOUR: REVIEW

Article (266)

Judgments rendered on the merits of the case, upon review from other than the criminal cassation division, may be challenged by all means of challenge prescribed by law.

The accused may not be condemned to a more severe penalty or measures to which he was previously condemned.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SIX: CHALLENGE OF THE JUDGMENTS

CHAPTER FOUR: REVIEW

Article (267)

In case the request for review is turned down, it may not be renewed on the same facts on which it was based.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SEVEN: RES JUDICATA

Article (268)

As concerns the accused, the action raised against him and the facts imputed to him, the criminal action is extinguished by the issue of a decisive judgment declaring him innocent or guilty.

If a judgment is rendered in the criminal action, it may not be reviewed except by way of challenging the judgment through the means prescribed by law.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SEVEN: RES JUDICATA

Article (269)

The conclusive criminal judgment rendered on the merits of a criminal action declaring innocence or guilt has res judicata and is binding on the civil courts, in cases not yet settled by a conclusive judgment, as concerns the perpetration of the crime, its legal characterization and in its imputation to its perpetrator. The judgment declaring innocence has the same res judicata, whether based on the negation of the charge or lack of sufficient proof, but not if grounded on basis that the fact is not penalized by law.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SEVEN: RES JUDICATA

Article (270)

Judgments rendered in civil matters have no res judicata before the criminal courts as concerns the perpetration of the crime and its imputation to the perpetrator.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK THREE: THE COURTS

TITLE SEVEN: RES JUDICATA

Article (271)

Judgments rendered in personal status matters shall have res judicata before the criminal courts in matters of which depend on the settlement of the criminal action.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE ONE: GENERAL PROVISIONS

CHAPTER ONE: EXECUTORY JUDGMENTS

Article (272)

The public prosecution is entrusted with the execution of all judgments rendered in criminal actions brought before the courts and, when necessary it may directly seek the assistance of the public authority.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE ONE: GENERAL PROVISIONS

CHAPTER ONE: EXECUTORY JUDGMENTS

Article (273)

With due observance of the provisions of [Book One of the Penal Law no. 3 of 1987](#) # penalties or measures provided for therein or in any other law may not be substituted or modified when adjudicating or executing it.

Application and execution thereof shall be as stated in this Law.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE ONE: GENERAL PROVISIONS

CHAPTER ONE: EXECUTORY JUDGMENTS

Article (274)

Judgments rendered in crimes against dogma and reprovved behaviour is not susceptible of summary execution.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE ONE: GENERAL PROVISIONS

CHAPTER ONE: EXECUTORY JUDGMENTS

Article (275)

The detained on remand shall immediately be released if the judgment declares innocence, orders taking measures that does not restrict freedom, a penalty whose execution does not require detention, orders stay of execution of the penalty or if the accused has been detained on remand for the total adjudicated period of the penalty or the measure.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE TWO: EXECUTION OF THE DEATH SENTENCE

Article (282)

The person condemned to death shall be put in one of the penitentiaries upon an order issued by the public prosecution until the sentence is executed on him.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE TWO: EXECUTION OF THE DEATH SENTENCE

Article (283)

Should the judgment rendered by a Federal court become conclusive, the case papers must be submitted through the minister of Justice to the State President for ratification.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE TWO: EXECUTION OF THE DEATH SENTENCE

Article (284)

The relatives of the condemned to the death penalty may meet him the day fixed for the execution of the judgment provided it is far from the place of execution.

If the condemned asks to meet the preacher of the penitentiary, or a religious member of his religion, prior to the execution of the sentence, all necessary facilities should be provided in order to make this possible.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE TWO: EXECUTION OF THE DEATH SENTENCE

Article (285)

The death penalty shall be executed inside the penitentiary or in any other place upon a written request of the public prosecutor in which he specifies the necessity of fulfilling the procedure provided for in [Article 287](#).

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE TWO: EXECUTION OF THE DEATH SENTENCE

Article (286)

The execution shall be in the attendance of one of the public prosecution members, a delegate from the Ministry of Interior, the responsible for managing the penal establishment, and its doctor or another doctor deputized by the public prosecution.

The relatives in killing for retaliation shall have the right to attend the execution procedures and the public prosecution shall notify them of such before thirty days from the determined date of the execution.

Persons other than the aforementioned may not attend the execution unless with a private permission from the public prosecution. The sentenced person's attorney shall always be permitted to attend.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE TWO: EXECUTION OF THE DEATH SENTENCE

Article (287)

The person in charge of the administration of the penitentiary shall recite, in the place of execution and in audible voice, the conclusive part of the sentence imposing the death penalty and the charge on basis of which the judgment was rendered. Should the condemned wish to speak, the public prosecution member shall draft a report thereof.

Upon termination of the execution, the public prosecution member shall draw up the relevant report in which he shall record the doctor's certificate attesting death and the hour of its occurrence.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE TWO: EXECUTION OF THE DEATH SENTENCE

Article (288)

Death penalty may not be executed during official holidays or religious feasts relative to the religion of the condemned person.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE TWO: EXECUTION OF THE DEATH SENTENCE

Article (289)

The death sentence on a pregnant woman shall be adjourned until delivery and suckling her newborn for two Hegira years during which she will be detained until the time fixed for execution.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE THREE: EXECUTION OF PENALTIES RESTRICTING FREEDOM

Article (290)

Judgments ordering penalties restricting freedom shall be executed in the appropriate penitentiary upon an order to be issued by the public prosecution.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE THREE: EXECUTION OF PENALTIES RESTRICTING FREEDOM

Article (291)

The day of commencement of execution on the condemned convict shall be counted within the period of the penalty and he shall be released on the day following the expiry of the penalty at he at the time fixed for the release of the prisoners.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE THREE: EXECUTION OF PENALTIES RESTRICTING FREEDOM

Article (292)

The period of the penalty restricting freedom shall start the day the condemned was arrested, in implementation of the executory judgment, taking into consideration its reduction by the period of detention on remand and the period of arrest.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE THREE: EXECUTION OF PENALTIES RESTRICTING FREEDOM

Article (293)

If the accused was found by the court not guilty of the crime for which he was detained on remand, or if an order of nonsuit is issued, the period of detention on remand shall be deducted from the adjudicated period in any criminal offence he may have perpetrated during or prior to the detention on remand.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE THREE: EXECUTION OF PENALTIES RESTRICTING FREEDOM

Article (294)

In case of multiple penalties restricting freedom inflicted by judgment on the accused, the period of detention on remand as well as the period of arrest shall be deducted first from the less severe penalty.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE THREE: EXECUTION OF PENALTIES RESTRICTING FREEDOM

Article (295)

If the condemned woman, for a penalty restricting freedom, is pregnant, execution of the sentence may be adjourned until delivery and three months thereafter.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE THREE: EXECUTION OF PENALTIES RESTRICTING FREEDOM

Article (296)

Where the condemned to a penalty restricting freedom has a disease which by itself, or because of the execution, threatens his life, the execution of the penalty may be adjourned.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE THREE: EXECUTION OF PENALTIES RESTRICTING FREEDOM

Article (297)

If the condemned to a penalty restricting freedom suffers lunacy, disruption or diminution of his mental capacity or a serious psychic disease causing absolute loss of his ability to control his acts, the execution of the penalty must be adjourned until his recovery and he shall be put in a treatment asylum and the period spent in it shall be deducted from the period of the adjudicated penalty.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE THREE: EXECUTION OF PENALTIES RESTRICTING FREEDOM

Article (298)

If a man and his wife are condemned to a penalty restricting freedom, the execution of the penalty on one of them may be delayed until the release of the other should they be in charge of a youngster who has not reached fifteen years of age and provided they have a known place of residence in the State.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE THREE: EXECUTION OF PENALTIES RESTRICTING FREEDOM

Article (299)

The postponement of the execution of the penalty restricting freedom in accordance with the preceding articles, shall be by order of the Head of the prosecution department, whether directly or upon request of the concerned persons, and he may order taking any precautionary measure deemed necessary to prevent the condemned from escape.

In instances other than those mentioned in the preceding articles, the adjournment of execution may exclusively be upon an order of the public prosecutor, in cases where the provisions of the Shari'a so require and the order shall specify the period of adjournment and the measures taken to prevent the condemned from escaping.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE THREE: EXECUTION OF PENALTIES RESTRICTING FREEDOM

Article (300)

Should there be a variety of penalties restricting freedom, execution shall commence with the most severe one.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FOUR: IMPLEMENTATION OF THE MEASURES

Article (301)

In instances other than those specified by law, the detained convict may not be released prior to serving the penalty period.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FOUR: IMPLEMENTATION OF THE MEASURES

Article (302)

Every condemned to a penalty restricting freedom may be conditionally released provided he fulfils the conditions provided for in the law on penitentiaries.

The conditionally released person shall be subject, during the balance of the penalty period, to the conditions specified in the law on penitentiaries.

Conditional release may be cancelled upon request of the public prosecution should the released person violate the restrictions specified in the above paragraph.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FOUR: IMPLEMENTATION OF THE MEASURES

Article (303)

Execution of the judgments ordering detention in one of the labour institutions or in a treatment asylum shall be in the places habilitated for the purpose.

Detention of the condemned shall be upon an order from the public prosecution.

Detention in a treatment asylum shall be governed by the provision of [Article 297](#).

Detention in one of the labour institutions shall be governed by the provisions of [Articles 295](#) and [296](#) and [Articles 200](#) to [304](#).

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FOUR: IMPLEMENTATION OF THE MEASURES

Article (304)

Measures shall not be implemented except after executing the penalties restricting freedom.

As an exception to the preceding paragraph, the measure of detention in a treatment asylum shall be implemented prior to the execution of any penalty or other measure. Unless otherwise provided, material measures shall be immediately implemented.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FIVE: SETTLEMENT OF THE ADJUDICATED AMOUNTS

Article (305)

When settling the amounts due to the government, as fines, the amounts to restituted and the damages to be paid, the public prosecution must, prior to execution, notify the condemned of the aggregate of these amounts unless they are assessed in the judgment.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FIVE: SETTLEMENT OF THE ADJUDICATED AMOUNTS

Article (306)

If the judgment is a fine and compensations and the money of the sentenced is not sufficient, what is collected from such should be distributed among those who have the right as per the following order:

First: fines and other financial penalties.

Second: amounts due from the claimant with civil rights.

Third: amounts due for the government such as return and compensation.

If the sentenced crimes are different, the paid amounts or the amounts collected through execution on the sentenced properties shall be discounted from the amounts sentenced in felonies firstly and then in misdemeanours and then in violation.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FIVE: SETTLEMENT OF THE ADJUDICATED AMOUNTS

Article (307)

Should a person be detained on remand and he was condemned only for paying a fine, a hundred Dirhams per each day of this detention should be deducted from it if he was condemned to detention and fine and the period spent in detention on remand exceeds the period adjudicated, the amount of the fine should be reduced the amount stated per each day of the mentioned excess.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FIVE: SETTLEMENT OF THE ADJUDICATED AMOUNTS

Article (308)

The public prosecution may grant the condemned, upon his request and when necessary, a respite to pay the amounts due by him to the government or to allow him paying it in instalments provided the period of payment does not exceed two years and, in case of default of paying an instalment on time all the other instalments become due.

The public prosecution may withdraw the order issued by it if there is any reason for this.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FIVE: SETTLEMENT OF THE ADJUDICATED AMOUNTS

Article (309)

Bodily constraint may be used for the recovery of the fines and other pecuniary penalties and this constraint may be by detention of he condemned for a period equivalent to one day per each one hundred Dirhams or less provided that the period may not exceed six months.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FIVE: SETTLEMENT OF THE ADJUDICATED AMOUNTS

Article (310)

Bodily constraint shall be subject to the provisions of [Articles 299](#) to [304](#).

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FIVE: SETTLEMENT OF THE ADJUDICATED AMOUNTS

Article (311)

In case there are several judgments, execution shall be done in consideration of the total adjudicated amounts provided the total period of constraint does not exceed one year.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FIVE: SETTLEMENT OF THE ADJUDICATED AMOUNTS

Article (312)

Bodily constraint shall be by order of the public prosecution and is legitimate if taken subsequent to the notification of the condemned and after having served all adjudicated periods of penalties restricting freedom,

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FIVE: SETTLEMENT OF THE ADJUDICATED AMOUNTS

Article (313)

Bodily constraint shall end when the amount corresponding to the period spent by the condemned in constraint, according to the preceding articles, in detention for a period equivalent to the amount originally claimed after deduction of what the condemned has paid or has been forcibly recovered from the execution on his properties.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE FIVE: SETTLEMENT OF THE ADJUDICATED AMOUNTS

Article (314)

The condemned shall be discharged of the fine and other pecuniary penalties by executing the bodily constraint, considering one hundred Dirhams per each day.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE SIX: FORFEITURE OF THE PENALTY BY LIMITATION AND BY DEATH

OF THE CONDEMNED

Article (315)

In crimes other than crimes of doctrinal punishments, penalty, wergild and felonies sentenced finally with the death penalty or the life imprisonment, the penalty judged in the other felonies articulated shall drop with passing thirty calendar years.

The penalty sentenced in a misdemeanour shall drop with passing seven years. The penalty sentenced in a violation shall drop with passing two years. The period shall start from the date when the judgment becomes final unless the penalty is sentenced by default from the criminal court in a misdemeanour as the period shall start from the day of judgment issuance.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE SIX: FORFEITURE OF THE PENALTY BY LIMITATION AND BY DEATH OF THE CONDEMNED

Article (316)

The period shall be cut if the sentenced is arrested with a freedom-restricting penalty and with any of the execution procedures that are taken for facing him or that he knows.

The period shall also be cut if the sentenced person committed during such period any of the crimes for which he is sentenced or a crime similar to such in articles other than violations articles.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE SIX: FORFEITURE OF THE PENALTY BY LIMITATION AND BY DEATH OF THE CONDEMNED

Article (317)

The period of limitation is stayed by each impediment preventing the execution, whether it is legal or material.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE SIX: FORFEITURE OF THE PENALTY BY LIMITATION AND BY DEATH OF THE CONDEMNED

Article (318)

Provisions prescribed for limitation in the Procedural Law on Civil Transactions shall be followed as concerns damages, amounts to be restituted and adjudicated expenses. Nevertheless, execution by bodily constraint may not be applied after the expiry of the period prescribed for the forfeiture of the penalty.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FOUR: EXECUTION

TITLE SIX: FORFEITURE OF THE PENALTY BY LIMITATION AND BY DEATH OF THE CONDEMNED

Article (319)

In case the death of the condemned occurs subsequent to a final judgment is rendered against him, the damages, the amounts to be restituted and the expenses shall be levied from his estate.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

Article (320)

Members of the public prosecution are entitled to enter mental institutions situated within the scope of jurisdiction of the courts in which they operate or the purpose of verifying that there is no illegally detained person. They have, in this respect, to peruse the registers, the writs of arrest and detention, to take copies thereof, to contact any detained person and listen to any complaint he wishes to make. In their endeavour to obtain all the required information, they must receive all assistance needed.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

Article (321)

Every detained person, in the places referred to in the [preceding article](#) is entitled to submit, at any time, to the person in charge of its administration a written or verbal complaint asking to notify it to the public prosecution and the administrator has to accept it and immediately inform the public prosecution thereof after entering the complaint in the register kept for this purpose.

Whoever has knowledge of the presence of an illegally detained person or in a place not allocated for this purpose, is under duty to inform a member of the public prosecution who, upon taking knowledge thereof, has to immediately go to the place where the person is detained, make the investigation and order the release of the illegally detained person and to write a report in this respect.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

CHAPTER ONE: LOSS OF DOCUMENTS

Article (322)

Should the original copy of the judgment be lost prior to its execution or if the investigation papers be lost totally or partially before a decision is taken in this regard, the procedures prescribed in the following articles shall be followed.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

CHAPTER ONE: LOSS OF DOCUMENTS

Article (323)

In case a true copy of the judgment is found, it shall replace the original and if the said copy is in the hands of any person or a body, the public prosecution shall get an order from the president of the court that rendered the judgment to have the copy delivered to it.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

CHAPTER ONE: LOSS OF DOCUMENTS

Article (324)

The loss of the original copy of the judgment shall not entail a retrial if the means of challenging the judgment have been exhausted.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

CHAPTER ONE: LOSS OF DOCUMENTS

Article (325)

If the case is examined before the criminal section of the court of cassation and it was not possible to obtain a copy of the judgment, the court shall order a retrial as long as the procedures prescribed for the challenge have been fulfilled.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

CHAPTER ONE: LOSS OF DOCUMENTS

Article (326)

In case all or part of the investigation papers have been lost prior to taking a decision in its regard, the investigation shall be redone as concerns the part concerned with the lost papers. If the case is brought before the court, it shall make whatever investigation it deems necessary.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

CHAPTER ONE: LOSS OF DOCUMENTS

Article (327)

Should the papers be totally or partially lost and there was a judgment rendered and the case is examined before the criminal section of the court of cassation, the procedures shall not be repeated unless the court otherwise decides.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

CHAPTER TWO: COMPUTATION OF DELAYS AND PERIODS

Article (328)

Any notification may not take place before seven o'clock in the morning and after six in the evening, as it may not be done in official holidays, except by permission of the judge concerned in cases of emergency and this permission shall be mentioned in the original of the notification.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

CHAPTER TWO: COMPUTATION OF DELAYS AND PERIODS

Article (329)

Unless otherwise provided, periods and delays specified in this Law shall be computed according to the Gregorian calendar.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

CHAPTER TWO: COMPUTATION OF DELAYS AND PERIODS

Article (330)

If the law specifies, for attendance or for completing a procedure a period, assessed in days, months or years, the notification day or the occurrence of the event that the law considers as a start for the period shall not be counted. The period expires upon the end of the official working hours on the last working day.

However, if the period should expire prior to taking a procedure, this procedure may not be taken prior to the expiry of the last day of the period.

Delays assessed in months or years shall end the corresponding day of the following month or year

Under all circumstances, if the end of the period happens to be an official holiday, the period shall extend to the first following working day.

Status: Law in force

CRIMINAL PROCEDURAL LAW

BOOK FIVE: MICELLANEOUS PROVISIONS

TITLE ONE: JUDICIAL SUPERVISION OVER MENTAL ESTABLISHMENTS

CHAPTER TWO: COMPUTATION OF DELAYS AND PERIODS

Article (331)

Shall be added to the periods specified in this Law, distance delays amounting to ten days for the persons domiciled in places outside the jurisdiction of the court and ninety days to those domiciled outside the country. These delays, due to transportation facilities and urgent circumstances, may be reduced by order of the competent judge and this matter shall be notified with the notice.

Status: Law in force

CRIMINAL PROCEDURAL LAW

[Signed]

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