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# Royal Decree No. 97/99 issuing the Criminal Procedure Code

📅 December 1, 1999

## Modified text

We are Qaboos bin Said, Sultan of Oman

After reviewing the Basic Law of the State issued by Royal Decree No. 101/96 , Royal Decree No. 25/84 regulating the criminal judiciary and its amendments , the Judicial Authority Law issued by Royal Decree No. 90/99 , and the Public Prosecution Law issued by Royal Decree No. 92/99 , and based on what the public interest requires.

We drew what is coming

## **Article 1**

It works in criminal procedures in accordance with the provisions of the attached law.

## **Article 2**

As an exception to the provisions of the attached law, the provisions of the aforementioned Royal Decree No. 25/84 shall remain in effect until the Judicial Authority Law comes into effect.

## **Article 3**

Anything that contradicts or conflicts with the provisions of the attached law shall be cancelled.

## **Article 4**

This Decree shall be published in the Official Gazette and shall come into effect three months after the date of its publication.

**Issued on: 23 Shaban 1420 AH**  
**corresponding to: 1 December 1999 AD**

**Qaboos bin Said,**  
**Sultan of Oman**

This decree was published in the Official Gazette No. 661 issued on 12/15/1999.

## **Criminal Procedure Code**

## **Introductory chapter on general provisions**

### **Article 1**

The provisions of this law shall apply to lawsuits that have not been adjudicated and to procedures that have not been completed prior to the date of its entry into force, with the following exceptions:

1- The provisions amending the jurisdiction when the date of their implementation was after the closing of the pleadings.

2- The provisions amending the deadlines when the deadline began before the date of their implementation.

3- The laws regulating the methods of appeal with respect to the rulings issued before the date of their entry into force, provided that these laws were repealed or created a method of appeal.

Any procedure that was carried out correctly under an applicable law remains valid unless otherwise stipulated.

### **Article 2**

Any new dates for the expiration of public lawsuits or other procedural dates shall only apply from the date of the entry into force of the law that created them.

### **Article 3**

All procedures stipulated in this law shall be conducted in the Arabic language, and the statements of the parties and witnesses who do not know the Arabic language must be heard by an interpreter after he has taken the oath.

## **Chapter One: The Lawsuit**

### **Chapter One Public Prosecution**

#### **First: Filing a public lawsuit**

##### **Article 4**

The Public Prosecution is responsible for filing and prosecuting a public lawsuit before the competent court. The public lawsuit may not be waived, suspended or disrupted except in the cases specified by law.

In misdemeanors and contraventions, if the Public Prosecution deems the lawsuit appropriate to be filed based on the evidence gathered, it may order the accused to appear before the competent court.

##### **Article 5**

A public action may only be brought:

1- Based on an oral or written complaint from the victim or his special representative in crimes where the law requires this. The complaint shall not be accepted after three months from the victim's knowledge of the crime and its perpetrator unless the law provides otherwise.

2- Based on a written request or after obtaining written permission from the competent authority in crimes where the law requires this.

##### **Article 6**

The complaint or request shall be submitted to the Public Prosecution or one of the judicial police officers, and investigation procedures may not be taken until the complaint or request is submitted or the permit is issued.

### **Article 7**

If there are multiple victims in a crime referred to in Article 5/1 of this law, it is sufficient for one of them to file a complaint.

If there are multiple accused and the complaint is filed against one of them, it is considered to have been filed against the rest.

### **Article 8**

If the victim of a crime referred to in Article (5/1) of this law is under fifteen years of age or is mentally disabled, the complaint shall be submitted by his guardian.

If the crime is committed against property, the complaint shall be accepted from the guardian or trustee.

In these two cases, all provisions relating to the complaint shall apply.

If the victim's interest conflicts with the interest of his representative or if he has no representative, the Public Prosecution shall act on his behalf.

### **Article 9**

The right to file a complaint in the crimes referred to in Article 5/1 of this law expires with the death of the victim. If death occurs after the complaint is filed, it does not affect the course of the case.

### **Article 10**

Anyone who has filed a complaint or request in crimes that the law requires may waive his complaint or request at any time before the case is finally adjudicated.

In the event of multiple victims, the waiver shall have no effect unless issued by all those who filed the complaint.

In the event of multiple accused, the waiver of the complaint or request with respect to one of them shall be considered a waiver with respect to the rest. If the complainant dies, the right to waive shall be transferred to his heirs as a whole, except in a case of adultery, in which case each of the children of the complaining husband from the husband against whom the complaint is made may waive the complaint .

## **Article 11**

If the court finds that there are other defendants against whom the public lawsuit has not been filed, or that there are other crimes that have not been attributed to the defendants, or if it finds that a felony or misdemeanor has occurred related to the charge before it, it may refer the case papers to the Public Prosecution Office for investigation and disposal, or delegate one of its members to carry out the investigation procedures. In this case, the delegated member shall have the powers of a member of the Public Prosecution Office.

If a decision is issued at the end of the investigation to refer the public lawsuit to the court, it must be referred to another circuit, and none of the judges who decided to file the lawsuit may participate in its consideration.

If the court has not ruled on the original lawsuit and it is inseparably linked to the new lawsuit, the entire case must be referred to another circuit.

## **Article 12**

The Criminal Court and the Supreme Court, if acts occur that would violate its orders or the respect due to it or influence its judgment or witnesses, and this is in the context of a case being heard before it, may file a public lawsuit against the accused in accordance with Article 11 of this law.

### **Article 13**

If it is proven, suspended based on a report from the competent medical authority, that the accused is unable to defend himself due to a mental disability, the public prosecutor in the preliminary investigation and the court in the case review stage must the investigation or trial procedures until the accused regains his senses. The accused may be ordered to be detained in a place designated for mental illnesses or handed over to one of his relatives for care and attention or placed under custody in the manner determined by the public prosecutor or the court, as the case may be. The period that the accused spends under custody or detention shall be deducted from the term of the sentence to which he is sentenced.

### **Article 14**

If a public lawsuit is brought against a person who has not reached the age of eighteen, the court must order his guardian, guardian, or caregiver to attend with him in all proceedings to assist him in his defense. If necessary, it may appoint a guardian for him in the litigation.

## **Second: Expiry of the public lawsuit**

### **Article 15**

The public lawsuit expires with the death of the accused, pardon for the crime, the passage of time, the waiver of the complaint or request, or a final ruling on it, or the cancellation of the penal text. This does not prevent a ruling of confiscation in the cases stipulated by law.

### **Article 16**

The public lawsuit expires after twenty years in felonies for which the sentence is death or life imprisonment, ten years in other felonies, three years in misdemeanors, and one year in violations, all of which are from the day the crime occurred, except for the crimes stipulated in Articles 155 to 161 of the Penal Code, in which case the period begins from the date the employee's service ends or his status is removed.

### **Article 17**

The period of time during which the public action expires shall not be suspended for any reason whatsoever.

### **Article 18**

The period of time during which a public action expires is interrupted by investigation, accusation or trial procedures, as well as by a criminal order or evidence-gathering procedures taken against the accused or if he is officially notified of them, and the period runs again from the day of interruption.

If there are multiple procedures that interrupt the period, its running starts from the date of the last procedure.

### **Article 19**

If there are multiple defendants, the interruption of the period for one of them results in its interruption for the rest.

## **Chapter Two: Civil Action Related to Public Action**

### **Article 20**

Any person who has suffered direct personal harm as a result of a crime may file a civil suit before the court hearing the public suit, at any stage, until the closing of the pleadings, as a claimed joined in the public suit, after paying the prescribed fees. This shall not be accepted before the Court of Appeal. The civil plaintiff may claim his right during the preliminary investigation by submitting a request to the member of the Public Prosecution. He may also include the person responsible for the civil right in the suit he is filing or in the preliminary investigation.

The civil claim is made by notifying the accused or by a request in the hearing of the public suit if the accused is present. If he has previously been admitted in the preliminary investigation, the referral of the public suit to the court includes the civil suit.

### **Article 21**

The person responsible for the civil right may intervene on his own initiative in the criminal proceedings at the preliminary investigation stage or at the trial stage, even if there is no civil claim. In both cases, the person responsible for the civil right is considered a party joined to the accused in the public lawsuit.

### **Article 22**

The accused, the person responsible for the civil right, and the public prosecution may object to the acceptance of the civil right defendant if the civil suit is inadmissible or unacceptable. The public prosecution or the court shall decide on the objection after hearing the statements of the parties.

The decision not to accept the civil right of the plaintiff before the court considering the public suit shall not prevent him from filing his suit before the civil court.

### **Article 23**

The court shall decide in the same judgment it issues in the public action on the compensation requests submitted to it by the parties. If it finds that the judgment in the civil action will result in delaying the decision in the public action, it may rule on the public action alone and postpone consideration of the civil action or refer it to the competent civil court.

The civil claimant may waive his claim before the court considering the public action and file it before the competent civil court, without this affecting the course of the public action.

If the civil claimant files his claim before the civil court and then the public action is filed, he may, if he abandons his claim, file it before the court considering the public action.

### **Article 24**

The accused may ask the court to award him compensation for the damage he suffered due to a malicious accusation or one that was made without foresight or deliberation on the part of the complainant or the victim.

The accused may demand that the civil claimant before the court hearing the public action compensate him for the damage he suffered

due to the civil action being brought against him if there is a reason for that.

### **Article 25**

The Public Prosecution may appoint a guardian in the litigation to represent the victim or the person responsible for the civil right if he has no one to represent him or if his interest conflicts with the interest of the person representing him.

### **Article 26**

The civil action shall expire upon the expiration of the period prescribed by law. However, if the public action expires after it has been registered for any of its special reasons, this shall not affect the course of the civil action related to it.

## **Chapter Two: Gathering Evidence, Confusion, and Initial Investigation**

### **Chapter One: Collection of Evidence**

### **Article 27**

Every person shall provide the judicial police officers with any possible assistance they may request while they exercise their legal powers to arrest the accused, prevent their escape, or prevent the commission of crimes.

### **Article 28**

Any person who witnesses the commission of a crime or knows of its occurrence must immediately report it to the Public Prosecution or a judicial police officer.

### **Article 29**

Any public employee or person charged with a public service who learns during or because of his work of the commission of a crime for which the Public Prosecution may file a public lawsuit without a complaint, request or permission must immediately notify the Public Prosecution or the nearest judicial police officer.

### **Article 30**

Judicial police officers search for crimes and their perpetrators, collect evidence and conduct the necessary inspections to facilitate the investigation of the facts reported to them. They must take all measures necessary to preserve evidence of the crime.

### **Article 31**

Judicial police officers in their jurisdiction:

- 1- Members of the Public Prosecution.
- 2- Police officers and other regular ranks starting from the rank of policeman.
- 3- Public security employees who are specified by a decision issued by the head of the agency.
- 4- Governors and their deputies.

5- Anyone who is authorized by law to do so.

The Minister of Justice may, by decision, in agreement with the competent minister, grant some employees the status of judicial police officers with respect to crimes that occur within their jurisdiction and are related to the duties of their jobs.

### **Article 32**

Judicial police officers shall be subject to the supervision of the Public Prosecution with regard to the work of their jobs. The Public Prosecutor may request the competent authority to look into any violations or negligence committed by them in their work, or request the filing of a disciplinary lawsuit, without prejudice to the filing of a public lawsuit.

### **Article 33**

Judicial police officers shall accept reports and complaints received by them about all crimes, and they shall examine them, collect information about them and record them in a report. A summary of the report or complaint and its date shall be recorded in the register prepared for this purpose.

If a judicial police officer reports or learns of the commission of a crime, he shall immediately notify the Public Prosecution member of the occurrence of the crime, and go to the scene of the incident to preserve it, conduct the necessary inspection, seize everything related to the crime and useful for the investigation, and take other measures to preserve evidence of the crime. He shall record all these procedures in a report signed by him, stating the time and place of the act or procedure. The report must also include the signatures of the witnesses and experts who were heard.

This report shall be sent to the Public Prosecution with the seized items.

### **Article 34**

Judicial police officers, while collecting evidence, may hear the statements of those who have information about the crime and its perpetrator, and may question the accused. They may seek the assistance of doctors and other experts, but they may not swear witnesses or experts unless there is a fear that it will not be possible to hear the testimony under oath later.

### **Article 35**

The judicial police officer shall record in the report the statements of the accused and the defence he presents. If the statements of the accused include a confession to committing the crime, he shall record it in the report and refer the accused to the public prosecutor to verify the validity of his confession.

### **Article 36**

If a judicial police officer, while collecting evidence, finds it necessary to search a specific person or residence, he must obtain permission to do so from the Public Prosecution.

### **Article 37**

Judicial police officers may, while collecting evidence, use search and investigation methods that do not harm individuals or restrict their freedoms, and none of them may directly conduct investigation procedures.

## **Chapter Two: Caught in the act**

### **Article 38**

A crime is considered to be committed in the following cases:

- 1- When the crime is committed.
- 2- Shortly after committing it.
- 3- If the victim followed the perpetrator or the public followed him while shouting after it happened.
- 4- If the perpetrator is found shortly after the crime occurred he has carrying tools, weapons, luggage, papers, or anything that indicates that he is the perpetrator or accomplice in the crime, or if signs or traces of that are found on him at that time.

### **Article 39**

In the event of a flagrante delicto felony or misdemeanor, the judicial police officer must immediately go to the scene of the incident, inspect the physical traces of the crime, preserve them, record the condition of the places and persons, and everything that is useful in revealing the truth. He must hear the statements of those who were present or from whom clarifications can be obtained regarding the incident and its perpetrator. He must immediately notify the Public Prosecution of his move.

The member of the Public Prosecution must immediately go to the scene of the incident upon being notified of a flagrante delicto felony.

### **Article 40**

The judicial police officer, when he arrives in the event of a flagrante delicto, may prevent those present from leaving the scene of the incident or moving away from it until the report is drawn up. He may immediately summon anyone from whom clarifications regarding the incident can be obtained.

If any of those present violates the order issued to him by the judicial police officer or any of those summoned refuses to attend, this shall be recorded in the report.

The misdemeanor court shall, after hearing his defense, sentence the violator or the abstainer to a fine not exceeding one hundred riyals.

## **Chapter Three: Precautionary Measures**

### **First: Arrest the accused**

#### **Article 41**

No person may be arrested or detained except by order of the competent authority by law. The arrested person must be treated in a manner that preserves his dignity. Judicial police officers and any person with public authority are prohibited from resorting to torture, coercion, enticement or degrading treatment to obtain statements or prevent them from being made during the collection of evidence, the preliminary investigation or the trial.

#### **Article 42**

In cases of flagrante delicto for felonies and misdemeanors punishable by imprisonment for a period exceeding three months, the judicial police officer may order the arrest of the accused who is present if there is strong evidence that he committed the crime. If he

is not present, the judicial police officer may issue an order to arrest and bring him in, and this shall be recorded in the report.

### **Article 43**

An ordinary person has the right to arrest the accused in the following cases:

- 1- If he is issued an order or assignment to do so in accordance with Article 27 of this Law.
- 2- If the accused is a fugitive or wanted for arrest and bringing him in.
- 3- If the accused is caught red-handed committing a felony or misdemeanor punishable by imprisonment for a period exceeding three months.

### **Article 44**

Without prejudice to any provision of another law, the person carrying out the arrest may use the force necessary to carry it out and overcome any resistance on the part of the arrested person or others within the limits required for the necessity of the arrest or preventing resistance or escape.

### **Article 45**

The judicial police officer who is carrying out the arrest may enter the residence of the person to be arrested to search for him. He may enter any other residence for the same purpose if there is strong evidence that the accused is hiding there, and he may forcefully storm the residence if necessary.

## **Article 46**

The judicial police officer carrying out the arrest may search the arrested person to strip him of any weapons or items that he may use in resistance or in harming himself or others, and seize them and hand them over with the arrested person to the arresting officer.

If during the search he finds items related to the crime or another crime, or that are useful in its investigation, or whose possession is considered a crime, he must seize them and hand them over to the arresting officer.

## **Article 47**

If the crime in question is one for which the filing of a public lawsuit is contingent upon a complaint, the accused may not be arrested unless the complaint is filed by the person entitled to file it.

## **Article 48**

In cases other than those stipulated in Article 42 of this Law, if there is sufficient evidence to accuse a person of committing a felony or misdemeanor punishable by imprisonment for a period exceeding three months, the judicial police officer may take appropriate precautionary measures and immediately request the Public Prosecution to issue an order to arrest the accused.

## **Article 49**

The arrest warrant must be written, dated and signed by the person issuing it, stating his capacity, and stating the name of the person to be arrested, his place of residence, and everything necessary to identify him, and the reason for the arrest warrant . If the warrant is

not executed within three months from the date of its issuance, it shall lapse and may not be executed thereafter except by a new written order.

The judicial police officer executing the arrest warrant must notify the person to be arrested and inform him immediately of the reasons for the arrest. This person has the right to contact whomever he deems necessary to notify and to seek the assistance of a lawyer.

### **Article 50**

When the accused is arrested or handed over to the judicial police officer, he must hear his statement immediately. If he does not come up with anything that exonerates him, he must refer him within forty-eight hours to the competent public prosecutor.

### **Article 51**

The Public Prosecution must interrogate the arrested accused within twenty-four hours and then order his pre-trial detention or his release.

### **Article 52**

The arrest warrant may stipulate that the arrested person will be released if he signs a pledge to appear accompanied by a guarantee.

## **Second: Pretrial detention**

### **Article 53**

If, after interrogating the accused, the interest of the preliminary investigation requires preventing him from escaping or from influencing the course of the investigation, the Public Prosecution

member may issue an order for his pretrial detention.

Pretrial detention may only be ordered if the incident is a felony or misdemeanor punishable by imprisonment for a period exceeding three months. The accused may be detained pretrial if he has no known place of residence in the Sultanate if the crime is punishable by imprisonment.

In addition to the information contained in Article 49 of this Law, the detention order must include an assignment to the person in charge of managing the place designated for detention to accept the accused and place him there, stating the Article of the law applicable to the incident.

#### **Article 54**

The order of pretrial detention issued by the Public Prosecution shall be for a period of seven days, renewable for other periods not exceeding thirty days. The Public Prosecution member in crimes related to public funds, drugs and psychotropic substances may issue an order to detain the accused for periods not exceeding forty-five days in total.

If the Public Prosecution member sees fit to extend the pretrial detention beyond that, the matter must be referred to the Misdemeanor Court before the expiry of the period to issue an order to extend the pretrial detention for a period not exceeding fifteen days, renewable for a maximum of six months.

If the accused is referred to the court, it may extend the pretrial detention for a period not exceeding forty-five days, renewable for other periods, otherwise the accused must be released in all cases.

#### **Article 55**

An accused person who is in pretrial detention for a crime punishable by death or life imprisonment may not be released.

### **Article 56**

If the court rules that it does not have jurisdiction to hear the case, it shall be competent to hear the request for release or pretrial detention until the case is brought before the competent court.

### **Article 57**

If the investigation procedures require it, the Public Prosecution member may order that the accused not contact other prisoners and that no one visit him, without prejudice to the accused's right to always contact his lawyer.

### **Article 58**

The accused must be heard before any order of pre-trial detention is issued or extended, and if the order is issued against a fugitive accused, his statement must be heard within twenty-four hours of the time of his arrest.

### **Article 59**

The accused or his representative may appeal the order of his pretrial detention before the Misdemeanor Court, sitting in the deliberation chamber, which must decide on the appeal within a maximum of three days. If it finds no justification for issuing the order, the accused must be released immediately.

### **Article 60**

No person may be detained or imprisoned except in places designated for that purpose, and no person may be admitted therein except by virtue of an order signed by the competent authority, and he shall not be kept after the period specified in such order.

### **Article 61**

Members of the Public Prosecution may visit prisons and places designated for this purpose in their jurisdictions to ensure that there is no one imprisoned illegally. For this purpose, they may review records and orders of pretrial detention and imprisonment and hear complaints from prisoners. Those in charge of managing these places and their employees must provide all assistance in this regard.

### **Article 62**

Every prisoner has the right to submit a complaint to the prison administration, and it must be reported to the Public Prosecution after it has been recorded in a register prepared for this purpose.

### **Article 63**

The Public Prosecution member may at any time issue an order to release the accused if he finds that his detention is no longer justified, or that there is no harm to the investigation from his release and there is no fear of his escape.

If the accused has been referred to the competent court, his release shall be within its jurisdiction. In all cases, the release shall be after submitting an undertaking to appear whenever requested to do so and not to escape from the execution of the judgment that may be issued against him. This shall be done on a personal guarantee or by

submitting a financial guarantee in crimes against property. In other crimes, submitting a financial guarantee is optional.

### **Article 64**

The amount of the financial guarantee shall be determined by the person issuing the release order, and this amount shall be a guarantee that the accused will not fail to appear during the investigation or trial and will not escape from the implementation of the ruling and other duties imposed on him.

### **Article 65**

The guarantee amount shall be paid by the accused or by someone else, and shall be deposited in the treasury of the Public Prosecution or the court, as the case may be.

### **Article 66**

If the accused fails to fulfill any of the obligations imposed on him without an acceptable excuse, the financial guarantee becomes the property of the state without the need for a ruling to that effect.

The full amount of the guarantee shall be returned if the case is dismissed or if no conviction is issued.

### **Article 67**

The release order does not prevent the public prosecutor from issuing a new order to arrest the accused and detain him pending trial if the evidence against him becomes stronger, if he fails to fulfill his duties, or if there are reasons to do so.

If the release order is issued by the court, a new order to arrest the

accused shall be issued by the same court based on a request from the public prosecutor.

## **Article 68**

The victim or the civil claimant shall not be permitted to request the accused's pre-trial detention, and no statements shall be heard from him in discussions relating to release.

## **Chapter Four: Preliminary Investigation**

### **First: The summons to appear and the arrest, seizure and bringing orders**

## **Article 69**

The Public Prosecution member may request the attendance of any person before him if the interest of the investigation requires it, by means of an order in which he is required to attend. The order must include the person's name, surname, profession, nationality, place of residence, the charge against him if he is accused, the date of the order, the place and time of attendance, the name of the Public Prosecution member, his signature , and the official seal.

## **Article 70**

The order shall be served on the person required to appear or at his place of residence by the police, and a copy thereof shall be given to him, who shall sign another copy acknowledging receipt. If the person required to appear is not at his place of residence, a copy of the order may be delivered to one of

his relatives residing with him or to one of his followers who is present, provided that he signs the copy of the order acknowledging receipt.

The notice may not be served before seven o'clock in the morning or after six o'clock in the evening, nor may it be served on official holidays except with the permission of the competent court in cases of necessity, and this permission shall be Recorded in the original notice.

### **Article 71**

If for any reason it is not possible to announce the order in accordance with Article 70 of this law or if the place of residence of the person required to appear cannot be known, the order shall be delivered to the governor, sheikh or elder of the area, and the last place of residence of the accused or the place where the crime occurred shall be considered the last place of residence of the accused.

Such delivery shall be considered as an announcement to the person required to appear unless proven otherwise.

### **Article 72**

If the person to whom the order was issued fails to appear at the appointed time without an acceptable excuse, or if it is feared that he will flee, or if he has no known place of residence, or if the crime is in flagrante delicto, the public prosecutor may issue an order for his arrest if he is an accused, complainant, or witness, even if the incident is one in which pretrial detention is not permissible. The order must include an order for the police to arrest any of the aforementioned and bring him before the public prosecutor if he voluntarily refuses to appear immediately. The public prosecutor

may request the competent court to rule to punish him for his failure to appear with the penalty of refusing to testify if he is a witness.

### **Article 73**

The orders issued by the Public Prosecution member shall be effective in all the Sultanate's territories, territorial waters, airspace, and Omani ships and aircraft wherever they are.

### **Article 74**

The accused, the victim, the civil claimant, the person responsible for the claim, and the person defending any of them have the right to attend the preliminary investigation procedures. The accused in a felony case may be accompanied by a lawyer to defend him. This lawyer may not speak except with the permission of the member of the Public Prosecution. If he does not give him permission, this must be recorded in the investigation report.

### **Article 75**

The Public Prosecution member may assign one of the judicial police officers to carry out one or more specific investigation tasks other than interrogating the accused. The person assigned shall have, within the limits of his assignment, the authority of the Public Prosecution. If the need arises to take action outside his area of jurisdiction, the Public Prosecution member may assign the Public Prosecution member in the region.

## **Second: Moving, searching, seizing and disposing of things**

### **Article 76**

The Public Prosecution member may move to any place whenever he deems it necessary to prove the condition of the places, things, people, the physical existence of the crime, and everything that needs to be proven.

### **Article 77**

Judicial police officers may search the accused in cases where he may be legally arrested. They may also search a person other than the accused if it becomes clear from strong indications that he is concealing things that will help reveal the truth. The search includes his body, clothes and belongings.

### **Article 78**

If the accused is a female, the search must be conducted by a female who is assigned to do so by a member of the Public Prosecution after she has taken an oath to perform her duties with honesty and truthfulness if she is not a police officer . In cases of delicto flagrante, the assignment may be issued by a judicial police officer.

### **Article 79**

No residence may be entered except in the cases specified by law, or in the event of a request for assistance from within or in cases of necessity.

### **Article 80**

No dwelling may be searched except with a reasoned written permission from the Public Prosecution based on an accusation directed at a person residing in the dwelling to be searched of

committing a felony or misdemeanor or of participating in committing it, or if there is evidence indicating that he is in possession of items related to the crime, unless the crime is committed in flagrante delicto. The search and seizure of items and papers shall be in the manner specified in this law, and the items and papers required to be seized shall be searched in the dwelling, its annexes and contents.

The search warrant may not be executed after seven days from the date of its arrest unless a new warrant is issued.

### **Article 81**

If the owner or occupant of a dwelling refuses to allow the judicial police officer to enter or resists his entry, he may take the necessary measures to storm the dwelling and use force as required by the circumstances of the case.

### **Article 82**

If, during the search of the accused's residence, strong evidence is established against him or against a person present therein that he is concealing something that would help reveal the truth, the judicial police officer may search him.

### **Article 83**

If sealed or closed papers are found in the accused's residence in any way, the judicial police officer may not open them, and must record them in the search report and present them to the Public Prosecution.

### **Article 84**

The search shall be conducted in the presence of the accused or his representative whenever possible. Otherwise, it shall be conducted in the presence of a sheikh or an adult of his area or two witnesses who, as far as possible, shall be his adult relatives or those living with him in the residence or his neighbors. This shall be recorded in the report. If the search takes place in a residence other than that of the accused, the owner shall be called to attend in person or by his representative if possible.

### **Article 85**

The judicial police officer must limit his search to the objects or traces for which the search warrant was issued. However, if he incidentally discovers during the search objects whose possession is considered a crime or related to another crime, he must seize them and record them in the search report.

### **Article 86**

If there are women in the residence and the purpose of his entry is not to arrest or search them, the judicial police officer must observe the established customs and enable them to leave the residence, or grant them the necessary facilities for that, provided that this does not harm the interest of the search.

### **Article 87**

The judicial police officer may place seals on places and things where there are traces that may help in revealing the truth and may appoint guards over them. He must notify the Public Prosecution member of this immediately. If the Public Prosecution member deems it necessary to do so, he must refer the matter to the judge of

the Misdemeanor Court for approval. Any interested party may appeal this matter before the Misdemeanor Appeals Court convened in the consultation chamber. The appeal shall be in the form of a petition submitted to the Public Prosecution Member, who must immediately submit it to the court accompanied by his opinion.

### **Article 88**

The judicial police officer may seize objects that may have been used in committing the crime or resulted from its commission or may have been used in the commission of the crime, and everything that is useful in revealing the truth. These objects shall be described and presented to the accused, and he shall be asked to make his observations thereon. A report shall be drawn up, signed by the accused or his refusal to sign shall be mentioned therein. The seized objects and papers shall be placed in a closed safe sealed with an official seal, and the date of the report drawn up regarding their seizure shall be written on the safe, and the subject for which the seizure was made shall be indicated.

### **Article 89**

The seals placed in accordance with the provisions of Articles 87 and 88 of this Law on places and objects shall be broken in the presence of the accused or his representative and the person in whose possession of these objects were found, or after inviting them to do so .

### **Article 90**

It is not permissible to seize or read correspondence and telegrams, or seize newspapers, printed materials, or parcels, or record

conversations taking place in a private place, or monitor telephones, or record calls, without permission from the Public Prosecution.

### **Article 91**

The permit stipulated in Article 90 of this Law shall be issued if it is useful in revealing the truth in a felony or misdemeanor punishable by imprisonment for a period exceeding three months. It must be reasoned and its duration must not exceed thirty days, renewable for other similar periods if the interests of the investigation so require.

### **Article 92**

The Public Prosecution member alone shall review the correspondence, telegrams and seized papers, provided that this is done in the presence of the accused and the person in possession or to whom they were addressed, and shall record their comments thereon.

The Public Prosecution member may seek the assistance of any police officer or others he deems appropriate to sort the correspondence, telegrams and seized papers, and he may, based on what appears from the examination, order that they be added to the case file or returned to the person in possession or to whom they were addressed.

### **Article 93**

Any person who, as a result of the search, comes to know information about the items covered by the search and discloses it to any unauthorized person, or benefits from it in any way, shall be punished with the penalty prescribed for the crime of disclosing secrets.

## **Article 94**

The judicial police officer may order the person in possession of something that he deems necessary to seize or view to present it, and the provisions stipulated for the crime of refusing to give testimony shall apply to anyone who violates this order.

## **Article 95**

The accused shall be notified of correspondence, telegrams and the like that are seized or sent to him, or a copy thereof shall be given to him as soon as possible, unless this would harm the interests of the investigation.

## **Article 96**

If the person in whose possession the papers are seized has an urgent interest in them, he shall be given a copy of them certified by a member of the Public Prosecution, unless this would harm the interests of the investigation.

## **Article 97**

Items seized, whether by inspection or by accidental seizure, must be recorded in a report signed by the person seizing, stating their descriptions, how, where and when they were seized, the statements of the person in whose possession they were seized or the person acting on his behalf, and the name of the person seizing them. The seized items shall be kept as long as they are necessary for the investigation or for adjudicating the case.

## **Article 98**

Items seized during the investigation may be returned unless they are necessary for the course of the case, subject to confiscation, or disputed. Any person claiming a right to the seized items may request that the member of the Public Prosecution hand them over to him. In the event of refusal, he may appeal before the Misdemeanor Court convened in the consultation chamber, and request that his statements be heard before it.

### **Article 99**

The items shall be returned to the person in whose possession they were at the time of their seizure. If the seized items are among the items to which the crime was committed or which resulted from it, they shall be returned to the person who lost possession of them as a result of the crime, unless the person in whose possession they were seized has the The right to detain them in accordance with the law.

### **Article 100**

The order to return shall be issued by the Public Prosecution, the Misdemeanor Court or the competent court during the consideration of the public suit. The order to return may be issued even without a request.

The member of the Public Prosecution may not order the return in the event of a dispute or doubt as to who has the right to receive the items. The interested parties may refer the matter to the Misdemeanor Appeals Court convened in the deliberation chamber.

### **Article 101**

When a decision is issued to dismiss the case, the public prosecutor must decide on the fate of the seized items.

When ruling on a public case, the court must decide on the fate of the seized items if a claim for restitution is made before it. It may order the parties to be referred to the competent civil court if it deems it necessary. In this case, the seized items may be placed under guard and the necessary measures may be taken to preserve them.

### **Article 102**

Seized items that are not claimed by their rightful owners within one year from the date of the expiration of the public lawsuit may be ordered to be sold by public auction, and their price shall be reserved for their rightful owners after deducting the sale expenses. The right to claim it shall lapse after five years have passed.

### **Article 103**

If the seized item is something that is liable to perish over time or its preservation requires expenses that consume its value, it may be ordered to be sold by public auction if the requirements of the investigation permit it, and the sale price shall be retained after deducting its expenses, and the person entitled to it may claim it in accordance with Article 102 of this law.

## **Third: Hearing witnesses, interrogation and confrontation**

### **Article 104**

The Public Prosecution member shall hear the testimony of witnesses requested by the parties unless he sees no benefit in hearing them. He may hear the testimony of any witness whom he deems necessary to hear about the facts that prove or lead to proving the crime, its circumstances, attributing it to the accused or acquitting him of it.

## **Article 105**

It is permissible to refrain from testing against the accused from among his ascendants, descendants, relatives, in-laws up to the fourth degree, and his spouse, even after the end of the marital bond, unless the crime was committed against one of them or there is no other evidence to prove it.

## **Article 106**

The Public Prosecution member shall order the witnesses who are to be heard to attend through the police, and he may hear the testimony of any witness who attends of his own accord and record this in the report.

## **Article 107**

The public prosecutor shall hear each witness individually and may confront the witnesses with each other and with the accused.

## **Article 108**

The public prosecutor shall ask each witness to state his name, surname, age, profession, nationality, place of residence, and relationship to the accused, the victim, and the civil claimant, and to prove his identity.

A witness who has completed eighteen years of age must, before giving testimony, take an oath to testify to the truth and nothing but the truth. A witness who has not completed this age may be heard for information purposes without an oath.

The aforementioned information, the testimony of witnesses, and the procedures for hearing them shall be recorded in the minutes without

amendment, deletion, erasure, insertion, or addition. None of this shall be accepted unless it is approved by the public prosecutor, the witness, and the clerk.

### **Article 109**

The public prosecutor and the clerk shall sign the testimony, as shall the witness after it has been read to him. If he refuses to sign or fingerprint or is unable to do so, this shall be recorded in the minutes, stating the reasons.

### **Article 110**

After hearing the witness's testimony, the opponents may make their comments on it. They may ask the public prosecutor to hear his testimony on other points they make, and the public prosecutor may refuse to ask any question that is not related to the incident.

### **Article 111**

If the witness appears and refuses to testify or take the oath, he shall be judged in misdemeanors and felonies, after hearing the statements of the Public Prosecution, to a fine not exceeding two hundred riyals. He may be exempted from all or part of the penalty if he changes his mind before the end of the investigation.

### **Article 112**

If the witness is ill or has something that prevents him from attending, his testimony shall be heard in the place where he is. If the member of the Public Prosecution goes to hear his testimony and it

becomes clear that the excuse is invalid, he may be sentenced to a fine not exceeding two hundred riyals.

### **Article 113**

The public prosecutor shall, upon the request of witnesses, estimate the expenses and compensation they are entitled to due to their attendance to give testimony.

### **Article 114**

When the accused appears for investigation for the first time, the public prosecutor must verify his identity, record all information pertaining to proving his identity, inform him of the charge against him, and record his statements in the report.

### **Article 115**

The lawyer must be allowed to review the investigation on the day before the interrogation or confrontation, and in all cases the accused may not be separated from his lawyer present with him during the investigation.

## **Fourth: Appointing experts**

### **Article 116**

If the investigation requires the assistance of a doctor or other expert to prove a case, the public prosecutor may issue an order to assign him to submit a report on the task he is assigned to and the case he wants to prove.

If the case he wants to prove requires an autopsy or exhumation of the body after burial, the order must be issued by the public

prosecutor or his representative.

The public prosecutor may be present when the expert is performing his task, and the expert may perform his task in the absence of the parties.

### **Article 117**

The expert shall carry out his task under the supervision and guidance of the Public Prosecution member. The expert may take the necessary measures that he deems necessary to accomplish his task, after consulting the Public Prosecution member whenever possible.

### **Article 118**

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

### **Article 119**

The expert shall submit his report in writing, and the Public Prosecution member shall set a date for the expert to submit his report. He may replace him with another expert if the report is not submitted within the specified date. The accused may seek the assistance of a consulting expert at his own expense, and may request that he be allowed to review the papers and what was previously submitted to the expert appointed by the Public Prosecution, provided that this does not result in a delay in the progress of the case.

### **Article 120**

The opponents may reject the expert if there are strong reasons for doing so. The request for rejection shall be submitted to the member of the Public Prosecution to decide on it. The reasons for the rejection must be stated therein, and the member of the Public Prosecution must decide on it within seven days from the date of its submission. Submitting the request shall result in the expert not continuing his work except in cases of urgency and by order of the member of the Public Prosecution.

## **Chapter Four: Conducting the Investigation**

### **Article 121**

After the completion of the preliminary investigation, the Public Prosecution may issue a decision to temporarily or permanently close the investigation and order the release of the accused unless he is imprisoned for another reason.

The decision to close the case shall be temporary if the accused is unknown or the evidence is insufficient, and final if the facts attributed to the accused are incorrect or not punishable by law.

### **Article 122**

The decision to close the investigation in felonies shall be issued by the Public Prosecutor or his representative.

### **Article 123**

The decision to close the case shall state the name, surname, age, place of birth, place of residence, profession, nationality, and the

incident attributed to him and its legal description. The decision must include the reasons on which it is based.

### **Article 124**

The decision shall be announced to both the victim and the civil claimant, and if the victim has died, the announcement shall be made to his heirs as a whole without mentioning their names, in the last place of residence of their deceased.

### **Article 125**

The Public Prosecutor may issue a decision to permanently close the investigation despite the existence of a crime and the sufficiency of its evidence if he finds that the unimportance of the crime or its circumstances justifies this, unless there is a civil claimant.

### **Article 126**

The victim, the civil claimant, or their heirs may appeal the decision to close the investigation within ten days from the date of its announcement.

### **Article 127**

The grievance shall be submitted to the Criminal Court or the Misdemeanor Appeals Court, as the case may be, in session in the deliberation chamber. If the court decides to cancel the decision to close the case, it shall return the case to the Public Prosecution, stating the crime, the acts that constitute it, and the text of the law that applies to it, in order to refer it to the competent court.

### **Article 128**

The Public Prosecutor or his representative may cancel the decision to close the case within three months of its issue, unless a grievance has been previously filed against it.

### **Article 129**

If the Public Prosecution, after investigation, finds that the incident is a felony, misdemeanor, or violation and that the evidence against the accused is sufficient, it shall refer the case to the court competent to consider it by ordering the accused to appear before it . The referral in felonies shall be by decision of the Public Prosecutor or his representative. If there is doubt as to whether the incident is a felony or misdemeanor, the referral shall be to the Criminal Court as a felony.

### **Article 130**

The referral decision shall include the name, surname, age, place of birth, place of residence, profession and nationality of the accused, and shall specify the crime attributed to him with all its constituent elements, the excuses and mitigating or aggravating circumstances of the penalty, and the applicable provisions of the law.

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

### **Article 131**

If the investigation includes more than one crime within the jurisdictions of courts of the same degree and they are related, they shall all be referred by one referral decision to the court with territorial jurisdiction over one of the crimes.

If the crimes are within the jurisdiction of courts of different degrees, they shall be referred to the highest degree court.

### **Article 132**

When the Public Prosecutor or his representative issues a decision to refer the case to the Criminal Court, he shall instruct the accused, the civil claimant and the person responsible for him to submit to him a list of the witnesses whose testimony he requests to be heard before the court, stating their names, places of residence and the facts about which each of them is required to testify. The Public Prosecution shall prepare a list of its witnesses and the witnesses referred to in the previous paragraph. This list shall be announced to the accused and the witnesses included in it.

### **Article 133**

The Public Prosecution shall send the case file to the Secretariat of the competent court immediately after the completion of the investigation and its disposal, and any interested party shall have the right to review the papers.

### **Article 134**

If a decision is issued to refer a person accused of a felony to the criminal court in his absence, and then he appears or is arrested, the case will be heard again in his presence before the court.

### **Article 135**

If, after the referral decision, something arises that requires additional investigations, the Public Prosecution must conduct them and submit the report to the court.

### **Article 136**

The decision issued by the Public Prosecution to temporarily close the investigation prevents resumption of the investigation unless new evidence appears before the end of the period set for the expiration of the public lawsuit.

New evidence includes witness testimony, reports and other papers that were not presented to the member of the Public Prosecution.

## **Chapter Three The Trial**

### **Chapter One: Jurisdiction**

#### **First: Jurisdiction in criminal matters**

### **Article 137**

The Criminal Court shall hear felony cases, and the Misdemeanor Courts shall hear misdemeanor and contravention cases as defined in the Penal Code, within the limits and in accordance with the procedures stipulated in this law.

### **Article 138**

One or more chambers of the Court of Appeal shall have jurisdiction to hear criminal cases, and shall be referred to in this Law as the Criminal Court. One or more chambers of the

Court of First Instance shall have jurisdiction to hear appeals brought before it against judgments issued in misdemeanors and contraventions for which a prison sentence has been imposed, and shall be referred to in this Law as the Misdemeanor Appeal Court.

One or more chambers of the District Court shall have jurisdiction to hear misdemeanor and contravention cases, and shall be referred to in this Law as the Misdemeanor Court.

### **Article 139**

If the misdemeanor court finds that the incident is a felony, it shall rule that it lacks jurisdiction and return the papers to the Public Prosecution to take the legal measures required to refer them to the criminal court.

### **Article 140**

If the Criminal Court finds that the incident, as stated in the referral decision after investigating it in the session, constitutes a misdemeanor, it must rule that it lacks jurisdiction and refer it to the Misdemeanor Court.

### **Article 141**

Jurisdiction is determined by the place where the crime occurred, where the accused resides, or where he is arrested.

### **Article 142**

In the case of an attempt, the crime is considered to have occurred in any place where an act of beginning the execution has occurred. In ongoing crimes, the place of the crime is considered to be any place

where the state of continuity occurs. In crimes of habit and successful crimes, the place of the crime is considered to be any place where one of the acts included therein occurs.

### **Article 143**

If a crime is committed outside the Sultanate and the provisions of Omani law apply to it and the perpetrator has no place of residence in the Sultanate and is not arrested there, a public lawsuit shall be brought against him before the competent court in Muscat.

### **Article 144**

If the court finds, at any stage of the case, that it does not have territorial jurisdiction to hear it, it shall rule that it does not have jurisdiction and refer it to the competent court.

## **Second: Penal orders**

### **Article 145**

In cases of misdemeanors and violations in which the law does not require a sentence of imprisonment exceeding three months or a fine with a minimum limit exceeding one hundred riyals, if the Public Prosecution considers that the crime, in accordance with its circumstances, is sufficient to impose a fine in addition to the additional penalties, compensation, what must be returned, and expenses, it may request the judge of the competent misdemeanor court to impose the penalty on the accused by a penal order issued upon request based on the minutes of the collection of evidence or other proof without conducting an investigation or hearing a pleading.

The heads of the Public Prosecution and those above them within the jurisdiction of the Misdemeanor Court may issue a penal order in the misdemeanors and violations referred to in the previous paragraph if compensation, what must be returned, and expenses are not requested. The Public Prosecutor or his delegate may cancel this order for an error in the application of the law within ten days from the date of its issuance.

### **Article 146**

The criminal order may not rule on anything other than a fine, supplementary penalties, compensation, what must be returned, and expenses. In misdemeanors, the fine may not exceed one hundred riyals. The order shall be announced to the accused and the civil claimant in accordance with the provisions of Articles 70 and 71 of this law. The order must include the name of the accused, the incident for which he was punished, and the article of the law that was applied.

### **Article 147**

The judge may refuse to issue a penal order if he sees that the case cannot be adjudicated in its current state or without investigation or pleading, or if he sees that the incident requires a penalty more severe than a fine. The decision to refuse entails the necessity of proceeding with the public lawsuit.

### **Article 148**

The Public Prosecution may appeal the penal order issued by the judge, and the remaining parties may appeal the order issued by the judge or the Public Prosecution, by submitting a report to the

Secretariat of the competent court within ten days from the date of its issue. With respect to the Public Prosecution, and from the date of its announcement with respect to the remaining parties. This report shall result in the lapse of the penal order and its consideration as if it had not existed. The President of the Court shall set a session to consider the appeal, taking into account the deadlines stipulated in Article 163 of this Law.

### **Article 149**

The court shall consider the appeal against the appellant, and if he does not appear, the order shall regain its force and become final and enforceable.

If there are multiple appellants, some of whom appear and others do not, the order shall become final and enforceable with respect to the one who did not appear.

### **Article 150**

The rules relating to the enforcement of judgments apply to criminal orders.

## **Third: Jurisdiction over matters on which the decision in the public lawsuit depends**

### **Article 151**

The court hearing the public case shall have jurisdiction to adjudicate all matters on which the judgment depends, unless the law provides otherwise.

### **Article 152**

If the judgment in a public lawsuit depends on the outcome of the ruling in another public lawsuit, the first must be suspended until the second is ruled on.

### **Article 153**

If the ruling in the public lawsuit depends on the settlement of a personal status issue or other, the court may suspend the lawsuit and set a deadline for the accused, the civil claimant, or the injured party - as the case may be - to file it with the competent court.

### **Article 154**

The suspension of the lawsuit in accordance with Articles 152 and 153 of this Law does not prevent the taking of necessary or urgent measures and reservations.

### **Article 155**

If a civil suit is filed before a civil court, the decision on it must be stayed until a final ruling is issued on the public suit filed before it is filed or during its proceedings. However, if the decision on the public suit is stayed due to the insanity of the accused, the decision on the civil suit shall be made.

### **Article 156**

If the period stipulated in Article 153 of this Law expires and the case is not brought before the competent court, the court may disregard the suspension of the case and decide on it. It may also set another period for the opponent if it deems that there are reasons justifying that.

## **Article 157**

The court that hears the public case in non-criminal matters that it decides on in accordance with the public case shall follow the methods of proof stipulated in the law specific to those matters.

### **Fourth: Conflict of jurisdiction**

## **Article 158**

If a lawsuit is filed for a single crime or for related crimes with two investigation or adjudication bodies affiliated with a single court of first instance, and each of them finally decides that it has jurisdiction or does not have jurisdiction, and jurisdiction is limited to them , each of the parties to the lawsuit may submit a request to the Misdemeanor Appeals Court to designate the court that will decide it.

## **Article 159**

If two judgments of jurisdiction or lack of jurisdiction are issued by two courts affiliated with two courts of first instance, or by two courts of first instance, or by two criminal courts, a request to appoint the competent court shall be submitted to the Supreme Court .

## **Article 160**

The request to appoint the competent court shall be submitted in accordance with Articles 158 and 159 of this Law by means of a petition accompanied by the documents supporting this request. The competent court, after reviewing the request, may order its deposit and notify the parties within three days following the order to deposit

it so that each of them may review it and submit a memorandum with his statements within ten days following its notification. The notification shall be in accordance with the provisions of Articles 70 and 71 of this Law. The order to deposit the request shall result in the suspension of the proceedings in the case for which the request was submitted unless the court deems otherwise.

### **Article 161**

The court competent to consider the request shall appoint the court or body that shall conduct the case, and shall decide on the procedures and rulings that may have been issued by the other court that ruled to cancel its jurisdiction.

## **Chapter Two**

### **Announcement of the Opponents and Their Attendance**

### **Article 162**

If the case is referred to the competent court, the Public Prosecution shall summon the accused to appear before it. The summons to appear may be dispensed with if the accused attends the hearing and is charged by the Public Prosecution before the trial.

### **Article 163**

The summons to appear before the court shall be three days before the session in the case of violations, seven days before misdemeanors, and ten days before felonies.

The summons must state the charge and the articles of the law that stipulate the penalty.

## **Article 164**

The summons shall be served on the accused in accordance with the provisions of Articles 70 and 71 of this Law.

Prisoners shall be served by the prison administrator or his representative, and military personnel shall be served by the command to which they are affiliated. The person to whom a copy of the summons is delivered must sign the original receipt. In the event of his refusal, the Misdemeanor Court shall sentence him to a fine not exceeding twenty riyals. If he persists in his refusal, the summons shall be served on the accused in accordance with the provisions of Articles 70 and 71 of this Law.

Once the summons is served, the litigants may review the case papers.

## **Article 165**

The accused must appear in person at all trial proceedings in felonies and misdemeanors punishable by imprisonment. In other cases, he may appoint a representative. Parties other than the accused may appoint their representatives to attend on their behalf. The court may request the personal attendance of any of them if this is in the interest of the investigation. However,

in all cases, a representative may appear on behalf of the accused and state his excuse for not attending. If the court deems the excuse acceptable, it shall set a date for the accused to appear before it and he shall be notified of this.

## **Article 166**

If the accused or any other party fails to appear, the court must ensure that he has been properly notified and may adjourn the case to

another session at which he will be notified again.

If the accused fails to appear without an acceptable excuse after being notified in person, the court may consider the case in his absence and the judgment issued shall be considered as a judgment in his presence.

### **Article 167**

The judgment shall be deemed to be in the presence of all parties present when the case is called, even if they subsequently leave the session or fail to attend the sessions to which the case is adjourned without providing an acceptable excuse.

## **Chapter Three: Failure to appear before the Criminal Court**

### **Article 168**

Any judgment of conviction in a felony issued in the absence of the accused shall necessarily entail depriving him of the right to dispose of his property, manage it or file any lawsuit in his name, and any action or commitment undertaken by the convicted person shall be void.

The court of first instance within whose jurisdiction the convicted person's property is located shall appoint a judicial guardian to manage it upon the request of the public prosecution and any interested party. The court may require the guardian it appoints to provide a guarantee and he shall be subordinate to it in all matters relating to guardianship and to submitting an account. Guardianship shall end with the issuance of a judgment in the presence of the accused in the lawsuit or with the death of the accused, in fact or by law, in accordance with the Personal Status Law. After the

guardianship ends, the guardian shall submit an account of his management.

### **Article 169**

All penalties and measures that can be executed from the judgment in absentia shall be executed.

The judgment for compensation may be executed from the time of its issue. In this case, the civil claimant must provide a personal or financial guarantee unless the judgment stipulates otherwise. The financial guarantee shall be returned two years after the time of issuance of the judgment.

### **Article 170**

If the person convicted in absentia appears or is arrested before the penalty is dropped by the lapse of time, the judgment in absentia shall be dropped, whether with regard to the penalty, measures or compensation, and the case shall be reconsidered before the court.

If the judgment in absentia for compensation has been executed, the court may order the return of all or some of the amounts collected.

### **Article 171**

The absence of an accused does not delay the ruling in the case with respect to the other accused with him.

### **Article 172**

If a person accused of a misdemeanor brought before the Criminal Court is absent, the procedures in force before the Misdemeanor

Court shall be followed, and the judgment issued therein shall be subject to appeal.

## **Chapter Four: The Session System and Procedures for Considering and Proving the Case before the Court**

### **Article 173**

The control and management of the session is entrusted to its president, and for this purpose he may expel from the courtroom anyone who disrupts its order. If he does not comply, the court may immediately rule to imprison him for twenty-four hours or to fine him twenty riyals, and its ruling shall not be subject to appeal. If the violation was committed by someone working in the court, it may impose on him during the session the disciplinary penalties that the head of the unit may impose. The court may, before the end of the session, revoke its ruling. The court may try anyone who commits a crime during its session that involves assaulting its staff or one of its employees and sentence him to the prescribed penalty. It may also try anyone who gave false testimony in the session or refused to testify and sentence him to the prescribed penalty.

### **Article 174**

The court is not bound by the description of the charge contained in the referral decision, and must give the act that the investigation proves the accused committed the correct legal description, and if its descriptions are multiple, the penalty of the most severe description shall be applied to it.

## **Article 175**

If the court finds from the investigation that it is necessary to amend the description of the charge and apply another article not included in the referral decision, or amend the charge by adding aggravating circumstances, it must notify the accused of this and carry out all the investigation procedures required by this amendment. The accused may request to postpone the consideration of the case to prepare his defense based on the new description or amendment, and the court must respond to his request.

The court may correct any material error in the referral decision or the summons order.

## **Article 176**

Misdemeanor cases that are inseparably linked to felonies before it shall be referred to the Criminal Court. If the court finds, after conducting the investigation, that there is no basis for this link, it shall refer the misdemeanor to the Misdemeanor Court.

## **Article 177**

Court sessions are public, and the court may, in consideration of public order or the preservation of morals, decide to hear all or part of the case in a closed session or prevent certain categories from attending it.

## **Article 178**

A member of the public prosecution must attend the court sessions considering the public case, and the court must hear his statements and decide on his requests.

## **Article 179**

The secretary shall record what took place in the session in a record under the supervision of the session president, including the names of the court panel, the date, time and place of the session, all procedures that took place, the parties present and their representatives, their statements and requests, and a summary of the pleadings made. The session president and the secretary shall sign each page of the record.

## **Article 180**

If a crime other than that stipulated in Article 173 of this Law occurs during the session, the court, if it does not see fit to refer the case to the Public Prosecution, may charge the person who committed it and order his arrest or pretrial detention , investigate the crime and hear witnesses, then order the accused to be referred to the competent court or the same court if it is the competent court, but in another session.

## **Article 181**

The opponents and their representatives have the right to attend the trial sessions, even if they are secret. None of them may be removed unless he commits something that is considered a breach of the dignity of the court or the order of the session.

## **Article 182**

If the court deems it necessary, due to the absence of the accused or witnesses, to postpone the consideration of the case to another session, it shall order the notification of the absentees, with a

warning to the opponents and witnesses present, and take the Pledges it deems necessary to ensure their attendance. It may also order the detention of the accused, or the renewal of his detention, or his release in accordance with the rules stipulated in Article 183 of this law.

### **Article 183**

The court may issue an order to release the detained accused if it finds that his release will not result in any harm to the course of the case and that there are no serious possibilities of his escape. The release shall be based on a written pledge from the accused to attend whenever he is requested to do so during the consideration of the case, in accordance with Article 63 of this law.

### **Article 184**

The ruling of inadmissibility of the lawsuit does not prevent it from being refiled when the legal conditions are met.

### **Article 185**

The court hearing the public case must itself carry out the necessary investigation procedures, and it may assign one of its members or one of the members of the Public Prosecution to carry out a specific investigation procedure.

### **Article 186**

The minutes of the pre-trial investigations are not evidence before the court, but it may benefit from them in extracting evidence and

using their elements in discussing the investigator as a witness after he takes the oath regarding what he stated in his minutes.

### **Article 187**

If a judge carries out some of the investigation procedures and is then succeeded by another judge, the successor may rely in his ruling on the procedures carried out by his predecessor or repeat all or some of these procedures.

### **Article 188**

The court directs the charge to the accused by reading it to him and explaining it to him, then asks whether he is guilty or not, while directing his attention to the fact that he is not obligated to speak or answer.

### **Article 189**

The accused may not be put under oath, nor may he be compelled or induced to answer or make certain statements by any means.

The silence of the accused or his refusal to answer shall not be construed as an admission of anything, and he may not be punished for false testimony with respect to statements by which he denies the charge against himself.

### **Article 190**

If the accused at any time confesses his guilt, the court must hear his statements in detail and discuss them with him. If it is satisfied that the confession is sound and sufficient, it may dispense with the rest of the investigation procedures or some of them and decide the case.

## **Article 191**

The effect of the accused's confession is limited to him alone, and nothing is considered a confession of the accused's statements except what is explicit and conclusive regarding the commission of the crime and issued with evidence, freedom and awareness, and the accused's statements in any investigation or trial are valid as evidence or are taken into consideration in any other investigation or trial.

## **Article 192**

Any statement or confession made as a result of torture or physical or moral coercion is invalid and has no evidentiary value.

## **Article 193**

If the accused denies his guilt or refuses to answer, the court must begin the investigation by hearing witnesses and experts and taking whatever is necessary to examine and discuss the evidence in order that it deems appropriate. The court may interrogate the accused in detail after hearing witnesses and experts, and it may direct to him at any time whatever questions and clarifications it deems necessary to enable him to present his defense.

## **Article 194**

The accused may at any time request to hear any witness he deems necessary or request a specific investigation procedure, and the court may respond to his request if it deems it in the interest of the investigation. The court may announce any witness whose testimony it deems necessary to hear.

## **Article 195**

Every person called to testify must appear at the specified time and place, and answer the questions directed to him. If he refuses to do so without an excuse acceptable to the court or approved by the law, he shall be considered to have committed the crime of refusing to testify. If it is proven that the witness made statements that he knew were false, he shall be punished with the penalty of false testimony. The ruling witnesses shall apply to victims in this regard.

## **Article 196**

A witness is obligated to take an oath if he is sane and has reached the age of eighteen years. However, if he is younger than that or is afflicted with an illness or disability that makes communicating with him impossible or useless, he may not be made to take an oath and his statements shall not be considered testimony. If the court finds that this is useful, it may hear him for the purpose of familiarization. In this case, it may use signs that can be used to communicate with someone like him and seek the help of someone who can communicate with him.

## **Article 197**

The hearing of witnesses shall be as much as possible as follows:

The court shall hear the witnesses for the prosecution and direct to them whatever questions it deems appropriate, then the public prosecutor shall question them, then the civil prosecutor, and the accused and the person responsible for the civil right shall then question them. The court shall then hear the witnesses for the defense, then the accused shall question them, then the person responsible for the civil right, and the public prosecutor and the civil

plaintiff shall then question them.

Each of the parties may request that the witnesses be reheard to clarify or verify the facts about which they testified, and the court may respond to that request.

In all cases, the court may prevent any question that it deems to be unrelated to the case or unproductive or an attempt to influence or suggest to the witness. It shall also prevent the directing of any question that is out of line or indecent if it is not related to decisive facts in the case.

### **Article 198**

The court may, if it finds it necessary, go to the place where the crime was committed to inspect it, hear witnesses, or carry out any other investigative work, and it must enable the parties to attend with it.

### **Article 199**

The court may issue an order to any person to produce anything in his possession if this is in the interest of the investigation, and it may order the seizure of anything related to the case or useful in its investigation.

### **Article (200)**

The court may seek the assistance of an expert it appoints to give an opinion on a technical issue related to the case, and each of the parties may submit an advisory report from one of the experts on the same issue. Experts who are not registered in the list and translators shall take an oath to perform their duties with integrity and honesty. If one of them breaks his oath, he shall be punished with the penalty of false testimony.

## **Article (201)**

The Public Prosecution and all other parties, at any stage of the case, may challenge the forgery of any document in the case.

The challenge shall be made by means of a report in the minutes of the session, which must specify the document challenged as forgery and the evidence of its forgery.

## **Article 202**

If the court finds that the decision in the case depends on the challenged document and that there is reason to proceed with the investigation of evidence of forgery, it shall refer the documents to the Public Prosecution and suspend the case until the forgery is decided by the competent court. However, if the decision on the forgery incident falls within its jurisdiction, it shall investigate the appeal itself and decide on the validity of the document.

The court may punish the forgery claimant with a fine not exceeding five hundred riyals in the event that his case is rejected.

## **Article 203**

If it is ruled that all or part of an official document is forged, the court that ruled on the forgery shall order it to be canceled or corrected, as the case may be, and a report shall be drawn up to that effect, and the document shall be marked accordingly.

### **Chapter Four:**

#### **Rulings, their effects and appeals against them**

### **Chapter One:**

#### **Conditions for Judges to Resign and Reject Judgments**

## **Article 204**

The judge shall not participate in the consideration of the case if the crime was committed against him personally, or if he has acted in the case as a judicial police officer, or in the position of public prosecutor, or as a defender of one of the parties, or given testimony in it, or carried out an expert work.

He shall not participate in the ruling if he has carried out an investigative work in the case, or participate in the ruling on the appeal if the appealed ruling was issued by him.

## **Article 205**

The opponents may challenge the judges' ruling in the cases mentioned in Article 204 of this law, and in all other cases of challenge stipulated by law. The injured party shall be considered, with regard to the challenge request, a party to the lawsuit.

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

## **Article 206**

If a judge has a reason for recusal, he must declare it to the court to decide on his recusal in the deliberation chamber, and the partial judge must declare it to the president of the court of first instance to which he belongs.

Except for the cases of recusal stipulated by law, if a judge has reasons that make him feel embarrassed to hear the case, he may submit the matter of his recusal to the court or to the president of the court of first instance, as the case may be, to decide on it.

## **Article 207**

The rules established by law shall be followed in examining and ruling on the request for recusal. The decision on the request for recusal shall be within the jurisdiction of the court of first instance if the person to be recused is a judge of the district court. If the person to be recused is a judge of the court of first instance, the court of appeal or the supreme court, the request for recusal shall be referred to another division of the same court.

In investigating the request for recusal, the judge may not be questioned or sworn in.

## **Chapter Two: Nullity Provisions**

### **Article 208**

Nullity results from failure to observe the provisions of the law relating to any essential procedure.

### **Article 209**

If the invalidity is due to failure to observe the provisions of the law relating to the formation of the court, or the jurisdiction to rule on the case, or its competence in terms of the type of crime or other matters relating to public order, it may be invoked at any stage of the case, and the court shall rule on it of its own accord.

### **Article 210**

Except in the cases stipulated in Article 209 of this Law, the right to plead the invalidity of the procedures related to gathering evidence, preliminary investigation, or investigation in the session in misdemeanors and felonies shall be forfeited if the accused has a

lawyer and the procedure was carried out in his presence without his objection.

The procedure shall be considered valid in violations if the accused does not object to it, even if he does not have a lawyer present with him in the session.

The right of the Public Prosecution to assert invalidity shall be forfeited if it is not made clear at the time.

### **Article 211**

If the accused attends the session in person or through a representative, he does not have the right to claim that the summons is invalid. Rather, he has the right to request that the summons be corrected, any deficiency in it be rectified, and he be given a period to submit his defense before the case is heard. The court must respond to his request.

### **Article 212**

The judge may correct, even on his own initiative, any procedure that he finds to be invalid.

### **Article 213**

If any action is declared invalid, it extends to all the effects directly arising from it, and the action must be repeated whenever possible.

## **Chapter Three: Provisions**

### **Article 214**

Judgments are issued and executed in the name of His Majesty the Sultan.

### **Article 215**

The judge shall rule on the case according to the conviction he has formed with complete freedom. However, he may not base his ruling on any evidence that was not presented to the opponents before him in the session or on his personal information.

### **Article 216**

The judgment shall be issued in an open session, even if the case was heard in a closed session. This shall be done by reading out its operative part, and it must be recorded in the minutes of the session. The court may order that the necessary measures be taken to prevent the accused from leaving the courtroom before the judgment is pronounced, or to ensure his presence at the session to which the judgment is postponed, even if this is by issuing an order for his detention if the incident is one in which pretrial detention is permitted.

### **Article 217**

If the incident is not proven or the law does not punish it, the court shall rule the accused innocent and release him unless he is imprisoned for another reason.

However, if the incident is proven and is a punishable act, the court shall rule the conviction and the penalty stipulated by law.

### **Article 218**

The accused may not be sentenced for an incident other than that mentioned in the referral decision or the summons order, and the accused may not be sentenced for anything other than the accused against whom the lawsuit was filed.

### **Article (219)**

The court shall decide on the requests submitted to it by the parties and state the reasons on which they are based.

### **Article 220**

The judgment must include a statement of the court that issued it, the date and place of its issuance, the judges who participated in it, the public prosecutor, the secretary, the opponents, the crime that is the subject of the lawsuit, a summary of the requests, defences or pleas submitted by the opponents, and a summary of the factual evidence and legal arguments on which they relied. Then the reasons on which the judgment was based and its operative part must be mentioned. Every judgment of conviction must include a statement of the incident requiring the penalty, the circumstances in which it occurred, and the text of the law under which the judgment was made.

### **Article 221**

The judgment shall be issued after the completion of deliberation, which shall be secret among the judges together if there are more than one. The President shall collect the opinions, starting with the most recent judge and then the oldest, and then he shall express his opinion. No one shall participate in the deliberation except the judges who heard the pleadings, otherwise the judgment shall be void. The

judgment shall be issued by a majority of the opinions.

However, the Criminal Court may not issue a death sentence except by unanimous vote. Before issuing this judgment, it must obtain the opinion of the Grand Mufti of the Sultanate. The case papers must be sent to him. If his opinion does not reach the court within thirty days of receiving the papers, the court shall rule on the case. In the event that the position of the Mufti becomes vacant, or if he is absent or is prevented from doing so, the Minister of Endowments and Religious Affairs shall appoint someone to take his place. If unanimity is not achieved, the death penalty shall be replaced by a sentence of life imprisonment.

## **Article 222**

The judges who participated in the trial must be present when the judgment is read. If any of them is prevented from attending, he must have signed the draft judgment.

The draft judgment must be deposited with the secretariat, including its reasons and signed by the president and the judges, within eight days from the date of its issue. No copies of it shall be given, but the parties may review it until the original copy of the judgment is completed.

The president of the court and the secretary shall sign the original copy of the judgment, including its reasons and the operative part, within a maximum of fifteen days from the date of issuance of the judgment, and it shall be kept in the case file. Signing may not be delayed except for strong reasons. In all cases, the judgment shall be void if thirty days pass without the signature, unless it is an acquittal. The secretariat shall, upon request, give the interested party a certificate that the judgment was not signed within the aforementioned period.

## **Article 223**

If a material error occurs in a judgment or decision that does not result in nullity, the body that issued the judgment or decision shall correct this error on its own initiative, or upon the request of one of the parties after summoning them to attend. The correction shall be made after hearing the statements of the parties, and the correction shall be noted in the margin of the judgment or decision.

## **Article 224**

The decision to correct may be appealed if the body that issued it exceeded its powers in correcting it, by means of the permissible methods of appeal against the ruling or decision subject to correction.

However, the decision issued rejecting the correction may not be appealed independently.

## **Chapter Four**

### **Expenses**

## **Article 225**

Anyone convicted of a crime may be ordered to pay all or some of the costs.

If the appeal upholds the initial judgment, the appellant may be ordered to pay all or some of the costs of the appeal.

If the person convicted in absentia is acquitted based on his objection, he may be ordered to pay all or some of the costs of the judgment in absentia.

The Supreme Court may order the convicted defendant to pay all or

some of the costs of the appeal if it rules that his appeal is inadmissible or rejected.

In all cases, if it does not order all the costs, the amount to be awarded must be specified in the judgment.

### **Article 226**

If there are multiple persons convicted of a single crime, the expenses imposed on them shall be collected equally, unless the judgment stipulates otherwise or obligates them to pay them jointly.

### **Article 227**

If the accused is ordered to pay all or some of the costs of the public lawsuit, the person responsible for the civil right with him must be obligated to pay what was ordered, and in this case the costs ordered shall be collected from each of them jointly.

### **Article 228**

If the accused is convicted, the plaintiff in the civil suit must be ordered to pay the expenses he incurred if he is awarded compensation. However, the court may reduce the amount of expenses if it deems that some of them are unnecessary. However, if he is awarded some of the compensation he requested, the expenses are estimated in proportion to what he was awarded.

### **Article 229**

The person responsible for the civil right shall be treated as the accused with regard to the expenses of the civil suit.

## **Chapter Five: Methods of Appealing Judgments**

### **1- The opposition**

#### **Article 230**

The convicted person and the person responsible for the civil right may object to judgments in absentia issued in misdemeanors and violations before the court that issued the judgment within two weeks from the date of its announcement. The objection results in the suspension of the execution of the judgment.

#### **Article 231**

The opposition shall be submitted in a report deposited with the court secretariat, stating the date of the session set for its consideration. This shall be considered a notification of it, even if the report is from an agent. The Public Prosecution shall assign the remaining opponents to attend the specified session and notify the witnesses.

#### **Article 232**

The opposition shall result in the case being reconsidered with respect to the objecting party, and the objecting party shall not be harmed by his opposition.

#### **Article 233**

The objection shall be considered null and void if the objector does not attend the session set for its consideration. In this case, the court may order the provisional implementation of the judgment with the submission of a guarantee, even if it is appealed, with respect to

compensation. It may exempt the judgment creditor from the guarantee.

An objection to the judgment issued in the objection is not permitted.

## **2- Appeal**

### **Article 234**

The Public Prosecution and the convicted person may appeal judgments issued in misdemeanours and violations for which a prison sentence was imposed, whether the judgment was issued in person or in absentia or was issued in opposition to a judgment in absentia.

### **Article 235**

Judgments issued in civil suits in misdemeanor and contraventions may be appealed by the convicted person, the civil claimant and the person responsible for the civil right alone if the compensation requested exceeds the amount decided by the partial judge finally.

### **Article 236**

A judgment issued in crimes that are inseparably linked to each other may be appealed, even if the appeal is only permissible with respect to some crimes.

### **Article 237**

The appeal period is thirty days from the date of pronouncing the judgment if it was issued in the presence of the defendant or in opposition, and from the date it became uncontestable if it was issued in absentia for the convicted person, the civil claimant and the

person responsible for it, and forty-five days for the public prosecution.

### **Article 238**

The period for appealing judgments considered to be in absentia, in accordance with Articles 166 and 167 of this law, for the convicted person, begins from the date of notification thereof.

### **Article 239**

The appeal is submitted in a report that is deposited with the secretariat of the court that issued the ruling. If the accused is imprisoned, he decides to appeal to the prison administration official, who submits the report to the court secretariat immediately, and the appeal is considered expeditiously.

### **Article 240**

A session shall be set to consider the appeal within a maximum of fifteen days from the date of filing the appeal report, and the date of the session set to consider it shall be recorded therein, and this shall be considered a notification thereof, even if the report is from an agent, and the Public Prosecution shall instruct the remaining parties to attend the session.

### **Article 241**

If the court finds that the appeal is acceptable in form, it shall hear the appellant's statements and requests, and then the remaining parties shall speak, with the convicted person being the last to speak.

### **Article 242**

If the appeal is filed by the Public Prosecution, the court may uphold, cancel or amend the judgment, whether against or in favor of the convicted person. The penalty imposed may not be increased or the acquittal may not be canceled except by unanimous vote of the court judges. However, if the appeal is filed by someone other than the Public Prosecution, the court may only uphold, cancel or amend the judgment in favor of the appellant.

### **Article 243**

If the Misdemeanor Court rules on the subject matter and the Misdemeanor Appeal Court finds that there is a defect in the procedures or in the judgment, it shall correct the defect and rule on the case.

However, if it rules on lack of jurisdiction or accepts a plea that prevents the case from proceeding, and the Misdemeanor Appeal Court rules to cancel the judgment and the court has jurisdiction or rejects the plea and considers the case, it must return the case to the Misdemeanor Court to rule on the subject matter.

### **Article 244**

Judgments issued before the ruling on the subject matter of the case may not be appealed. Appealing the judgment issued on the subject matter results in appealing these judgments. However, judgments issued regarding the court's jurisdiction or lack of jurisdiction may be appealed.

## **3- Appeal before the Supreme Court**

### **Article 245**

The Public Prosecution, the convicted person, the person responsible for the civil right, and the plaintiff may appeal the judgments issued by the last degree in felonies and misdemeanors before the Supreme Court in the following cases:

- 1- If the ruling is based on a violation of the law or an error in its application or interpretation.
- 2- If the ruling is invalid.
- 3- If there is a defect in the procedures that affects the ruling.

The plaintiff or the person responsible for the civil right may not appeal except in relation to this right.

The Public Prosecution shall appeal the death sentences issued by cassation.

### **Article 246**

The basic principle is that the procedures were observed during the lawsuit. However, the party concerned may prove by all means that those procedures were neglected or violated, if they are not mentioned in the minutes of the session or in the judgment. If it is mentioned in either of them that they were followed, it is not permissible to prove that they were not followed except by a way of challenging the claim of forgery.

### **Article 247**

It is not permissible to appeal against judgments issued before the ruling on the subject matter, unless they result in preventing the case from proceeding.

## **Article 248**

The Public Prosecution, the civil claimant, and the person responsible for the civil claim, each in his own capacity, may appeal the judgment issued by the Criminal Court in the absence of the accused in a felony.

## **Article 249**

The appeal shall be filed by reporting it to the secretariat of the court that issued the judgment within forty days from the date of the judgment in absentia, or from the date of expiry of the opposition period, or from the date of the judgment issued therein . The reasons for the appeal must be deposited within this period. However, if the judgment is an acquittal and the appellant obtains a certificate that the judgment was not deposited in accordance with Article 222 of this law, the appeal and its reasons shall be accepted within ten days from the date on which the appellant is notified of the deposit of the judgment with the secretariat of the court.

If the appeal is filed by the Public Prosecution, its reasons must be signed by at least the Chief Public Prosecutor, and if it is filed by someone else, its reasons must be signed by a lawyer admitted before the Supreme Court.

## **Article 250**

No other reasons may be presented before the Supreme Court other than those presented within the time limit. However, the court may overturn the ruling in favor of the accused on its own initiative if it becomes clear to it from what is established therein that it is based on a violation of the law or on an error in its application or interpretation, or that the court that issued it was not constituted in

accordance with the law or has no jurisdiction to adjudicate the case, or if a law more favorable to the accused is issued after the contested ruling.

### **Article 251**

The appeal must be registered in a special register, and a copy thereof shall be announced to each of the respondents within twenty days from the date of filing, and any of them may respond with a memorandum within ten days from the date of its announcement.

### **Article 252**

The Secretariat shall, immediately after the expiry of the deadlines stipulated in Article 251 of this Law, send all the papers to the Secretariat of the Supreme Court to register the appeal in its records. The Secretariat shall send these appeals to the Public Prosecution Office at the Court, along with all the papers.

### **Article 253**

The Public Prosecution must submit a memorandum with its opinion on each appeal in terms of form and substance, and the appeal file must be deposited. The file is then presented to the head of the competent department to set a session to consider the appeal.

### **Article 254**

If the appeal is not filed by the Public Prosecution or by the person sentenced to a custodial sentence, the person filing it must deposit the treasury of the court that issued the ruling with the sum of two hundred riyals as a guarantee, unless he has been Exempted from

depositing it by a decision of the Judicial Assistance Committee. The state is exempted from this guarantee, as are those who are exempted from court fees.

### **Article 255**

The court shall order the confiscation of the bail amount if it is ruled that the appeal is inadmissible, inadmissible or rejected, and in misdemeanor it may order in these cases a fine not exceeding two hundred riyals.

### **Article 256**

An appeal to the Supreme Court shall not result in a stay of execution of the sentence unless it is a death sentence, or the court finds a justification for that.

### **Article 257**

The judgment shall not be overturned except insofar as it relates to the grounds on which the appeal is based, unless division is not possible. If the appeal is not filed by the Public Prosecution, the judgment shall not be overturned except with respect to the person who filed the appeal, unless the grounds on which the appeal is based are related to other defendants with him, in which case the judgment shall be overturned with respect to them as well, even if they did not file an appeal.

### **Article 258**

The appeal shall be referred to a member of the court to prepare a report including the facts of the case, the reasons for the appeal, and

the response to them, if any, without expressing an opinion thereon.

### **Article 259**

The court shall rule on the appeal after reading the report prepared by the court member, and it may hear the statements of the public prosecution and the lawyers for the opponents if it deems it necessary.

### **Article 260**

If the appeal or its grounds are submitted after the deadline, the court shall rule that it is inadmissible. If the appeal is accepted and is based on the fact that the contested judgment was based on a violation of the law or on an error in its application or interpretation, the court shall correct the error and rule in accordance with the law. If the appeal is based on a nullity in the contested judgment or on a nullity in the procedures that affected the judgment, the court shall overturn the judgment and return the case to the court that issued it to rule on it again, composed of other judges . However, it may be referred - if necessary - to another court.

If the overturned judgment was issued by the Misdemeanor Appeals Court or the Criminal Court in a misdemeanor that occurred during the session, the case shall be returned to the court originally competent to hear it.

### **Article 261**

A judgment may not be overturned merely because it contains a deficiency in reasoning, provided that the penalty imposed is prescribed by law for the crime established in the judgment, and the court shall be satisfied with correcting that error.

## **Article 262**

If the judgment is overturned based on an appeal filed by one of the parties other than the Public Prosecution, the appeal shall not harm the party.

## **Article 263**

If the annulment of the judgment is based on a legal issue, the court of subject matter to which the case is returned must abide by the ruling of the Supreme Court on this issue. In all cases, the court of subject matter may not rule on principles other than those established by the body stipulated in Article 9 of the Judicial Authority Law.

## **Article 264**

If the judgment issued by the court to which the case is referred is appealed, the Supreme Court shall rule on the matter in accordance with the procedures established in the trial of the crime that is the subject of the case.

## **Article 265**

The Public Prosecutor may, on his own initiative or upon a request from the Minister of Justice, request the Supreme Court at any time after the expiry of the deadlines set for appeal to cancel or amend any judgment, order or judicial decision in the interest of the law if the judgment, order or decision involves a violation of the law or an error in its application, in the following two cases:

1- Judgments that the law does not allow the parties to appeal.

2- Judgments in which the parties missed the appeal deadline, waived their right to appeal, or filed an appeal that was ruled inadmissible.

### **Article 266**

The appeal shall be registered in the interest of the law in the records of the Public Prosecution and the Supreme Court and shall be heard by the Court in the deliberation chamber.

### **Article 267**

The ruling issued in the appeal in the interest of the law shall have no effect unless it is issued in favor of the convicted person or the person responsible for the civil right.

## **4- Reconsideration**

### **Article 268**

A request for review of final judgments issued in felonies and misdemeanors may be made in the following cases:

1- If a person is convicted of murder and then the person alleged to have been killed is found alive.

2- If a judgment is issued against a person for an incident, then a judgment is issued against another person for the same incident, and there is a contradiction between the two judgments from which it is concluded that one of the convicted persons is innocent.

3- If a witness or expert is sentenced to the penalty of perjury or a ruling is issued for the forgery of a document submitted in the case

and the testimony, expert report or document has an impact on the ruling that is required to be reconsidered.

4- If the ruling was based on a ruling issued by another judicial authority and this ruling was cancelled.

5- If facts occur or appear after the ruling or documents are presented that were not known at the time of the trial, and these facts or documents would prove the innocence of the convicted person.

### **Article 269**

Reconsideration requests are accepted from:

1- Public Prosecution.

2- The convict or his legal representative if he is incapacitated or missing.

3- The spouse of the convict, his heirs after his death, or his relatives up to the fourth degree.

### **Article 270**

The request for reconsideration shall be submitted to the Public Prosecutor - if submitted by someone else - in a petition stating the ruling that is requested to be reconsidered and the reason for the request for reconsideration, and the request shall be accompanied by supporting documents.

### **Article 271**

If the request for reconsideration is not submitted by the Public Prosecution, a guarantee of one hundred riyals must be deposited upon submission, unless the request has been exempted from it by a decision of the Judicial Aid Committee. Anyone exempted from legal fees shall be exempted from this guarantee.

### **Article 272**

The Public Prosecution shall submit the request for reconsideration, the investigations conducted, and the documents supporting the request to the Criminal Division of the Supreme Court, accompanied by a report stating its opinion and the reasons on which it is based, within three months of submitting the request. The court may decide to accept or reject the request, and its decision in both cases shall be final. In the event of rejection, it may order the confiscation of all or part of the bail.

### **Article 273**

If the Supreme Court decides to accept the request, it shall decide on it after hearing the statements of the public prosecution and the opponents, and after conducting the investigation it deems necessary, either by itself or through someone it delegates, and shall rule to cancel the ruling and acquit the accused if acquittal is apparent. Otherwise, it shall refer the case to the court that issued the ruling, composed of other judges, to decide on its subject matter unless it deems it to do so itself. The court to which the case is referred shall abide by what the Supreme Court has decided, and in this case it shall not be permissible to issue a sentence exceeding that decided by the ruling that was reconsidered.

However, if it is not possible to retry the case, as in the case of the death or insanity of the convicted person, the Supreme Court shall

consider the subject matter of the case, and shall not cancel from the ruling except what appears to it to be erroneous.

If the convicted person dies and the request was not submitted by one of those stipulated in Article (269/3) of this Law, the Supreme Court shall consider the case in the presence of the person it appoints to defend his memory, who shall be , as far as possible, a relative. In this case, it shall rule, if necessary, to erase what affects this memory.

### **Article 274**

The request for reconsideration shall not result in the suspension of the execution of the sentence unless it is a death sentence. Otherwise, the court may order the suspension of execution in its decision accepting the request for reconsideration.

### **Article 275**

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

### **Article 276**

The cancellation of the contested ruling results in the cancellation of the ruling on compensation, and the obligation to return what was executed thereof.

### **Article 277**

Every acquittal issued based on a request for reconsideration must be published at the state's expense in the Official Gazette and in one of the local daily newspapers chosen by the interested party.

### **Article 278**

Judgments issued by a court other than the Supreme Court on the subject of the case based on a request for reconsideration may be appealed by all means prescribed by law.

## **Chapter Six**

### **The Power of Final Judgments**

#### **Article 279**

If a judgment is issued on the subject of the public lawsuit, it may not be reconsidered except by appealing to this judgment through the methods stipulated in this law. It is not permissible to return to the public lawsuit after a final judgment has been issued based on the emergence of new evidence or new circumstances or based on a change in the legal description of the charge.

#### **Article 280**

The criminal judgment issued in the subject of the public lawsuit, whether by acquittal or conviction, shall have the force that civil courts are bound by in lawsuits in which a final decision has not been made regarding the occurrence of the crime, its legal description, and its attribution to its perpetrator. The judgment of acquittal shall have this force whether it is based on the absence of the charge or on the insufficiency of evidence, and it shall not have this force if it is based on the fact that the incident is not punishable by law.

#### **Article 281**

Judgments issued in civil matters shall have no force before the courts considering the public action with regard to the occurrence of the crime and its attribution to its perpetrator.

## **Article 282**

The rulings issued by the Sharia courts, within the limits of their jurisdiction, shall have the force of res judicata before the court hearing the public case in the matters on which the decision in this case depends.

### **Chapter Five Implementation**

#### **Chapter One: Enforceable Provisions**

## **Article 283**

The penalties prescribed by law for any crime may not be executed except pursuant to a ruling issued by a competent court.

## **Article 284**

Criminal judgments may not be executed until they become final, unless otherwise provided by law.

Judgments imposing fines and expenses shall be enforceable immediately, even if they are appealed. The same applies to judgments imposing imprisonment for theft or against a repeat offender or one who has no known place of residence in the Sultanate. Judgments imposing imprisonment shall also be enforceable unless the convicted person provides a guarantee that if the judgment is appealed, he will attend the hearing and not flee from the execution of the judgment issued. Each of these judgments must specify the amount of the guarantee.

When ruling on compensation for the civil claimant, the court may

order provisional execution, even if an appeal is filed, with the provision of a guarantee, and it may exempt the person in whose favor the judgment was issued from the guarantee.

### **Article 285**

The Public Prosecution shall implement the enforceable judgments issued in the public lawsuit, and it may seek assistance from the public authority when necessary. The judgments issued in the civil lawsuit shall be implemented based on the request of the civil claimant in accordance with what is stipulated by law.

### **Article 286**

The accused who is in pretrial detention shall be released immediately if the verdict is an acquittal, a non-custodial measure, or a sentence that does not require imprisonment, or if the verdict orders the suspension of the sentence, or if the accused has served the period of the sentence imposed in pretrial detention.

## **Chapter Two: Execution of the Death Penalty**

### **Article 287**

A person sentenced to death shall be placed in a prison designated for that purpose, based on an order issued by the Public Prosecution, until the sentence is carried out.

### **Article 288**

The death sentence may not be carried out unless it is ratified by His Majesty the Sultan.

## **Article 289**

Relatives of the person sentenced to death may meet him during the three days prior to the date of execution of the sentence in a place far from the place of execution.

## **Article 290**

The death penalty shall be carried out upon the request of the public prosecutor in the place designated for that purpose inside the prison or in another concealed place. If the convict requests to meet the prison preacher or one of his religious men before the execution, the necessary facilities must be provided to enable him to do so. The execution shall be carried out in the presence of a member of the public prosecution, the prison administration officer, the preacher, the prison doctor or one of the doctors appointed by the public prosecution, and the blood money owner or his legal representative if the Execution is in retaliation.

No one other than those mentioned may attend the execution except with special permission from the public prosecutor. The convict's defense attorney must always be permitted to attend.

## **Article 291**

The text of the death sentence and the charge for which the convict was sentenced shall be read out at the place of execution within the hearing of those present. If the convict wishes to make a statement, the public prosecutor shall draw up a report thereon.

If the execution is in retaliation and the victim pardons before the execution, the death penalty shall be replaced by life imprisonment.

Upon completion of the execution, the public prosecutor shall draw

up a report thereon, including the doctor's certificate of death and the time of its occurrence.

### **Article 292**

The death penalty shall not be carried out on official holidays or holidays of the religion of the convicted person.

### **Article 293**

The execution of the death penalty on a pregnant woman shall be postponed until she gives birth. If she gives birth to a live fetus, the execution shall be postponed for two years to allow her to breastfeed it. If the fetus dies before that, the execution shall be carried out forty days from the date of death. If she gives birth to a dead fetus, the execution shall be carried out sixty days from the date of delivery. In all cases, she shall be imprisoned until the time for execution comes.

### **Article 294**

The Public Prosecutor shall issue a decision regulating the procedures and controls necessary for implementing the death penalty that are not stipulated in this chapter.

### **Article 295**

The body of a person sentenced to death shall be buried at the bank of the State, unless he has relatives who request this to be done, and the burial must be without any kind of ceremony.

## **Chapter Three:**

### **Implementation of custom sentences and conditional release**

## **Article 296**

Sentences issued for custodial sentences shall be executed in prisons designated for this purpose, pursuant to an order issued by the Public Prosecution.

## **Article 297**

The day on which the execution of the sentence begins shall be counted as part of the sentence and the prisoner shall be released on the day the sentence ends. If the release date falls on an official holiday, the prisoner shall be released on the day preceding it.

## **Article 298**

The term of the custodial sentence begins from the day of the arrest of the convict based on the enforceable judgment, taking into account the reduction of the term of pretrial detention and the term of arrest.

## **Article 299**

If the accused is acquitted of the crime for which he was detained in custody, or if a decision is issued to close the investigation, the period of detention in custody shall be deducted from the period of sentence for any crime he may have committed during or before detention in custody.

## **Article 300**

When multiple penalties restricting freedom are imposed on the accused, the period of pretrial detention and the period of arrest shall be deducted from the lighter penalty first.

### **Article 301**

If the woman sentenced to a custodial sentence is pregnant, the execution of the sentence may be postponed until she gives birth and a period of three months has passed since the birth.

### **Article 302**

If the person sentenced to a custodial sentence is suffering from a disease that threatens his life in itself or because of the execution, the execution of the sentence may be postponed.

### **Article 303**

If the person sentenced to a custodial sentence suffers from insanity, mental disorder, mental weakness or a serious psychological illness that causes him to lose the ability to control his actions in an absolute manner, the execution of the sentence must be postponed until he recovers, and he must be placed in a place for treatment by decision of the Public Prosecutor, provided that the period he spends there is deducted from the term of the sentence imposed.

### **Article 304**

If a man and his wife are sentenced to a custodial sentence, the execution of the sentence may be postponed for one of them until the other is released, if they are responsible for a minor who has not reached the age of fifteen and they have a known place of residence in the Sultanate.

### **Article 305**

If one of the ascendants, descendants or relatives up to the third degree of a person sentenced to a custodial sentence dies, the execution may be postponed for a period not exceeding three days to participate in the mourning ceremonies.

### **Article 306**

The postponement of the execution of a custodial sentence in accordance with the articles contained in this chapter shall be by order of the Public Prosecutor, either on his own initiative or at the request of the interested parties. He may order the taking of whatever precautions he deems necessary to prevent the convict from escaping.

### **Article 307**

Except in the cases specified by law, the convict may not be released before he has completed the term of the sentence imposed.

### **Article 308**

If there are multiple penalties restricting freedom, the most severe penalty must be implemented first.

### **Article 309**

Any person sentenced to a final penalty restricting freedom may be released on parole if he has spent two-thirds of the sentence in prison, not less than nine months, and his conduct while in prison calls for confidence in his own reform, unless his release poses a threat to public security.

If the sentence is life imprisonment, release may not be permitted

unless the convict has spent at least twenty years in prison.

A person released on parole shall be subject to the terms and conditions stipulated in the Prisons Law for the remainder of the sentence.

A release on parole may be canceled if the person released breaches any of the conditions on the basis of which the release was granted, and he shall be returned to prison to serve the remainder of the sentence. The order for release on parole and its cancellation shall be issued by a decision of the Director General of Prisons after the approval of a committee formed by a decision issued by the Inspector General of Police and Customs.

### **Article 310**

Conditional release is not permitted unless the convict fulfills the financial obligations imposed in the crime, unless it is impossible for him to fulfill them.

### **Article 311**

The measures imposed shall not be implemented except after the execution of the penalties restricting freedom. As an exception to this, the measure of placement in a place for treatment shall be implemented before the execution of any penalty. Material measures shall also be implemented immediately unless the ruling stipulates otherwise.

## **Chapter Five: The Problem of Implementation**

### **Article 312**

Any objection from the convicted person regarding the execution shall be submitted to the court that issued the judgment, and the dispute shall be submitted to the court through the Public Prosecution as soon as possible, and the Public Prosecution shall instruct the concerned parties to attend the session set for its consideration.

If the objection is regarding the execution of the death sentence, it may be reported to the person in charge of the prison administration or the place where the execution is taking place, and he shall immediately submit it to the Public Prosecution to submit the dispute to the court.

### **Article 313**

The court shall decide the dispute in the consultation chamber after hearing the statements of the public prosecution and the interested parties. The court may conduct the investigations it deems necessary, and in all cases it may order a stay of execution until the dispute is settled.

The public prosecutor may, when necessary and before submitting the dispute to the court, temporarily suspend the execution of the judgment.

### **Article 314**

In all cases, the person who has an objection may appoint a representative to present his defense, without prejudice to the court's right to order his personal attendance.

### **Article 315**

If a dispute arises regarding the person convicted, it shall be settled in the manner and according to the procedures stipulated in Articles 312, 313 and 314 of this Law.

### **Article 316**

In the event that financial judgments are executed on the assets of the convicted person, if a dispute arises from someone else regarding those assets, the matter shall be referred to the competent civil court in accordance with the procedures established by law.

## **Chapter Six Settlement of Amounts Awarded**

### **Article 317**

When settling the amounts due to the state for fines, what must be returned, compensation and expenses, the Public Prosecution must, before implementing them, notify the convicted person of the amount of these amounts unless they were estimated in the judgment.

### **Article 318**

The amounts stipulated in Article 317 of this Law may be collected in accordance with the system for collecting taxes, fees and other amounts due to units of the state's administrative apparatus issued by Royal Decree No. 32/94.

### **Article 319**

If a fine, what must be returned, compensation and expenses are imposed, and the funds of the convicted person are not sufficient to

cover the amounts imposed, what is obtained from them must be distributed among the right parties according to the following order:

- 1- Fines and expenses.
- 2- Amounts due to the state as compensation and compensation.
- 3- The amounts due to the civil claimant.

### **Article 320**

If a person is detained pending trial and is only sentenced to a fine, five riyals must be deducted from the fine for each day of detention upon execution. If he is sentenced to both imprisonment and a fine and the period he in detention pending trial exceeds the spent term of imprisonment imposed, the same amount must be deducted from the fine for each day of the excess.

### **Article 321**

The President of the Court of First Instance in whose jurisdiction the execution is taking place may, in exceptional circumstances, upon the convict's request and after taking the opinion of the Public Prosecution, grant the convict a period of time to pay the amounts due to the State, or authorize him to pay them in installments, provided that the period does not exceed one year. The order issued to accept or reject the request may not be appealed.

If the convict is late in paying an installment, the remaining installments shall become due. The President of the Court may cancel the order issued by him if he finds reason to do so.

### **Article 322**

Physical coercion may be used to collect fines and other amounts stipulated in Article 317 of this Law by imprisoning the convict, and its duration shall be estimated at one day for every five riyals.

The duration of coercion may not exceed six months.

If there are multiple rulings, execution shall be based on the total amounts ruled, provided that the duration of coercion shall not exceed one year.

### **Article 323**

Physical coercion shall be carried out by order of the Public Prosecution after the convict has been notified and after he has served all terms of the custodial sentences imposed.

### **Article 324**

Physical coercion ends if the amount equivalent to the period by the convict in coercion in prison becomes equal to the amount originally requested after deducting what the convict has paid or obtained from him by execution on his property.

### **Article 325**

The convict shall be released from the fine and other amounts stipulated in Article 317 of this Law by implementing physical coercion on him.

### **Article 326**

The convict may, at any time before the issuance of the order for physical coercion, request the Public Prosecution to replace him with manual or industrial work without pay in one of the units of the

state's administrative apparatus for a period equal to the period of coercion that should have been implemented. The work in which the convict may be employed shall be determined by a decision of the Public Prosecutor, and it shall be noted that the period of work shall not exceed seven hours per day.

If the convict is absent from his work without an acceptable excuse or does not perform it in a satisfactory manner, the judgment of physical coercion shall be implemented against him.

### **Article 327**

If the convicted person does not implement the judgment issued to the civil claimant after being warned to pay, the misdemeanor court in whose jurisdiction his place of residence is located may, if it is proven to him that he is able to pay and orders him to do so but he does not comply, sentence him to physical coercion for a period not exceeding three months, and nothing shall be deducted from the compensation for coercion in this case, and the lawsuit shall be filed by the civil claimant in the usual ways.

## **Chapter Six**

### **Miscellaneous Provisions**

#### **Chapter One:**

**The penalty shall lapse with the passage of time and the death of the convict.**

### **Article 328**

The penalty imposed for a felony shall lapse after twenty years, except for the death penalty, which shall lapse after thirty years. The penalty imposed for a misdemeanor shall lapse after five years, and

for a contravention after two years. The period shall begin from the time the judgment becomes final, unless the penalty was imposed in absentia for a felony, in which case the period shall begin from the day the judgment was issued.

### **Article 329**

The period is interrupted by the arrest of the person sentenced to a custodial penalty, and by any enforcement procedure taken against him or that comes to his knowledge. The period is also interrupted in cases other than violations if the sentenced person commits a crime during it of the same type as the crime for which he was sentenced.

### **Article 330**

The period shall be suspended by any impediment, whether legal or material, that prevents the commencement of execution.

### **Article 331**

If the convicted person dies after the final judgment is issued against him, the financial penalties, compensation, what must be returned, and expenses shall be executed against his estate.

### **Article 332**

The provisions stipulated by law for the lapse of time apply with regard to compensation, what must be returned, and the expenses awarded. However, enforcement by means of physical coercion may not be carried out after the lapse of the period stipulated for the lapse of the penalty.

## **Chapter Two: Restoring Honor**

### **Article 333**

Every person convicted of a felony or misdemeanor that violates honor or trust shall be rehabilitated in accordance with the provisions of this law.

### **Article 334**

Rehabilitation shall be effected by law after the original and complementary punishment has been fully executed, or a pardon has been issued or it has been dropped, provided that six years have passed if the punishment is for a felony, and three years if it is for a misdemeanor.

### **Article 335**

The Criminal Court, sitting in the deliberation chamber, may issue a judgment to restore honor if requested, provided that the following conditions are met:

- 1- The imposed sentence must have been executed, pardoned, or dropped due to the passage of time.
- 2- Three years must have passed since the date of full implementation or the issuance of the pardon if the penalty was for a felony, and eighteen months if it was for a misdemeanor. The periods are doubled in the case of a ruling for recidivism and the penalty being dropped by the passage of time.

### **Article 336**

The request for rehabilitation shall be submitted by petition to the Public Prosecution Office of the applicant's place of residence. The request must include the necessary information to identify his identity, and must state the date of the judgment issued against him and the places where he has resided since then.

### **Article 337**

The Public Prosecution shall conduct an investigation into the application to verify the applicant's date of residence in each place from the time of his conviction and the duration of that residence, to determine his behavior and sources of livelihood, and in general to collect all the information it deems necessary. The investigation shall be attached to the application and it shall be submitted to the court within the two months following its submission with a report in which it shall record its opinion and state the reasons on which it is based. The following shall be attached to the application:

- 1- A copy of the judgment issued against the student.
- 2- Criminal record.
- 3- A report on his behavior during the period of execution of the penalty.

### **Article 338**

In order for the judgment to restore honor, the convicted person must fulfill all the financial obligations imposed on him to the state or individuals, unless these obligations have expired or the convicted person proves that he is in a state in which he is unable to fulfill them.

### **Article 339**

If several judgments have been issued against the student, a ruling to restore his reputation may not be issued unless the conditions stipulated in the previous articles are met with respect to each judgment, provided that the calculation of the period takes into account its attribution to the most recent judgment.

### **Article 340**

The court shall consider the request in a consultation chamber and shall hear the statements of the public prosecution and the applicant, and obtain all the information it deems necessary. The applicant shall be notified to attend at least eight days before the session.

### **Article 341**

When the conditions for rehabilitation are met, the court shall rule on it if it finds that the applicant's behavior since the issue of the ruling against him calls for confidence in his own improvement. The ruling may only be appealed by way of cassation for an error in the application or interpretation of the law.

### **Article 342**

If the request for rehabilitation is rejected due to the convict's behavior, it may not be renewed until one year has passed. In other cases, it may be renewed if the necessary conditions are met.

### **Article 343**

A judgment of rehabilitation may be annulled if it appears that the convicted person has been convicted of other judgments that the

court was not aware of, or if he has been convicted after rehabilitation for a crime that occurred before.

In this case, the judgment shall be issued by the court that issued the judgment of rehabilitation based on a request from the public prosecution.

### **Article 344**

The convict may only be rehabilitated once.

### **Article 345**

If the sentence was accompanied by a measure, the period shall begin from the day on which the measure ends or lapses due to the passage of time. If the convict was released on the parole, the period shall not begin until the date on which the release on the parole becomes final.

However, if the sentence was with a stay of execution of the sentence, the period shall begin from the date on which the sentence was issued.

### **Article 346**

The restoration of honor requires the nullification of the conviction for the future and the elimination of the resulting lack of capacity, deprivation of rights and other criminal effects.

The Public Prosecution shall send a copy of the judgment issued to restore honor to the court that issued the conviction and to the competent authorities for approval accordingly.

### **Article 347**

The restoration of honor may not be invoked against third parties with regard to the rights that accrue to them from a conviction.

### **Article 348**

The judgments issued in the following crimes are not considered precedents that require a request for rehabilitation:

- 1- The first precedent in misdemeanors.
- 2- Misdemeanors that do not violate honor or trust.
- 3- Juvenile crimes unless otherwise provided by law.
- 4- Violations.
- 5- Crimes whose laws stipulate that they are not considered a precedent.

## **Chapter Three**

### **Lost Papers**

#### **Article 349**

If the original copy of the judgment is lost before it is executed, its official copy shall replace it. If the copy is in the possession of a person or entity, the Public Prosecution shall obtain an order from the President of the Court that issued the judgment to hand it over, and the person from whom it was taken may request an identical copy free of charge.

#### **Article 350**

The loss of the original copy of the judgment does not require a retrial if all means of appeal against the judgment have been exhausted.

### **Article 351**

If the case is being heard before a court higher than the court that decided the case and it is not possible to obtain a copy of the ruling, the court shall order a retrial if all the procedures prescribed for appeal have been completed.

### **Article 352**

If all or some of the investigation papers are lost before a decision is issued, the investigation into the lost papers will be repeated. If the case is brought before the court, it will conduct whatever investigation it deems appropriate.

### **Article 353**

If all or some of the investigation papers are lost, and the judgment is available and the case is being heard before the Supreme Court, the procedures shall not be repeated unless the court sees fit to do so.

## **Chapter Four: Calculating Appointments**

### **Article 354**

The dates and periods stipulated in this law shall be calculated according to the Gregorian calendar unless otherwise stated.

### **Article 355**

If the law sets a period of days, months or years for attendance or for the procedure to take place, the day of the announcement or the occurrence of the matter considered by the law to be the start of the period shall not be counted, and the period shall expire at the end of the official working day on the last working day.

If the period is set in hours, the hour from which the period begins and ends shall be calculated in the manner described above. However, if the period is one that must expire before the procedure, the procedure may not take place until after the expiry of the last day of the period.

Periods set by month or year shall expire on the day preceding the corresponding day in the following month or year. In all cases, if the end of the period falls on an official holiday, the period shall be extended to the first working day thereafter.

### **Article 356**

The deadlines set forth in this law shall be added to the deadlines of ten days for those whose residence is outside the jurisdiction of the court, and sixty days for those whose residence is outside the Sultanate. Depending on the ease of transportation and urgent circumstances, these deadlines may be reduced by order of the competent court, and this order shall be announced to the parties concerned.

← **Code of Criminal Ministry of Agriculture →**  
**Procedure (Amended) and Fisheries:**  
**Ministerial Resolution**  
**No. 87/99 regarding the**

# administrative divisions of the Ministry of Agriculture and Fisheries

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