

## Law of Criminal Procedure

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## Law of Criminal Procedure

### Part 1 General Provisions

#### Article 1

Courts shall apply Sharia principles to cases brought before them, as derived from the Quran and Sunnah as well as laws promulgated by the State that are not in conflict with the Quran and Sunnah, and shall adhere to procedures stipulated in this Law.

#### Article 2

No person may be arrested, searched, detained or imprisoned except in cases provided by law. Detention or imprisonment may be carried out only in places designated for such purposes and for the period prescribed by the competent authority. A person under arrest may not be subjected to any bodily or moral harm, nor torture or degrading treatment.

#### Article 3

No penalty may be imposed on any person except upon conviction of an act in violation of Sharia or law following a trial in accordance with Sharia principles.

#### Article 4

1. An accused person may seek the assistance of an agent or an attorney to defend him during investigation and trial.
2. The regulations of this Law shall set forth the rights of the accused which he must be made aware of.

#### Article 5

If a case is filed with a court, it may not be transferred to another court or authority, nor withdrawn prior to judgment thereon. A case shall be deemed filed as of the date of registration with the court.

#### Article 6

Courts shall try the accused for the offenses he is charged with in accordance with Sharia principles as well as procedures

provided for in this Law. The court may consider facts not raised by the public prosecutor, if no investigation is necessary.

## **Article 7**

Trial hearings, including the hearing set for the pronouncement of the sentence, shall be attended by the required number of judges, failing which the chief of the court shall assign a judge to complete the quorum. If this proves unattainable, the Chairman of the Supreme Judicial Council shall assign a judge for this purpose.

## **Article 8**

Deliberations of judges shall be conducted in a closed session, and each judge shall state his opinion before a decision is rendered. Decisions shall be rendered either unanimously or by majority vote. A dissenting judge shall state his views and grounds therefor in the minutes. The majority shall state their opinion in their response to the dissent in the minutes. Participation in the deliberations shall be restricted to judges attending the proceedings.

## **Article 9**

Judgments may be appealed in accordance with provisions provided for in this Law.

## **Article 10**

Sentences of death, stoning, amputation, or qisas in cases requiring capital punishment or less, that have been rendered or upheld by the appellate court shall not be deemed final unless upheld by the Supreme Court.

## **Article 11**

If the Supreme Court does not uphold the sentence before it in application of Article 10 of this Law, said sentence shall be overturned and the case shall be remanded to the court of first instance for retrial by other judges.

## **Article 12**

Investigation and trial of juveniles shall be conducted in accordance with relevant laws and regulations.

## **Article 13**

The Bureau of Investigation and Public Prosecution shall conduct its investigation and public prosecution in accordance with its Law and Implementing Regulations.

## **Article 14**

All law enforcement officers shall execute orders issued by judicial entities under this Law, and may use any appropriate means for this purpose.

## Part 2 Criminal Action

### Chapter 1 Initiation of Criminal Action

#### Article 15

Pursuant to its Law, the Bureau of Investigation and Public Prosecution shall have jurisdiction to initiate and pursue criminal actions before competent courts.

#### Article 16

The victim (or representative) or his heirs – in case of death – may initiate a criminal action with respect to all cases involving a private right, and shall pursue such case or action before the competent court. In such a case, the court shall summon the public prosecutor.

#### Article 17

No criminal action may be initiated nor investigation proceedings carried out in crimes involving a private right for individuals, except upon a complaint filed by the victim (or representative) or his heirs – in case of death – with the competent authority, unless the Bureau of Investigation and Public Prosecution decides that the filing of such action and the investigation into such crimes serve public interest.

#### Article 18

If the court finds a conflict between the interest of the victim, or his heirs, and the interest of his representative, such representative shall be prevented from continuing the proceedings and another representative shall be appointed.

#### Article 19

If the court establishes in a case pending before it that it involves suspects other than those being prosecuted or facts related to the charge in question, it shall notify the complainant accordingly in order to complete the proceedings set forth in this Law.

#### Article 20

Upon committing acts which violate court orders or constitute contempt thereto, or influence its judges, parties to the case or witnesses in connection with a case pending before it, the court shall consider said acts and render judgment thereon in accordance with Sharia principles.

#### Article 21

A member of the Bureau of Investigation and Public Prosecution may not assume or decide on any case in the following events:

1. If said member is the victim or the spouse, relative or in-law up to the fourth degree of any litigant.
2. If enmity or affinity exists between said member and any of the litigants which may influence the course of investigation.
3. If he has previously contributed to the case as an expert, arbitrator, agent, witness or the like.

### Chapter 2 End of Criminal Action

#### Article 22

A public criminal action shall lapse in the following events:

1. Issuance of a final judgment.

2. Grant of pardon by the King on pardonable matters.
3. Repentance which relieves from punishment in accordance with Sharia principles.
4. Death of the accused.

The lapse of a public criminal action shall not impede the continuation of a private right action.

## **Article 23**

A private criminal action shall lapse in the following two cases:

1. Issuance of a final judgment.
2. Grant of pardon by the victim or his heirs.

The grant of pardon by the victim or his heirs shall not preclude proceedings of public criminal action.

# Part 3 : Preliminary Investigation Procedures

## Chapter 1 Collection and Recording of Information

### Article 24

Preliminary criminal investigation officers shall be in charge of pursuing offenders and collecting information and evidence necessary for investigation and indictment.

### Article 25

Preliminary criminal investigation officers shall, in conducting their duties as provided for in this Law, be subject to the supervision of the Public Prosecution.

The Public Prosecution may request the relevant authority to review any violation or dereliction of duty by such officers and to take disciplinary action against them. The relevant authority shall notify the Public Prosecution of any action taken in this regard, without prejudice to the right to initiate criminal action.

### Article 26

Proceedings relating to preliminary criminal investigation shall be conducted by the following persons, each within their jurisdiction:

1. Members of the Bureau of Investigation and Public Prosecution.
2. Directors of police stations and their assistants in cities, counties, and townships.
3. Officers across all military sectors, with respect to crimes falling within their respective jurisdictions.
4. Governors of counties and administrators of townships.
5. Captains of Saudi vessels and airplanes, with respect to crimes committed on board.
6. Heads of centers of the General Presidency for the Promotion of Virtue and Prevention of Vice, with respect to matters falling within their jurisdictions.
7. Employees and other persons entrusted with the powers of preliminary criminal investigation pursuant to special regulations.
8. Agencies, committees and persons assigned to conduct investigation pursuant to relevant laws.

### Article 27

Preliminary criminal investigation officers shall, each within their jurisdiction, receive reports and complaints with respect to all crimes. Said officers and their subordinates shall review such reports and complaints; include relevant information in a report signed by them; summarize and date the same in a special register; and promptly notify the Bureau of Investigation and Public Prosecution. The preliminary criminal investigation officer shall move to the crime scene to maintain its integrity and seize all that may be relevant to the crime, preserve evidence, and take necessary action. He shall record procedures carried out in a special report signed by him and his assistants.

### Article 28

During collection of information, the preliminary criminal investigation officers shall hear statements of those who may possess information with respect to facts and perpetrators of crimes, question any suspect and record the same in their reports. They may seek the assistance of experts, including physicians, and require their opinion in writing.

### Article 29

A complaint filed by a person sustaining injury as a result of a crime shall be considered as a claim of his private right, unless he expressly waives such right before the investigator. The investigator shall record such waiver in the report and have it witnessed. In case of qisas and defamation, such waiver shall be attested by the competent court.

## Chapter 2 Flagrante Delicto

## Article 30

A crime shall be deemed flagrante delicto if the perpetrator is caught in the act of committing such a crime, or shortly thereafter. It shall also be deemed flagrante delicto if the victim or a shouting crowd is found pursuing another person subsequent to the commission of the crime, or when the perpetrator is found shortly thereafter in possession of tools, weapons, property, equipment, or other items indicating that he is the perpetrator or accomplice thereto, or if, at the time, marks or signs indicating the same are found on his person.

## Article 31

In case of flagrante delicto, the preliminary criminal investigation officer shall promptly move to the scene of the crime to inspect and preserve material evidence and establish the conditions of the locations and persons and all that may reveal the truth. He shall take statements of those present and any person in possession of information relevant to the crime and its perpetrator. He shall promptly notify the Bureau of Investigation and Public Prosecution of his movement to the crime scene.

## Article 32

In case of flagrante delicto, the preliminary criminal investigation officer may, upon his arrival at the crime scene, prevent persons present from leaving the scene until a report is drafted. He may immediately summon any person in possession of information relevant to the crime.

If any person present at the scene fails to comply with the order of the preliminary criminal investigation officer, or if the person summoned refuses to appear, a note to that effect shall be included in the report and the violator shall be referred to the competent court to take appropriate action.

# Chapter 3 Arrest of the Accused

## Article 33

In case of flagrante delicto, the preliminary criminal investigation officer shall arrest the accused against whom sufficient evidence exists for charging him with the crime. A report to that effect shall be drafted and the Bureau of Investigation and Public Prosecution shall be promptly notified. In all cases, the arrested person shall not be detained for more than twenty four hours, except upon a written order by the investigator.

If the accused is not present, the preliminary criminal investigation officer shall issue an order for his arrest and a note to that effect shall be included in the report.

## Article 34

The preliminary criminal investigation officer shall immediately hear the statement of the arrested person. If there is sufficient evidence for accusation, the officer shall, within twenty four hours, refer the accused, along with the report to the investigator who shall, within twenty four hours, interrogate him and order his detention or release.

## Article 35

In other than flagrante delicto cases, a person may not be arrested or detained without an order from the competent authority.

## Article 36

1. A detainee shall be treated with dignity and may not be subjected to any bodily or moral harm. He shall also be informed of the reasons of his detention, and he may contact any person of his choice to inform him of his arrest.

2. If the investigator decides to keep an employee in detention, the employer of said detainee shall be promptly notified.

3. A woman shall give her statement and be interrogated and investigated in the presence of a mahram (i.e. a male relative precluded from marrying her).

If not possible, this shall be conducted in a manner that precludes khalwah (i.e. being alone with a male investigator).

## Article 37

No person may be detained or imprisoned except in places legally designated for such purpose. The administration of any prison or detention center may not receive any person except pursuant to an order specifying the grounds and period for such imprisonment or detention and duly signed by the competent authority. Said person may not remain in custody following the expiry of the period specified in the order.

### **Article 38**

Designated members of the Bureau of Investigation and Public Prosecution shall, at any time and without regard to official hours, visit prisons and places of detention within their jurisdiction to ensure that no person is unlawfully imprisoned or detained. They shall have access to files of the prisons and detention centers, communicate with prisoners and detainees, hear their complaints, and receive whatever they submit in this regard. Wardens of prisons and detention centers shall provide members of the Bureau of Investigation and Public Prosecution with any assistance they may need for the discharge of their duties.

### **Article 39**

Any prisoner or detainee may submit, at any time, a written or oral complaint to the warden of prison or detention center and request that he refer it to a member of the Bureau of Investigation and Public Prosecution. The director shall accept the complaint and promptly report it, upon entering such complaint in a special register, and provide the prisoner or detainee with proof of receipt. The administration of the prison or detention center shall allocate an office for the designated member of the Bureau of Investigation and Public Prosecution to monitor the conditions of prisoners or detainees.

### **Article 40**

Any person with knowledge that a person is unlawfully imprisoned or detained, or held in a place not designated for imprisonment or detention, shall notify the Bureau of Investigation and Public Prosecution. Upon notification, the competent member of the Bureau shall immediately proceed to the place where the prisoner or detainee is held and conduct the necessary investigation. If such imprisonment or detention is found to be unlawful, he shall order the release of such person. A report to that effect shall be drafted and submitted to the competent authority to take necessary legal action against those responsible.

## **Chapter 4 Search of Persons and Dwellings**

### **Article 41**

The privacy of persons, their dwellings, offices and vehicles shall be protected. The privacy of a person shall include his body, clothes, property and belongings. The privacy of a dwelling covers any fenced area or any other place enclosed within barriers or intended to be used as a dwelling.

### **Article 42**

A preliminary criminal investigation officer may not enter or search any inhabited place except in cases provided for in the law, pursuant to a reasoned order issued by the Bureau of Investigation and Public Prosecution. Places other than dwellings may be searched pursuant to a search warrant issued by the investigator stating reasons therefor. If the owner or occupant of a dwelling denies or resists entry of the preliminary criminal investigation officer, said officer may use all lawful means, as the case may be. A dwelling may be entered in case of a request for help from within, or in case of a demolition, drowning, fire, or the like, or in immediate pursuit of a perpetrator.

### **Article 43**

A preliminary criminal investigation officer may search the accused in the situation where it is lawful to arrest him. The search may include his body, clothes and belongings. If the accused is a female, the search shall be conducted by a female assigned by the preliminary criminal investigation officer.

### **Article 44**

In case of flagrante delicto, a preliminary criminal investigation officer may search the dwelling of the accused and seize any

items that may help determine the truth if there is credible evidence that such items exist therein.

## **Article 45**

If it appears from circumstantial evidence during the search of a dwelling of the accused that he, or any other person who has been present therein, is concealing any relevant evidence, the preliminary criminal investigation officer may search such person.

## **Article 46**

The search shall be limited to items relevant to the crime under investigation or inquiry. If such search incidentally reveals items the possession of which constitutes a crime or leads to solving another crime, the preliminary criminal investigation officer shall seize such items and record the same in the search report.

## **Article 47**

A dwelling shall be searched in the presence of the owner, his designee or a competent member of the family residing with him. If no such person is present, the search shall be conducted in the presence of the Umda (Chief) of the quarter or an equivalent officer or two witnesses. The owner of the dwelling, or designee, shall be shown the search warrant and the same shall be entered into the report.

## **Article 48**

The search report shall include the following:

1. Name of the officer who conducted the search, his position and signature as well as date and time of the search.
2. The text of the search warrant or the exigent circumstances that necessitated the search without a warrant.
3. Names and signatures of persons present at the time of the search.
4. An accurate description of seized items.
5. All actions taken during the search and those taken with respect to seized items.

## **Article 49**

The preliminary criminal investigation officer may not open sealed or closed documents found in the dwelling of the accused. A statement to this effect shall be entered into the search report and such documents shall be submitted to the relevant investigator.

## **Article 50**

1. Prior to leaving the location subject of the search, seized items and documents shall be kept in a safe and locked place, and shall be sealed and tied together whenever possible. The date of the seizure and a reference to the crime shall be indicated in the seal.
2. Seized items shall be kept with the competent investigation authority in a safe and secure place designated for such purpose. Storage of such items shall be carried out according to the nature of each seized item. A special record shall be maintained for seized items, stating item number, case number, type and names of parties involved, case summary, item description and action taken. Such places shall be monitored and inspected by the Bureau of Investigation and Public Prosecution.

## **Article 51**

Pursuant to Article 50 of this Law, fixed seals may not be broken except in the presence of the accused or his agent, or the person with whom those items were found, unless they fail to appear before the competent authority within the designated time, after being duly summoned.

## **Article 52**

The search shall be conducted during daytime, between sunrise and sunset in accordance with the powers conferred by law, and may continue through the night. No access to dwellings during the night may be allowed except in cases



of flagrante delicto.

### **Article 53**

If there is no person other than the accused woman in the dwelling to be searched, the officers carrying out the search shall be accompanied by a woman.

### **Article 54**

Subject to the provisions of Articles 43 and 45 of this Law, if there are women in the dwelling and the entry of that dwelling is not for the purpose of arresting or searching said women, the officers in charge of such search shall be accompanied by a woman. The women inside the dwelling shall be given time to take cover or leave the dwelling and shall be afforded all necessary assistance that does not negatively affect the search or its results.

### **Article 55**

No person other than the accused, nor a dwelling other than his may be searched, except where there are strong indications that such search would help in the investigation.

## **Chapter 5 Seizure of Mail and Surveillance of Conversations**

### **Article 56**

Mail, cables, telephone conversations and other means of communication shall be inviolable and, as such, may not be accessed or monitored except pursuant to a reasoned order and for a limited period as provided for in this Law.

### **Article 57**

The Chairman of the Bureau of Investigation and Public Prosecution may order seizure of letters, correspondences, publications, and packages and authorize monitoring and recording of telephone conversations, if such action is useful in solving a crime. Such order or authorization shall be reasoned and for a period not exceeding 10 days, renewable according to the requirements of the investigation.

### **Article 58**

Mail, documents, recorded material and any other seized items may be accessed only by the investigator. He may order the items or copies thereof to be added to the case file or returned to their possessor or to the addressee.

### **Article 59**

The accused or the addressee shall be informed of the content of seized mail and cables or provided with copies thereof as soon as possible, unless it is deemed to have a negative effect on the investigation.

### **Article 60**

The person having the right to seized items may claim repossession of such items from the investigator. In case of refusal, he may appeal to the head of the investigator's department.

### **Article 61**

The investigator and anyone who, as a result of the search, becomes privy to information about seized items and documents shall maintain their confidentiality and may not benefit therefrom in any way or disclose the same to a third party, except as stipulated by law. In

case of unlawful disclosure or benefit, said investigator shall be held liable.

## **Article 62**

Subject to the provisions of Article 59 of this Law, if the person, in whose possession said documents were seized, has an urgent need therefor, he shall be provided with a copy thereof attested by the investigator.

# Part 4 Investigation Procedures

## Chapter 1 Actions of the Investigator

### Article 63

If the investigator concludes that there is no ground to proceed with the case, he may recommend closure of the case. However, the decision to close the case shall be issued by the head of the relevant department.

### Article 64

If a decision to close the case is issued, the investigator shall notify the victim and any claimant of private right of such decision. In case of death of either of them, the decision shall be communicated to the heirs at the place of residence of the deceased.

### Article 65

During investigation, the accused may seek the assistance of an agent or a lawyer. The investigator shall investigate major crimes as provided for in this Law. He may also investigate other crimes if the circumstances or gravity of the case so require or may file a lawsuit to summon the accused to appear in person before the competent court.

### Article 66

The investigator may assign in writing any of the preliminary criminal investigation officers to carry out one or more of the investigation proceedings save for the interrogation of the accused. The assigned officer shall have, within the scope of his assignment, the same powers as of the investigator in carrying out such proceedings. If the circumstances of the case warrant that the investigator act beyond his jurisdiction, he may, as the case may be, assign the proceedings to an investigator or a preliminary criminal investigation officer from the competent department. The investigator shall carry out such proceedings if deemed necessary for the investigation.

### Article 67

In all assignment cases, the investigator shall specify – in writing – the objectives as well as procedures to be taken. The assignee may carry out any other act of investigation and interrogate the accused in cases of urgency if such proceeding is deemed relevant to the assigned task and necessary for solving the case.

### Article 68

The investigation procedures and results thereof are deemed confidential and may not be disclosed by the investigators or their assistants – clerks, experts, and other persons connected with or attending the investigation by virtue of their position or profession. The violator shall be held liable.

### Article 69

1. Any person sustaining harm as a result of a crime may claim his private right during the investigation. The investigator shall decide on such claim within three days. If the claim is rejected, an appeal may be lodged with the head of the relevant department within one week from the date of notification thereof. The decision issued by the head of the relevant department during the investigation shall be final.
2. The accused, victim, claimant of private right, and their respective agents or attorneys may attend the investigation proceedings in accordance with the relevant regulations of this Law.

## **Article 70**

The investigator may not, during the investigation, separate the accused from his agent or attorney. The agent or attorney may not intervene in the investigation except with the permission of the investigator. In all cases, the agent or attorney may deliver to the investigator a written memorandum of his comments and the investigator shall attach such memorandum to the case file.

## **Article 71**

The parties shall be notified of the date, time and place of the investigation proceedings.

## **Article 72**

The victim and claimant of private right shall designate an address in the area jurisdiction of the court where the investigation is conducted if they are not residents of such area. If they fail to do so, they shall be deemed notified once the court administration is notified.

## **Article 73**

The parties may submit their requests to the investigator during the investigation. The investigator shall decide on such requests stating grounds therefor.

## **Article 74**

If the orders and decisions of the investigator regarding the investigation are not issued in the presence of the parties, he shall notify them of the same within three days from the date of issuance.

## **Article 75**

The investigator may, in the exercise of his duties, seek the assistance of police officers whenever necessary.

# **Chapter 2 Assignment of Experts**

## **Article 76**

The investigator may seek the assistance of an expert with respect to any matter relating to the investigation.

## **Article 77**

The expert shall submit his report in writing within the time prescribed by the investigator. The investigator may replace the expert if the expert fails to submit his report by the specified date or if the investigator finds a legitimate reason for replacement. Each party may submit a report prepared by a different expert serving as an advisor.

## **Article 78**

In the existence of valid grounds, the parties may object to the appointment of the expert. Such objection shall, together with the grounds, be submitted to the investigator for decision. The investigator shall decide on the objection within three days from the date of submission. Upon filing the objection, the expert shall be suspended. In case of urgency, the investigator may order the expert to continue his work.

# **Chapter 3 Moving to the Scene, Inspection, Search, and Seizure of Items Related to the Crime**

## **Article 79**

The investigator shall, when necessary and upon being notified of a crime committed within his jurisdiction, move promptly to the scene where the crime is committed to carry out the necessary inspection before the evidence of the crime is lost, obliterated or altered. This shall not prevent providing first aid to injured persons.

## **Article 80**

Search of dwellings is an act of investigation and shall not be resorted to except where a person residing in the dwelling intended to be searched is charged with committing or participating in a crime, or in the presence of presumptions indicating that he is in possession of items related to the crime. The investigator may search the entire place and seize any item that may have been used in the commission of the crime or resulted therefrom as well as anything that may lead to solving the crime, including documents or weapons. In all cases, the investigator shall prepare a report on the search, specifying grounds therefor and results thereof, taking into account that dwellings may not be entered or searched except as provided by law and pursuant to a search warrant issued by the Bureau of Investigation and Public Prosecution.

## **Article 81**

The investigator may search the accused and any other person if it appears from strong inferences that he is concealing items that may lead to solving the crime. Said search shall be in accordance with the provisions of Article 43 of this Law.

## **Article 82**

Seizure of mail, publications, packages, cables, telephone conversations and other means of communication shall be subject to the provisions of Chapter Five of Part Three of this Law.

## **Article 83**

Seized items and documents shall be handled in accordance with the provisions of Article 50 of this Law.

## **Article 84**

The investigator may not seize any papers or documents delivered by the accused to his agent or attorney in connection with performing the duty entrusted to him, nor correspondences exchanged between them in relation to the case.

## **Article 85**

If the investigator has evidence that a certain person is in possession of items relevant to the crime subject of the investigation, he shall seek an order from the head of the relevant department for the delivery of such items to the investigator or access thereto, as the case may be.

# **Chapter 4 Disposition of Seized Items**

## **Article 86**

An order may be issued that any item seized during the investigation be returned even before a judgment is rendered, except if such items are necessary for the proceedings or subject to confiscation.

## **Article 87**

Seized items shall be returned to the person in possession of such items at the time of seizure. If such items were subject of the crime or resulting therefrom, they shall be returned to the person who lost possession thereof as a result of the crime, unless the person in whose possession they have been found is entitled to retain them.

## **Article 88**

An order for the return of seized items shall be issued by the investigator or the competent court within whose jurisdiction the investigation is conducted. The competent court may order the return of said items during the trial.

## **Article 89**

An order to return seized items shall not preclude concerned parties from claiming their rights before the competent court, except for the accused and the claimant of private right if such order is issued by the court pursuant to a petition by either of them against the other.

## **Article 90**

The investigator may not order the return of seized items in case of a dispute or doubt as to who has the right to receive them. In such case, the matter shall be referred to the competent court to decide thereon pursuant to a petition by the concerned parties.

## **Article 91**

Upon the issuance of an order for closing the case, disposition of seized items shall be determined. Likewise, the same shall apply if a decision is rendered in the case and the return of such items is sought before the court.

## **Article 92**

Seized items not claimed by the owners – after being notified of their right to recover them – shall be deposited with the General Commission for Guardianship over Property of Minors and those of Similar Status.

## **Article 93**

The court within whose jurisdiction an investigation is conducted may, on sufficient grounds, refer the parties to the competent court. In such case, seized items may be kept under protection or placed under any other precautionary measures.

## **Article 94**

If a seized item is perishable or if the cost of preserving it exceeds its value, the court shall order its delivery to its owner or to the General Commission for Guardianship over Property of Minors and those of Similar Status to sell it in public auction if permitted by the investigation. In such case, the claimant of ownership may claim the value for which it was sold.

# **Chapter 5 Hearing of Witnesses**

## **Article 95**

The investigator shall hear the testimony of witnesses called by the parties unless he deems it unnecessary. He may also hear the testimony of any other witness whose testimony may lead to proving the crime, its circumstances, and its attribution to the accused or his innocence therefrom.

## **Article 96**

The investigator shall enter into the report full information about each witness, including his name, surname, age, profession or occupation, nationality, place of residence and relation to the accused, the victim or the claimant of private right. Such particulars and the testimonies of witnesses and proceedings for hearing them shall be entered into the report without amendment, deletion, obliteration, insertion, or addition. Such changes shall not be valid unless endorsed by the investigator, the clerk and the witness.

## **Article 97**

The testimony shall be signed by the investigator and the clerk as well as the witness after being read to him. If the witness declines to sign or affix his fingerprint on such testimony, or is unable to do so, a note to this effect shall be entered into the report together with reasons given by the witness.

## **Article 98**

The investigator shall hear each witness separately, and he may have witnesses confront each other or the parties.

## **Article 99**

Following the hearing of the witness, the parties may comment on his testimony and may ask the investigator to hear the witness regarding other matters they may raise. The investigator may refuse to direct irrelevant or defamatory questions.

## **Article 100**

If a witness is ill or unable to attend, his testimony shall be heard at the place where he is.

# **Chapter 6 Interrogation and Confrontation**

## **Article 101**

1. When the accused appears for the first time for interrogation, the investigator shall record all his personal information, inform him of the charge against him and record any statements he makes regarding the accusation. The investigator may have the accused confront other accused persons or witnesses. The accused shall sign his statements after they are read to him. If he declines to sign, a note to that effect, along with the reasons therefor, shall be entered into the report.
2. If the accused confesses during the investigation that he committed a crime punishable by death, amputation or qisas in cases requiring capital punishment or less, such confession shall be attested by the competent court and entered into the record, witnessed and signed by court clerk.

## **Article 102**

The interrogation shall be conducted in a manner not affecting the will of the accused in making his statements. The accused may not be asked to take an oath nor subjected to any duress measures. He may not be interrogated outside the premises of the entity conducting the investigation unless deemed necessary by the investigator.

# **Chapter 7 Summons and Arrest Warrants**

## **Article 103**

In all cases, the investigator may, as the case may be, summon any person to be interrogated, or issue a warrant for his arrest if the investigation so requires.

## **Article 104**

A summon shall include the full name of the summoned person, his nationality, occupation or profession, place of residence,

summon date, time and date of his appearance, name and signature of the investigator and the official seal. In addition to the aforementioned information, the arrest warrant shall order the law enforcement officers to promptly arrest and bring the accused before the investigator if he refuses to appear voluntarily. The detention warrant shall, in addition to the above, instruct the warden of detention center to admit the accused, together with explaining the charge against him and grounds thereof.

## **Article 105**

A summon shall be communicated to the person wanted for interrogation through one of the process servers or law enforcement officers who shall deliver a copy of the summon to said person, if available, or to a competent family member residing with him.

## **Article 106**

Warrants issued by the investigator shall be valid throughout the Kingdom.

## **Article 107**

If the accused, after being duly summoned, fails to appear without an acceptable reason, or if it is feared that he may flee, or if he is caught in flagrante delicto, the investigator may issue a warrant for his arrest even if the incident per se does not require detention of the accused.

## **Article 108**

If the accused has no known place of residence, he shall specify a place acceptable to the investigator, failing which the investigator may issue a warrant for his detention.

## **Article 109**

The investigator shall interrogate the accused immediately upon his arrest. If not possible, the accused shall remain in detention pending interrogation. The detention period may not exceed twenty four hours. If said period expires without interrogating the accused, the warden of the detention center shall notify the head of the relevant department. Said department shall immediately interrogate him or order his release.

## **Article 110**

If the accused is arrested outside the jurisdiction of the department conducting the investigation, he shall be brought to the investigation department in the area where he is arrested. This department shall verify all the relevant personal particulars and inform the accused of the charge against him and record his statements in respect thereof. If the case requires his transfer, he shall be notified of the place to which he is transferred.

## **Article 111**

If the accused objects to his transfer, or if his health condition does not permit such transfer, the investigator shall be informed accordingly and shall promptly take necessary action.

# **Chapter 8 Detention Warrant**

## **Article 112**

The Public Prosecutor shall, in agreement with the Ministry of Interior and Presidency of State Security, determine major crimes mandating detention, and shall publish the same in the Official Gazette.

## **Article 113**



If it appears, following the interrogation of the accused, or in the event of his flight, that there is sufficient evidence of a major crime against him, or if the interest of the investigation requires his detention, the investigator shall issue a warrant for his detention for a period not exceeding five days from the date of his arrest.

## **Article 114**

Detention shall end upon the lapse of five days, unless the investigator decides to extend such period. In which case, he shall, prior to its expiry, refer the file to the head of the branch of the Bureau of Investigation and Public Prosecution or his designee from among the heads of departments within his jurisdiction to issue an order for release of the accused or extension of detention for a period or consecutive periods provided that such period(s) do not exceed in their aggregate 40 days from the date of arrest. In cases requiring detention for a longer period, the matter shall be referred to the Chairman of the Bureau of Investigation and Public Prosecution, or his designee from among his deputies, to issue an order extending the detention for a period or consecutive periods. Each of such periods shall not exceed 30 days and their aggregate shall not exceed 180 days from the date of arrest of the accused after which, the accused shall be immediately referred to the competent court or be released. In exceptional cases requiring detention for longer periods, the court may approve a request for the extension of detention for a period or consecutive periods as it may see fit and issue a reasoned judicial order to this effect.

## **Article 115**

Upon detention of the accused, the original detention warrant shall be delivered to the warden of detention center who shall sign a copy of such warrant as an acknowledgement of receipt. A provisional detainee may appeal his detention order or extension thereof to the head of the relevant investigation department or head of the branch of the Bureau of Investigation and Public Prosecution, or the Chairman of the Bureau of Investigation and Public Prosecution, as the case may be. Such appeal shall be decided within five days of submission date.

## **Article 116**

Any person arrested or detained shall be immediately notified of the grounds for his arrest or detention and shall have the right to contact any person of his choice, under the supervision of the preliminary criminal investigation officer.

## **Article 117**

Warrants for arrest, summons or detention may not be executed upon the lapse of six months from date of issuance, unless renewed.

## **Article 118**

The warden of prison or detention center shall not allow law enforcement officers to communicate with the detainee without a written authorization from the investigator. A note showing name of the authorized person, time of the meeting, and date and content of such authorization shall be entered into the relevant register.

## **Article 119**

In all cases, the investigator may order the accused be held incommunicado for a period not exceeding 60 days if the interest of the investigation so requires, without prejudice to the right of the accused to contact his agent or attorney.

# **Chapter 9 Provisional Release**

## **Article 120**

An investigator in charge of the case may, at any time, whether of his own accord or pursuant to a request by the accused, issue an order for the release of the accused, if he finds that his detention is groundless; his release would not impair the investigation; or he is unlikely to flee or disappear, provided the accused undertakes to appear when summoned.

## **Article 121**

In cases other than those where the release is mandatory, the accused shall not be released until he designates an address acceptable to the investigator.

## **Article 122**

An order for release shall not preclude the investigator from issuing a new arrest warrant or a detention order against the accused if evidence against him becomes more compelling or where the accused violates his undertakings or if circumstances require such action.

## **Article 123**

If the accused is referred to court, such court shall have jurisdiction to release him if detained or detain him if released. If lack of jurisdiction is determined, the court rendering the judgment of lack of jurisdiction shall have jurisdiction to consider the release or detention request, pending the filing of the case with the competent court. In all cases, the public prosecutor may object to the release of the accused.

# **Chapter 10 Completion of Investigation and Disposition of the Case**

## **Article 124**

If the investigator finds, upon completion of the investigation, that there is no sufficient evidence or grounds to file a case, he shall recommend to the head of the relevant department to close the case and release the accused, unless he is detained for another reason. The order of the head of the relevant department supporting the same shall be effective, except in major crimes where the order shall not be valid unless endorsed by the Chairman of the Bureau of Investigation and Public Prosecution or designee. Said order shall state the grounds therefor and be communicated to the private right claimant notifying him of his right to claim private right before the competent court pursuant to Article 16 of this Law, or to his heirs at his place of residence in case of his death. Said notification shall be in accordance with a form designed for such purpose and signed by the investigator and the head of department. A certified copy of said notification shall be delivered to the claimant of private right, or his heirs, after signing the original acknowledging receipt, for submission to the competent court. This shall also apply to the order for closing the case provided for in Article 64 of this Law.

## **Article 125**

The decision to close the case shall not preclude the reopening of the case and the investigation if new evidence solidifying the charge against the defendant surfaces. New evidence shall include testimony of witnesses, reports and other documents not previously presented to the investigator.

## **Article 126**

If the Bureau of Investigation and Public Prosecution, upon completion of the investigation, finds that there is sufficient evidence against the accused, the case shall be referred to the competent court, and summons shall be served to the accused to appear before it. The case shall be filed by means of an indictment including the following details:

1. First name, surname, nationality, age, place of residence, profession or occupation, identification number and legal capacity of the accused.
  2. Name, capacity, address and identification number of the private right claimant (if any).
  3. Crime attributed to the accused specifying its elements and related aggravating or extenuating circumstances.
  4. Applicable provisions of Sharia or law specifying the type of punishment, whether hadd (Sharia prescribed punishment) or ta'zir (discretionary punishment).
  5. Evidence that a crime is committed and attributed to the accused.
  6. Names of witnesses (if any).
  7. Name and signature of the relevant member of the Bureau of Investigation and Public Prosecution.
- The Bureau of Investigation and Public Prosecution shall notify the parties of the order referring the case to the court within five days from the date of issuance.

## **Article 127**

If the investigation covers a number of related crimes within the jurisdiction of courts of similar jurisdiction, all these crimes shall be filed pursuant to a single order before the court having territorial jurisdiction over any of the crimes. If such crimes are within the jurisdiction of courts of different jurisdictions, they shall be referred to the court with broader jurisdiction.

## **Part 5 Courts**

### **Chapter 1 Criminal Jurisdiction**

#### **Article 128**

Without prejudice to the jurisdictions of other courts, the criminal court shall have jurisdiction over all criminal cases.

#### **Article 129**

The general court, in the area where there is no criminal court, shall assume the jurisdiction of the criminal court, unless determined otherwise by the Supreme Judicial Council.

#### **Article 130**

Court territorial jurisdiction shall be determined by the location where the crime is committed or where the accused resides. If the accused has no known place of residence, jurisdiction shall be determined by the location of his arrest.

#### **Article 131**

A place of a crime is a place where a criminal act is committed or an omission if such omission leads to bodily harm.

#### **Article 132**

The court considering a criminal case shall have jurisdiction to decide all matters deemed necessary for ruling on the criminal case filed before it, unless the law stipulates otherwise.

#### **Article 133**

If a judgment in a criminal case is contingent on the outcome of a judgment in another criminal case, the proceedings shall be stayed pending a decision on the other case.

### **Chapter 2 Conflict of Jurisdiction**

#### **Article 134**

If a case regarding one or multiple related crimes are filed before two courts, and each court asserts its jurisdiction or lack thereof, and that jurisdiction is exclusive to these courts, a petition for designating the court to decide the case shall be filed before the Supreme Court.

# Part 6 Trial Proceedings

## Chapter 1 Summoning of Parties

### Article 135

If a case is filed before a court, the accused shall be summoned to appear before it. No such summons shall be necessary if the accused is present at the hearing and a charge is issued against him.

### Article 136

The date for appearance in a criminal action shall be scheduled after a period not less than three days from the date of notification of parties of the indictment. Said period may, if necessary, be reduced to one hour provided the party is personally notified thereof and he is able to reach the court in time. Reduction of said period shall be pursuant to a permission by the court considering the case. An accused person caught in flagrante delicto may be immediately brought before the court. If the accused appears and requests the court to grant him time to prepare his defense, the court shall grant him sufficient time.

### Article 137

The summons shall be served on the accused personally, or at his place of residence, pursuant to rules specified in the Law of Civil Procedure. If it is not possible to locate the place of residence of the accused, the summons shall be delivered at his last place of residence in the Kingdom, or to the relevant governorate, county, or township. The place where the crime is committed shall be deemed the last place of residence of the accused, unless established otherwise.

### Article 138

Prisoners or detainees shall be summoned through the warden of prison or detention center, or designees.

## Chapter 2 Appearance of Parties

### Article 139

In major crimes, the accused shall personally appear before the court, without prejudice to his right to seek legal assistance. If the accused cannot afford appointing an attorney, he may request the court to appoint one for his defense at the expense of the State in accordance with the regulations.

As for other crimes, the accused may be represented by an agent or an attorney. In all cases, the court may order the accused to appear before it in person.

### Article 140

If the accused who has been duly summoned fails to appear on the date specified in the summons and has not sent an agent where permissible, the judge shall proceed to hear the prosecution's case and evidence and enter the same in the case record. The Judge shall not render a judgment except in the presence of the accused. If the accused fails to appear without an acceptable excuse, the judge may issue a warrant for his detention.

### Article 141

If a case is initiated against multiple persons with respect to one incident, and some of them fail to appear in spite of being

summoned, the judge shall proceed to hear the prosecution's case and evidence against all of them, and shall enter the same in the case record. He may not render a judgment against the absentees until they appear before him.

## **Chapter 3 Order at Court Sessions**

### **Article 142**

Order and management of a court session are vested with its chairman, who may remove any person disturbing the session from the courtroom. If said person fails to abide by the court's order, the court may immediately order his imprisonment for a period not exceeding twenty four hours, and such order shall be final. The court may, at any time before the end of the session, retract said order.

### **Article 143**

The court may try any person who commits an act of assault on the court panel – while in session – or on any of its judges or staff and issue a sentence against him according to Sharia principles, after hearing his statements.

### **Article 144**

If a crime other than those covered by Articles 142 and 143 of this Law is committed during a court session, the court may, if it decides not to refer the case to the Bureau of Investigation and Public Prosecution, render a judgment against the accused according to Sharia principles, after hearing his statements. If the case falls within the jurisdiction of another court, it shall be referred to that court.

### **Article 145**

Crimes committed during a court session not immediately determined by that court shall be decided in accordance with general legal principles.

## **Chapter 4 Recusal and Dismissal of Judges**

### **Article 146**

Subject to the provisions of Chapter Three of this Part, the recusal and dismissal of judges shall be subject to the provisions of the Law of Civil Procedure. A judge may not consider the case if the crime is committed against him at times other than court sessions.

## **Chapter 5 : Private right of Action**

### **Article 147**

Any person harmed by a crime, or his heirs, may submit a petition to the court considering the criminal case to claim his private right, regardless of the stage of proceedings or if such petition was denied during the investigation.

### **Article 148**

If the person harmed by a crime lacks capacity and has no guardian or trustee, the court with which the criminal action is filed shall appoint a guardian to claim his private right.

### **Article 149**

A private right of action shall be initiated against the accused if he is competent or against his guardian or trustee if he is incompetent. If the accused has no guardian or trustee, the court shall appoint a guardian on his behalf.

## **Article 150**

A claimant of private right shall designate a place within the town where the court is located, and this shall be recorded with the court. If the claimant fails to do so, his notification through the court shall be deemed valid.

## **Article 151**

Abandonment of private right shall not affect the criminal right of action.

## **Article 152**

If a claimant of private right abandons his action in the proceedings initiated before the court considering the criminal case, he may continue such action before the court and may not file such action before another court.

## **Article 153**

If a person harmed by a crime files an action for damages with a competent court, and a criminal action is filed, he may abandon his action before that court and file it with the court considering the criminal action, unless pleadings in either action are completed.

# **Chapter 6 Rules and Proceedings of Sessions**

## **Article 154**

Court sessions shall be public. The court may exceptionally consider the action or any part thereof in closed sessions, or may prohibit certain categories of people from attending those sessions for security reasons, observance of public morality, or if it is necessary for determining the case.

## **Article 155**

Court sessions shall be attended by a clerk to prepare court records under the supervision of the presiding judge. A record shall indicate names of the judges comprising the court's panel, name of prosecutor, session's place and time, basis for reviewing the case, names of parties present and their advocates, their statements and claims, a summary of their pleadings, evidence (including testimonies), all proceedings taken during the session as well as wording and grounds of the judgment. Each page of the record shall be signed by the presiding judge, members of the panel, the clerk, attending parties and advocates, witnesses and others. Should anyone refuse to sign, a note to this effect shall be entered into the record.

## **Article 156**

In crimes specified in the regulations of this Law, the prosecutor must attend court sessions related to public right, and the court shall hear his statements and decide thereon.

## **Article 157**

The accused shall not be physically restrained or handcuffed during court sessions. He shall be sufficiently guarded and may not be removed from any session unless he commits an act calling for such removal. In such event, proceedings shall continue and the accused may be allowed back to the session if the reasons for his removal no longer exist. The court shall notify him of any proceeding taken in his absence.

## **Article 158**

The court is not bound by the characterization provided in the indictment, and must provide its own characterization and notify the accused thereof.

## **Article 159**

Unless deliberations are closed, the court may, at any time, permit the prosecutor to amend the indictment, and shall notify the accused of such amendment and afford him ample opportunity to prepare his defense regarding such amendment, in accordance with the law.

## **Article 160**

The court shall, during the session, inform the accused of the offense of which he is charged, read the indictment and explain it to him, provide him with a copy thereof and ask him to respond to the charge.

## **Article 161**

If the accused at any time confesses to the charge, the court shall hear and examine his statement in detail. If the court is satisfied that the confession is valid and sees no need for additional evidence, it shall decide the case. Otherwise, it shall further investigate the case.

## **Article 162**

If the accused denies the charges or refuses to respond, the court shall proceed to hear the evidence and take necessary action. It shall interrogate the accused in detail regarding the evidence and charges. Each of the parties may, with the permission of the court, cross-examine witnesses and evidence.

## **Article 163**

Each party may request to call any witness and examine evidence he submits, and may request the carrying out of a specific investigation procedure. The court may deny such motion if it considers that it is intended for delay, malice or deception, or that granting such motion serves no purpose.

## **Article 164**

The court may call any witness if it finds that there is a need to hear or reexamine his statements. It may also hear any person who, on his own accord, appears before the court, if the court finds that his testimony has bearing on the case.

## **Article 165**

Subject to Sharia rules governing testimony in hadd cases, any person summoned to testify, pursuant to a judge's order, must appear before the court at the designated time and place.

## **Article 166**

If it is established that a witness has knowingly provided false statements, he shall be punished for the crime of perjury.

## **Article 167**

If a witness is a minor or his testimony is otherwise inadmissible, his statement shall not constitute a testimony. However, if the court finds that such testimony is relevant, it may hear it. If the witness suffers from an illness or a serious disability rendering his communication with the judge impossible, the court may seek the assistance of someone who can communicate with him, but such a statement shall not be deemed a testimony.

## **Article 168**

Testimony shall be given at the court, and each witness shall be heard separately. Where necessary, witnesses may be kept apart and/or confronted with each other. The court shall not allow leading questions or questions intended to influence the witness. It shall also prohibit directing indecent questions, unless they relate to material facts, which would determine the outcome of the case. The court shall protect witnesses against any attempt to intimidate or confuse them during the testimony.



## **Article 169**

If necessary, the court may move to the location of the crime, or to any other location, to conduct inspection, hear testimony of a witness unable to attend, or ascertain any matter. The court shall allow the parties to be present at the location. It may assign any of its judges for such task. Any proceeding taken by said judge shall be subject to rules applicable to trial proceedings.

## **Article 170**

The court may issue an order requiring any person to surrender a certain item in his possession. It may also order the attachment of any item related to the case, if deemed material to the case. A document or any other item submitted during the trial may be kept, pursuant to a court order, pending determination of the case.

## **Article 171**

The court may assign one or more experts to provide opinion on any technical issue related to the case. The expert shall, within the prescribed time, submit to the court a written report stating his opinion. The parties may obtain a copy of said report. If the parties, witnesses or any of them do not understand Arabic, the court may seek the assistance of one or more interpreters. Any established willful negligence or misrepresentation by an expert or interpreter shall be subject to punishment by the court.

## **Article 172**

Each party may provide the court with any statement related to the case in writing for inclusion in the case file.

## **Article 173**

The court shall first hear the prosecutor's charges, then the response of the accused, or his agent or attorney. The court shall then hear the claimant regarding the private right to be followed by the response of the accused, or his agent or attorney. Each party shall be entitled to respond to the statement of the other party, and the accused shall be the last to address the court. The court may prevent any party from continuing the pleading if his statement is irrelevant or repetitive. Thereafter, the court may either render a judgment acquitting the accused or convicting him and imposing punishment. In both cases, the court shall decide on the claim of private right.

# **Chapter 7 Forgery as Subsidiary Action**

## **Article 174**

The prosecutor and all parties may, at any stage of the proceedings, contest any part of the evidence as being forged.

## **Article 175**

The contestation shall be filed with the court considering the case, and must specify the contested evidence and grounds thereof.

## **Article 176**

If the trial court has a reason to believe that there is a prima facie case of forgery, it shall refer the relevant documents to the competent authority and stay the action pending resolution of the forgery action, if the determination of the case is contingent on the contested document.

## **Article 177**

If the court decides that there is no forgery, it shall punish contestant of forgery at its discretion.

## **Article 178**

If the court decides that all or part of an official document is forged, it shall order such document to be excluded or corrected, as the case may be. A note to that effect shall be entered into the record and the forged document be marked accordingly.

## **Chapter 8 Judgment**

### **Article 179**

A court shall base its judgment on the evidence submitted during trial. The judge shall not render a judgment based on his personal knowledge, nor shall he render a judgment against such knowledge.

### **Article 180**

Any judgment rendered on the subject matter of a criminal action shall decide the claims of private right and the claims of the accused, unless the court determines that a decision on those claims requires conducting a special investigation resulting in a delay in determination of the criminal case. In such event, the court shall render a judgment in the criminal case and defer ruling of such claims, pending completion of relevant proceedings.

### **Article 181**

1. The judgment shall, after being signed by the issuing judge(s), be read in an open session with the presence of the parties, even though the case has been considered in closed sessions. Said session shall be attended by all judges participating in rendering the judgment, unless one of them is unable to attend. 2. After ruling, the court shall issue a deed, signed and sealed by the judge(s) rendering the judgment, stating the name of the rendering court, date of issuance, names of judges, names of parties and their agents, names of witnesses, the crime subject of the case, a summary of claims or defenses submitted by the parties, supporting evidence, summary of the case, number and date of the case, followed by reasoning, text and legal bases of the ruling.

### **Article 182**

All judgments shall be entered in the judgment record, unless otherwise decided by the Supreme Judicial Council, and kept in the case file. A certified copy of the judgment shall be given to the accused, the prosecutor and the claimant of private right, if any. Upon the judgment becoming final, it shall be formally communicated to whomever the court deems appropriate.

### **Article 183**

The court rendering judgment on the subject matter shall decide on parties' claims in relation to seized items. It may refer the dispute with respect to these items to the competent court, if necessary. It may also issue a ruling for disposing of seized items during trial.

### **Article 184**

A ruling disposing of seized items, as provided for in Article 183 of this Law, shall not be enforced if the judgment rendered in the case is not final, unless these items are perishable, or if storing such items is costly.

If the court rules to deliver seized items to a particular person, it may order immediate delivery, provided the recipient undertakes, with or without guarantee, to return said items if the ruling is overturned.

### **Article 185**

If the crime relates to the possession of real property, the court may, during the proceedings, issue an order that such real property be expropriated and placed at the court's disposal.

If a person is convicted of a crime coupled with the use of force, and if the court finds that a person was dispossessed of a real property by the use of such force, it may issue an order to return such property to the dispossessed person, without prejudice to the rights of others to said property.

### **Article 186**

If an accused is convicted or acquitted, pursuant to a judgment on the subject matter of the criminal action, no additional criminal action may be filed against the accused for the same acts and facts upon which the judgment was rendered. If another criminal action is filed, the previous judgment shall be maintained regardless of the stage of such action. The court shall adhere to the previous judgment, even if not asserted by the parties. The previous judgment shall be established by submitting a certified copy thereof, or an attestation by the court.

## **Chapter 9 Invalidity**

### **Article 187**

Any proceeding contrary to Sharia or laws derived therefrom shall be invalid.

### **Article 188**

If the invalidity is due to non-compliance with laws governing the composition or jurisdiction of the court, it may be asserted at any stage of the action, and the court shall, on its own, invalidate the proceeding.

### **Article 189**

Except as otherwise provided for under Article 188 of this Law, if the invalidity is attributed to a rectifiable defect in the proceeding, the court shall rectify it. If it is attributed to an unrectifiable defect, the court shall invalidate such proceeding.

### **Article 190**

The invalidity of a certain proceeding shall not invalidate prior or subsequent proceedings, unless subsequent proceedings are based thereon.

### **Article 191**

If the court finds an unrectifiable material defect in the action, it shall dismiss the case. Said dismissal shall not preclude refiling the case if legal requirements are satisfied.

# Part 7 Objection to Judgments: Appeal, Reversal and Reconsideration

## Chapter 1 Appeal

### Article 192

- 1.The convicted person, prosecutor or claimant of private right shall be entitled to appeal or petition review of judgments rendered by the courts of first instance during the statutory period. The court rendering the judgment shall notify said parties of such right upon pronouncing the judgment.
- 2.The Supreme Judicial Council shall specify the judgments which shall only be reviewed by the court of appeals.
- 3.The court of appeals shall review judgments without hearings, unless it decides to consider the case by means of a hearing.

### Article 193

Upon pronouncing the judgment, the court shall set a date not later than 10 days to receive a copy of the judgment. A note to this effect shall be entered in the case file and signed by the parties. If any party fails to appear in order to receive a copy of the judgment, said copy shall be deposited in the case file on the same date and a note to this effect shall be entered into the record. The date of depositing said judgment shall be deemed the beginning of the statutory period for appeal. A copy of the judgment statement shall be duly delivered to the prisoner or detainee within the period specified for delivery at the place of imprisonment or detention through the process server. The warden of prison or detention center, or designees, as well as the prisoner or detainee and the process server shall sign both the original and the copy. The copy shall be delivered to the prison or detention administration, and the original shall be returned to the court. The authority in charge of the prisoner or detainee shall bring him to the court in order to file his appeal to the judgment within the specified period for appeal, or waive such right and enter his signature to this effect in the case record.

### Article 194

Petition for appeal or review shall be made within 30 days. If the appellant fails to submit his petition within said period, his right for appeal or review shall be deemed forfeited. Judgments of death, stoning, amputation, or qisas in cases requiring capital punishment or less shall be submitted to the court of appeals for review, even if none of the parties so requests.

### Article 195

- 1.Petition for appeal or review shall be made by means of a memorandum deposited with the court rendering the judgment. Said memorandum shall state the appealed judgment, its number and date, its grounds, appellant's claims and signature, and date of deposit.
- 2.The court administration shall record the memorandum of appeal, on the date of its deposit, in the relevant register and refer it immediately to the circuit which rendered the judgment.

### Article 196

The circuit rendering the appealed judgment shall review the memorandum of appeal with respect to the grounds for such appeal without a hearing, unless otherwise necessary. Said circuit shall either uphold or amend its judgment as it sees fit. If it upholds its judgment, it shall refer it along with a copy of the case record and memorandum of appeal and all documents to the court of appeals. If the judgment is amended, it shall be communicated to the parties and, in this case, shall remain subject to applicable procedures.

### Article 197

- 1.The court of appeals shall schedule a session to consider the petition for appeal or review if it decides to hold a hearing, and shall notify the parties of said session. If the accused is imprisoned or detained, the authority in charge shall bring him to the court of appeals which shall expeditiously decide on the petition for appeal or review. If, after being notified of the session date,

the appellant or person requesting the review, who is not imprisoned or detained, fails to attend the session and fails to submit within 15 days thereafter a request for continuation of the action, or fails to attend the second session, the court shall, on its own accord, rule that his right for a petition for appeal or review is forfeited, without prejudice to the provision of Article 199 of this Law.

2. The court of appeals shall consider the petition for appeal or review on the basis of the documents included in the case file and the new defense or evidence presented by the parties in support of their appeal. If the court decides to consider the case by means of hearing, it shall, after hearing the parties with respect to the petition for appeal or review, either uphold the judgment or reverse it, in whole or in part, and decide on the reversed part.

## **Chapter 2 Reversal**

### **Article 198**

The convicted person, prosecutor and claimant of private right may file before the Supreme Court a petition for reversal of judgments and decisions rendered or upheld by courts of appeals, if the appeal is based on the following:

1. Violation of Sharia and State laws in conformity therewith.
2. A judgment issued by a court not properly composed in accordance with the law.
3. A judgment issued by a court or circuit lacking jurisdiction.
4. Improper legal characterization and description of the incident.

### **Article 199**

A petition for reversal of a judgment shall be made within 30 days. If the appellant fails to submit his petition within said period, his right for reversal shall be deemed forfeited. Judgments of death, stoning, amputation, or qisas in cases requiring capital punishment or less, which are rendered or upheld by the court of appeals shall, immediately after the lapse of the aforementioned period, be brought before the Supreme Court, even without the parties' request.

### **Article 200**

1. A petition for reversal of a judgment shall be by means of a memorandum deposited with the administration of the court of appeals which rendered or upheld the judgment. The memorandum shall include names and addresses of all parties, the appealed judgment, its number and date, its grounds, appellant's claims and signature, and date of deposit.

2. The administration of the court of appeals shall record the memorandum of appeal, on the date of its deposit, in the relevant register and refer it immediately, along with a copy of the case file and all documents to the Supreme Court within a period not exceeding three days following the expiry of the statutory period for appeal.

### **Article 201**

With the exception of cases of death, stoning, amputation or qisas in cases requiring capital punishment or less, the Supreme Court shall consider the appeal in terms of form, with respect to information provided for in Article 200(1) of this Law, and whether the appeal is duly filed, and shall decide to either admit or dismiss the appeal in terms of form. If the appeal is dismissed in terms of form, the court shall issue a separate decision to this effect.

### **Article 202**

Without prejudice to the provisions of Articles 10 and 11 of this Law, if the Supreme Court accepts the appeal in terms of form, it shall decide the subject matter thereof based on the documents provided in the case file, without considering the facts of the case. If the Court is not satisfied with the grounds on which the appeal is based, it shall uphold the judgment. Otherwise, the Court shall reverse the judgment, in whole or in part, as the case may be, stating the bases thereof. The Court shall then return the case to the court which rendered the judgment to decide anew by a different judge or judges. If a judgment is subject to reversal for the second time and the subject matter is fit for ruling, as it stands, the Court shall decide thereon.

### **Article 203**

Grounds not stated in the memorandum of appeal may not be invoked before the Supreme Court, unless such grounds pertain to mandatory aspects of the Law. In such case, the court shall, upon its own motion, rule accordingly.

# Chapter 3 Reconsideration

## Article 204

Any of the parties may petition for reconsideration of any final judgment imposing punishment, in the following cases:

- 1.If the accused is convicted of homicide, but the person alleged to be the victim is found to be alive.
- 2.If a person is convicted for committing an act and another person is convicted for committing the same act, resulting in contradiction entailing that one of the two persons should not have been convicted.
- 3.If the judgment is based on documents that turn out to be forged, or on testimony that is found by the competent authority to be perjurious.
- 4.If the judgment is based on another judgment issued by a court and is subsequently nullified.
- 5.If, after judgment, new evidence or facts that were unknown at the time of trial appear, which could have led to the acquittal of the accused or mitigation of the punishment.

## Article 205

The petition for reconsideration shall be filed with the court rendering the judgment and shall specify the judgment to be reconsidered and the number and date of such judgment as well as the grounds for such petition. The court administration shall record the petition on the date of submission thereof in the relevant register. If the judgment was upheld by the Supreme Court or court of appeals, the court rendering the judgment shall refer the reconsideration petition to the court which upheld the judgment for consideration. The court shall issue a decision granting or denying the petition. If the petition is granted, it shall be reviewed by the court which rendered the judgment and the court shall notify the parties accordingly. If the petition is denied, the petitioner may appeal in accordance with applicable procedures, unless the decision is issued by the Supreme Court.

## Article 206

Granting of a petition for reconsideration of a decision by a court shall not stay the execution of the judgment, unless it involves a corporal punishment, such as qisas, hadd, or ta'zir. Nonetheless, the court may order a stay of execution in its decision to grant the petition for reconsideration.

## Article 207

Any acquittal judgment pursuant to a petition for reconsideration must, if the convicted person so requests, include moral and material compensation to mitigate the damage suffered thereby.

## Article 208

If a petition for reconsideration is denied, a new petition based on the same facts may not be filed.

## Article 209

Judgments rendered on the subject matter by a court other than the Supreme Court, pursuant to a petition for reconsideration, may be objected to by a petition for appeal or reversal, as the case may be.

## **Part 8 Force and Effect of Final Judgments**

### **Article 210**

Judgments shall become final upon failure to appeal within the statutory period or upon being affirmed or rendered by the Supreme Court, without prejudice to the provisions of Articles 194 and 199 of this Law.

### **Article 211**

A criminal case in respect of which a judgment is rendered shall not be reconsidered except where an objection against said judgment is filed in accordance with the provisions of this Law.

## Part 9 Enforceable Judgments

### Article 212

Criminal judgments shall not be enforced unless they are final.

### Article 213

An accused detainee shall be immediately released in case of acquittal or if the sentence does not require his imprisonment or if his term of imprisonment is served during detention.

### Article 214

1.The court rendering a judgment of conviction and imposition of punishment may order stay of execution of a criminal judgment based on material reasons specified in its grounds for judgment. The order shall specify the period of such stay.

2.The court considering the case may state in its judgment that the imprisonment sentence for the public right be stayed if it finds on the bases of the convict's morals, past, age, personal circumstances or the circumstances in which the crime is committed, or otherwise, that the execution should be stayed. If the convicted person commits any crime within three years from the date the stayed judgment has become final and is convicted and punished by imprisonment for the public right, the court may –upon request by the prosecutor –nullify the stay of execution of the punishment and order the execution thereof, without prejudice to the punishment imposed for the new crime.

### Article 215

If a convicted person is sentenced to a term of imprisonment and has been in detention for the same case subject of the punishment, said detention shall be counted towards the term of imprisonment.

An accused person, who has been harmed as a result of malicious accusation or as a result of being detained or imprisoned for a period exceeding the term prescribed for such detention or imprisonment, shall be entitled to apply to the court reviewing the original case for compensation.

### Article 216

The chief of the court rendering the enforceable criminal judgment shall refer it to the governor for execution. The governor shall take necessary measures for immediate execution of the judgment.

### Article 217

1.Sentences imposing death, amputation, stoning or qisas in cases requiring capital punishment or less shall only be executed pursuant to an order issued by the King or his designee.

2.Representatives of the governor, the court, the General Presidency for the Promotion of Virtue and Prevention of Vice, and the police shall witness the execution of the sentences of death, stoning, amputation, flogging, or qisas in cases requiring capital punishment or less. The regulations of this Law shall specify necessary procedures.



## Part 10 Final Provisions

### Article 218

Modified

1. Where this Law is silent, the provisions of the Law of Civil Procedure and the Law of Evidence shall apply, provided they are not in conflict with the nature of criminal cases.

2. Without prejudice to paragraph (1) of this Article, electronic means may be used in all service of process mentioned in this Law, except for service of process involving a detainee or a prisoner.

### Article 219

The regulations of this Law shall specify procedures and controls for execution of criminal judgments.

### Article 220

The Council of Ministers shall issue the Implementing Regulations of this Law after being drafted by the Ministry of Justice, the Ministry of Interior, the Supreme Judicial Council and the Bureau of Investigation and Public Prosecution within a period not exceeding 90 days from the date this Law enters into force.

### Article 221

This Law shall supersede the Law of Criminal Procedure promulgated by Royal Decree No. (M/39) dated Rajab 28, 1422H and shall repeal any conflicting provisions.

### Article 222

This Law shall enter into force following the date of its publication in the Official Gazette.

