

INSTRUCTIONS

INSTRUCTIONS No. (3) OF 1986 CONCERNING THE REGULATION OF THE WORKS OF THE PUBLIC PROSECUTION BEFORE CRIMINAL COURTS

In accordance with the provisions of Article (70) of the Public Prosecution Law No. (159) of 1979, and with a view to regulating and facilitating the works of the Public Prosecution before criminal courts, these Instructions are promulgated:-

Article 1

The criminal lawsuit on which a decision of commitment shall be sent with its both first and second copies from the Investigation Magistrate to the Public Prosecution member concerned in the Criminal Court.

Article 2

The Public Prosecution member in the court shall register the lawsuit, on its coming from the Investigation Magistrate, in a special record in which he enlists sufficient information on the suit.

Article 3

The Public Prosecution member shall audit the lawsuit, Procedures and decisions adopted thereon, and impeach same in cassation if he finds ground for doing that without being restricted with the opinion expressed by the Public Prosecution member in the Investigation Court.

Article 4

The Public Prosecution member shall send the first copy of the suit, after being audited, to the competent court affiliated with a letter stating therein his notes, give a copy of his letter to the Investigation court and keep in the second copy of the lawsuit to himself.

Article 5

The court shall call up the Public Prosecution member appointed or nominated before it in writing when holding its sessions to consider all criminal suits. The convention shall not be legal if he is not invited or does not attend the session. The Public Prosecution member shall have to attend in the date specified for hearing.

Article 6

In case of not appointing or nominating one of the Public prosecution members before the court, then, this court shall have to notify the Public Prosecutor before the Criminal Court, of the decisive decisions adopted within the legal period.

Article 7

The Public Prosecution member may arrange a record for the daily suits that he attends the hearing thereof, in which he fixes their numbers, names of parties, legal matter, the course of hearing and the result.

Article 8

The Public Prosecution member shall have to accompany the court when moving to examine the accident place or undertaking any other procedure outside its convening ordinary place.

Article 9

Police stations' offices and investigators shall have to submit their notes for the extension of the arrest of accused persons committed to the court, to the Public Prosecution member appointed or nominated before it, who shall extend his opinions and requests to the court in this regard, and the court shall notify him of the decisions adopted thereby to this effect within three days after the date of issuance of such decisions.

Article 10

The Public Prosecution member may discuss with the witnesses, question them and investigate the accused after he takes the permission of the court. In case that the court refuses the questioning, it shall have, after recording same in the sitting minute, to write down the grounds of refusal.

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Article 11

The Public Prosecution member shall prepare a sufficient written notice on the suit including a summary of the fact and a concentrated review for the evidences and presumptions, discuss them, as well as the legal adoption of the fact and state his legal requests. He shall incite the notice in public according to law. This shall not effect his right in submitting a new reading if something necessitates same through the course of the suit.

Article 12

When the court convenes to re-hear the trial or review the suit, the Public Prosecution member shall extend a reading including his opinion and legal requests.

Article 13

The court shall ask for the reading of the Public Prosecution member before adopting a decision without a trial, such as a decision on passing a warrant of arrest or release, or transferring or referring the suit to another court or when convening in cassation capacity; and it shall notify him of its decisions passed to this effect within three days.

Article 14

Courts shall fix on their decisions the applications of the Public Prosecution member evidently and sufficiently.

Article 15

The Public Prosecution member shall impeach, in cassation, the court's decisions being passed to the contrary of this requests. In case he is satisfied with the court's decision passed against his opinion, he shall submit to his reference a written memorandum expressing his new opinion and reasons for not impeaching the decision affiliating thereto a photocopy of his reading and the decision of the court.

Article 16

If the lawsuit is provided legally to be sent spontaneously to the Presidency of the Public Prosecution or to the Public Prosecutor before the Court of Cassation, then, the Public Prosecution

member, if the decision passed to the contrary of his requests, shall have to submit a written memorandum declaring therein his opinions and requests to the Presidency of the Public Prosecution or to the Public Prosecutor before the Court of Cassation.

Article 17

The Public Prosecution member shall arrange a file for the cassation bills presented by him and the result that come out from the cassation impeachments.

Article 18

If the impeachment before the court in its cassation capacity is presented by one of the Public Prosecution members or by the parties of the suit, the court, before passing its decision, shall review the suit to the Public Prosecution member appointed or nominated before it with a view to extending his opinion thereon; and it shall notify him of its decision within three days after the date of its issuance.

Article 19

The judicial assistant in the court shall be responsible for notifying the Public Prosecution member of the decisions that the court is legally bound to notify him of.

Article 20

These Instructions shall enter into force as from the date of its publication in the Official Gazette. They shall be applied to lawsuits preceded their issuance on which no decisive decision has been passed.

Minister of Justice

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