

Law on the Extradition of fugitives and its Amendments

Of the year 1927 published in the Official Gazette no. 160 dated 1/7/1927

Article 1

This law shall be named "Law of the Extradition of Fugitives of the year 1927" and shall come into force from date of publication in the Official Gazette.

Article 2

The following listed terms in this law shall be deemed to mean the following meanings unless otherwise stated:

- a. The two terms "Judgment" and "sentenced" shall not be considered or deemed to include or to point to a default judgment issued under a foreign law but the term "accused" shall include a person judged in absentia.
- b. The term "The crime that necessitates extradition" shall mean all crimes that requires penalty in accordance with the laws of East Jordan except if committed in countries of East Jordan and is under the crimes listed in the attached table of this law (disregarding the name given to this crime in accordance with the applied law in East Jordan).
- c. The term "Fugitive Criminal" shall mean every person who is accused or sentenced in a foreign country for a crime that necessitates extradition and this person is in East Jordan, is suspected of being there or is on his way thereto. And the term "The Fugitive Criminal from a foreign country" shall mean every criminal or everyone sentenced to a crime that necessitates extradition committed in such foreign countries.
- d. The term "Oath" shall mean each and every confirmation that means a swearword.
- e. The term "conciliation judge" shall mean the head of the Court of First Instance and the members hereof.
- f. The term "order to arrest" shall mean each and every judicial document issued by a foreign country that entitles the arrest of the accused or the one sentenced in a crime.

Article 3

Stating the purpose of this law, all occupied, returned properties, mandatory countries and the related ships thereto shall be considered of the parts of the foreign country.

Article 4

1. The Great Royal Prince may include, in the listed crimes of the attached table of this law, any crime that is included or exclude any intruding or added crime by issuing a publication (every now and then) that shall be published in the Official Gazette.

2. To decide whether the crime, where the request of a fugitive extradition, is considered from the listed crimes in the mentioned table. Reference in this concern shall be to the applied law in East Jordan at the time of committing the crime.

Article 5

1. His Royal Highness King of Great Britain held an agreement with a foreign country to state the extradition of a fugitive by East Jordan to such foreign country. So, The Great Royal Prince may issue a publication in the Official Gazette to order the application of the provisions of this law regarding requests of extradition presented by such country.

Also, if there is an applicable agreement between His Royal Highness King of Great Britain and a foreign country related to fugitive extradition from (Great Britain) to such country, it may be allowed for The Great Royal Prince to apply the provisions of this law relevant to requests for extradition presented by such country as if this agreement is held between His Royal Highness and such country relevant to the extradition from East Jordan.

These publications shall be published in the Official Gazette and shall not come into force after the lapse of the agreement period referring thereto.

2. It may be allowed for The Great Royal Prince, in the application of this law, to set rules and exceptions he deems necessary in this context whether it is directly included in the publication or some other place.

3. The publication shall be considered and deemed a decisive fact that the agreement referred to is in accordance with the requirements of this law and that the provisions of this law is applicable to all requirements presented by such country in this publication and the reason of the credibility of this publication may not be accepted upon reviewing any judicial procedures whatsoever.

The term "Great Britain" is amended in accordance with the published amendment in the Official Gazette issue no. 165 issued on 1/9/1927.

Article 6

The following limitations shall be considered for fugitive extradition:

- a. The fugitive shall not be extradited if the crime requesting his extradition is of a political nature or if proved to the conciliation judge (who brought the criminal thereto), or to the court of appeal or made clear to The Great Royal Prince that the purpose of the extradition request is to prosecute this criminal or punish him for a political crime.
- b. The fugitive shall not be extradited to the foreign country except if the law thereof, or the held agreement therewith stipulates not to arrest or prosecute the criminal for another crime committed in the countries of this State before extradition other than the crime that the request is signed for and that the agreement of extradition is based on except if he was returned to East Jordan or was able to go back.

- c. The fugitive shall not be extradited if he is accused of committing a crime in East Jordan other than the crime of the requested extradition or if he is a prisoner for an issued judgment against him by the courts of East Jordan except after his release upon expiration of the mentioned judgment, after proving his innocence or by any other means.
- d. The fugitive shall not be extradited except after the lapse of 15 days from date of his arrest awaiting his extradition.

Article 7

Any fugitive criminal who is a subject of a foreign State and who is found in, or suspected of being in, Transjordan shall be liable to arrest and extradition in the manner stipulated in this Act in the cases where this Act applies to extradition requests submitted by the State concerned, whether he committed the extraditable offence before or after this Act took effect and whether or not the courts in Transjordan are competent to examine that offence.” conditional that he shall not be extradited for a crime that he committed before the 26th of July of the year 1924 (AD).

Article 8

Fugitives extradition requests shall, of the citizens of foreign countries and those residing in East Jordan or are suspected of their presence therein, be presented to the High Commissioner by the political proxy of such country and the High Commissioner shall present it to The Great Royal Prince who may order the conciliation judge to issue an order for the arrest of this criminal in accordance with the presented request.

The Great Royal Prince may, upon viewing that the crime is of a political nature, refuse to issue this order if viewed possible and he may not in any time order the release of the fugitive whether accused of such crime or sentenced hereto.

1. An order may be issued for the arrest of the fugitive whether he is accused or sentenced for a crime and whether present in East Jordan, suspected of his presence therein or on his way thereto:
 - a. On the part of the conciliation judge upon receiving the mentioned order issued by The Great Royal Prince and upon the availability of information that makes possible the issuance of an order to arrest the mentioned criminal as if he committed the crime in East Jordan or was convicted thereof.
 - b. On the part of the conciliation judge according to information, complaint, fact or any procedures viewed to make possible the order of arresting the criminal for such crime as if he committed or was convicted thereof in East Jordan.
2. If the conciliation judge issues an order to arrest a criminal in accordance with this article without receiving an order from The Great Royal Prince, he shall immediately submit a report of the case thereto with the attached statements, information,

mentioned complaint or an authenticated copy then The Great Royal Prince may upon appropriateness order to cancel the issued order for arrest and to release the person arrested.

3. The conciliation judge shall release the arrested fugitive without order from The Great Royal Prince except upon order wherefrom (through a sufficient duration awarded by the conciliation judge in accordance with the circumstances of such case) notifying therein that he received the returned extradition for such criminal.

Article 10

1. If the fugitive was arrested in accordance with an order of arrest that shall be brought to the conciliation judge (whether the judge is the one who issued the arrest order or otherwise) hearing the case (as much as possible) with the same legality and way followed whether this judge is a prosecuting attorney or a judge for investigation and an accused person is brought in front of him for committing a crime in East Jordan.
2. The conciliation judge shall hear each and every fact showing that the crime (that the arrested was accused of or a judgment was issued upon him thereof) is of a political nature or is not of the crimes that necessitates extradition.

Article 11

1. The conciliation judge shall order the arrest of the fugitive accused of committing a crime that necessitates extradition if the order issued by the foreign country to arrest him was authenticated in conformity with regulations and these information were presented (in accordance with the provisions of this law) to make possible taking the accused to court in accordance with the provisions of the observed laws in East Jordan except if the accused has committed such a crime therein or else the conciliation judge shall order his release.
2. If information were presented related to the criminal judged for a crime that necessitates his extradition and was (in accordance with the provisions of this law) proved guilty with such crime in accordance with the laws of East Jordan, the conciliation judge shall order his arrest or else order his release and in all cases the order of arrest or release shall be subject to appeal within 15 days of the date of issuance and subject to discernment during same period considering explanation or reporting the appeal award in accordance with set up rules in the law of basic prosecutions.
3. The conciliation judge shall, upon ordering to arrest this criminal, send him to prison or any other place of arrest in East Jordan to stay until issuing the order by The Great Royal Prince for his extradition and shall submit at once to The Great Royal Prince an arrest certificate to arrest this criminal together with a report about the case accordingly.

And this is the article after adding to the last paragraph (2) thereof in accordance with the amended law no. 32 of the year 1972.

Article 12

1. When conciliation judge orders the arrest of a fugitive he shall inform him that he should not be extradited except after 15 days and he has the right of appeal for his case to the Court of Appeal.
2. The Great Royal Prince shall have the right, upon lapse of the mentioned period or after the court of appeal submits its award in such case and in accordance with the request available therewith, to issue an order for extradition of the mentioned criminal to the person in charge of taking him on behalf of the government requesting the extradition.
3. Every person assigned with such order or the person in charge shall receive such criminal, keep hold and transfer thereof to the place of such foreign government and if he flees from the place of arrest, accordingly he shall be arrested by the previously mentioned way as a fugitive accused of committing his crime in East Jordan.

Article 13

If the fugitive kept for arrest is not extradited and is not transferred out of East Jordan within 2 months from date of arrest or after the award of the appeal court assigned to hear the case (except if the case was appealed) the court of appeal shall have the right to order his release upon his request or the request of his proxy after proving that The Great Royal Prince is informed with the request during an enough period if there was no proof to show otherwise.

Article 14

Depositions and testimonies given after swearword in foreign countries, copies of these original depositions and testimonies, testimonies given by governments of such countries and the judicial documents that prove the correctness of such conviction, shall be accepted as fact in the procedures taken in accordance with this law if it is properly authenticated.

Article 15

If orders to arrest issued by the government of a foreign country, depositions, testimonies given after swearword in such countries, their copies, the testimonies, judicial documents issued from the country and supporting the conviction is accredited in accordance with the legal text or according to the following form, shall be considered and deemed properly authenticated to ensure reaching the required purpose in this law:

- a. If order or arrest was signed by one of the judges, a conciliation judge or one of the employees of the foreign country issued therein.
- b. If depositions, testimonies and their copies were authenticated by the signature of one of the judges, a conciliation judge or one of the employees of the government of the foreign country that were taken from it and this authentication proved that they are the same original depositions and testimonies or a carbon copy of the original as the case may be.

c. If the certificate of conviction or the judicial documents supporting the correctness of the conviction signed by one of the judges, a conciliation judge or one of the employees of the government of the foreign country that the criminal is convicted herein and if orders of arrest, depositions, testimonies, their copies, conviction certificates or the judicial documents that proves the conviction is witnessed for its correctness by the oath of one of the witnesses or stamped with the seal of the Minister of Justice or any other minister of such country so the courts of East Jordan, shall consider and deem this the official seal and shall similarly accept all authenticated documents as a fact that does not need another proof.

Article 16

The following provisions shall be applied if the crime where the request of the fugitive extradition is committed aboard of a ship coming by sea from the port of East Jordan.

a. The criminal may be arrested in prison or kept in the place of arrest where the order of arrest shall be valid to arrest those accused of committing such a crime therein.

b. If the fugitive was arrested in accordance with an order issued without great will of The Great Royal Prince, he shall be brought in front of a conciliation judge who issued the order to arrest him in front of the conciliation judge who has among his legality the port where the ship is in or in a near by place from the port and he has the right to bring him to court in accordance with the setting up of article 10 of this law.

Article 17

If the foreign government extradited in accordance with the contracted agreement therewith a fugitive accused or sentenced in a crime, such person shall not be sentenced and shall not expose himself to a trial for the reason of any crime committed before extradition in any section of the property of the Queen of Britain or the countries under her protection or delegation, other than the crime that could prove its relation with facts that extradition is based on if the criminal is not brought back or is given a chance to go back to such foreign country.

Article 18

1. The Great Royal Prince may ask one of the conciliation judges by a written order to listen to a testimony of a held prosecution in one of the courts of the foreign countries and the conciliation judge shall upon receive of such order, listen to every person who attends to give testimony according to the way followed in listening to the testimonies of the witnesses for the right of one of the defendants in a case to be prosecuted for in East Jordan and to explain at the end of the record of testimonies that he listened to such testimonies that took place in front of him then he submits them to The Great Royal Prince. These testimonies may be heard during the presence or the absence of the accused conditional that the truth shall be mentioned in the record of testimonies as well.

2. To reach the required purpose of this article, any person may be forced to attend to give testimony and for hearing and to present documents in accordance with the way and terms followed during the prosecution for any accusation or crime committed in East Jordan after being paid or after offering him an enough sum of money in return of the expenses that he bears for being present.
3. Everyone who gives a testimony that he knows false in front of a conciliation judge shall be convicted of a false testimony under this article conditional that the provisions of this article is not applicable to a penal case of a political nature.

Article 19

Despite all what was mentioned in this law, The Great Royal Prince may be allowed in accordance with an agreement with the Palestinian government or in any other privacy to order in East Jordan the arrest of convicted people in Palestine with crimes committed therein or accused of committing crimes in Palestine and extraditing them to the Palestinian government.

This article was amended in accordance with the amended law published on page 272 of the Official Gazette issue published on 9/12/1944.