Federal Law 10 of 1992

Concerning the issuance of the Evidence Law in civil and commercial transactions

Official Gazette No. 233 bis the twenty-second year, dated 01/25/1992 - it comes into force on April 25 1992

After perusal of the interim constitution ,

And Federal Law No. (1) of 1972 regarding the ministries' jurisdictions and the powers of ministers and the amending laws thereof ,

Federal Law No. (10) of 1973 Concerning the Federal Supreme Court, and the amending laws thereof ,

Federal Law No. (8) of 1974 regulating expertise before the courts ,

Federal Law No. (6) of 1978 Concerning Establishing Federal Courts and Transferring the Jurisdictions of Local Judicial Bodies in some Emirates to them, and the amending laws thereof ,

And the Civil Transactions Law promulgated by Federal Law No. (5) of 1985, and the amending laws thereof ,

And based on what was presented by the Minister of Justice, the approval of the Council of Ministers, and the approval of the Federal Supreme Council ,

We issued the following law:

Article 1

The accompanying law shall be enforced regarding evidence in civil and commercial transactions, and any other text that contradicts its provisions shall be repealed.

Article 2

This law shall be published in the Official Gazette and shall be enforced after three months from the date of its publication.

Part one - general provisions

Article 1

-1The plaintiff must prove his right and the defendant has to deny it .

-2The facts to be proven must be related to the lawsuit and productive in it, and they may be accepted .

-3The judge may not rule with his personal knowledge.

Article 2

-1Judgments issued for the evidentiary procedures do not need to be reasoned unless they include a final judgment in a payment or request .

-2In all cases, the judgments issued in urgent cases must be justified by establishing the case or hearing a witness.

Article 3

-1If the court decides to initiate one of the evidentiary procedures, it must specify in the judgment the date of the first

session to start the procedure, and the court clerk's office must notify the absent litigants .

-2The proof procedures must be attended by a clerk who writes the record and signs it.

Article 4

Whenever the completion of the procedure requires more than one session, it is mentioned in the record of the day and hour for which the postponement takes place, and there is no right to inform those who are absent about this postponement.

Article 5

-1The court has the right to amend by a decision affirming it in the session minutes of the evidentiary procedures it has ordered, provided that the reasons for the withdrawal are indicated in the record, and there is no need to explain the reasons if the withdrawal was a procedure that it took on its own without a request from the litigants .

-2The court may not consider the outcome of the evidence procedure provided that it states the reasons for this in its judgment.

Article 6

If the judge does not find a text in this law, he shall rule according to the Islamic Sharia, provided that he takes into account the choice of the most appropriate solutions from the doctrines of Imam Malik and Imam Ahmad bin Hanbal. If he does not find it, then from the other schools as required by the interest.

Part Two - Written Evidence

Chapter One Official Transcripts

Article 7

1- Official documents are those in which a public official or person assigned to a public service confirms what was done by him or what he received from the concerned parties, according to the legal conditions and within the limits of his authority and jurisdiction .

2- If these papers do not acquire an official status, then they shall only have the value of customary papers whenever the concerned parties have signed them with their signatures, their seals, or their fingerprints.

Article 8

The official document is evidence against everyone, including the matters that his editor undertook within the limits of his mission or signed by the concerned parties in his presence unless it is evident that it was forged by the legally prescribed methods.

Article 9

1- If the original of the official document is present, then its official copy, whether in writing or photocopy, is evidence to the extent that it is identical to the original .

2- The copy is considered identical to the original, and if one of the concerned parties disputes that, the copy must be reviewed on the original.

Article 10

If the original copy of the official document is not present, the copy shall be evidence in the following limits :

A- The official original copy, whether executive or non-executive, shall have the authenticity of the original when its external appearance does not allow any doubt as to its conformity to the original .

B - The official copy taken from the original copy shall have the same authenticity, but in this case each of the concerned parties may request to review it on the original copies taken from it .

C - As for what is taken from official copies of the pictures taken from the original pictures, they are not valid except for mere contact.

Chapter Two - The Customary Editors

Article 11

1- The customary document is considered to have been issued by the one who signed it unless he explicitly denies what is attributed to him in terms of handwriting, signature, stamp, or fingerprint. As for the heir or successor, he is not required to deny, and it is sufficient for him to deny his knowledge that the handwriting, signature, stamp, or fingerprint is for whoever received it Right .

2- Nevertheless, the one who has discussed the subject of the document may not deny the handwriting, signature, stamp, or fingerprint attributed to him, or insist that he does not know that anything of that was issued by him who received the right.

Article 12

-1The customary document is not proof of others in its date except since it has a fixed date, and the date of the document is fixed in the following cases :

A- From the day it is entered in the register prepared for that .

ب- أو من يوم أن يؤشر عليه موظف عام مختص.

ج- أو من يوم وفاة أحد ممن لهم على المحرر أثر معترف به من خط أو إمضاء أو ختم أو بصمة أو من يوم أن يصبح مستحيلاً على واحد من هؤلاء أن يكتب أو يبصم لعلة في جسمه.

د- أو من يوم وقوع أي حادث آخر يكون قاطعاً في أن المحرر قد صدر قبل وقوعه.

هـ- أو من يوم أن يكتب مضمونه في ورقة أخرى ثابتة التاريخ.

2- ومع ذلك يجوز للقاضي تبعاً للظروف ألا يطبق حكم هذه المادة على المخالصات والأوراق التجارية، وسند القرض الموقع لمصلحة تاجر برهن أو بغير رهن مهما كانت صفة المقترض.

المادة 13

تقبل في الإثبات المحررات الصادرة خارج الدولة والمصدق عليها ممن يمثلها ومن الجهات الرسمية في البلد الذي صدرت فيه.

المادة 14

1- تكون للرسائل الموقع عليها قيمة المحرر العرفي من حيث الإثبات، وتكون للبرقيات هذه القيمة أيضاً إذا كان أصلها المودع في مكتب التصدير موقعاً من مرسلها، وتعتبر البرقية مطابقة لأصلها حتى يقوم الدليل على عكس ذلك.

-2If the origin of the telegram is not found, then the telegram is not considered except for mere perusal.

Article 15

-1Merchants 'books are not evidence for non-merchants. Nevertheless, the data verified in them of what the merchants have received are valid as a basis, allowing the judge to direct the complementary oath to either of the two parties as long as it may be proven with the testimony of witnesses .

-2The compulsory merchants' books are an argument for the merchant owner against his opponent, the merchant, if the dispute is related to a commercial business, and the books are regular .This authenticity is dropped by the reverse evidence, and this evidence may be taken from the opponent's regular books .

-3The compulsory books of merchants, whether regular or not, are an evidence against their merchant owner on what his opponent, the merchant or non-trader, relied on, provided that the entries that are in the interest of the bookkeeper are considered an evidence for him as well .

-4It is permissible to urge one of the two rental litigants on the validity of his lawsuit if he relies on his opponent's books and

submits in advance what is stated in them, then the litigant refuses to show his books without justification.

Article 16

-1Home books and papers shall not be evidence against whom it was issued except in the following two cases - :

A- If he explicitly states that he has fulfilled his debt .

B - If he explicitly states in it that he intended, with what is written below it, to replace the bond for the one who truly proved his interest .

-1In both cases, if what was mentioned from that was not signed by the one from whom it was issued, he may prove its opposite by all means of proof.

Article 17

-1The creditor's marking of the debt document in his handwriting and without his signature indicating the debtor's acquittal shall be considered an argument against him until proven otherwise, and the creditor's indication of such will be an evidence against him also even if it is not in his handwriting or signed by him as long as the bond has never been out of his possession .

-2The judgment shall likewise be made if the creditor proves in his handwriting and without his signature proving the debtor's acquittal in another original copy of a bond or clearance and the copy or the release is in the debtor's hand.

The final text of the article on: 12/10/2006

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-2The judgment shall likewise be made if the creditor proves in his handwriting and without his signature proving the debtor's acquittal in another original copy of a bond or clearance and the copy or the release is in the debtor's hand.

-3Fulfillment by electronic means will absolve the liability, according to what is determined by the Minister of Justice in coordination with the concerned authorities.

Chapter 2 bis

Article 17 bis

-1An electronic signature is all letters, numbers, symbols, signs, pictures or sounds of a single character that allow the person who owns the signature to be identified and distinguished from others in the manner stated in the Electronic Transactions and Commerce Law .

2- يعتبر محرراً إلكترونياً كل انتقال أو إرسال أو استقبال أو تخزين لرموز أو إشارات أو كتابة أو صور أو أصوات أو معلومات أياً كانت طبيعتها تجري من خلال وسيلة تقنية معلومات.

3- للتوقيع الإلكتروني ذات الحجية المقررة للتوقيعات المشار إليها في هذا القانون إذا روعي فيه الأحكام المقررة في قانون المعاملات والتجارة الإلكترونية.

4- للكتابة الإلكترونية والمحررات الإلكترونية والسجلات والمستندات الإلكترونية ذات الحجة المقررة للكتابة والمحررات الرسمية والعرفية في أحكام هذا القانون متى استوفت الشروط والأحكام المقررة في قانون المعاملات والتجارة الإلكترونية.

الفصل الثالث – طلب الزام الخصم بتقديم المحررات والأوراق الموجودة تحت يده

المادة 18

1- يجوز للخصم في الحالات التالية أن يطلب إلزام خصمه بتقديم أي محررات أو أوراق منتجة تكون تحت يده:

أ- إذا كان القانون يجيز مطالبته بتقديمه أو تسليمه.

ب- إذا كان المحرر مشتركاً بينه وبين خصمه ويعتبر المحرر مشتركاً على الأخص إذا كان لمصلحة الخصمين أو كان مثبتاً لالتزاماتها وحقوقهما المتبادلة.

ج- إذا استند إليه خصمه في أي مرحلة من مراحل الدعوى.

2- ويجب أن يبين في هذا الطلب، أوصاف المحرر، وفحواه، والواقعة التي يستدل بها عليه والدلائل والظروف المؤيدة لوجوده تحت يد الخصم، ووجه إلزام الخصم بتقديمه.

المادة 19

1- إذا أثبت الطالب صحة طلبه أو أقر الخصم أن المحرر أو الورقة في حوزته أو سكت أمرت المحكمة بتقديم المحرر أو الورقة في الحال أو في أقرب موعد تحدده.

2- وإذا لم يقدم للمحكمة إثباتاً كافياً لصحة الطلب وأنكر الخصم وجود المحرر أو الورقة وجب على هذا الخصم أن يحلف يميناً بأن المحرر أو الورقة لا وجود له وأنه لا يعلم وجوده ولا مكانه وأنه لم يخفه أو لم يهمل البحث عنه ليحرم خصمه من الاستدلال به.

3- وإذا لم يقم الخصم بتقديم المحرر أو الورقة في الموعد الذي حددته المحكمة أو امتنع عن حلف اليمين سالفة الذكر، اعتبرت صورة المحرر أو الورقة التي قدمها الطالب صحيحة مطابقة لأصلها فإن لم يكن قد قدم صورة من المحرر جاز الأخذ بقوله فيما يتعلق بشكله وموضوعه.

المادة 20

يجوز للمحكمة أثناء سير الدعوى ولو أمام محكمة الاستئناف أن تأذن في إدخال الغير لإلزامه بتقديم محرر تحت يده وذلك في الأحوال ومع مراعاة الأحكام والأوضاع المنصوص عليها في المواد السابقة.

ولها أيضا أن تأمر - ولو من تلقاء نفسها - بإدخال أية جهة إدارية لتقديم ما لديها من المعلومات والمحررات اللازمة في السير في الدعوى.

المادة 21

إذا قدم الخصم محرراً للاستدلال به في الدعوى فلا يجوز له سحبه بغير رضاء خصمه إلا بإذن مكتوب من رئيس الدائرة أو القاضي بحسب الأحوال بعد أن يحفظ منه صورة في ملف الدعوى يؤشر عليها قلم الكتاب بمطابقتها للأصل.

الفصل الرابع - إثبات صحة الأوراق

الفرع الأول - أحكام عامة

المادة 22

1- للمحكمة أن تقدر ما يترتب على الكشط والمحو والتحشير وغير ذلك من العيوب المادية في المحرر من إسقاط قيمته في الإثبات أو إنقاصها.

2- وإذا كانت صحة المحرر محل شك في نظر المحكمة جاز لها من تلقاء نفسها أن تدعو الموظف الذي صدر عنه أو الشخص الذي حرره ليبدي ما يوضح حقيقة الأمر فيه.

المادة 23

1- يرد الطعن بالتزوير على المحررات الرسمية والعرفية، أما إنكار الخط أو الختم أو الإمضاء أو بصمة الإصبع فلا يرد إلا على المحررات العرفية. وعلى من يطعن بالتزوير عبء إثبات طعنه. أما من ينكر صدور المحرر العرفي منه أو يحلف بعدم علمه أنه صدر ممن تلقى الحق عنه فيقع على خصمه عبء إثبات صدوره منه أو من سلفه.

2- وإذا أقر الخصم بصحة الختم الموقع به على المحرر العرفي ونفى أنه بصم به تعين عليه اتخاذ طريقة الطعن بالتزوير.

قانون الإثبات في المعاملات المدنية والتجارية - الباب الثاني - الأدلة الكتابية - الفصل الرابع - إثبات صحة الأوراق - الفرع الثاني - إنكار الخط والإمضاء أو الختم أو بصمة الأصبع تحقيق الخطوط

المادة 24

1- إذا أنكر من يشهد عليه المحرر خطه أو إمضاءه أو ختمه أو بصمة إصبعه أو نفى الوارث أو الخلف بعدم علمه بأن المحرر صدر ممن تلقى الحق عنه وظل الخصم الآخر متمسكاً بالمحرر وكان المحرر منتجاً في النزاع ولم تكف وقائع الدعوى ومستنداتها لتكوين قناعة المحكمة في شأن صحة الخط أو الإمضاء أو

الختم أو بصمة الإصبع أمرت المحكمة بالتحقيق بالمضاهاة أو بسماع الشهود أو بكليهما.

2- وتجرى المضاهاة وفقاً للقواعد المقررة في أعمال أهل الخبرة. ويحصل سماع الشهود وفقاً للقواعد المقررة في شهادة الشهود، ولا تسمع شهادتهم إلا فيما يتعلق بإثبات حصول الكتابة أو الإمضاء أو الختم أو بصمة الإصبع على المحرر المقتضى تحقيقه ممن نسب إليه.

المادة 25

-1The court sets a session for the litigants to attend to present their exhibits in order to compare and agree on what is suitable for that and to submit the litigant who disputes the validity of the document .

If the litigant who disputes the validity of the exhibit refuses to appear in person for the subscription without an acceptable excuse, a judgment may be made regarding the validity of the exhibit, and if the litigant who is charged with proof fails to verify the validity of the handwriting, signature, stamp or fingerprint, his opponent defaults, then the documents submitted for comparison may be considered valid .

-2The session chairperson shall order the deposit of the document to be investigated, the corresponding papers, and the writing papers to the clerk's office after signing them from him and the session clerk, and he shall also write a report in which he states the status of the document to be investigated and his descriptions, and he shall also sign this record from him and the session clerk.

Article 26

1- The correspondence of the handwriting, the signature, the stamp or the fingerprint whose denial took place on what is proven by the person against whom the paper required to be verified is a handwriting, signature, stamp or fingerprint .

2- Comparison shall not be accepted in the event of disagreement with the litigants except for the following :

A- The handwriting, signature, stamp or fingerprint placed on official documents .

B- The part of the document that the opponent admits to be authentic .

C- His handwriting or signature that he writes in front of the court or the fingerprint that he prints before it.

Article 27

If a judgment is ruled that the entire document is valid, then the person who denies it shall be judged to pay a fine of not less than five hundred dirhams and not more than two thousand dirhams.

Section Three - Challenge for Forgery

Article 28

1- The appeal of forgery shall be made in any case against which the lawsuit is concerned, and the appellant shall specify all the locations of the alleged forgery, its evidence, and the investigation procedures in which it is required to prove it .This can be done through a memorandum that he submits to the court or as recorded in the session minutes .If the appeal is a product of the dispute and the case's facts and documents have

not ceased to convince the court of the veracity of the document or its forgery, and it considers that the investigation that the appellant requested is productive and permissible, it shall order an investigation by comparison or the testimony of witnesses or both, as indicated in the previous articles .

2- ويجوز للمطعون ضده بالتزوير وقف سير التحقيق فيه، في أية حالة كانت عليه بنزوله عن التمسك بالمحرر المطعون فيه. وللمحكمة في هذه الحالة أن تأمر بضبط المحرر أو بحفظه إذا طلب الطاعن بالتزوير ذلك لمصلحة مشروعة.

المادة 29

1- على الطاعن بالتزوير أن يسلم قلم الكتاب المحرر المطعون فيه إن كان تحت يده أو صورته المعلنة إليه، فإن كان المحرر تحت يد المحكمة أو الكاتب وجب إيداعه قلم الكتاب، وإذا كان تحت يد الخصم كلفه رئيس الجلسة بمجرد تقديم الطعن بالتزوير بتسليمه فوراً إلى قلم الكتاب، وإلا أمر بضبطه وإيداعه قلم الكتاب، وإذا امتنع الخصم عن تسليمه وتعذر ضبطه اعتبر غير موجود، ولا يمنع هذا من ضبطه فيما بعد إن أمكن.

2- وفي جميع الأحوال يوقع رئيس الجلسة والكاتب على المحرر قبل إيداعه قلم الكتاب.

المادة 30

الحكم بالتحقيق في الطعن بالتزوير يوقف صلاحية الورقة المطعون فيها للتنفيذ دون إخلال بالإجراءات التحفظية.

المادة 31

يجوز للمحكمة، ولو لم يطعن أمامها بالتزوير أن تحكم، برد أي محرر وبطلانه إذا ظهر لها بجلاء من حالته أو من ظروف الدعوى أنه مزور. ويجب عليها في هذه الحالة أن تبين في حكمها الظروف والقرائن التي تبينت منها ذلك.

المادة 32

إذا حكم برفض الطعن بالتزوير أو سقوط حق الطاعن في الإثبات حكم عليه بغرامة لا تقل عن خمسمائة درهم ولا تجاوز ثلاثة آلاف درهم، ولا يحكم عليه بشيء إذا ثبت بعض ما ادعاه وإذا ثبت تزوير المحرر أرسلته المحكمة مع صور المحاضر المتعلقة به إلى النيابة العامة لاتخاذ إجراءاتها الجنائية في شأنها.

الفرع الرابع – دعوى صحة التوقيع ودعوى التزوير الأصلية

المادة 33

It is permissible for the one who has a customary exhibit to contest the person against whom this exhibit is testified to acknowledge that it is in his handwriting, signature, stamp, or fingerprint, even if the obligation contained therein is not due to be paid, and this is done by an original lawsuit with the usual procedures .If the defendant attends and approves, the court shall prove his admission, and all expenses are for the plaintiff, and the exhibit is considered recognized if the defendant is silent, does not deny it, or does not attribute it to others .If the defendant denies the handwriting, signature, stamp, or fingerprint, the investigation shall be conducted according to the above rules, and if the defendant does not attend without an acceptable excuse, the court shall rule in his absence that the handwriting, signature, stamp or fingerprint are valid.

Article 34

A person who fears protesting against him with a forged document may litigate whoever has this document and whoever benefits from it to hear the verdict that it has been forged, and that is by an original lawsuit filed in the usual circumstances .In investigating this case, the court shall take into account the rules and procedures stipulated in the previous articles.

Part Three - Testimony of Witnesses

Article 35

1- With regard to other than commercial materials, if the disposal value exceeds five thousand dirhams or if the value is not specified, it is not permissible to testify by witnesses to prove its existence or to expire unless there is an agreement or a text stipulating otherwise .

2- The obligation is assessed with regard to its value at the time of issuance of the disposal without including the attachments to the original .

3- If the lawsuit includes multiple requests arising from multiple sources, evidence may be proved by the testimony of witnesses in each request whose value does not exceed five thousand dirhams, even if these requests in their entirety exceed that value, or if they originate in relations between the litigants themselves or acts of one nature .

4- The lesson is to prove the partial fulfillment of the value of the original obligation.

Article 36

It is not permissible to prove the testimony of witnesses even if the value does not exceed five thousand dirhams in the following cases :

1- With regard to contradicting or exceeding what was included in written evidence .

2- If the required is the remainder or part of a right that may not be proven except in writing .

3- If one of the litigants in the lawsuit claimed an amount of more than five thousand dirhams, then changed his request to no more than this value.

Article 37

Evidence may be made by the testimony of witnesses when it was necessary to prove it in writing in the following cases :

1- If there is a principle of proof in writing, and the principle of proof in writing is considered every writing issued by the litigant and is liable to make the existence of the alleged behavior close to the possibility .

2- If there is a material or moral impediment that prevents obtaining written evidence .

3- If the creditor loses his written deed because of a foreigner that he has no control over .

4- If the court deems it appropriate for valid reasons to allow evidence to testify .

-5If he appeals to the written evidence that it includes what is prohibited by law or is contrary to public order or public morals.

Article 38

The testimony is to be viewed and inspected. Nevertheless, the testimony by hearing is accepted in the following cases :

-1Death .

-2lineage .

-3The original and correct charitable endowment.

Article 39

-1The litigant who requests proof with the testimony of witnesses must state the facts that he wants to prove in writing or verbally in the hearing .

-2The verdict that orders proof with the testimony of witnesses must indicate each of the facts to be proven and the day on which the investigation begins .

-3If the court authorized one of the litigants to prove the incident with the testimony of the witnesses, the other litigant has the right to deny it by this way .

-4The court - of its own accord - may decide to prove the testimony of witnesses in cases in which the law permits evidence in this way whenever it deems it useful for the truth .

It also has the right, in all cases, whenever it decides to prove the testimony of witnesses, to summon to testify whoever deems it necessary to hear his testimony to show the truth.

Article 40

لا تقبل شهادة الموظفين والمستخدمين والمكلفين بخدمة عامة ولو بعد تركهم العمل عما يكون قد وصل إلى علمهم في أثناء قيامهم به من معلومات ولم تأذن السلطة المختصة في إذاعتها. ومع ذلك فلهذه السلطة أن تأذن لهم في الشهادة بناء على طلب المحكمة أو أحد الخصوم.

المادة 41

1- يؤدي كل شاهد شهادته على انفراد بغير حضور باقي الشهود الذين لم تسمع شهادتهم ويجرى سماع شهود النفي في الجلسة ذاتها التي سمع فيها شهود الإثبات إلا إذا حال دون ذلك مانع. وإذا أجل التحقيق لجلسة أخرى كان النطق بالتأجيل بمثابة تكليف لمن يكون حاضراً من الشهود بالحضور في تلك الجلسة إلا إذا أعفتهم المحكمة صراحة من الحضور.

2- ويحلف الشاهد اليمين بأن يقول "أقسم بالله العظيم أن أقول كل الحق ولا شيء غير الحق". ويكون الحلف على حسب الأوضاع الخاصة بدينه إن طلب ذلك.

المادة 42

1- إذا لم يحضر الخصم شاهده أو لم يكلفه بالحضور في الجلسة المحددة قررت المحكمة إلزامه بإحضاره أو بتكليفه بالحضور لجلسة أخرى فإذا لم يفعل سقط الحق في الاستشهاد به. ولا يخل هذا بأي جزاء يرتبه القانون على هذا التأخير.

2- وإذا رفض الشاهد الحضور إجابة لدعوة الخصم أو المحكمة وجب على الخصم أو قلم الكتاب حسب الأحوال تكليفه بالحضور لأداء الشهادة قبل التاريخ المعين

لسماعه بأربع وعشرين ساعة على الأقل عدا مواعيد المسافة، ويجوز في أحوال الاستعجال نقص هذا الميعاد وتكليف الشاهد الحضور ببرقية من قلم الكتاب بأمر من المحكمة.

3- وإذا كلف الشاهد بالحضور تكليفاً صحيحاً ولم يحضر حكمت عليه المحكمة بغرامة لا تجاوز خمسمائة درهم. ويثبت الحكم في محضر الجلسة ولا يكون قابلاً للطعن.

In cases of extreme urgency, the court may issue an order to summon the witness .But in conditions of extreme urgency, he is ordered to re-assign the witness to attend if this is required and he shall have the expenses of that assignment. If he fails, a judgment is imposed on him with a fine of not less than two hundred dirhams and not exceeding one thousand dirhams, and the judgment is not subject to appeal and the court may issue an order to summon him .

-4In all cases, the court may dismiss the witness from the fine if he appears and gives an acceptable excuse.

Article 43

-1If the witness appears and abstains from taking the oath, or abstains from answering without legal justification, he shall be sentenced to the penalty prescribed in the Penal Code .

-2If the witness has an excuse that prevents him from attending, the appointed judge may go to him to hear his statements. If the investigation is before the court, it may delegate one of its judges for that .The court or the appointed judge shall determine the date and place of hearing his statements, and the court clerk's

office shall notify the absent litigants and make a report thereof, to be signed by the delegated judge and the clerk.

Article 44

1- Questions should be directed to the witness from the court .The witness answers first to the questions of the opponent who martyred, then to the questions of the other opponent, and for the one who killed him, he may repeat his question .If the litigant has finished questioning the witness, he may not present new questions without the permission of the court .

2- The presiding officer or any of its members may direct the judge, according to the circumstances, to direct the witness what he deems useful in revealing the truth .The testimony shall be taken orally. Written notes may not be sought except with the permission of the court or the delegated judge and where the nature of the case warrants this .If the witness omits something that must be mentioned, the court or commissioner judge will ask him.

Article 45

The witness's response is recorded in the record, then it is read to him and he signs it after correcting what he deems necessary to be corrected .If he abstained from signing, he would mention that and the reason for it in the record.

Article 46

If it becomes clear to the court during the hearing of the case or when ruling on the merits of the case that the witness has

testified falsely, a report shall be drawn up and sent to the Public Prosecution to take the necessary criminal measures.

Article 47

1- يجوز لمن يخشى فوات فرصة الاستشهاد بشاهد على موضوع لم يعرض بعد أمام القضاء ويحتمل عرضه عليه أن يطلب في مواجهة ذوي الشأن سماع هذا الشاهد. ويقدم هذا الطلب بالطرق المعتادة لقاضي الأمور المستعجلة وتكون مصروفاته كلها على من طلبه، وعند تحقق الضرورة يحكم القاضي بسماع الشاهد متى كانت الواقعة مما يجوز إثباتها بشهادة الشهود.

2- ويجوز للقاضي سماع شهود نفي بناء على طلب الخصم الآخر بالقدر الذي تقتضيه ظروف الاستعجال في الدعوى.

3- وفيما عدا ذلك تتبع في الشهادة القواعد والإجراءات السالف ذكرها في المواد السابقة ولا يجوز في هذه الحالة تسليم صورة من محضر التحقيق ولا تقديمه إلى القضاء إلا إذا رأت محكمة الموضوع عند نظره جواز إثبات الواقعة بشهادة الشهود ويكون للخصم الاعتراض أمامها على قبول هذا الدليل كما يكون له طلب سماع شهود نفي لمصلحته.

الباب الرابع – القرائن و حجية الأمر المقضي

المادة 48

-1The presumptions provided for by the law enrich the one who decided in his favor from any other method of proof, provided that these presumptions may be set aside by reverse evidence unless there is a provision to the contrary .

-2The judge may extract other evidence to prove this in cases in which it is permissible to prove the testimony of witnesses.

Article 49

-1The judgments that have the authority of the adjudicated matter shall be an argument in respect of the litigation in which it has been settled, and it is not permissible to accept evidence that denies this presumption, but these judgments shall not have this authenticity except in a dispute between the litigants themselves without changing their characteristics and relating to the same right as a matter and reason .

-2The court shall rule this authenticity on its own initiative.

Article 50

The civil judge is not related to the criminal judgment except in the facts in which this judgment was decided and its separation was necessary, and despite that, it is not related to the acquittal judgment unless it is based on denying the attribution of the incident to the accused.

Chapter five - acknowledgment and questioning of litigants

Chapter One - Declaration

Article 51

Acknowledgment is telling a person about one's right to another .

The confirmation shall be judicial if the litigant confesses before the courts of a legal incident that is claimed against him, during the course of the case related to this incident .

The affidavit is non-judicial if it occurred in a court other than the Judicial Council or in connection with a dispute raised in another case.

Article 52

The validity of the judicial affidavit is required for the acknowledgment to be sane, chosen, adult, and not forbidden as he acknowledged it.

Article 53

The judicial affidavit is an argument against the headquarters, and a recourse is not accepted.

The second chapter - Questioning the opponents

Article 54

It is not permissible to hear the litigants as witnesses in the case, but it is permissible for the court to question whoever is present among the litigants, and each of them may request to interrogate his present opponent, and the court may also order the presence of the litigant to be questioned either on its own initiative or at the request of his opponent, and the person who is decided to question him must Attends the session set by the decision.

Article 55

If the opponent is incompetent or deficient, it is permissible to question his representative, and the court may discuss with him if he is distinguished in the matters in which it is authorized, and legal persons may be questioned through whoever represents them legally, and in all cases it is required that the person to be questioned is qualified to act in the disputed right.

Article 56

1- The court sends the questions it deems to the opponent, and directs him to what the other opponent requests to direct, and the answer is in the same session unless the court decides to give a time for the answer .

2- The answer is obtained in the face of the person requesting the interrogation, but the questioning does not depend on his presence .

3- The questions and answers shall be recorded in the session minutes and signed by the session chairperson, the clerk and the interrogator, and if the interrogator refuses to answer or sign, he shall mention in the record his abstention and the reason for it .

4- If the opponent fails to appear for the interrogation without an acceptable excuse or abstains from answering without a legal justification, the court will extract what it deems from that, and it may accept evidence with the testimony of witnesses and presumptions in cases where that was not permissible .

5- If the litigant party has an acceptable excuse that prevents him from appearing for interrogation, the court may delegate one of its judges to question him.

Chapter Six - Oath

Article 57

1- Each of the litigants may, in whatever case the case has been in, direct the decisive oath to the other litigant, provided that the incident to which the oath is directed is related to the person to whom it was directed, even if it was impersonal to him, it was based on his mere knowledge of it .Nevertheless, the judge may

prevent directing the oath if the opponent was arbitrary in directing it .

– 2And whoever is directed the oath may return it to his opponent, provided that it is not permissible to return it if the oath is focused on an incident in which the two opponents do not participate .

–3It is not permissible for the one who has made the oath or rejected it to revoke it whenever his opponent has accepted the oath.

Article 58

It is not permissible for the trustee, custodian, or absentee's attorney to direct or return the decisive oath except in what is within his authority in accordance with the law.

Article 59

A decisive oath may not be taken in respect of an incident contrary to public order or morals.

Article 60

Whosoever the oath was directed to him, and he abstained from her without returning it to his opponent, and whoever returned the oath to him and abandons her, loses his case.

Article 61

It is not permissible for a litigant to prove the perjury of the oath after it has been performed by the opponent to whom it was directed or responded to, provided that if the perjury of the oath is proven by a criminal judgment, then the litigant who has been

hurt by it may claim compensation without prejudice to what he may have the right to appeal the judgment against him.

Article 62

1- The judge in any case the lawsuit has to do may direct the complementary oath of his own accord to either of the litigants to base his judgment on the merits of the case or on the value of what he adjudicates. In directing this oath, there is a condition that there is no complete evidence in the case and that the case is not free of No evidence .

2- The opponent to whom this oath is directed may not return it to the other opponent.

Article 63

It is not permissible for the judge to direct to the plaintiff the complementary oath to determine the value of the plaintiff unless it is impossible to determine this value in another way, and in this case the judge shall determine a maximum limit for the value that the plaintiff swears by.

Article 64

1- Whoever is directed to his opponent with an oath must precisely indicate the facts that he wants to swear by and mention the oath's wording in clear terms .The court may amend the form presented by the litigant so that it clearly directs the paper of the incident on which the oath is required .

2- If the person to whom the oath is directed does not dispute whether it is permissible or related to the case, he must, if he is

present in person, swear it immediately or return it to his opponent, otherwise he shall be considered negligent .

The court may give him a date for the oath if it deems it to be appropriate, and if he is not present, he must be notified of the oath form approved by the court to attend at the session set for its oath, and if he appears and abstains without contesting or abstaining without an excuse, he shall be considered as having failed as well .

– 3If the person to whom the oath was directed disputes its permissibility or its relevance to the case, and the court rejected his dispute and ruled to swear him, it indicated in the text of its judgment the wording of the oath .This operative shall be announced to the litigant if he was not present in person and shall follow what was stipulated in the previous paragraph.

Article 65

If the person to whom the oath was directed had an excuse that prevented him from attending, the court moved or delegated one of its judges to swear him.

Article 66

–1The oath shall be taken by saying "I swear by God Almighty" and mentioning the wording approved by the court .And whoever is assigned to swear an oath may perform it according to the conditions established in his religion if he so requests .

–2It is considered in the oath of al-Akhras, its affliction, and its return to the right of its usual sign, if he does not know the writing, and if he knows it, then he swore it, and gave it back .

-3A report of the oath shall be drawn up and signed by the oath, the presiding officer, and the clerk.

Chapter Seven - Inspection and Case Proof

Article 67

-1The court may, upon the request of one of the litigants or on its own initiative, decide to move to inspect the disputed person, or assign one of its judges for this, and specify in its decision the date and place of the inspection .The court or judge shall write a report in which he explains all the work related to the inspection .

- 2The court or whoever it has delegated from among its judges may appoint an expert to assist him in the inspection, and it may hear whoever it wants to hear from the witnesses, and inviting them to attend is by a request, even orally, from the court clerk.

Article 68

.1Whoever fears that the features of an event that may become the subject of a dispute before the court may be lost, may request, in confronting the concerned parties, by the usual methods, from the judge of urgent matters to move for inspection, and the previous rulings shall be taken into consideration in this case.

-2The judge of urgent matters in the aforementioned case may delegate an expert to move, inspect and hear witnesses without an oath .Then the judge shall appoint a session to hear the litigants 'remarks on the expert's report and his work and follow the rules stipulated in the section on experience.

Chapter Eight - Experience

Article 69

The court may, when necessary, decide to delegate one or more experts from among the state employees or from among the experts registered in the experts 'roster to be enlightened with their opinion on the issues that are required to settle the case. By depositing this trust, the time within which the deposit is due, and the amount that the expert may withdraw for his expenses.

Article 70

If the litigants agreed to choose one or more experts, the court approved their agreement, and with the exception of this case, the court selects the expert from among the experts admitted to it, unless special circumstances decide otherwise, and the court must then clarify these circumstances.

Article 71

If the court rules on assigning one or more experts, the text of its judgment must include the following :

1- An accurate statement of the expert's mission and the urgent measures that he is authorized to take .

2- The time set for depositing the expert's report .

3- The date of the session to which the case is postponed for pleading in the event that the trust has been deposited, and another session closer to it to hear the case if it is not deposited.

Article 72

If the trust was not deposited by the litigant assigned to deposit it or by any other litigant, the expert is not obligated to perform

the task entrusted to him, and the court decides to forfeit the right of the litigant who did not pay the trust to adhere to the ruling issued for appointing the expert if it finds that the excuses given for that are unacceptable.

Article 73

During the two days following the deposit of the trust, the clerk's office of the court shall invite the expert to review the papers deposited in the case file without receiving them unless the court or the litigants authorize him to do so, and a copy of the judgment is delivered to him.

Article 74

If the name of the expert is not registered in the tables, he must take an oath before the court that appointed him to perform his work honestly and honestly, otherwise the work is void and the presence of the litigants is not required when the expert takes the oath, and a report of the oath is drawn up.

Article 75

1- The expert may, during the five days following the date of receiving the copy of the judgment from the clerk's office, request that he be exempted from performing the task he was assigned to. In urgent cases, the court may decide in its judgment that this time is short .

2- The court that appointed him may exempt him from it if it deems that the reasons he gave for that are acceptable.

Article 76

If the expert has not performed his task and has not been exempted from its performance, the court that has delegated him may rule on him for all the expenses that he has caused to

spend without interest and compensations if they are appropriate, without prejudice to the disciplinary penalties.

Article 77

Litigants may request the expert's dismissal if there is a reason for him which makes it more likely that he will not be able to perform his task without bias .In particular, the expert may be dismissed if he is a fourth-degree relative or son-in-law of one of the litigants or an agent of one of the litigants in his private business, or a trustee or trustee, or he was working for one of the litigants or he or his spouse had an existing dispute with one of the litigants in the case or with his spouse unless This dispute had not been established after the expert was appointed, with the intention of rejecting him.

Article 78

The response shall be requested by requiring the expert to appear before the court within a week from the date of the ruling on appointing him if this judgment was issued in the presence of the opponent requesting the response .If the judgment was issued in his absence, the request for recusal shall be submitted within the week following the announcement of the pronouncement of the judgment to him .The right to request a recusal shall not be forfeited if the reasons for it have arisen after that time or if the opponent submits evidence that he did not know about them until after its expiration.

Article 79

If the expert was appointed by the agreement of the litigants, the request for his dismissal from one of them shall not be accepted unless the reason for the recusal occurred after his appointment

or it was proven that he did not know about this reason when he was appointed.

Article 80

The court shall promptly decide on the request for recusal, and the ruling issued in the request is not subject to appeal in any way, and if the request for recusal is rejected, a judgment shall be imposed on the applicant with a fine of not less than two hundred dirhams and not more than five hundred dirhams.

Article 81

1- The expert shall specify a date for the commencement of his work, provided that he summons the litigants at least seven days before that date, provided that he indicates in the invitation the place, day and hour of the first meeting .

2- In case of urgency, he may summon the litigants immediately by sending a telegram .

3- Failure to summon the litigants shall result in the invalidity of the expert's work.

Article 82

1- The litigants appear before the expert themselves or by an agent on their behalf .

2- The expert may proceed with his work even in the absence of the litigants whom he has invited to attend properly .

3- It is not permissible for any governmental body or any other entity to refrain, without legal justification, from the expert's

access to the books, records, documents, or papers that it has in place of the books, records, documents, or papers in implementation of the ruling on assigning an expert.

Article 83

The expert shall prepare a report of his work, and the report must include the following :

1- A statement of the litigants 'attendance, statements and notes signed by them, unless they have no objection to signing, and the reason for that is mentioned in the minutes .

2- A detailed statement of the actions carried out by the expert and the statements of the persons he heard on his own or at the request of one of the litigants.

Article 84

The expert has to submit a report signed by him with the result of his work, his opinion, and the aspects on which he relied. If there are more experts, each of them may submit an independent report on his opinion unless they agree to submit one report.

Article 85

1- The expert shall deposit his report, records of his work, and all papers delivered to him by the clerk of the court that appointed him .

2- The clerk of the court must inform the litigants of this deposit within the twenty-four hours following its occurrence .

3- The expert shall send to each litigant in the case a copy of his report within the three days following the filing.

Article 86

1- If the expert does not submit his report within the time specified by the judgment issued for appointing him, he must, before the expiration of this period, deposit the clerk of the court that appointed him a memorandum stating the work he performed and the reasons that prevented the completion of his assignment .

2- If the court finds in the expert's memorandum a justification for his delay, it shall grant him a time limit to complete his mission and deposit his report, otherwise it shall sentence him to a fine not exceeding five hundred dirhams, and in this last case the court may grant him a time to complete his mission and deposit his report or replace it with someone else while obliging him to return what is Receipt from the trust to the clerk's office without prejudice to the disciplinary penalties and compensations, if relevant .

3- The judgment issued to replace the expert and to compel him to return the trust he received is not accepted.

Article 87

If, after reviewing the memorandum presented by the expert in accordance with the previous article, it becomes clear to the court that the delay is due to the fault of the litigant, it shall sentence him to a fine not exceeding one thousand dirhams, in addition to the permissibility of a ruling that the opponent's right to adhere to the judgment issued to appoint the expert loses.

Article 88

-1The court, on its own initiative or upon the litigants 'request, may order the expert to be summoned in a session it determines to discuss with him in his report, and it may direct him whatever questions it deems useful in the case .

- 2It may order the expert to complete the deficiencies in his work and rectify the errors it discovers in it, and it may entrust that to one or more other experts.

Article 89

The court may appoint an expert to express his opinion orally in the session without a report, and his opinion is recorded in the record.

Article 90

-1The expert's opinion does not restrict the court .

-2If the court ruled contrary to the expert's opinion, it would explain in its judgment the reasons that led to the failure to take this opinion in whole or in part.

Article 91

-1The expert's expenditures and his effort (his fees) shall be assessed by an order on a petition issued without pleading by the court that appointed him, and each of the litigants and the expert has the right to grievance against the assessment order within the eight days following his announcement .

-2The grievance shall be by a report deposited with the clerk's office of the court, and it shall result in the suspension of the

execution of the judgment order. This grievance shall be decided by another judge or other court department after hearing the statements of the complainant, and its judgment in this regard shall be final and not subject to any appeal.

Article 92

The expert shall collect the amount of the trust he has been estimated, and the matter of estimating what is more than it shall be enforceable on the opponent who was ordered to oblige him to pay the expenses.