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**Published on the website on May 2024**

**Legislative Decree No. (14) of 1996promulgatingthe Law of Evidence in Civil and Commercial Matters**

We, Isa bin Salman Al Khalifa, the Emir of the State of Bahrain,

Having reviewed the Constitution,

Emiri Order No. (4) of 1975;

Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971, and the laws that amend it;

Legislative Decree No. (13) of 1971 with respect to the Structure of the Judiciary, and the laws that amend it;

And the Legislative Decree No. (3) of 1995 regarding the roll experts;

And upon the submission of the Minister of Justice and Islamic Affairs,

And after consulting the Shura Council,

And after the approval of the Council of Ministers;

**Hereby Decree the following Law:**

**Article One**

The provisions of the attached Law of Evidence in Civil and Commercial Matters shall apply, the second part regarding the Procedures of Evidence in the Civil and Commercial Procedures Law issued by Legislative Decree No. (12) of 1971 shall be nullified, as well as every text which contradicts the provisions of this Law.

**Article Two**

The Minister of Justice and Islamic Affairs shall implement this law, and it shall come into force from the date of its publication in the Official Gazette.

**Emir of the State of Bahrain**

**Isa bin Salman Al Khalifa**

**Issued at Riffa Palace:**

**On 9 Muharram 1417 A.H.**

**Corresponding to 26 May 1996**

**Law of Evidence in Civil and Commercial Matters**

**Part One**

**General Provisions**

**Article - 1 -**

The creditor shall prove the existence of the obligation, while the debtor shall prove its fulfilment.

**Article - 2 -**

Alleged facts to be proven shall be relevant to the lawsuit, productive therein and admissible.

**Article - 3 -**

The competent court to hear the lawsuit shall initiate the evidentiary procedures and may assign one of its judges to initiate a specific evidentiary procedure. If the court assigns one of its judges to initiate a specific evidentiary procedure, it must specify a deadline not exceeding three weeks for initiating this procedure and another deadline for completing it. The Head of the Circuit may extend this latter deadline when necessary and appoint a replacement for the assigned judge.

**Article - 4 -**

Judgments issued by the evidentiary procedures shall not require a reason, unless a conclusive judgment is involved. The operative part of such judgments shall be notified to those who did not attend the session of pronouncing thereof. Furthermore, the orders issued with the aim of setting the date of the evidentiary procedure shall be notified, otherwise the procedure shall be null and void. Notification shall be made at the request of the Court’s Clerk within two days.

**Article - 5 -**

If completing the procedure requires more than one session or more than one day, the date and time to which the postponement is made shall be stated in the record without the need to notify absentees of the postponement.

**Article - 6 -**

Interlocutory matters related to the procedures of evidence are presented to the delegated judge, and those interlocutory matters related to these procedures may not be raised before the court unless they have been previously presented to the delegated judge. The decisions of the delegated judge regarding these matters shall be binding without prejudice to the litigant’s right to raise these matters before the court when hearing the lawsuit, unless otherwise provided by law.

**Article - 7 -**

If the delegated judge refers the lawsuit to the court for any reason, the court shall schedule the session as soon as possible, with notification of the date of the session to the absent litigants through the Court’s Clerk.

**Article - 8 -**

The court may withdraw the ordered evidentiary procedures, provided that the reasons for the withdrawal are stated in the record. The court may also choose to disregard the evidence produced during the procedure as long as it provides justification for this decision.

**Part Two**

**Written Evidence**

**Chapter One**

**Official Documents**

**Article - 9 -**

Official documents are instruments in which a civil servant or a person assigned to a public service proves the service he performed, or anything received from the concerned parties, according to the legal conditions and within the limits ofhis power and competency. If such documents are not official, they shall be equivalent to the customary documents, if the signatures, seals or fingerprints of the concerned parties are contained.

**Article - 10 -**

Official documents shall form evidence against all persons in respect of the contents noted by the executor thereof within thelimits of his task or in whose presence the documents are signed by the concerned parties unless the forgery thereof is evident by the legally established means. As for what has been stated by the concerned parties in terms of information and statements, it is permissible to prove their inaccuracy through normal means in accordance with the general rules.

**Article - 11 -**

If the original official document is available, the official copy thereof whether written or photographic shall form evidence to the extent that such copy is identical to the original. The copy shall be considered identical to the original unless this is disputed by either party. In this case, the copy shall be compared to the original, provided that the comparison is carried out in the presence of the litigants.

**Article - 12 -**

If the original official document is not available, the evidentiary value of an official copy shall be as follows: -

a) An original official copy, whether executive or not, shall have the same evidentiary value as the original official document if a cursory examination raises no concerns as to its authenticity.

b) An official copy of the original official copy shall have the same evidentiary value. However, in this case, each party mayrequest that the official copy be compared to the original official copy from which it was copied.

c) Official copies of copies of original documents may have only informational value as evidence, depending on the circumstances.

**Chapter Two**

**Customary Documents**

**Article - 13 -**

The customary document shall be considered to be issued by the signatory thereof, unless the signatory expressly denies the handwriting, signature, seal or fingerprint attributed to him. The heir or successor shall not be requested to deny, and it shall be sufficient to take an oath that he is not aware that the handwriting, signature, seal or fingerprint is attributed to whom he has received the right from. If a customary document is invoked against a party, and the subject thereof has been discussed, his denial of handwriting, signature, seal or fingerprint shall not be accepted.

**Article - 14 -**

The date of a customary document shall not form evidence against third parties unless the customary document has a fixed date. A customary document shall be deemed to have a fixed date in the following cases: -

a) From the date it has been recorded in a relevant register.

b) From the date its contents are documented in another document with a fixed date.

c) From the date a competent civil servant indicates it.

d) From the day of death of any person whose handwriting, signature, or fingerprint is recognized on the document, or from the day it becomes impossible for any of these individuals to write or leave a fingerprint due to physical reasons.

e) From the day of occurrence of another accident which conclusively proves that the document is issued before the occurrence thereof. However, the judge may not apply the provision of this Article to settlements, according to the circumstances.

**Article - 15 -**

Signed letters shall be equivalent to the customary document in terms of evidence. Telegrams, telex and facsimile correspondences shall have the same value as well, if the origin thereof lodged at the place of issue is signed by the sender, his representative, or someone delegated by him to send it. Such telegrams and correspondences shall be deemed identical to the origin until evidence of the opposite is provided. If the original is abolished, it shall be reliable for guidance only.

**Article - 16 -**

The records of traders shall not form evidence for non-traders. However, the statements containing what the traders supplied can be used as a basis that allows the judge to direct suppletory oath to either party in the matters that can be evident by proof. Books of traders shall form evidence against traders. If such books are regular, everyone wishes to have a proof from such books for himself, may divide their content and exclude the parts in conflict with his lawsuit.

**Article - 17 -**

If regularly kept commercial books of two traders contain conflicting information, the judge may decide to disregard both books orconsider only one of them, depending on the circumstances of the lawsuit.

**Article - 18 -**

If a trader litigant relies on the books of another trader litigant and has submitted a copy of their contents, the judge may require the relying party to swear a suppletory oath in support of his lawsuit if the party in possession of the books refuses, without justification, to produce them.

**Article - 19 -**

Domestic books and papers have no evidentiary value vis-à-vis those who prepared them except in the following two situations: -

a) If it explicitly states that he has fulfilled a debt.

b) If it explicitly states that the purpose of the information documented in these papers is to serve as evidence for those who have proven their right in his favour.

**Article - 20 -**

The annotation of the deed of debt absolving of the debtor’s debt shall form evidence against the creditor until the opposite is evidenced, even if the annotation is not signed thereby, as long as the document has been always in his possession. This shall be also the case if the creditor proves by his handwriting without signature the clearance of the debtor’s debt in anoriginalcopy of the document or in an acquittal and the copy or acquittal is in the hands of the debtor.

**Chapter Three**

**Request to Compel the other Litigant to Produce Documents in Their Possession**

**Article - 21 -**

The litigant may request the compelling of the other litigant to produce any documents effective in the lawsuit which are in his possession in the following cases: -

a) If it is legally permissible to request the other party to produce or submit the documents.

b) If the documents are joint documents, meaning, in particular, documents that were created for the benefit of both litigants and that prove their mutual rights and obligations.

c) If the other litigant relies on the documents at any stage of the lawsuit.

**Article - 22 -**

The application referred to in the previous article must specify: -

a) Descriptions of the documents specified by the litigant.

b) Content of the documents detailed as much as possible.

c) The fact that the documents will be used to prove.

d) Evidence and circumstances supporting the contention that the documents are in the possession of the other litigant.

e) The reason of obligating the litigant to present the documents.

**Article - 23 -**

Application shall be rejected, if the foregoing provisions are not observed.

**Article - 24 -**

If the requestor proves his request and the other litigant admits possessing the document or does not respond to the request, the Court shall order the production of the document immediately or as soon as possible. If the other litigant denies having the document and the requestor does not provide sufficient evidence that the document is in the possession of the other litigant, the denying litigant must swear an oath that the document does not exist, or that they have no knowledge of the document’s existence or whereabouts, and deny that they have concealed it or have failed to search for it in order to prevent his litigant from being able to rely on it as evidence.

**Article - 25 -**

If the other litigant does not produce the document on the date set by the Court or refuses to swear the required oath, the copy of the document submitted by the other litigant will be considered authentic and identical to the original. If the requestor had not submitted a copy of the document, his statement as to its form and contents may be accepted as admissible evidence.

**Article - 26 -**

If the litigant provides a document to be used as evidence in the pending lawsuit, the document shall not be withdrawn without consent of his litigant unless by written permission of the judge or the Head of the Circuit, after a copy of the document is kept in the lawsuit file with a notation by the Court’s Clerk that the copy is identical.

**Article - 27 -**

The court may, during the lawsuit, even before the Court of Appeal, permit the intervention of a third party to be ordered to provide a document in his possession or an official copy thereof, subject to the terms and conditions provided in the previous Articles. It is also within their right to request from administrative authorities to provide in writing any information and necessary documents they possess regarding the case, provided that the public interest is not compromised by such disclosure.

**Article - 28 -**

Anyone who acquires or obtains an object shall present it to whoever claims to have a right related to such object, if the examination of the object is necessary to decide the existence and extent of the claimed right. If the matter is related to documents or other papers, the judge may order them tobe presented to the concerned party and to the court, if needed, even if this would benefit a person who only wishes to rely on that object to prove a right of his own. The judge may reject the issue of the order to present such object, if the acquiring party has a legitimate interest in the abstention from presenting the object. The object shall be offered at such place where the object exists at the time of requesting the presentation unless another place is specified by the judge. The presentation applicant shall pay the expenses thereof in advance. The judge may suspend the presentation of object on a security that guarantees any damage sustaining the object possessor due to the offer.

**Chapter Four**

**Proof of Documents Validity**

**Article - 29 -**

The court may evaluate the effect on the value resulting from the scraping, erasure, overwriting and other material defects in the document. If the validity of the document is questioned by the Court, the latter may automatically summon the employee who issued, or the person who documented the document to explain the truth.

**Article - 30 -**

The authenticity of a handwriting, a seal, a signature, or a fingerprint can only be denied in the case of unofficial documents, while a claim of forgery can be made against all official and unofficial documents.

**Branch One**

**Denial of Handwriting, Signature, Seal or Fingerprint and Handwriting Verification**

**Article - 31 -**

If a person denies his handwriting, signature, seal, or fingerprint stated in a document or his successor or representative denies it, and if the document is effective in the dispute; and the facts and documents of the lawsuit are not sufficient to form the court’s opinion regarding the validity of the handwriting, signature, seal or fingerprint, the court shall order an examination by comparison or by hearing witnesses or both.

**Article - 32 -**

A minute containing the condition and adequate descriptions of the document shall be drafted and signed by the president of session, the court’s clerk and the litigants. The document itself shall be signed by the president of session and the clerk.

**Article - 33 -**

The text of the judgment ordering the examination shall include:

a) Appointment of a judge at the court to handle the examination.

b) Appointment of one expert or three experts.

c) Determination of the day and time of conducting the examination.

d) Order the document to be investigated to be deposited with the Court’s Clerk with a description as envisaged in the previous Article.

**Article - 34 -**

The Court’s Clerk shall instruct the expert to appear before the judge on the date and time scheduled to initiate the examination.

**Article - 35 -**

The litigants shall appear on the date specified to submit any documents they wish be used for comparison and agree on those that can validly be used for that purpose. If the litigant with the burden of proof fails to appear without a valid excuse, their right to request authentication may be forfeited. If the other litigant fails to appear, all the submitted documents may be deemed suitable for use in the comparison process.

**Article - 36 -**

The litigant disputing the authenticity of the document must appear personally to provide a writing sample on the date appointed by the judge. If they fail to appear without a valid excuse, the document may be ruled as authentic.

**Article - 37 -**

The disputed handwriting, signature, seal, or fingerprint shall be compared to the handwriting, signature, seal, or fingerprint on an undisputedly authentic document.

**Article - 38 -**

The authentication by comparison shall not be admissible in case of non-agreement between the litigants except: -

a) The handwriting, signature, seal or fingerprint on an official document or on a customary document which the litigant acknowledges as being authentic, and customary documents whose authenticity is confirmed shall not be relied upon, even after disputing its authenticity.

b) The authentic part of the document to be investigated recognized by the litigant.

c) The litigant's handwriting, signature, or fingerprint produced in front of the judge and in the presence of the expert

**Article - 39 -**

The judge may order the relevant entity to produce the official document necessary for the authentication by comparison process or order the expert to examine them at their location.

**Article - 40 -**

If the official documents are delivered to the clerk’s office, the copy of which copies are made shall be equivalent to the original, if signed by the delegated judge, the clerk and the employee who delivered the original. If the original is returned to its place, the copy taken from the origin shall be returned to clerk’s office and shall be cancelled.

**Article - 41 -**

The expert, the litigants, the judge and the clerk shall sign the documents to be used for comparison before the examination begins, and this shall be recorded in the hearing minutes.

**Article - 42 -**

The rules set out in the Part of Expertise shall be observed in relation to the experts.

**Article - 43 -**

Testimony of witnesses shall be heard only in proving the occurrence of the writing, signature, seal or fingerprint on the document to be investigated from the person to whom the same is attributed. In this case, the rules set out in the part of testimony of witnesses shall be observed.

**Article - 44 -**

If the entire document's authenticity is confirmed whether through following the procedures for verifying the handwriting or not, the person who denies it shall be fined no less than one hundred Dinars and no more than five hundred Dinars. The fine shall not be imposed on an heir or successor who merely claim they were not aware of the fact that the handwriting, signature, seal, or fingerprint belongs to the rightful owner. The fine shall not be multiplied by the number of heirs or successors.

**Article - 45 -**

It is not permissible for the court to render a single judgement regarding the authenticity of the document, its rejection, or the lapse of its right to evidence, and regarding the subject of the lawsuit. If the court judges the authenticity of the document, its rejection, or the lapse of its right to evidence, it must schedule the nearest session before the final decision on the matter, so that the litigants can present any other defences they may have.

**Article - 46 -**

Any person having unofficial document may dispute against the person whom such document addresses, in order to admit that it is made by his handwriting, signature, seal or fingerprint, even if the obligation stated therein has not fallen due. This shall be made by an original lawsuit filed in the usual procedures.

**Article - 47 -**

If the defendant attends and admits, the court shall establish his admission, and all expenses shall be borne by the claimant. The document shall be deemed recognized if the defendant remains silent, does not deny it, or does not attribute it to someone else.

**Article - 48 -**

If the defendant is absent, the court shall judge the authenticity of handwriting, signature, seal or fingerprint in his absence.

**Article - 49 -**

If the defendant denies the handwriting, signature, seal or fingerprint, investigation shall be conducted based on the foregoing rules.

**Branch Two**

**Allegation of Forgery**

**Article - 50 -**

The allegation of forgery may be filed, in any stage of the lawsuit, by a report filed with the clerk’s office, after depositing a guarantee of one hundred dinars to compensate the other party for any damage that may be caused, and the report must specify all the alleged forgery sites, otherwise it is null and void. The claimant alleging forgery shall notify their opponent in a memorandum within eight days following the submission of the report, specifying the evidence of forgery and the examination procedures requested to prove it.

**Article - 51 -**

The forgery claimant shall deliver to the clerk’s office the challenged document, ifit is in his possession or the copy thereof served. If the document is in the possession of the court or the clerk, it shall be filed at the clerk’s office.

**Article - 52 -**

If the document is in the possession of the litigant, after the report of is reviewed, the president of the session may immediately order to seize it and file it with the clerk’s office. If the litigant abstains from the delivery of the document which cannot be seized, it shall be considered non-existent. This shall not prohibit seizing the document later, if possible.

**Article - 53 -**

If the allegation of forgery is effective in the dispute and the facts and documents of the lawsuit are insufficient to convince the court of the authenticity or forgery of the document and the court deems that the investigation requested by the appellant in his memorandum is effective and permissible, the court shall order conducting of the examination.

**Article - 54 -**

The judgement that issuesthe examination shall contain the statement of the facts which the court accepts to examine, the procedures to be proved, and all the information mentioned in Article (33).

**Article - 55 -**

The examination by comparison shall be conducted in accordance with the provisions set forth in the previous branch. The examination of the testimony of witnesses shall be conducted according to the established rules.

**Article - 56 -**

Ordering examination pursuant to Article (53) shall abolish the eligibility of the document for execution, until the forgery is decided upon. without prejudice to the precautionary procedures.

**Article - 57 -**

If the court decides to lapse the right of the claimant alleging forgery or to reject it, he shall be sentenced to a fine of no less than two hundred and fifty dinars and not exceeding one thousand dinars. No other penalty shall be imposed if some of the claimed forgery is proven. The fine shall multiply with the number of documents alleged to be forged, except when the said documents are interconnected.

**Article - 58 -**

The defendant accused of forgery may terminate the prosecution proceedings, in any stage thereof, by renouncing his claim to the contested document. In this case, the court may order the seizing of the document, or keep the document in custody, if the claimant of forgery requests it for a legitimate purpose.

**Article - 59 -**

The court, even if forgery has not been specifically alleged before it through the foregoing procedures, shall be allowed to rule on the rejection of any document and declare its invalidity if it becomes evident to the court, based on its condition or the circumstances of the lawsuit, that the document is forged. In this case, the court shall indicate in the judgement the circumstances and presumptions from which it has reached this conclusion.

**Article - 60 -**

A person who fears being contested with a forged document may dispute against the possessor of the said document and those who benefit from the document being declared forged. This shall be done through an original lawsuit filed in the usual manner. The court, in investigating this claim and issuing its judgment, shall consider the rules stipulated in this article and the preceding branch.

**Part Three**

**Testimony of Witnesses**

**Article - 61 -**

In non-commercial matters, if the value of legal disposition exceeds two hundred dinars or it is of unspecified value, witness testimony alone shall only be sufficient if it is in writing to prove its existence or expiration unless there is an agreement or provision stating otherwise. The obligation shall be evaluated considering the value thereof at the time of the disposition. Evidence may be made by testimony of witnesses if the increase of the obligation beyond two hundred Dinars is made by incorporating the annexes to the original. If a lawsuit includes multiple claims arising from multiple sources, witness testimony shall be permissible to prove each claim as long as the value of each claim does not exceed two hundred dinars, even if the total value of all the claims exceeds this amount. This applies even if the claims are interconnected due to relationships between the litigants themselves or similar actions. The decisive factor is fulfilment, especially if it is partial, based on the value of the original obligation.

**Article - 62 -**

Evidence by testimony of witnesses shall not be made, even if the value is not exceeding two hundred dinars in the following cases: -

a) If it violates or exceeds what is included in the written evidence.

b) If the claim relates to the remainder or a part of a right that can be evidenced only by writing.

c) If a litigant party in the lawsuit claims a value that exceeds two hundred dinars and later modifies their claim to an amount not exceeding this value

**Article - 63 -**

Evidence by testimony of witnesses shall be made on what should have been proven in writing if the principle of proving by writing is established. Any statement in writing issued by a litigant that is likely to make the alleged disposition possible shall be considered a principle of proving by writing.

**Article - 64 -**

Evidence by testimony of witnesses shall be made on what should have been proven in writing in the following cases: -

a) If there is a tangible or intangible impediment preventing obtaining written evidence.

b) If the written evidence is lost by the creditor due to foreign cause beyond his control.

**Article - 65 -**

Individuals under the age of fifteen are not eligible to testify, but their statements may be considered for informational purposes without an oath. Individuals who are not of sound mind are also not eligible to testify.

**Article - 66 -**

Public employees and those entrusted with a public service shall not testify about information they have learned in the course of their duties even after they leave the job, if that information has not legally been made public or authorized for dissemination by the relevant public authority. Notwithstanding, the relevant public authority may authorize them to testify at the request of the court or one of the litigants.

**Article - 67 -**

Lawyers, agents, doctors, auditors, and others who learn of a fact or obtain information in the performance of their professions, or as a result of acting in a specific capacity, may not disclose that fact or information, even after they conclude their services or cease to act in that capacity, unless the fact or information was shared with the intention of committing a crime or misdemeanour. Notwithstanding, these individuals shall testify about the fact or information when asked by those who shared it with them, so long as this is without prejudice to the specific laws governing their professions. If multiple parties share the fact or information, all such parties must agree to its disclosure before it can be disclosed.

**Article - 68 -**

Neither spouse may disclose, without consent of the other, the information informed thereby during marriage even after its termination, unless in case of a lawsuit filed by either of them against the other, or a lawsuit filed against either of them due to a felony or misdemeanour committed against the other.

**Article - 69 -**

The litigant who requests evidence by testimony of witnesses, in the permissible cases, shall inform the court in writing or orally at the session, of the incidents to be proved and the names and addresses of the witnesses.

**Article - 70 -**

Allowing one litigant to establish a fact by witness testimony shall always entail allowing the other litigant the right to rebut that fact using witness testimony.

**Article - 71 -**

The Court may, on its own initiative, order witness testimony, in cases where witness testimony is permitted by law, if it considers it helpful in the truth, and may, in any case in which it orders witness testimony, summon any witnesses whose testimony is considered relevant to ascertain the truth.

**Article - 72 -**

The order to require witness testimony shall specify the fact(s) to be proven by testimony, failing which it shall be deemed null and void. The order shall also indicate the start and end date for the examination.

**Article - 73 -**

Examination shall continue until all prosecution and defence witnesses are heard on time. Defence witnesses shall be heard at the same session at which the prosecution witnesses are heard, unless prevented by an impediment. If the examination is postponed to another session, pronouncing the postponement shall be equivalent to summons for the present witnesses to appear at such session, unless exempted from appearance expressly by the court or the delegated judge.

**Article - 74 -**

If, during the time-period allocated for examination, one of the litigants requests an extension of the time allocated for examination, the Court or the delegated judge shall immediately rule on the request and record its decision in the hearing minutes. If the judge refuses to extend the time-period allocated, an appeal may be made to the Court by an oral request recorded in the examination minutes. The Court shall decide on the appeal promptly, and its decision shall not be subject to appeal by any means whatsoever. The Court and the delegated judge may not extend the time-period more than once.

**Article - 75 -**

Once the time allocated for examination has concluded, litigants may no longer request to examine witnesses.

**Article - 76 -**

If the litigant fails to bring or summon his witness at the scheduled session, the court or the delegated judge shall order for the witness to be brought or summoned at another session, as long as the period specified for examination is not expired. Failing that, the right to seek testimony of a witness shall lapse. This shall not prejudice any other procedure set by the law as a result for such delay.

**Article - 77 -**

If the witness is validly summoned but fails to appear, the court or the delegated judge shall sentence the witness to pay penalty of twenty dinars. The judgement shall be recorded in the record and shall not be challenged. In highly urgent cases, the court or the delegated judge may issue an order to bring the witness. In other than those cases, a witness shall be re-summoned if required and the expenses of summons shall be incurred by the witness. If the witness is absent, the double of the said penalty shall be issued, and the court or the delegated judge may order bringing the witness. The court or the delegated judge may exempt the witness from the penalty if he appears and expresses an acceptable excuse.

**Article - 78 -**

If the witness appears and abstains without legal ground from taking oath or answering, the witness shall be sentenced based on the foregoing conditions to pay penalty of not exceeding one hundred dinars.

**Article - 79 -**

Witnesses shall be heard before the court or the delegated judge in the presence of the litigants. If the witness has an acceptable excuse that prevents him from appearing, the court may move to the witness to hear his statements. If the examination is made before the court, the latter may delegate one of its judges for this purpose. Litigants shall be called upon to be present during the testimony. A minute of the testimony shall be recorded and shall be signed by the president of the session or the delegated judge and the clerk of the session.

**Article - 80 -**

A witness may not be rejected, even if they are a relative or an in-law of a litigants, unless they are incapable of understanding due to age, immaturity, illness, or any other reason.

**Article - 81 -**

Individuals unable to testify orally may give testimony in writing or using sign language if they are able to communicate through those means.

**Article - 82 -**

Each witness shall testify in private without the presence of other witnesses whose testimony has not yet been heard.

**Article - 83 -**

Witnesses shall state their name, surname, profession, age, and domicile, and disclose any relationship to any litigant by blood or marriage, and the degree of such relationship, as well as whether they are employed by any litigant.

**Article - 84 -**

The witness shall swear to tell the truth, the whole truth, and nothing but the truth, failing to do so shall render their testimony null and void. The oath may be given in accordance with the witness’s religious beliefs and practices if he so requests.

**Article - 85 -**

Questions are directed to witnesses by the Court or the delegated judge. Witnesses shall first answer the questions of the litigant relying on their testimony, and then the questions of the opposing litigant. Neither litigants shall interrupt the other party during questioning of the witness during testimony.

**Article - 86 -**

Once a litigant concludes his questioning of the witness, he may not address further questions without the permission of the court or the delegated judge.

**Article - 87 -**

The president of the session and any member therein may directly ask witnesses questions which they consider relevant in uncovering the truth.

**Article - 88 -**

Testimony shall be given orally, and no written statements shall be used in testimony except with the permission of the court or the delegated judge and were permitted by the nature of lawsuit.

**Article - 89 -**

The witnesses’ answers shall be recorded in the minutes, then read to the witness, and signed by him after making any necessary corrections. If the witness refuses to sign, the minutes shall note the refusal and the reason thereof.

**Article - 90 -**

The court shall estimate the expenses of the witnesses and the consideration of their disruption at their request. The witness shall be given a copy of the estimation order enforceable against the litigant who summons him.

**Article - 91 -**

The minutes of examination shall include the following information: -

a- Date, place and time of the commencement and termination of the examination, and the number of sessions required for the examination.

b- Names and surnames of litigants, whether they were present or absent, and their requests.

c- Names, surnames, occupations, and domiciles of the witnesses, whether they were present or absent, and the orders issued in relation to them.

d- Statements made by the witnesses, and the fact that their testimony was under oath.

e- The questions directed to the witnesses, the person who directed each question to them, any resulting interlocutory issues, and the witness’s answer to each question.

f- The witness’s signature on his statement, after it has been read to them, and his comments thereon.

g- The decision on estimating the witness’s expenses if the witness requests such order.

h- Signature of the President of Circuit or the delegated judge and the clerk.

**Article - 92 -**

If the examination is not conducted before the court, or if it is conducted before the court but there is no pleading presented at the same session where the witnesses are heard, the litigants shall be entitled to review the examination minutes.

**Article - 93 -**

Once the witness examination is completed or the time allocated thereof has expired, the delegated judge shall schedule a hearing at the earliest possible time to consider the lawsuit, the hearing date shall be notified by the Clerk’s office to absent litigant.

**Article - 94 -**

Whoever fears missing the opportunity to present a witness on a matter that has not yet been presented before the court, and it is likely to be presented, may request to have that witness heard in the presence of relevant parties. This request shall be filed in the usual ways to the judge of urgent matters. Thus, all expenses of the witness shall be incurred by the claimant thereof. If necessary, the judge may order hearing the witness, if the incident can be evident by testimony of witnesses.

**Article - 95 -**

The foregoing rules shall apply in this examination, except as provided for in Articles 70, 73, 74 and 920.

**Article - 96 -**

In the case provided for in Article (94) of this law, it shall not be permissible to deliver a copy of the examination minutes or submit it to the judiciary, except if the concerned court deems it necessary to prove the incident through witness testimony. The litigant party shall have the right to object to the acceptance of this evidence and shall also have the right to request the hearing of defence witnesses in their favour.

**Part Four**

**Presumptions and ResJudicata**

**Chapter One**

**Presumption**

**Article - 97 -**

Presumptions provided for in the law shall dispense the beneficiary thereof from having to prove the presumed fact by other evidentiary means. Presumptions may however be rebutted through proof to the contrary unless a legal provision provides otherwise.

**Article - 98 -**

Judiciary presumptions are those not provided in the law. The judge may infer each presumption thereof from the lawsuit circumstances and evaluate the significance thereof. Evidence by such presumptions may be made only in the cases where evidence by testimony of witnesses is permissible.

**Chapter Two**

**ResJudicata**

**Article - 99 -**

Judgments constituting res judicata conclusively determine the rights decided therein and may not be rebutted. Said judgments are only conclusive in disputes opposing the same litigants with the same roles and concerning the same rights and grounds. The court shall invoke res judicata on its own initiative.

**Article - 100 -**

The civil judge shall be bound to the criminal judgement only in the incidents adjudicated on by such judgement and such adjudication is necessary. Nevertheless, he shall not be bound by the judgement of innocence issued unless it denies the occurrence of the incident to the accused.

**Part Five**

**Acknowledgement**

**Article - 101 -**

The acknowledgement is the confession by a person to the benefit of another of a legal fact alleged against him, with the intention of having that fact opposable to him. An acknowledgement may be judicial or non-judicial.

**Article - 102 -**

Judicial acknowledgement is the confession made by the litigant before the court, of a legal incident alleged against him, during the course of the lawsuit related to such incident.

**Article - 103 -**

An acknowledgement shall be considered non-judicial when a litigant confesses to the legal fact alleged against him outside a court of law or not during the lawsuit related to said acknowledged fact, and it shall be subject to the general rules relating to evidence.

**Article -104 -**

A judicial acknowledgement is conclusive evidence that can be invoked against the person making it, limited to and binding to the judge, and is inseparable. An acknowledgement may be separable if it relates to more than one fact and the existence of one fact does not depend on the existence of the remaining facts.

**Part Six**

**Interrogation of Litigants**

**Article - 105 -**

The court may, automatically or upon the request of one of the litigants, interrogate any of the litigants present, or may summon them to appear by themselves before it for interrogation, whenever it deems necessary.

**Article - 106 -**

If the litigant is incompetent or incapacitated, the person acting on his behalf may be interrogated. The court may discuss with him, if he is of sound mind in the permitted matters. For legal entities, interrogation shall be directed to the legal representative thereof. In all cases, it shall be stipulated that the interrogated person shall be eligible to dispose of the disputed right.

**Article - 107 -**

The Court shall reject a request for Interrogation if it deems that the lawsuit does not necessitate Interrogation.

**Article - 108 -**

The court may put to the examined litigant the questions it considers appropriate and shall direct to them the questions that the other litigant party wishes be directed to the examined litigant. The answers to the questions shall be provided during the same hearing unless the court considers it appropriate to grant the party a time-period to provide an answer.

**Article - 109 -**

Answers to the questions shall be given in the presence of all the party that requested the interrogation, but the interrogation shall not be conditional on their presence.

**Article - 110 -**

Questions and answers shall be accurately and thoroughly recorded in the session minutes and, after being read out, they shall be signed by the president, the clerk of session and the examinee. If the examinee refuses to answer or to sign, such refusal, and the reason thereof shall be recorded in the minutes.

**Article - 111 -**

If the litigant has an acceptable excuse that prevents him from appearance for interrogation, the court may move to interrogate him or appoint one of its members thereof.

**Article - 112 -**

If the litigant fails to appear for interrogation without an acceptable excuse or abstains from answering without legal ground, the court may accept evidence by testimony of witnesses and presumptions in the cases where it is not permitted to do so.

**Part Seven**

**Oath**

**Chapter One**

**Conclusive Oath**

**Article - 113 -**

A conclusive oath is an oath taken by one litigant at the request of the other litigant to conclusively resolve the dispute.

**Article - 114 -**

Litigants may, at any time during the lawsuit, address a conclusive oath to the other litigant. The judge may forbid a party from addressing a conclusive oath to the other litigant if the judge determines that the addressing litigant party acted arbitrarily in addressing it. The person to whom the oath was addressed may re-address the oath to the addressing litigant. Re-addressing the oath is not permissible if the oath pertains to an incident which did not involve both litigants, but rather only the person to whom the oath was originally addressed. It is not permissible for the personwho has taken the oath or responded thereto, to retract when the other litigant has already sworn.

**Article - 115 -**

A party may not address a conclusive oath to prove a fact that violates public order or morality. The fact to be established through a conclusive oath should be directly related to the party to whom the oath was addressed, failing which the oath shall only prove that party’s mere knowledge of the alleged fact.

**Article - 116 -**

The guardian, custodian, or the agent of an absent person may request to address a conclusive oath on matters within the scope of their authority. A person with power of attorney in the litigation may not address or accept a conclusive oath or re-address it to the other litigant, unless they have special authorization for that purpose.

**Article - 117 -**

The litigant who directs the oath to his opponent shall indicate accurately the facts for which the oath is taken and mention the form of oath directed in a clear phrase. The court may amend the form of oath set by the litigant in order toindicate clearly and accurately the event for which the oath is taken. The litigant shall take oath in person and cannot appoint someone else to take it for him.

**Article - 118 -**

If the party to whom the oath is directed neither contends in the permissibility of oath, nor association of oath with the lawsuit, they shall, if present in person, immediately take the oath or direct back the oath to his opponent or the opponent shall be retracting. The court may determine a date for taking oath, if there is a ground for that. If the opponent is not present in person, he shall be notified to take the oath in the form accepted by court, and on the date scheduled by the court. If the litigant appears and abstains without contesting or fails to appear without excuse, the litigant shall be considered retracting as well.

**Article - 119 -**

If the party to whom the conclusive oath was addressed challenges its admissibility or relevance to the lawsuit and the court dismisses such challenge, and orders him to take the oath, the court shall include in its order the wording of the oath and notify such order to the litigant if he was not personally present at the hearing. The procedures outlined in the preceding paragraph shall be followed in this case.

**Article - 120 -**

If the party to whom the conclusive oath was addressed has an acceptable excuse for not appearing, the court shall move to the party’s location to take the oath or appoint one the judges thereof to take his oath.

**Article - 121 -**

The oath shall be taken by saying “I swear” by the swearing person, and then stating the form accepted by the court. The swearing person shall take the oath according to the religious practices of his faith if requested.

**Article - 122 -**

A mute individual may accept, refuse, or re-address the oath using common sign language if he does not know how to write, or in writing, if he knows how to write.

**Article - 123 -**

A minute of taking oath shall be drafted to be signed by the sworn person, the president of session, the delegated judge, and clerk.

**Article - 124 -**

The taking of a conclusive oath shall result in the exclusion of contrary evidence pertaining to the relevant facts. The conclusive oath may not be discredited after the addressed litigant took it, except that if it is later determined in a criminal proceeding that the oath was perjured, the party who suffered damages as a result of the oath may seek compensation, without prejudice to his right to challenge the judgment delivered against him due to the perjured oath.

**Article - 125 -**

The taking of an oath by a party to whom an oath was addressed shall result in a decision in favour of that party. The refusal of a party to take an oath without re-addressing it to the other litigant shall result in the refusing party losing the dispute. The same applies to a party to whom the oath was re-addressed but refused to take it.

**Chapter Two**

**Complementary Oath**

**Article - 126 -**

Complementary oath is the oath directed by the court to either litigant to establish thereon the judgment on the merits of the lawsuit or in the value of the judged object. To direct such oath, there shall be no complete evidence and the lawsuit is not void of any evidence. The litigant to whom the court directs the complementary oath shall not direct the oath back to the other litigant.

**Article - 127 -**

The judge may not address a complementary oath to the claimant to determine the value of their claims unless it is not possible to determine such value by any other means. Even in such circumstances, the judge shall set a maximum value for the amount that it will consider to be truthfully claimed by the claimant under the complementary oath.

**Article - 128 -**

The complementary oath is subject to the provisions of articles from (117) through (123) of this law to the extent they do not contradict the provisions of this Chapter.

**Part Eight**

**Inspection**

**Article - 129 -**

The court may, on its own initiative or at the request of any of the litigants, decide to move to inspect the disputed object or appoint one of the judges thereof for inspection. A minutestating all works of inspection shall be documented by the court or the judge, otherwise the work shall be null and void.

**Article - 130 -**

The court or the delegated judges may, upon transfer, appointan expert to seek his assistance in the inspection. The court and the delegated judge may hear the witness whom the court or the judge deems fit. Such persons shall be summoned even if orally by the clerk of the session.

**Article - 131 -**

Anyone who fears the loss of evidence pertaining to an incident that may become subject to dispute before the court may request from the judge of urgent matters, against the concerned parties, to conduct a visit through the usual procedures. In this case, the provisions outlined in the previous articles shall be taken into consideration. The judge may appoint an expert to conduct the visit, inspect, and hear witnesses without taking an oath, and then schedule a session to hear the litigants' observations with regards to the expert's report and findings. The rules specified in the part concerning expertise shall be followed.

**Part Nine**

**Expertise**

**Article - 132 -**

If required, the court may order the appointment of one expert or three experts. The following shall be stated in the operative part of the judgement: -

a- Accurate description of the expert task and the urgent measures that he is permitted to take.

b- The amount to be deposited in the treasury of the court for the expenses and fees of the expert, the litigant ordered to deposit the amount, the period in which the charges shall be deposited and the amount that the expert can withdraw for his expenses.

c- The period specified to deposit the expert’s report.

d- The date of the session to which the case is postponed for pleading, if the amounts are deposited, and another closer session to hear the claim, if not deposited.

e- If the amounts are deposited, the lawsuit shall not be dismissed before the litigants are notified of the deposit of the expert’s report according to the procedures set out in Article (144).

**Article - 133 -**

If the litigants agree on selecting a specific expert or three experts, their agreement shall be approved by the court. In cases other than this, the court chooses the experts from among those acceptable to it, unless it decides otherwise due to special circumstances. In such cases, the court must explain these circumstances in its judgement. If an employee is appointed, the administrative authority shall immediately appoint the designated expert upon being notified of the deposit of the amount and inform the court of such appointment. The provisions of Article (137) shall apply to the expert in question.

**Article - 134 -**

If the amounts are neither deposited by the litigant ordered to do so nor by other litigants, the expert shall not be bound to perform the task appointed to him. The court shall decide the lapse of right of the litigant who fails to pay the amounts to assert the judgement that appoints the expert, if the court finds that the expressed reasons are not acceptable.

**Article - 135 -**

On the two days following the deposit of amounts the clerk’s office shall call upon the expert by registered letter to review the documents lodged in the lawsuit file without collection thereof, unless permitted by the court or the litigants. A copy of the judgment issued on the expert’s appointment shall be delivered to him.

**Article - 136 -**

If the expert’s name is not registered in the experts roll, he is obliged to take an oath before the court that appointed him, yet the presence of the litigants is unnecessary to perform his work honestly and sincerely, otherwise the work shall be null and void.

**Article - 137 -**

The expert may within the five days following the date of receiving the copy of judgment from the clerk’s office, request his relief of the performance of the task. The president of circuit or the judge that appointed the expert may relieve the expert of his task, if it is deemed that the expressed reasons are accepted. In urgent lawsuits, the court may decide in its judgement to shorten this period. However, if the expert fails to perform his task and he is not relieved of the performance thereof, the appointing court may order him to pay all the expenses spent thereby uselessly and compensation, if there is a ground for that without prejudice to any disciplinary penalties.

**Article - 138 -**

The litigants may request the recusal of the expert if there is a reason to believe that he cannot perform his task without bias, particularly if he is a relative or an in-law of one of the litigants within the fourth degree of relation, or if he is a representative of one of the litigants in their private business, or if he is a guardian or trustee of one of the litigants, or if he has worked for one of the litigants, or if he or his spouse has a pending litigation with one of the litigants or their spouse in the lawsuit, unless such litigation was filed by the litigant or their spouse after the expert's appointment for the purpose of recusal.

**Article - 139 -**

The request for recusal of the expert shall be made by summoning him to appear before the court within one week from the date of the judgement appointing him, if this judgement was issued in the presence of the litigant requesting recusal. If the judgement was issued in absentia, the request for recusal shall be submitted during the following week from the announcement of the Judgment.

**Article - 140 -**

If the expert is appointed by mutual agreement of the litigants, the request for his recusal shall not be accepted from any of them unless the reason for recusal occurred after his appointment or it is proven that he was not aware of this reason at the time of his appointment.

**Article - 141 -**

The court shall promptly decide on the request for recusal, and the judgment issued with regards to the recusal shall not be subject to appeal in any way.

**Article - 142 -**

The expert shall set a date, not exceeding fifteen days from receiving a copy of the judgement appointing him, to commence his work. He must notify the litigants by registered letters sent at least seven days before that date, informing them of the location, day, and time of the first meeting. In urgent cases, the judgement may specify the immediate initiation of the task within three days from the expert's appointment, and the litigants shall be notified by telegram or fax at least twenty-four hours before the first meeting. In cases of extreme urgency, the judgement may specify the immediate commencement of the task and summon the litigants by telegram or fax to attend immediately. Failure to notify the litigants renders the expert's work null and void.

**Article - 143 -**

The expert shall initiate his works, even if in absence of the litigants, if they are validly invited.

**Article - 144 -**

The expert shall hear the statements and observations of the litigants, and if one of them fails to appear before him, fails to submit his documents, or fails to perform any of the expertise procedures within the specified deadlines, which prevents the expert from carrying out his work directly or leads to delay in its initiation, the expert may inform the court thereof. The court may issue a fine on the defaulting litigant of not less than twenty dinars by a decision recorded in the minutes of the session, which shall not be subject to appeal. The court may exempt the fined party from the entire or part of the fine if he presents an acceptable excuse. The court may, instead of issuing a fine on the claimant, order to suspend the lawsuit for a period not exceeding three months. If the claimant fails to comply with the court's order during the suspension period of the lawsuit, the court may consider the lawsuit as if though it had never been filed after hearing the claimant's statements. The expert may hear, without oath, the statements of those present at the litigants’ request or whom he sees fit to hear their statements if authorized to do so by the judge. If one of the persons mentioned in the previous paragraph fails to appear without an acceptable excuse, the court may, upon the expert's request, impose a fine of twenty dinars, which shall be recorded in the minutes of the session and shall not be subject to appeal, in any way. The court may exempt the convicted litigant from the fine if he appears and presents an acceptable excuse. The execution of the fines stipulated in this article shall be carried out after notifying the convicted party by a registered letter from the clerk’s office.

**Article - 145 -**

It is not permissible for any ministry, government directorate, public authority, public institution, cooperative society, company, individual establishment, or any natural person or legal entity to refuse, without legal ground, the expert’s access to the necessary information from their registers, records, documents, or papers as required by the judgement appointing the expert.

**Article - 146 -**

The expert's minutes must include a statement of the litigants' attendance, their statements, and their remarks, signed by them unless they have a valid reason for not signing, which should be mentioned in the said minutes. The minutes shall also include a detailed account of the expert's work and the statements of individuals he personally heard or upon the request of the litigants, along with their signatures.

**Article - 147 -**

The expert shall submit a report signed thereby of the outcomes of his works, his opinion and the aspects on which the expert relied. In case there are three experts, each of them may submit an independent report of his own opinion, unless they agree on the submission of one report in which the opinion of each expert and reasons thereof are stated.

**Article - 148 -**

The expert shall submit his report and minutes of work as well as all papers delivered to him to the clerk’s office. The expert shall notify the litigants of such submission within the twenty-four hours following the occurrence thereof by registered letter.

**Article - 149 -**

If the report is not filed by the expert within the period specified in the judgment of his appointment, a memorandum shall be filed by the expert at the clerk’s office before the expiration of such period to explain the performed works and the reasons that precluded the completion of his task. At the session scheduled to hear the lawsuit, if the court finds in the memorandum of the expert a justification of his delay, an extension of period shall be granted to the expert to complete his task and file his report. If there is no reason for the expert’s delay, the expert shall be ordered by the court to pay a penalty of not exceeding fifty dinars and shall be granted another period of time to complete his task and file his report, otherwise, the expert shall be substituted and ordered to return the amount collected thereby to the clerk’s office, without prejudice to any disciplinary sanctions, if there is a ground for that. The appeal of the judgement delivered on the substitution of the expert and the order to refund the received charges shall not be appealed. If the delay results from the litigant’s mistake, the litigant shall be ordered to pay penalty of not less than five dinars and not exceeding one hundred dinars. The lapse of right to assert the judgement of the expert appointment may be judged.

**Article - 150 -**

The court may order the expert to be summoned in a session designated to discuss his report if it deems it necessary. The expert may express his opinion and provide reasons in support thereof. The court may on its own merit or upon request from the litigants direct relevant questions to the expert in the lawsuit. The court shall have the authority to assign the task back to the expert to rectify any identified errors or deficiencies in his task or investigation. The court may also assign the task to another expert or three other experts, who may seek assistance from the previous expert's information. In addition, the court may appoint two other experts to join the previously appointed expert for further examination of the task.

**Article - 151 -**

The court may appoint an expert to express his opinion orally at the session without submission of a report. The expert’s opinion shall be recorded in the minutes of the session.

**Article - 152 -**

The expert’s opinion shall not be binding to the court.

**Article - 153 -**

Fees and expenses of the expert shall be estimated by an order issued by the appointing court, upon the delivery of judgement on the merits of lawsuit. If such judgment is not issued within the three months following the submission of the report for reasons beyond control of the expert, his fees and expenses shall be estimated without awaiting the judgment on the merits of lawsuit.

**Article - 154 -**

The expert shall collect the amounts estimated to him. The order of estimation beyond such amount shall be enforceable by the litigant who applied for the expert appointment and the litigant obliged to bear the expenses.

**Article - 155 -**

The expert and each litigant in the lawsuit may file a complaint against the estimation order within the eight days following the notification thereof.

**Article - 156 -**

Grievance shall not be accepted from the litigant against whom the estimation order may be executed unless the remaining estimated amount is deposited in the treasury of court to be allocated to the charges payable to the expert.

**Article - 157 -**

Grievance shall be filed by a report deposited at the clerk office of the court that appointed the expert. Filing the grievance shall result ina stay of execution of the order and it is heard in closed session after notifying the expert and the litigants to appear, upon a request to the clerk’s office, within three days from the date of the request. If the expenses of the lawsuit are finally decided by judgement, the opponent who did not request the appointment of the expert shall not be ordered to pay the expenses. The court shall issue a judgement on the grievance.

**Article - 158 -**

If it is judged in the grievance that the expenses estimated to the expert shall be reduced, the litigant may contend such judgement against his litigant who paid to the expert the amount payable thereto on the basis of the estimation order, without prejudice to the right of such litigant to recourse against the expert.