

Jordanian Government Issues a General Pardon

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The Jordanian government recently issued the General Pardon Temporary Law No. 10 of 2011 (the 'Law'), published in Issue No. 5096 of the Official Gazette dated 8 June 2011.

The Jordanian government recently issued the General Pardon Temporary Law No. 10 of 2011 (the 'Law'), published in Issue No. 5096 of the Official Gazette dated 8 June 2011. The Law grants a pardon for a number of crimes; in particular misdemeanors, minor violations and certain criminal acts. The pardon operates from the date of publication of the aforementioned Law.

According to Article 2(a) of the Law, this applies to all offences, whether criminal offences, misdemeanors or various other violations which have taken place before the 1st of June in the current year, save for certain exceptions that are listed under Article 3 of the same text. As a general pardon, this decree acts to nullify the origins of the crime as well as the penalties and punishments arising from them – as opposed to simply abolishing the punishment arising from it as is generally the case in similar situations. Further, this pardon will also serve to drop charges which are pending in the relevant courts, as well as serving to nullify all penalties and fines which have transpired in relation to crimes subject to the above pardon.

As stated, the above Law does not apply to certain exceptions listed under Article 3 of the Law in relation to both primary and secondary perpetrators. These can include crimes of espionage, offences relating to drugs and other mind-altering substances, those concerning national security, offences involving organised crimes, rape, certain types of forgery, as well as any relating to misuse of trust. Additionally, the Article does not apply to crimes relating to murder, manslaughter, acts causing grievous bodily harm, and fighting as defined under the Jordanian Penal Code. It should be noted that all of the above remain subject to the rules and exceptions governing them. The exceptions also encompass crimes of theft, fraud, fraudulent bankruptcy, crimes relating to slavery, money laundering and the financing of terrorist activities. Moreover, offences associated with the use of firearms and firecrackers, in addition to fines imposed for violations of customs laws and those relating to general taxes, do not fall within the area of the pardon.

It is vital to note that that the pardon issued is to have no effect on civil liabilities resulting from personal claims made by those personally affected by the execution of each given crime under Article 4 of the Law. The Law does not prevent the confiscation of goods or destruction of the same or acting with them in some way other than normal commercial transactions as per the relevant laws

Moreover, according to the Law, prisoners affected by this pardon are to be released by an order from the prosecutors of the relevant area. For those cases which are still pending, the court or relevant tribunal must issue a decision/declaration, reflecting the Law as amended.

Finally, a committee must be created to look into any objections, forms or explanations which may come about due to the implementation of this Law. The Committee will reach its conclusions on such matters either unanimously or by majority of its members. Also, under the same decree, a special pardon was issued for which the government, under the King's directives, formed a committee in order to study cases that were not included in the general pardon and will issue its recommendations accordingly.

Overall, the effects of this Law have proved to be far reaching. According to the Jordanian Prime Minister, over 4,000 prisoners will be pardoned under the Law with nearly 1,500 of these being released immediately. As for those relating to pending decisions, it is estimated that some 150,000 cases will benefit from this pardon, including around 450,000 beneficiaries. Further, the largest chunk of benefits will be those relating to traffic violations, with nearly 2 million violations arising from nearly 350,000 citizens pardoned at a value of JOD36.24 million. In addition to the above, 70,000 people will be exempted from paying more than JOD12 million in overstaying fines, in addition to 273,000 citizens who will no longer be required to pay overdue fines on vehicle licenses that expired before June 1st. Thus, approximately 1.5 million individuals will benefit from this pardon, including non-Jordanians.

According to statements made by government officials, the pardon was issued to help reflect a tolerant and harmonious community, and to create a 'fresh start' for those pardoned, as well as serving as a remedy to hardships feared to have been suffered by affected unjustly sentenced prisoners. Furthermore, the pardon was created in order to restore trust between citizens and the state and is intended to embody a firm judicial stance against corruption cases – bringing about an end to speculation that such conditions exist. HRH King Abdullah II has stated that what matters in the pardon issue is for pardoned convicts to learn from their mistakes and be given the chance to correct them rather than simply imposing punishment.