

Guarantees for Questioning the Accused in the Jordanian Criminal Procedures

Abdullah Ahmed Al-Khsielat¹, Tareq Al-Billeh², Moayad Hosni Ahmed Al-Khawaldah³, Khaled Khalaf Abed Rabbo⁴, Yassin Ahmad AlQudah⁵, Naser Al Ali⁶, Mohammad Al-Freihat⁷

Abstract

The right to defence is guaranteed by the Constitution. Since the Criminal Procedures Law mandates that the Public Prosecutor inform the defendant before proceeding with the interrogation, he has the right to consult with an attorney. If the defendant cannot afford an attorney, especially in certain cases involving the jurisdiction of the Great Criminal Court for offenses carrying the death penalty or a sentence of more than five years in prison, he is provided with one at public expense. Article 112 of the Jordanian Criminal Procedures Law stipulates that the Public Prosecutor must begin the interrogation if he has a summons or warrant within twenty-four hours. This is one of the most significant outcomes. However, the Jordanian lawmaker did not specify how much time the Public Prosecutor spent questioning the defendant. One of the most essential recommendations is that I hope the interrogation of the defendant does not exceed three consecutive hours, as prolonged interrogation leads to the defendant's exhaustion, which some legal systems view as a form of moral coercion.

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¹ Faculty of Law, Applied Science Private University, a_khsellat@asu.edu.jo

² Assistant Professor, Faculty of Law, Applied Science Private University, t_billeh@asu.edu.jo

³ Assistant Professor, Faculty of Law, Philadelphia University, alkaoldahmoayd@yahoo.com

⁴ Assistant Professor, Faculty of Law, Jadara University, k.aldrou@jadara.edu.jo

⁵ Assistant Professor, Faculty of Law, Middle East University, yalqudah666@yahoo.com

⁶ Assistant Professor, Russian University of Transport, Russia, drnasernimer@ui-miit.ru

⁷ Assistant Professor, Faculty of Law, Ajloun National University, essa.smadi68@yahoo.com

Introduction

The general principle is that the Public Prosecutor is required to conduct certain procedures during the interrogation of the defendant during the pre-trial stage, and failure to do so will render these procedures invalid (Al-Billeh, 2022a). Moreover, according to the principles of justice, 100 acquittals are preferable to one conviction. As the Penal Code stipulated the principle of the legality of the crime, the punishment, and the Jordanian legislator at the time the crime was committed, the law also stipulated a number of other principles to protect the freedom of individuals and prevent them from being accused of false allegations. It has identified means to protect individuals and avoid false accusations. Rather, it made it the responsibility of the Prosecutor and the judicial police officials to ascertain the circumstances of the crime, protect the rights of individuals, and attempt to uncover the circumstances of the crime by collecting evidence, matching it to the facts, matching it to the witness statements, and interrogating the defendants within the protections afforded to them (Al-Billeh, 2022b; Isa et al. 2022).

These procedures include interrogation, as every defendant must be interrogated to support the evidence of his innocence or guilt by demonstrating the circumstances of the crime through his confession. The purpose of the questioning is to discover the truth. However, this must be done within the confines of the law (Al-Billeh, 2022c), as there are protections for the defendant during interrogation that must not be violated, as the interrogation procedures reflect Jordan's image and justice to the rest of the world. With justice, nations will flourish, grow, and prosper (Al-Billeh, 2022d; Al-Khawajah et al. 2022; Almanasra et al. 2022a).

During interrogation, some nations use modern technological means to physically and psychologically torment the defendant in order to extract a confession (Al-Billeh, 2022e; Al-Billeh & Abu Issa, 2022a). These methods violate the dignity of the human person. Because the majority of state constitutions, international charters, and declarations of human rights prohibit this form of interrogation and deem it a punishable offense, the impartial judiciary condemns these acts and revokes all confessions obtained illegally (Al-Billeh, 2022f; Al-Billeh & Abu Issa, 2022b; Al-Billeh & Abu Issa, 2023).

Interrogation is a severe procedure because the accused's innocence or guilt hinges on the results of the interrogation. Determining the theoretical and practical reality of interrogation in accordance with the Jordanian Criminal Procedures Law necessitates investigation and concentration, particularly on the guarantees of interrogation and on not undermining them.

1. The definition and the form of the interrogation

In all Criminal Laws, the presumption of innocence until proven guilty is the first and most important principle. This principle must be applied at all stages of the trial, particularly during the interrogation of the competent public prosecutor, as it is one of the most crucial phases. This interrogation is utilised in all phases of the trial, including trial, appeal, and determination of the verdict. Consequently, it is essential to acquit or convict the defendant (Al-Billeh, 2022g; AL-Hammouri et al. 2023; Alkhseilat et al. 2022a; Alkhseilat et al. 2022b).

1.1. The definition of the interrogation and the silence of the defendant during his interrogation

1.1.1. The definition of the interrogation

Interrogation has a high legal value, which is why numerous jurists have defined it, albeit in various words but with the same meaning. In addition, the interrogation is distinguished from other Code of Criminal Procedure reforms, particularly questioning and confrontation (Alshible et al. 2023; Khater et al. 2022; Khashashneh et al. 2022; Almanasra et al. 2022b).

In the Criminal Procedures Law No. 9 of 1961, as amended by Law No. 32 of 2017, neither the Jordanian legislature nor the Jordanian Court of Cassation defined interrogation. Therefore, recourse to jurisprudence was required to define this significant legal term in the theoretical and practical actuality of Jordanian courts.

Interrogation is the detailed discussion of the defendant's accusation and confrontation with the existing evidence in order to elicit a confession from the defendant that he committed the crime or a denial of his guilt (Al-Kilani, 1995; Al-Billeh. 2023; Alkhseilat et al. 2022c; Alkhseilat et al. 2022d; Almanasra et al. 2022c; Abu Issa et al. 2019).

It is defined as the accused being mentioned as evidence or denial in the allegations against him, through which the accused acknowledges or denies that. Interrogation has two characteristics: it is a procedure for gathering evidence against the accused in the event of admission, and it is a means of defence for the accused in the event of denial, allowing him to present documents and defence witnesses to prove his innocence. (Abdullatif, 2009; Alkhseilat et al. 2022e; Alkhseilat et al. 2022f)

It is defined as discussing the accused and confronting him with the evidence against him in detail, with the goal of clarifying the case circumstances and materials, eliminating ambiguity, revealing the truth, and compelling him to respond to them, deny them, or acknowledge them (Al-Bahr, 1998; Al-Amoush, 2000; Al-Billeh. 2020a).

After mentioning these definitions of interrogation, it can be stated that interrogation is: discussing the charges against the defendant and confronting him with the evidence against him in order to obtain a confession or denial of committing the crime for which he is being accused (Al-Billeh. 2020b; Abu Issa & Al Shibli, 2022).

1.1.2. The silence of the defendant during his interrogation or confrontation

The basic rule is that a defendant's silence does not constitute a presumption against him, as the defendant may view his silence as a means to defend his exercised right. He might consider making a statement to defend his right and his defence.

The Jordanian legislator did not specify any special provisions regarding the defendant's right to remain mute during interrogation. Other than that, it is understood from certain provisions of the Jordanian Criminal Procedures Law that the defendant's right to remain mute is at the trial stage according to Article No. 175 of the Jordanian Criminal Procedures Law: 1- After hearing the prosecution's evidence, the court may determine there is no case against the defendant and render a verdict accordingly, or it may ask the defendant if he or she wishes to make a defence statement. If the accused provided such a statement, the prosecutor's representative shall have the opportunity to cross-examine the statement.

According to Article No. 63 of the Jordanian Criminal Procedures Law, the defendant is not permitted to do so during the investigation phase, as interrogation is a means of investigation whose purpose is to discover the truth. 1- When the defendant appears before the public prosecutor, the prosecutor must verify the defendant's identity, recite his or her charges, and request a response. The prosecutor must inform the defendant that he or she has the right to refuse to answer any questions unless represented by counsel. This warning must be documented in the investigation minutes, and if the defendant refuses to appoint an attorney or if the attorney he/she names refuses to attend the proceedings within twenty-four hours, the investigation must be conducted without the presence of an attorney.

In cases of urgency and where it is anticipated that evidence will be lost, it is permissible to question the defendant about the charges against him or her before inviting the defendant's attorney to attend. If such a procedure was followed, the attorney for the defendant shall be permitted to peruse his or her client's affidavit.

If the defendant gives any testimony, it must be recorded (written down) by the clerk, who must then recite it to the dependent for his/her signature and/or fingerprint. The public prosecutor and the registrar are required to certify sworn testimony (affidavits). If the defendant refused to sign the document with his signature or

fingerprint, the clerk must record his/her refusal in the minutes and state the reasons for such refusal prior to the public prosecutor and the clerk signing the document.

It is utilised from the provisions of Article No. 63 of the Criminal Procedures Law in that the testimony of the defendant is invalidated if the public prosecutor fails to adhere to the rules stated in paragraphs (1, 2, and 3) of this article. Referring to the statements of the defendant (the distinguished accused) taken before the public prosecutor, in which he confessed to the charges brought against him, and since the testimony he gave was signed by him, the court clerk, and the public prosecutor, this statement is not invalid. (Jordanian Court of Cassation Ruling No. 359/2010).

The defendant's right to remain silent at trial may pertain to the offence and how it was committed, but not to the defendant's personal information. Under these conditions, he has no choice but to answer the queries pertaining to his identity. (Al-Dirawi, 2005; Alshible, 2020).

1.2. The form of the interrogation

In the Criminal Procedures Law, Jordanian law did not specify a particular form of interrogation; rather, this was left to the discretion of the public prosecutor, the judiciary, and jurisprudence. Recently, the Jordanian courts adopted a particular format.

1.2.1 Oral interrogation and the interrogatory

Oral interrogation

In accordance with Article 100 of the Jordanian Criminal Procedures Law, the judicial official shall hear the defendant's statements and record the defendant's responses in special minutes. This report is then transmitted within twenty-four hours to the appropriate public prosecutor. Because the notes or documents presented to the defendant may either support or refute the evidence against him/her, the public prosecutor may direct the defendant with written or oral questions or offer him something and ask him verbally for clarifications about it. If the defendant is a foreigner and does not speak the language in which the investigation is being conducted, an interpreter shall be appointed to help him understand the crimes charged against him, the questions and observations, and to elicit sincere and truthful responses from him. The interpreter must take an oath, because if it is not considered, the action(s) taken will be void. The accused and the prosecutor's representative may request the dismissal of the appointed interpreter if they provide sufficient justification, and the court shall rule on such a request. The interpreter shall not be selected from among the witnesses or members of the judicial tribunal presiding over the case; such a selection would render all actions and procedures null and void, even if sanctioned by the

accused and the prosecution. If the defendant or witness is deaf, mute, and illiterate, the presiding judge shall appoint a specialised interpreter who knows how to communicate with deaf, mute, or illiterate individuals using signals or any other technical method. If the deaf and mute defendant or witness can write, the court clerk shall write down the court's queries and notes and hand them to him/her so that he/she may respond in writing. During the hearing session, the court clerk will carry out this procedure. This is affirmed by Articles 227, 228, 229, 230, and 231 of the Jordanian Criminal Procedures Law.

The interrogatory

Article 100 of the Jordanian Criminal Procedures Law specifies the rules that must be followed when a defendant is arrested, and this special minutes contains specific information regarding a number of matters; this minutes is then sent to the public prosecutor, who shall interrogate the defendant. The prosecutor must establish in the minutes the date and time that the defendant first appeared before him. All statements must be recorded in the form of first person, word for word, and this should be done in the presence of the accused, who has the right to comment immediately. The prosecutor shall personally dictate to the clerk the query and the defendant's response, rather than allowing the clerk to independently record what he hears. He must avoid any delusions or ambiguity that may contaminate his words. The minutes must be written in the state's official language. This is the special minutes required by Article 100/1, paragraph A of the Jordanian Criminal Procedures Law, which must contain the following information:

A) Date: This is a crucial aspect of the interrogation, as it demonstrates that the formalities associated with the interrogation were conducted on the legal date. The date, month, and year must be included, as well as the time and location of the arrest or detention.

B) Preamble: The official who issued the arrest warrant and the official who carried out the warrant's execution. The individual who initiated the creation of the minutes and who heard the defendant.

C) The substance of the minutes: It must contain all notes pertaining to the defendant, his status, clothes, injuries, and traces, his three names, the date of his arrest, his location, and the reasons for his detention.

D) Signatures: The defendant and the person who initiated the creation of the minutes must sign the report. If the defendant refused to sign, his or her refusal must be noted in the minutes, along with the reasons for such refusal.

The minutes shall be sufficient in and of themselves to confirm that all procedures and formalities pertaining to the interrogation have been carried out in accordance with the applicable legal requirements, but

they remain subject to the discretion of the competent court, the Jordanian Court of Cassation.

In the Jordanian Court of Cassation's ruling, it was stated that when a defendant is detained pursuant to article (100) of this law, the judicial police official must perform the following actions or risk having his/her actions declared invalid: Prepare and sign a special report (minutes) that should be communicated to the dependent or, if applicable, his/her attorney representative. The report must include the following: In addition to the identity of the official who issued the arrest warrant, the name of the official who carried it out must also be included. The defendant's identity, the date and location of his arrest, and the reasons for his arrest. The date and time of the defendant's registration at the detention facility. The name of the individual who initiated the report and interviewed the defendant. Sign the report by the individuals listed. So that the court can control the integrity of the proceedings against the defendant, including the integrity of his statements to the police, the court should hear the defendant's testimony immediately after arresting him/her. In light of the fact that the case file lacked the drafting of the record required by the aforementioned Article 100, which prevented the court from controlling the integrity of the proceedings surrounding the defendant's statements to the police, the affidavit taken by the police is null and void and shall be excluded from the evidence, along with the evidence report that was also excluded. (Jordanian Court of Cassation Ruling No. 445/2010).

1.2.2. Time of interrogation and method of recording statements of the defendant:

Time of Interrogation

In accordance with Article 1/100; paragraph B of the Jordanian Criminal Procedures Law, there is a hearing for the defendant following his or her detention, and the minutes shall be sent to the competent public prosecutor within twenty-four hours of their preparation, as this is in the defendant's best interest and for his or her defence. In addition, the Public Prosecutor may delay the interrogation at its sole discretion if such delay enables him to collect and disclose evidence that is not in accordance with Jordanian Criminal Procedures Law according to Article no.112 which states that:

1. The public prosecutor shall immediately integrate the defendant who has been summoned through a request for attendance warrant while he/she is interrogating the summoned defendant.
2. If the defendant remained in the holding cell for more than 24 hours, the official must transport him or her to the Public Prosecutor for questioning.

The Jordanian Court of Cassation stated: According to District Court Act no.17 for 1959, as amended for 2014, the legislator authorises the members of judicial police in cases within the jurisdiction of the State security court to hear the defendant's statements within seven days of the date of arrest listed in the arrest record. This authorization is an exception to Article 100 of the Jordanian Criminal Procedures Law, which stipulates that the suspect must be interrogated within 24 hours of detention. According to the arrest document, the defendant Jousef was arrested on June 22, 2020, and interrogated on June 25, 2020, which falls within the statutory time limit. In accordance with Article 7/J of the law governing the State Security Court, the arrest proceedings will be initiated and the defendant will be interrogated. (Jordanian Court of Cassation Decision No. 1770/2009-five-member body).

According to Article 113, if the defendant is detained based on a summons warrant and remained in the holding cell for more than twenty-four hours without being interrogated or brought before the public prosecutor in accordance with the preceding article, his detention shall be considered as an arbitrary act and the official responsible shall be prosecuted for the commission of the crime of illegal detention specified in the Penal Code.

The Jordanian Court of Cassation ruled that the detention of the accused by General Intelligence for more than 50 days after interrogation constitutes an arbitrary act in violation of Article 100 of the Criminal Procedures Law. This calls into doubt the validity and integrity of the recent proceedings, but it does not affect the outcome of the case as long as the defendant admitted to adjusting the explosive devices at his/her residence. (Jordanian Court of Cassation Decision, 380/1998).

In the Jordanian Court of Cassation Ruling, it was stated: According to Article 63 of the Jordanian Criminal Procedure Law, the Public Prosecutor shall interrogate the defendant after 24 hours to allow him/her time to appoint an attorney; and according to Article 100, the Public Prosecutor shall interrogate the defendant within 24 hours after being released from the judicial police, which shall release the defendant within 48 hours of arrest. Noncompliance with procedures by security agencies and the public prosecutor who decided the defendant's detention violates Jordan's Criminal Procedure Law, and the one-month detention is deemed an unconstitutional act. If arresting the defendant from the date of arrest until the date of release determined by the Public prosecutor is for detention purposes, this period shall be calculated and deducted from the punishment period in order to apply the principle of fairness so that the defendant is not unduly harmed and to correct the error in investigation proceedings. (Jordanian Court of Cassation 148/1995).

The protracted interrogation is more likely to have a negative impact on the defendant's psyche, and while there is no time limit for the interrogation, what matters is the impact on the defendant's mental faculties. The interrogation must include all safeguards to ensure the defendant's liberty is not violated. If the Public Prosecutor intentionally prolongs the interrogation to stress and coerce the defendant into a confession under coercive circumstances, he/she is not acting in accordance with his/her duty. The issue that affects his or her procedural capacity with regard to questioning the defendant. Determining the impact of a lengthy interrogation is left to the discretion of the competent court, with the understanding that the verdict is not based on the length of the interrogation itself, but rather on the tension and exhaustion experienced by the accused. It is a variable psychological capacity that varies from person to person. As stated in Article 112 of the Jordanian Criminal Procedures Law, the Jordanian legislature determines when the interrogation shall commence, but does not specify when it shall conclude (Ahmed, 2003).

The method of recording the defendant statements

The Public Prosecutor requests that the scribe record the defendant's statements during the interrogation, but the Public Prosecutor, not the clerk, determines what should be recorded. Unless the defendant deviates from the subject of the crime being investigated, the public prosecutor shall ask specific questions, and the defendant shall respond without addition or omission. The judge must employ the same language used to record the defendant's statements, and all testimony must be signed by the judge, the public prosecutor, and the defendant. According to Article 100/1a/5 of the Jordanian Criminal Procedures Law, if the defendant refuses to sign on the testimony, this must be recorded in the minutes. As the defendant's testimony is of great importance, the public prosecutor must request that the defendant's words be recorded, and both the public prosecutor and the defendant must sign the document at the conclusion of the interrogation, in accordance with Article 63/3 of the Jordanian Criminal Procedures Law, which states: 3-If the defendant gives any testimony, it must be recorded (written down) by the clerk, who must then recite it to the dependent for his/her signature and/or fingerprint. The public prosecutor and the registrar are required to certify sworn testimony (affidavits). If the defendant refused to sign the document with his signature or fingerprint, the clerk must record his/her refusal in the minutes and state the reasons for such refusal prior to the public prosecutor and the clerk signing the document.

In the Jordanian Court of Cassation Ruling, it was stated that if the public prosecutor fails to adhere to the rules stated in paragraphs (1, 2, and 3) of Article No. 63 of the Criminal Procedures Law, the

defendant's testimony will be deemed inadmissible. Referring to the statements of the defendant (the distinguished accused) taken before the public prosecutor, in which he confessed to the charges brought against him, and since the testimony he gave was signed by him, the court clerk, and the public prosecutor, this statement is not invalid (Jordanian Court of Cassation Ruling No. 359/2010).

Paragraph 2 of Article 216 of the Jordanian Criminal Procedures Law states that if the accused confesses to the allegation, the presiding judge shall order that the confession be documented in language similar to the confession. This pertains to the prosecutor's interrogation and the trial phase before the judge.

It was stated in the Jordanian Court of Cassation Ruling: no legal provision shall permit the Public Prosecution to dismiss the prosecution witness's call, and the confession that the court was satisfied with and on the basis of which it dismissed the witness's call was brief and unclear and does not clarify the elements of the crimes attributed to the accused until Article 216/2 of the Code of Principles is applied (Jordanian Court of Cassation Ruling No. 1208/2002).

1.3. The Judicial discussion and amnesty offer to the defendant

1.3.1. The Judicial discussion

The defendant's statement may conflict with the statements of other defendants or with other testimonies; in this case, the public prosecutor may decide to confront the defendant with other defendants or witnesses in order to conduct the discussion. In this confrontation, some argue that it should be considered a judgmental interrogation because it exposes the defendant to the evidence against him in the statements of other defendants and witnesses. In addition, it may be accompanied by a discussion between the public prosecutor and the defendant regarding matters and facts indicated in the defendant's statements that contradict those of others. This discussion is recorded in a document known as the judicial discussion. The prosecutor and all participants in the discussion, including the defendant and witnesses, must sign the report. Article 70 of the Jordanian Criminal Procedures Law confirms this: 1-The public prosecutor shall hear each witness separately in the presence of his/her clerk, and he/she may order the witnesses to face each other if the investigation requires it. 2-If a confrontation occurs with the participation of the defendant, the interrogation regulation shall apply.

According to a ruling by the Jordanian Court of Cassation, the accused, suspect, or defendant has the right to deny the accusation in the manner deemed appropriate to establish innocence or lack of responsibility. In accordance with Article 70 of the Criminal Procedures Law, it is not permissible to swear an oath because the legal oath of

the accused or suspect is to tell the truth and only the truth without any addition or omission, but it does require the accused or suspect to be truthful in his statements. In accordance with Article 225 of the Criminal Procedures Law and Article 214 of the Penal Code, any perjury under oath exposes the accused or suspect to criminal liability and prosecution. Accordingly, the admission of the suspects person under oath by forgery and authorising the hand over and carrying out the customs smuggling shall be deemed null and excluded from the count of evidence if the suspects had no choice when giving his defence statement other than to repeat what was stated in his testimony under oath and the public prosecutor resorted to moral coercion. The investigation's investigator (Jordanian Court of Cassation ruling No. 168/2000).

1.3.2. The amnesty offer to the defendant

If the crime is vague and dangerous, and there may be only simple evidence against some of the defendants who participated in its commission, and in order to uncover the true perpetrators and their roles in it, some jurisprudence shall allow the public prosecutor to offer amnesty to any defendant after obtaining court approval for reasons recorded in the minute, provided that the crime is a felony, with the intention of obtaining its testimony against t If he acknowledges that his testimony will be heard, he will remain a defendant (accused person) until the matter is resolved. The defendant's (accused person's) right to amnesty is dependent on the accuracy and completeness of the information presented in its evidence. If the defendant (the accused person) fails to submit a correct and complete statement, whether by concealing an act or any important matter or by making false statements, the right to amnesty will be forfeited by an award of the Criminal Court, and measures will be taken against him for the crime for which he was offered amnesty or any other related crime, and his statements will be considered evidence of him. If the criminal court determines that the statement submitted to him is truthful and comprehensive, it will decide to stop legal procedures and release him (Khalil, 1996) (14). According to Article 61 of the Jordanian Criminal Procedures Law, the public prosecutor has the right to initiate an investigation in order to identify the perpetrator and to achieve justice. 2- The public prosecutor has the authority to preserve the papers in any of the cases mentioned in the preceding paragraph, and his or her decision in this regard is subject to the supervision of the Attorney General in accordance with the provisions of Article 130 and the following of this code, and thus the Criminal Procedures Law does not include an explicit provision exempting the defendant, contrary to what the legislator stipulated in a number of Jordanian codes.

2. The guarantees of the interrogation

Interrogation is a crucial and risky matter whose purpose is to uncover the truth. Therefore, guarantees shall be considered in the interrogation, which are for the interrogees, where appropriate conditions for the investigation are provided, without pressuring or influencing the accused person, and the guarantees of the interrogation can be defined as: The set of procedures specified by the law that guarantee the accused person's rights during the investigation stages. Typically, a violation of these guarantees results in the investigation's invalidation.

2.1. The claim of the defendant's attorney to attend and review the personal documents

Regardless of the alleged crime, the public prosecutor may not interrogate the defendant or confront other defendants or witnesses without first inviting the defendant's attorney, if any, and the defendant must declare the name of his/her attorney. If he/she refuses to appoint a counsel or fails to appear within twenty-four hours, the interrogation must be conducted apart from the attorney, as confirmed by Article 63/1 of the Jordanian Criminal Procedures Code. And if the defendant chooses more than one attorney, the advocacy of one is sufficient, and the attorney may not speak without the permission of the public prosecutor. If the attorney is not permitted, this must be established in the minute, and he or she has the right to object to certain queries or directions. He/she has the right to pose questions and provide feedback. If the public prosecutor refuses to ask the defendant these inquiries, it must be established in the minute, along with the reasons why. This is confirmed by Article 65 of the Jordanian Criminal Procedures Law (Al-Jokhdar, 2008; Emar, & Abu Issa, 2021).

Consequently, the cases of interrogating the defendant without contacting his or her counsel are as follows: A) The case of rushing due to a fear of losing evidence, and the evaluation of the reasons for rushing, shall be handled by the public prosecutor under the supervision of the trial judge.

B) the defendant's refusal to retain legal representation.

C) the defendant does not authorise a lawyer within 24 hours.

According to Article 36/ 1 and 2 of the Jordanian Criminal Procedures Law, the aforementioned is true.

In the cases stipulated by the code, if the defendant is not given time to appoint an attorney within twenty-four hours and if his/her attorney is not summoned to attend, then the interrogation will be invalid and the subsequent evidence of its invalidity as being related to the freedom of defence and the original guarantees guaranteed by the code for the rights of the defendant and in the interest of the

defence and confirmation of the integrity of the investigation will be admissible as evidence.

It was stated in the Jordanian Court of Cassation Ruling that if the public prosecutor justifies his decision to interrogate the defendant without the presence of an attorney based on the date being an official holiday and the circumstances of the investigation, this is a valid justification for his interrogation without an attorney and is consistent with the text of Article 63/2 of the Criminal Procedures Law, which states that in cases of urgency and necessity, an attorney is not required to be present. (Jordanian Court of Cassation Ruling No. 483/2003 Public Authority).

The Jordanian Court of Cassation stated in its ruling that Article 63/2 of the Criminal Procedures Law gives the public prosecutor the right to question the defendant without the presence of his attorney out of fear of losing evidence. Since the public prosecutor exercised this right, the manner in which he questioned the defendant did not violate the law. In addition, the defendant did not appoint an attorney to defend him after the public prosecutor questioned him, after he was referred to the court where he was tried for the charges against him, and prior to the issuance of the ruling against the defendant, despite the fact that he could have done so. (Jordanian Court of Cassation 574/2000).

In the Jordanian Court of Cassation Ruling, it was stated that in cases of urgency and where it is feared that evidence will be lost, it is permissible to question the defendant about the charges against him or her before inviting the defendant's attorney to attend, per Article 63/2 of the Criminal Procedures Law. Although the Public Prosecutor determined that investigation requirements necessitated expediting the interrogation of the accused without their counsel present, this did not constitute a violation of the law. (Jordanian Court of Cassation 52/1999).

In the Jordanian Court of Cassation Ruling, it was stated that Article No. 63 of the Criminal Procedures Law stipulates that the public prosecutor must inform the defendant that he or she has the right to refuse to answer any questions unless represented by counsel. It is permissible, according to the next paragraph of the same Article, to question the defendant about the charges against him/her before inviting his/her counsel to attend in cases of urgency and where it is feared that evidence will be lost, provided that a reasoned decision is made. (Jordanian Court of Cassation 13/1980).

In the Jordanian Court of Cassation Ruling, it was stated that in cases of urgency and where it is anticipated that evidence will be lost, it is permissible to question the defendant about the charges against him or her before inviting the defendant's attorney to attend. In this

instance, the defendant's testimony is admissible, and the court has the authority to factor it into its decision. (Jordanian Court of Cassation 102/1967).

Similarly, the Jordanian legislator permitted the defendant's counsel to review the documents prior to interrogation procedures, and this review should occur at an appropriate time prior to the interrogation. The public prosecutor has the discretion not to permit the attorney to review the investigation if he considers it necessary, based on the secrecy of the interrogation; however, after the interrogation has concluded, the attorney must review the investigation (Abo El-Rous, 2005; Al-Ahmed, 2008).

This was affirmed by Article 64 of the Jordanian Criminal Procedures Law, which states: 1- The defendant and the person responsible for compensation, in addition to the plaintiff in a civil action and their representatives, have the right to all investigation procedures with the exception of witness testimony. They are not permitted to speak unless granted permission by the public prosecutor. If the prosecutor denies permission, this must be noted in the minutes.

2- All individuals specified in the first paragraph of this article have the right to review all investigations conducted in their absence.

3- The public prosecutor has the authority to conduct an investigation without the presence of the above-mentioned individuals in cases of urgency or when he/she considers it necessary for the sake of establishing the truth. The public prosecutor's decision is not subject to review, and he or she is required to make it available for review by the parties involved following the conclusion of an investigation.

2.2. The attorney's role during the interrogation

The Criminal Procedures Law shall be amended in accordance with the amended Code No. 32 of 2017 to enhance the attorney's powers and role in the interrogation of the public prosecutor following the addition of five paragraphs to Article 63 bis. It discusses important guarantees, such as the attorney's right to view the entire investigation and the interrogation's cancellation if the attorney's request is denied, but it can be argued that the request to view the investigation work must be made in writing, and I don't see what prevents the request from being made verbally in order to achieve the principle of expeditious procedures. If the public prosecutor rejects the verbal request, the attorney submits the request in writing so that the attorney in the future can nullify the interrogation, and that the attorney shall have the right to view all investigations except for witness testimony, which is contrary to the role of a true attorney who always seeks justice and is part of the judicial authority and an aiding tool. (Article 63/1 bis)

Similarly, when the defendant's sentence exceeds ten years, he or she has the right to have an attorney present at all interrogation sessions. If the defendant is unable to appoint an attorney, the prosecutor will do so on his or her behalf. This is evidence of the significance of the interrogation and its role in acquitting or convicting the accused, and it is a crucial guarantee under the Jordanian Criminal Procedures Law. (Article 63/2 bis)

Similarly, the defendant shall have the right to contact his/her attorney a day before the interrogation, but it is preferable that the period be at least three days so that the attorney can devote himself/herself to that day to attend this interrogation. There will be no objection from the attorney for this short period unless he/she is notified of the session's date in advance, in which case the attorney cannot object because he/she is aware of the date in advance. Article 63/3 bis.

Similarly, the public prosecutor shall ensure, in each new interrogation, that the defendant consents to the subsequent interrogation without the presence of an attorney, and record it in the minutes so that it cannot be challenged except for its authenticity. If the above is not applied, the interrogation shall be deemed invalid, and Jordanian law is proud of this as an affirmation of the sacred right to defence. (Section 63/4 bis)

Similarly, it is a general principle that the public prosecutor may not end the investigation without interrogating the defendant, unless the public prosecutor is unable to do so due to the defendant's escape or if the prosecutor determines that the evidence gathered is sufficient to avoid a trial regardless of the interrogation. Article 63/5 bis.

Conclusion

Interrogation is one of the most important investigation procedures since it looks for evidence and compiles them by the public prosecutor and the judicial police officials. It also greatly and effectively affects the trial stage as when the judge looks at the case, he relies on the interrogation of the defendant during the investigation with the public prosecutor and the strength of the evidence compiled, whether it leads to innocence, conviction, or non-liability. This research has tackled a significant and practical issue in the courts, which is interrogation.

The Jordanian legislator stipulates in Article No. 112 of the Jordanian Criminal Procedures Law that the Public Prosecutor shall start the interrogation in case he has a summons or warrant within 24 hours. However, the Jordanian legislator did not specify the time period spent by the Public Prosecutor in the interrogation of the defendant.

Interrogation is an (investigation method) in order to support and compile evidence against the defendant and obtain a confession from him. It is also a (defense method) that aims to give the defendant an opportunity to refute this evidence and facts that are against his interest.

I want the Jordanian legislator to explicitly stipulate in Article No. 112 of the Criminal Procedures Law for the period during which the interrogation process takes place (velocity in the interrogation of the defendant) by proposing the following text (It is not permissible to interrogate the defendant for a period exceeding 3 straight hours) because prolonged interrogation leads to the defendant's exhaustion which some jurisprudence consider it as a moral coercion. Therefore, the interrogation period must be short. Even if the interrogation process is long, there must be a rest period for the defendant. The little interrogation has benefits where the affidavit of the defendant is closer to the truth and there is no time for him to create justifications to defend himself. The little interrogation releases the defendant from what befell his reputation and freedom when the imputation crime to him remains for a long period.

I want the Jordanian legislator to explicitly stipulate in Article No. 63 of the Criminal Procedures Law that (the defendant has the right to remain silent during his interrogation and that his silence or his refusal to answer does not explain his confession) because the defendant is innocent until proven otherwise by a final judicial ruling.

I want the Jordanian legislator to explicitly stipulate in Article No. 63 of the Criminal Procedures Law that (the defendant shall undergo a medical examination before interrogation before any official body) because this is an affirmation of the prohibition of prejudice to the defendant and the bodily and spiritual integrity. This medical examination is for the interest of the defendant (the private interest), the public prosecutor and the judicial police officials (the public interest) since it prevents the defendant from considering any vexatious complaint against the public prosecutor or the judicial police officials (that they beat him until he confesses). It also assures the court hearing the case that the defendant is safe during the investigation, and that there is no defect in the defendant that leads to the nullification of the investigation procedures. This medical examination shall be carried out by one of the public not private medical authorities so that there is no tampering with the medical report.

Article No. 46 of the Jordanian Criminal Procedures Law shall be amended because it allows heads of security centers and police officers in centers where there is no public prosecutor to carry out some investigation procedures. These procedures include the interrogation of the defendant in the event of flagrante delicto crimes

or when they are called upon by the dwelling owner to prepare the official report. This Article shall be amended so that it does not allow the heads of security centers or police officers to interrogate because Jordan has at least one public prosecutor in all its regions. Likewise, interrogation is one of the most important stages of the investigation, which shall be the responsibility of the public prosecutor. This Article contradicts Article No. 48 of the same law, which gives the competence of interrogation only to the public prosecutor.

Article 100/b of the Jordanian Criminal Procedures Law shall be amended to prohibit the judicial police officials from hearing the defendant's testimony immediately after arresting him/her, except with the presence of an attorney, since the inherent public prosecutor does not carry out the interrogation without the presence of an attorney, and this shall apply to the judicial police official.

The Jordanian legislator shall explicitly stipulate in Article No. 63 of the Criminal Procedures Law that (In case the defendant has difficult financial circumstances and is unable to hire an attorney, the State shall hire an attorney at its expense) since the State aims to reach the truth and achieve justice which leads to the State public interest.

The Jordanian legislator shall explicitly stipulate in Article No. 64 of the Criminal Procedures Law that (the attorney has the right to review the investigation folder well in advance before the interrogation date at least, which is one day before the interrogation) since it is one of the most important guarantees for the defendant.

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