

Legal paper on General Pardon law of 2019 and effects thereof on asylum seekers, refugees and migrants in Jordan

Preamble:

- ❖ The general Pardon law was issued on 5th of Feb 2019 No. (5) and published at the official gazette.
- ❖ This law shall include any crimes stipulated for which took place before 12/12/2018, without defining any previous period.

➤ The effect of General Pardon on asylum seekers, refugees and migrants in Jordan

- **Marriage Penalties Exemption:** Marriage penalties imposed under personal affairs law No. 36 of 2010, once applying to confirm the marriage contracts concluded outside the legal court. As such contracts are subject to penalty of JD1000.00 to be confirmed.
- **Sanctions and Penalties imposed under Residence and Foreigners Law:** If this law includes sanctions and penalties imposed under residence law, this shall include penalties imposed on illegal residence and exempt all who live in Jordan from such penalties; i.e. @1.5 JOD/day in addition to illegal entry crime.
- **Migrant workers Penalties; domestic workers, or else:** Should the general Pardon law exempt the migrant labor who is in breach as to work permit conditions, from accumulated penalties, in a way to offer the chance to straightening up the legal statuses of such violators and exempt them from the accumulated penalties.
- **Dishonored Checks Issuance:** If such crime is included in the General Pardon law, and waiving the personal right, this shall help many persons who suffer legal problem. Noting that sanction term of issuing dishonored checks is sentence for one year and 5% penalty of the check value. Exempting from such crime coupled with waiving the personal right exempts the criminal from being sentenced, and paying the penalty. But it does not except from pay the check value to the creditor and/or conclude legal settlement to pay such value.
- **Forgery and False Certificate Crimes:** If the Pardon law includes such crimes, then the criminal status is dropped as if it is not existed. As there was cases launched before the court as to forgery and issuing false certificates, noting that it is expected that the Pardon law shall exclude the criminal forgery from such exemption.

- **Theft and Burglary Crimes:** the law may include such crimes which mentioned in article 400-405 in Penal Code; provided not to be repeated and coupled with waiving the personal right.
- **Simple thefts:**
- **Crimes in Breach as to Drugs Law:** Including drugs taking, acquisition but excluding drugs crimes whereas penalty imposed is hard work or hanging.
- **Fraud and Miss-Fidelity Crimes:** If such crimes are included in the relevant law this shall benefit such persons who are involved, provided that personal right is waived.
- **Murder and Murder Attempt Crimes:** It is expected that such law shall include murder crimes; based on the crime type and assigned accusation; whether Intentional homicide or intentional homicide or else, based on sanctions law provisions. Penalties imposed on some of murder crimes shall be decreased only, rather than dropping the complete sanction. The remaining part of the sanction shall be linked to waiving the personal right.
- **Causing Death Crimes:** such crimes are included in the Pardon law which are not coupled by waiving the personal right and compensating the damaged person, which should not be affected.
- **Hitting Leading to Death:** these crimes shall be included in the Pardon law which are linked to waiving the personal right, in order not to affect claiming the personal right and/or compensating the injured person.
- **Persons Abuse and Quarrel Crimes:** the criminal status is dropped which is not connect to waiving the personal right in order not to affect claiming the personal right and/or compensating the injured person.
- **Threats and Extortion:** the criminal status is dropped which is not connect to waiving the personal right in order not to affect claiming the personal right and/or compensating the injured person.
- **Abuse, Humiliation and E-Crimes:** the criminal status is dropped which is not connected to waiving the personal right in order not to affect claiming the personal right and/or compensating the injured person.
- **Burning Crimes:** the criminal status is dropped which is not connected to waiving the personal right in order not to affect claiming the personal right and/or compensating the injured person.
- **Water and Electricity Crimes:** Including penalties and negative sanctions originating there from.

- **Slander, False Testimony, False Oath:** The general Pardon shall drop the crime completely, without dropping the personal right.

- **Traffic Law Violation:** All violations that do not exceed JD15.00 shall be exempted.

- **Crimes as to removal of organs:** Such crime is dropped in full provided that such crime is not committed to benefit any or the relatives.

- **All the crimes that are stipulated in the General Pardon law include Jordanians and non-Jordanians alike without differentiation; whether the defendant is original, meddlesome, instigator or partner.**