

**Royal Decree
N. 7/74**


We Qaboos Bin Said, Sultan of Oman

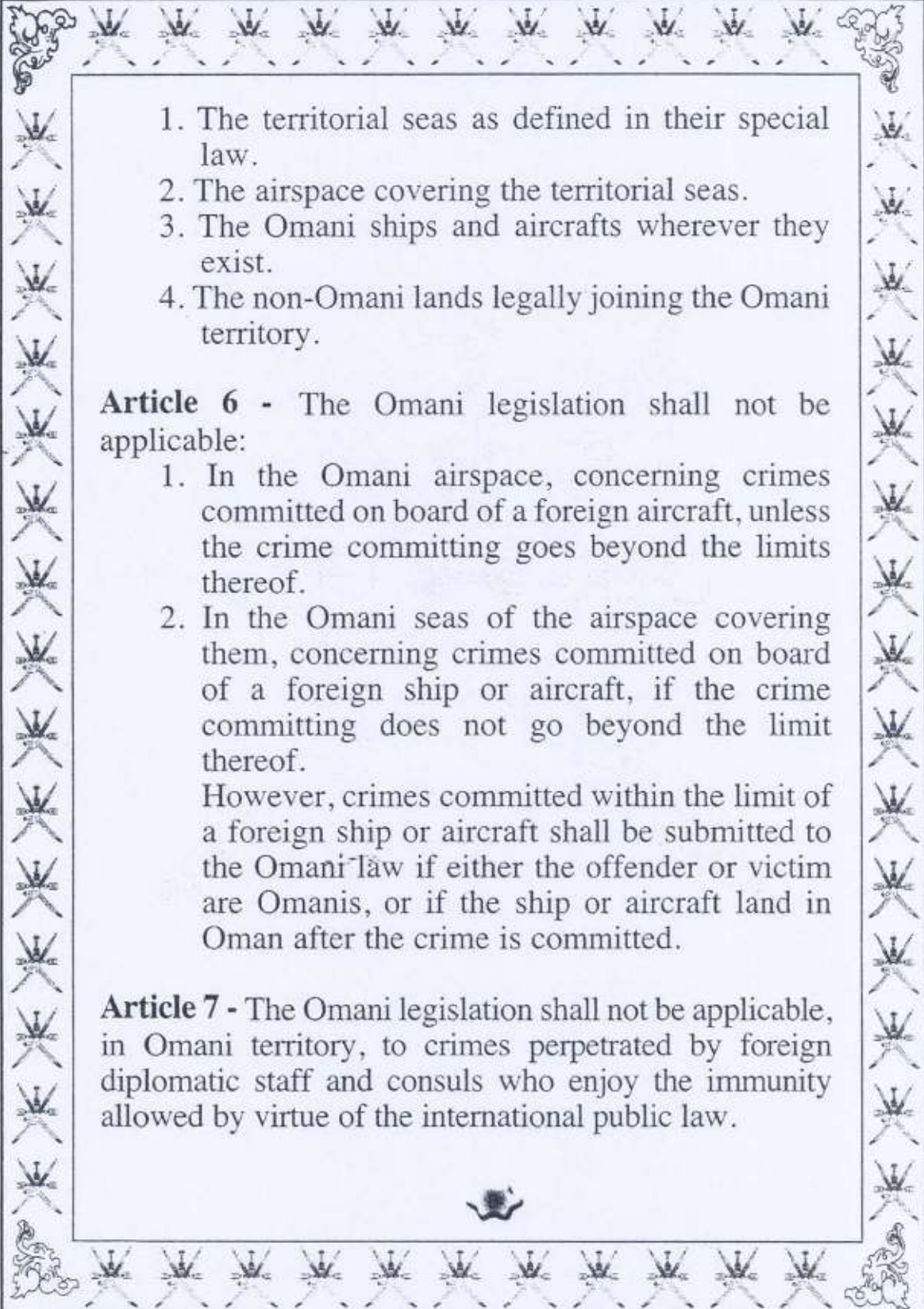
Whereas the country needs a penal code which organizes the relations between individuals and determines their duties towards society and the public order, we are hereby issuing this Omani Penal Code.

The present code shall be published in the Official Gazette and shall come into force commencing from the date of the publication.

*Qaboos Bin Said
Sultan of Oman*

*Issued this: 23 Muharram 1934 A.H.
Corresponding to: 16 February 1974 A.D.*




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1. The territorial seas as defined in their special law.
 2. The airspace covering the territorial seas.
 3. The Omani ships and aircrafts wherever they exist.
 4. The non-Omani lands legally joining the Omani territory.

Article 6 - The Omani legislation shall not be applicable:

1. In the Omani airspace, concerning crimes committed on board of a foreign aircraft, unless the crime committing goes beyond the limits thereof.
2. In the Omani seas of the airspace covering them, concerning crimes committed on board of a foreign ship or aircraft, if the crime committing does not go beyond the limit thereof.

However, crimes committed within the limit of a foreign ship or aircraft shall be submitted to the Omani law if either the offender or victim are Omanis, or if the ship or aircraft land in Oman after the crime is committed.

Article 7 - The Omani legislation shall not be applicable, in Omani territory, to crimes perpetrated by foreign diplomatic staff and consuls who enjoy the immunity allowed by virtue of the international public law.





2. - Subjective competence


Article 8 - The Omani legislation shall be applicable to any Omani or foreign person, be it either offender, instigator or participant, who:

- Commits outside Oman a crime harmful to the state's interior or foreign security;
- Forges the state seals or currency, or the Omani or foreign bonds circulated either by law or by custom in Oman;
- Kidnaps an Omani national, or trades or enslaves him.

These provisions shall not be applicable to a foreigner whose act is not infringing the rules of international law.

Article 9 - Sentences pronounced abroad shall not hinder the prosecution before Omani courts for the crimes mentioned in Article 8, unless issued upon an official request or notification from the Omani authorities.

However, and concerning the execution of its sentence, the Omani justice shall review the pronounced sentence to take into consideration the penalty or the preventive imprisonment which may have been executed abroad against the convict.



3.- Personal competence:

Article 10 - The Omani legislation shall be applicable to any Omani, be it an offender, instigator or participant, who commits abroad a felony or misdemeanour punishable by virtue of the national laws, unless he is finally suited abroad and the pronounced sentence against him is executed, or the sentence is extinguished either by general or special pardon or by prescription.

The same shall be applicable even if the defendant loses the Omani nationality or acquires it after committing the crime. In such event, and if the committed act is a misdemeanour, it should be punishable by a sentence to three years imprisonment.

In the event of conflict between the Omani legislation and that of the place where the crime is perpetrated, the Omani judge may take it into consideration to the defendant's benefit.

Article 11 - The Omani legislation shall also be applicable to:

1. Crimes committed abroad by any Omani official while holding position or carrying out his duty.
2. Crimes committed by Omani diplomatic staff and consuls while enjoying the immunity by virtue of the international public law.



4 - Comprehensive competence:

Article 12- The Omani legislation shall be applicable to any foreigner, be it either an offender, instigator or participant, who commits abroad a felony or misdemeanour punishable by Omani laws and not stipulated in Article 8, 10 and 11 hereabove, and who is thereafter present in Oman.


In such event, it is necessary that:

1. The law of the state where the crime is committed requires a sentence amounting to three-years imprisonment.
2. The extradition is not requested or accepted.
3. The foreigner has been finally sentenced abroad; and, in case of sentence, the pronounced penalty has not been executed or extinguished by general or special pardon or by prescription.

In the event of conflict between the Omani legislation and that of the place where the crime is perpetrated, the Omani judge may take it into consideration to the defendant's benefit.

5 - Exequatur

Article 13 - The penal sentences pronounced by a foreign justice concerning acts determined by the Omani legislation as felonies or misdemeanours may be considered as grounds for:



Article 31 - In an act bears many descriptions, these should all be stated in the judgment, although the offender is sentenced to the most severe penalty.

However, if a general penal legislation and a special penal legislation are applicable to the act, only the special legislation should be considered.

Article 32 - The prosecution of an act shall not take place more than once. However, if the criminal results of the offence are aggravating after the first prosecution, so as it bears a more severe description, the act shall be prosecuted with the latter description and only the most severe penalty shall be imposed. If the penalty previously pronounced is already executed, it shall be deducted from the new sentence.

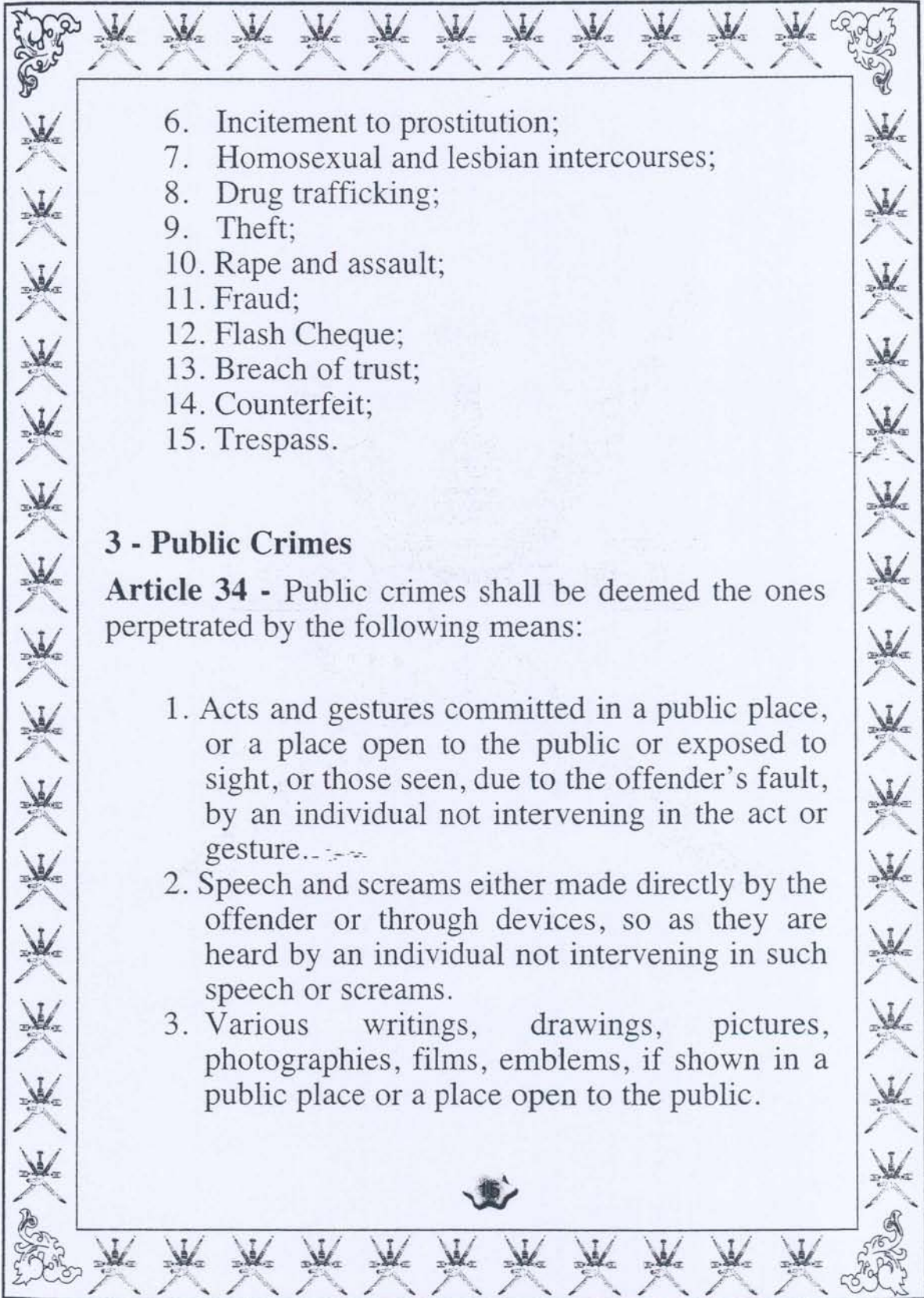
2- Disgracing Crimes:

Article 33- The following are deemed as disgracing crimes:

I: All felonies punishable by a coercive sentence.

II: All misdemeanours stated hereafter:

1. Bribery;
2. Embezzlement;
3. False testimony;
4. Perjury;
5. Forgery and use, with knowledge, of forged items;

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6. Incitement to prostitution;
 7. Homosexual and lesbian intercourses;
 8. Drug trafficking;
 9. Theft;
 10. Rape and assault;
 11. Fraud;
 12. Flash Cheque;
 13. Breach of trust;
 14. Counterfeit;
 15. Trespass.

3 - Public Crimes

Article 34 - Public crimes shall be deemed the ones perpetrated by the following means:

1. Acts and gestures committed in a public place, or a place open to the public or exposed to sight, or those seen, due to the offender's fault, by an individual not intervening in the act or gesture.
2. Speech and screams either made directly by the offender or through devices, so as they are heard by an individual not intervening in such speech or screams.
3. Various writings, drawings, pictures, photographs, films, emblems, if shown in a public place or a place open to the public.

4. End of Criminal Description: Reasons for Justification:

Article 35 - The reasons for justification are:

1. Self-defence;
2. Compliance with law, lawful authority order, leave by law;
3. Case of necessity.

Article 36 - An act committed while enjoying a right without any infringement of law shall not be deemed a crime.

An enjoyment of right is any act urged by a current necessity to oppose an illegal or unjustified threat either to one's self or property, or to a third party's self or property.

In the event of an overuse of defence, the offender may be exempted from penalty if he acts in outrage or overexcitement which might have hindered his conscious will.

Article 37 - Shall not be deemed a crime but shall only necessitate a civil compensation any act urged by necessity with a view to defend oneself or one's property or to defend a third party's self or property against a serious threat not deliberately caused by the offender, provided that the act is proportional to the threat.

Any person called by law to be exposed to threats is not deemed being in case of necessity.

Article 38 - The following shall not be deemed a crime:

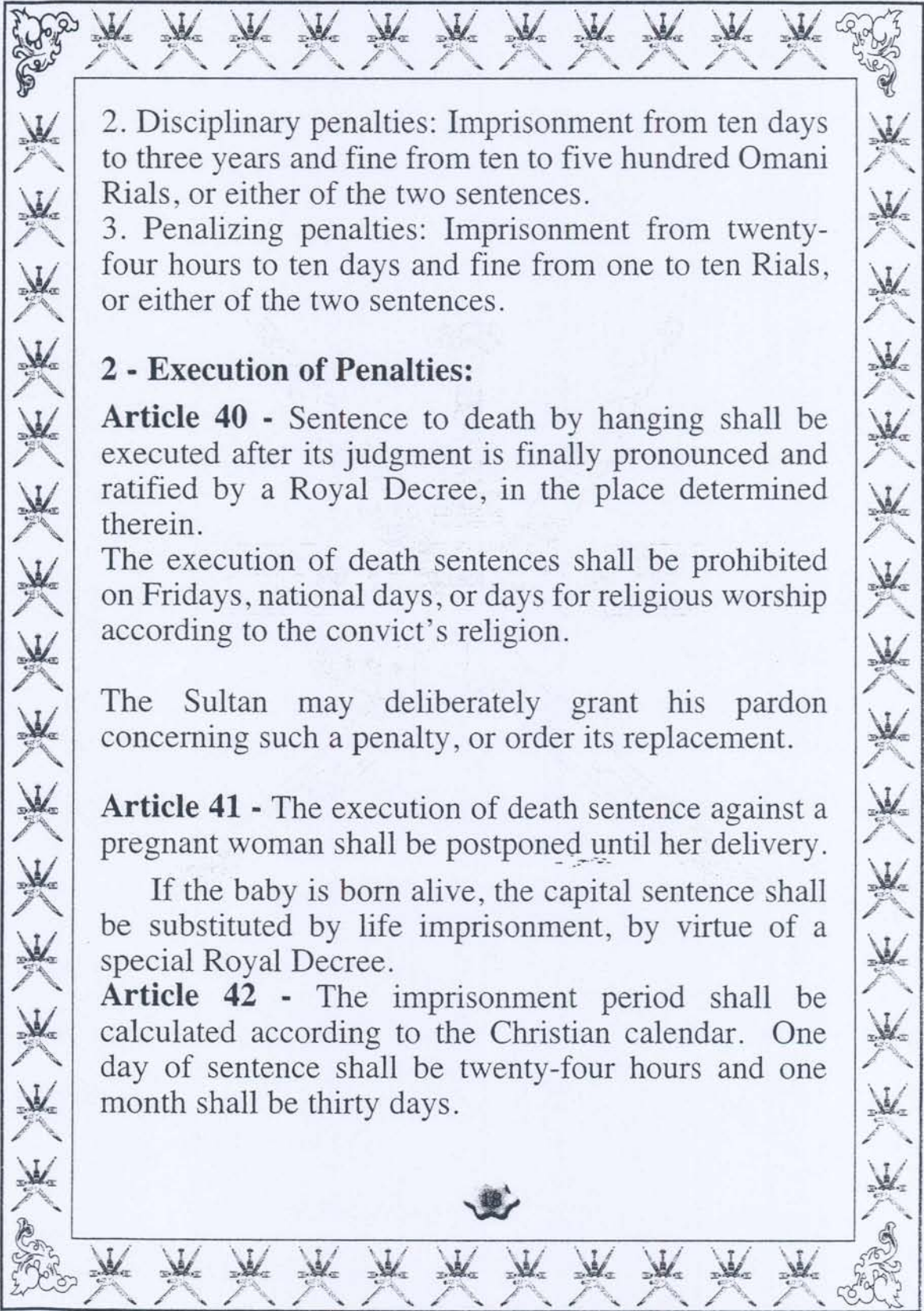
1. An act committed by virtue of a lawful duty or imposed by a legal order from the competent authorities. If the issued order is unlawful, the offender may invoke the defence that the regulations did not allow him to be sure of its legality.
2. Types of punishment imposed on children by their parents or teachers, within the limit of public customs.
3. Acts of violence occurring during the sport games, if the rules thereof are respected.
4. Surgeries and medical treatments conforming to the art's rules, if carried out by request from the patient or his consent or that of his legal representatives, or in cases of urgent necessity.

Chapter II Initial Penalties

1 - Definition of Penalties:

Article 39 - Penalties shall be determined as follows:

1. Coercive penalties: Death sentence, life imprisonment and temporary imprisonment from three to fifteen years;



2. Disciplinary penalties: Imprisonment from ten days to three years and fine from ten to five hundred Omani Rials, or either of the two sentences.

3. Penalizing penalties: Imprisonment from twenty-four hours to ten days and fine from one to ten Rials, or either of the two sentences.

2 - Execution of Penalties:

Article 40 - Sentence to death by hanging shall be executed after its judgment is finally pronounced and ratified by a Royal Decree, in the place determined therein.


The execution of death sentences shall be prohibited on Fridays, national days, or days for religious worship according to the convict's religion.

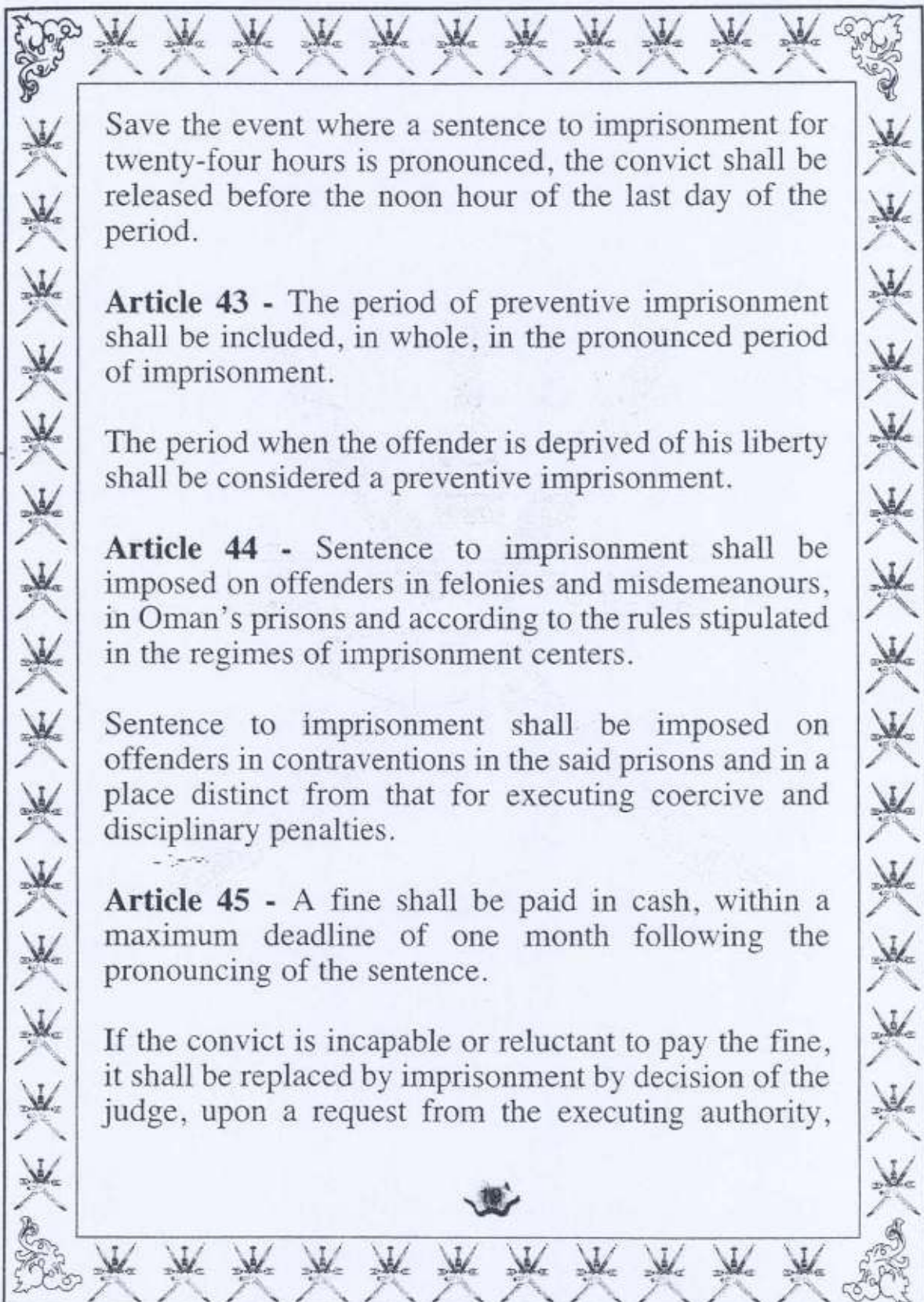
The Sultan may deliberately grant his pardon concerning such a penalty, or order its replacement.

Article 41 - The execution of death sentence against a pregnant woman shall be postponed until her delivery.

If the baby is born alive, the capital sentence shall be substituted by life imprisonment, by virtue of a special Royal Decree.

Article 42 - The imprisonment period shall be calculated according to the Christian calendar. One day of sentence shall be twenty-four hours and one month shall be thirty days.





Save the event where a sentence to imprisonment for twenty-four hours is pronounced, the convict shall be released before the noon hour of the last day of the period.

Article 43 - The period of preventive imprisonment shall be included, in whole, in the pronounced period of imprisonment.

The period when the offender is deprived of his liberty shall be considered a preventive imprisonment.

Article 44 - Sentence to imprisonment shall be imposed on offenders in felonies and misdemeanours, in Oman's prisons and according to the rules stipulated in the regimes of imprisonment centers.

Sentence to imprisonment shall be imposed on offenders in contraventions in the said prisons and in a place distinct from that for executing coercive and disciplinary penalties.

Article 45 - A fine shall be paid in cash, within a maximum deadline of one month following the pronouncing of the sentence.

If the convict is incapable or reluctant to pay the fine, it shall be replaced by imprisonment by decision of the judge, upon a request from the executing authority,

with an average of one day for each One Omani Rial, provided the substitutive imprisonment does not exceed six months or the maximum period required by law for the same offence.

The fine may be paid by monthly installments within one year, commencing from the day the sentence is pronounced, by decision from the judge stated in his judgment. In the event of delay in paying any installment, all the remaining installments shall be due and shall be fully paid in cash or replaced by substitutive imprisonment.

Chapter III Accessory or Additional Penalties

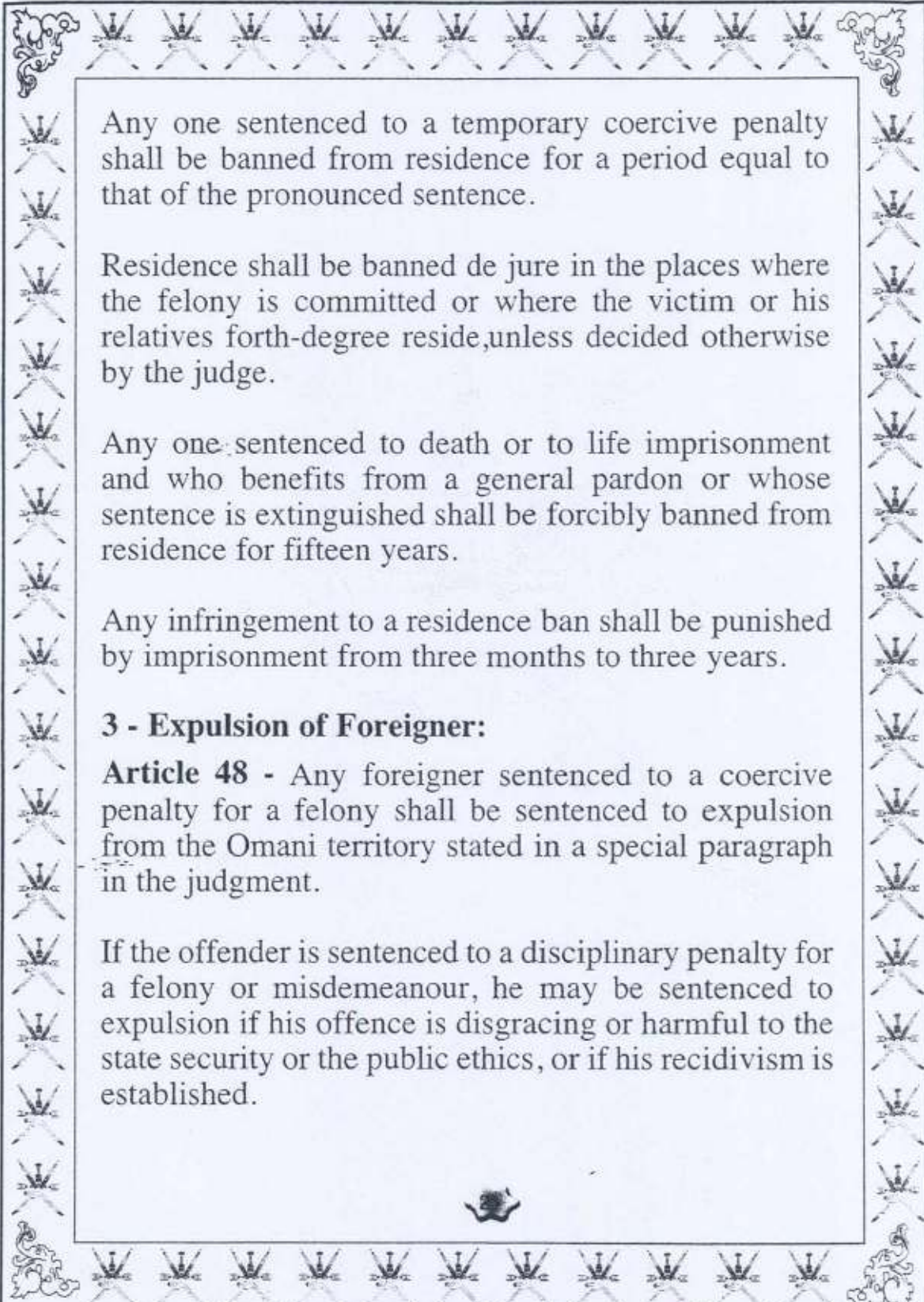
1 - Accessory or Additional Penalties in General:

Article 46 - Accessory or additional penalties shall be:

1. Residence ban;
2. Expulsion of foreigner;
3. Deprivation of civil rights;
4. Seizure;
5. Closure and ban from practice of an activity.

2 - Residence Ban:

Article 47 - The residence ban is the prohibition of the convict to be present, after release, in special places.



Any one sentenced to a temporary coercive penalty shall be banned from residence for a period equal to that of the pronounced sentence.

Residence shall be banned de jure in the places where the felony is committed or where the victim or his relatives forth-degree reside, unless decided otherwise by the judge.


Any one sentenced to death or to life imprisonment and who benefits from a general pardon or whose sentence is extinguished shall be forcibly banned from residence for fifteen years.

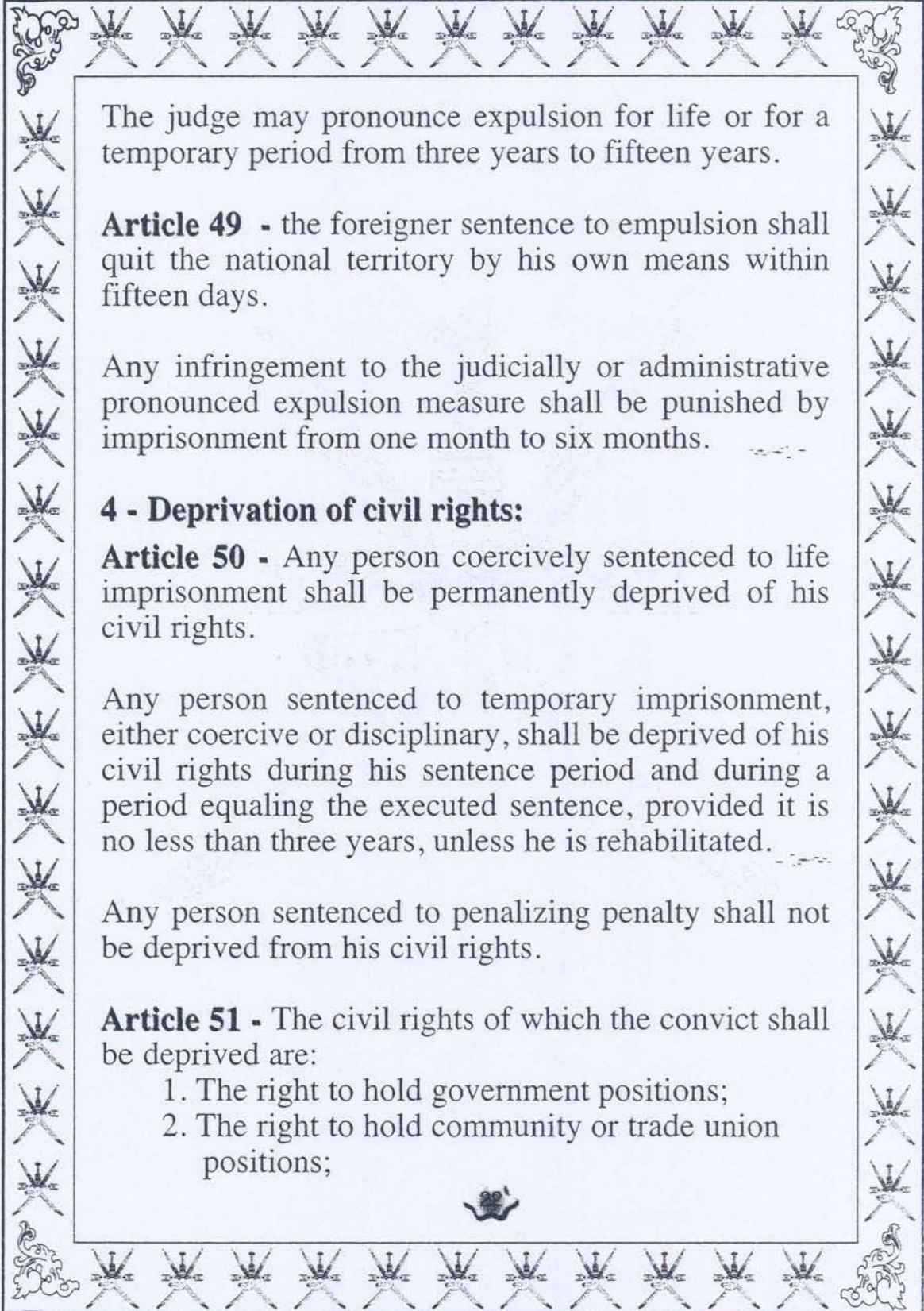
Any infringement to a residence ban shall be punished by imprisonment from three months to three years.

3 - Expulsion of Foreigner:

Article 48 - Any foreigner sentenced to a coercive penalty for a felony shall be sentenced to expulsion from the Omani territory stated in a special paragraph in the judgment.

If the offender is sentenced to a disciplinary penalty for a felony or misdemeanour, he may be sentenced to expulsion if his offence is disgracing or harmful to the state security or the public ethics, or if his recidivism is established.





The judge may pronounce expulsion for life or for a temporary period from three years to fifteen years.

Article 49 - the foreigner sentence to empulsion shall quit the national territory by his own means within fifteen days.

Any infringement to the judicially or administrative pronounced expulsion measure shall be punished by imprisonment from one month to six months.

4 - Deprivation of civil rights:

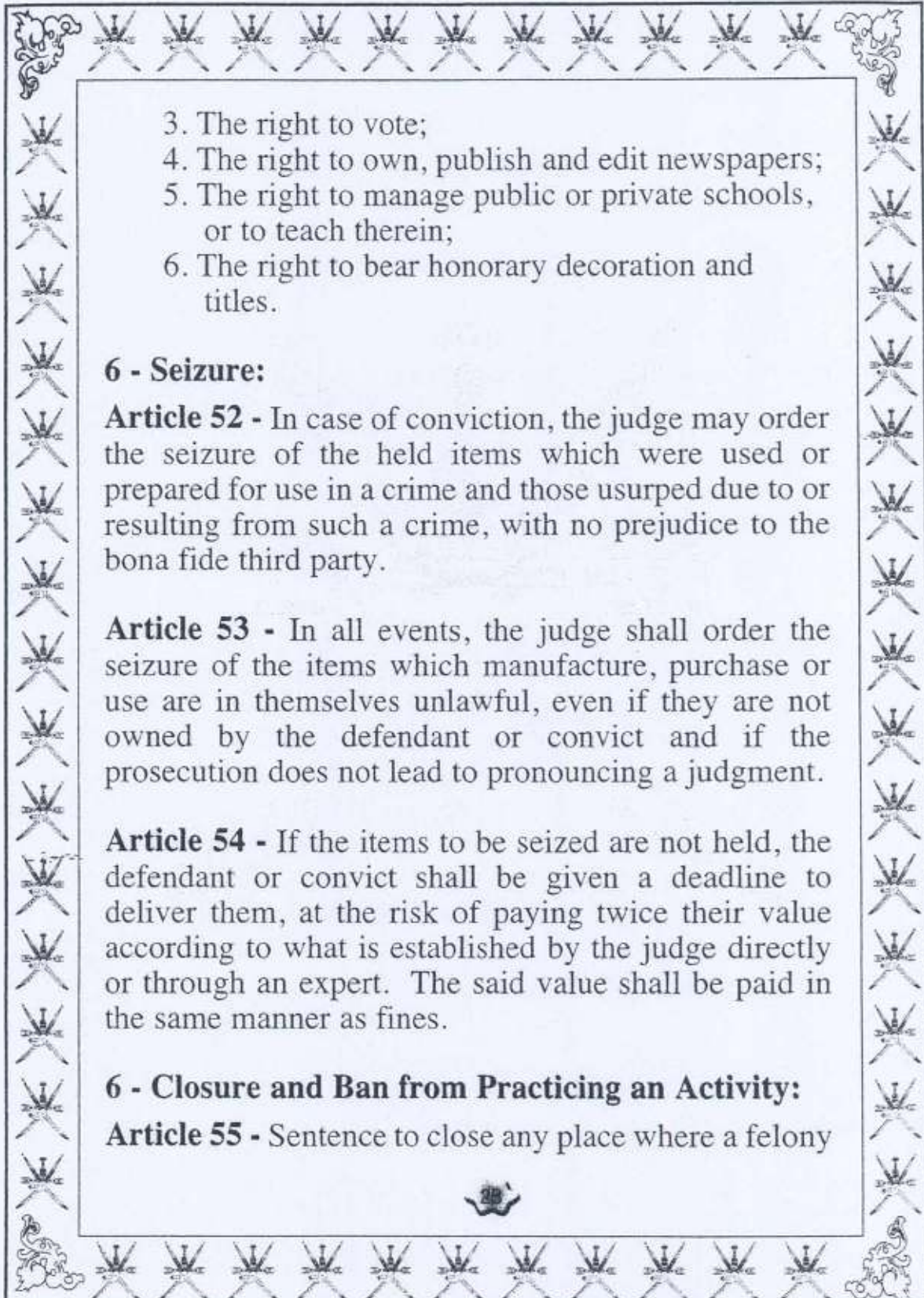
Article 50 - Any person coercively sentenced to life imprisonment shall be permanently deprived of his civil rights.

Any person sentenced to temporary imprisonment, either coercive or disciplinary, shall be deprived of his civil rights during his sentence period and during a period equaling the executed sentence, provided it is no less than three years, unless he is rehabilitated.

Any person sentenced to penalizing penalty shall not be deprived from his civil rights.

Article 51 - The civil rights of which the convict shall be deprived are:

1. The right to hold government positions;
2. The right to hold community or trade union positions;

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3. The right to vote;
 4. The right to own, publish and edit newspapers;
 5. The right to manage public or private schools, or to teach therein;
 6. The right to bear honorary decoration and titles.

6 - Seizure:


Article 52 - In case of conviction, the judge may order the seizure of the held items which were used or prepared for use in a crime and those usurped due to or resulting from such a crime, with no prejudice to the bona fide third party.

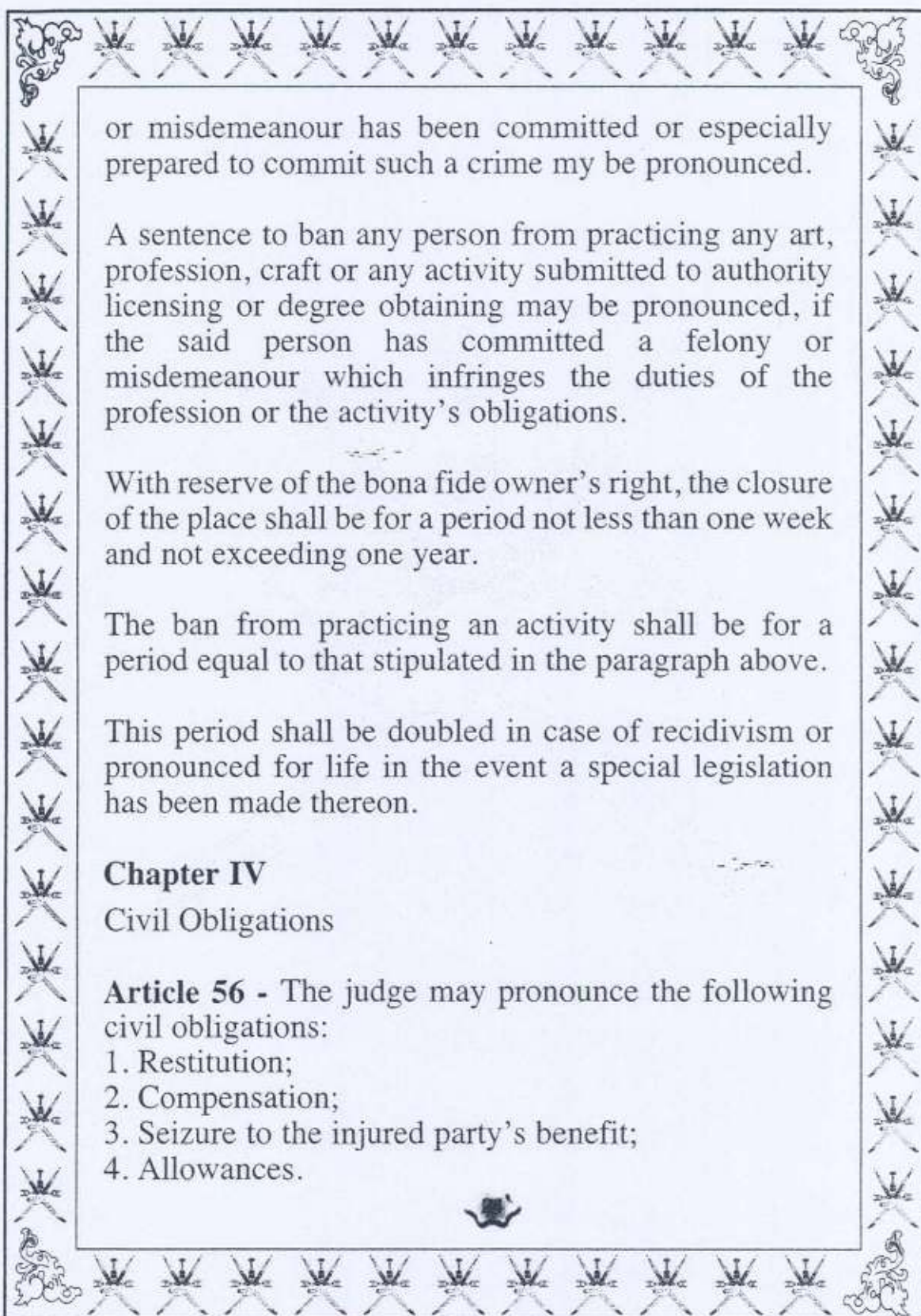
Article 53 - In all events, the judge shall order the seizure of the items which manufacture, purchase or use are in themselves unlawful, even if they are not owned by the defendant or convict and if the prosecution does not lead to pronouncing a judgment.

Article 54 - If the items to be seized are not held, the defendant or convict shall be given a deadline to deliver them, at the risk of paying twice their value according to what is established by the judge directly or through an expert. The said value shall be paid in the same manner as fines.

6 - Closure and Ban from Practicing an Activity:

Article 55 - Sentence to close any place where a felony





or misdemeanour has been committed or especially prepared to commit such a crime may be pronounced.

A sentence to ban any person from practicing any art, profession, craft or any activity submitted to authority licensing or degree obtaining may be pronounced, if the said person has committed a felony or misdemeanour which infringes the duties of the profession or the activity's obligations.

With reserve of the bona fide owner's right, the closure of the place shall be for a period not less than one week and not exceeding one year.

The ban from practicing an activity shall be for a period equal to that stipulated in the paragraph above.

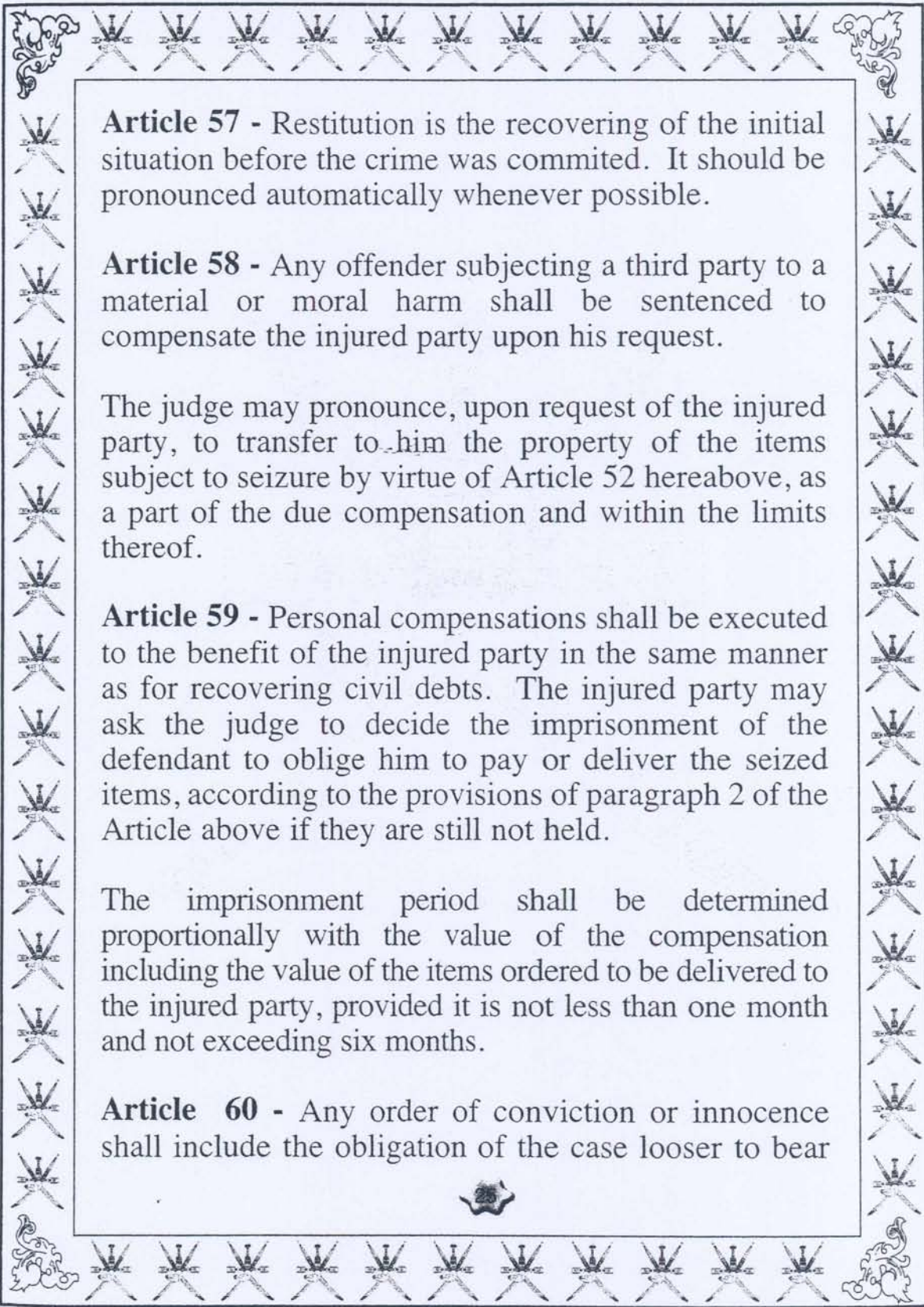
This period shall be doubled in case of recidivism or pronounced for life in the event a special legislation has been made thereon.

Chapter IV

Civil Obligations

Article 56 - The judge may pronounce the following civil obligations:

1. Restitution;
2. Compensation;
3. Seizure to the injured party's benefit;
4. Allowances.



Article 57 - Restitution is the recovering of the initial situation before the crime was committed. It should be pronounced automatically whenever possible.


Article 58 - Any offender subjecting a third party to a material or moral harm shall be sentenced to compensate the injured party upon his request.

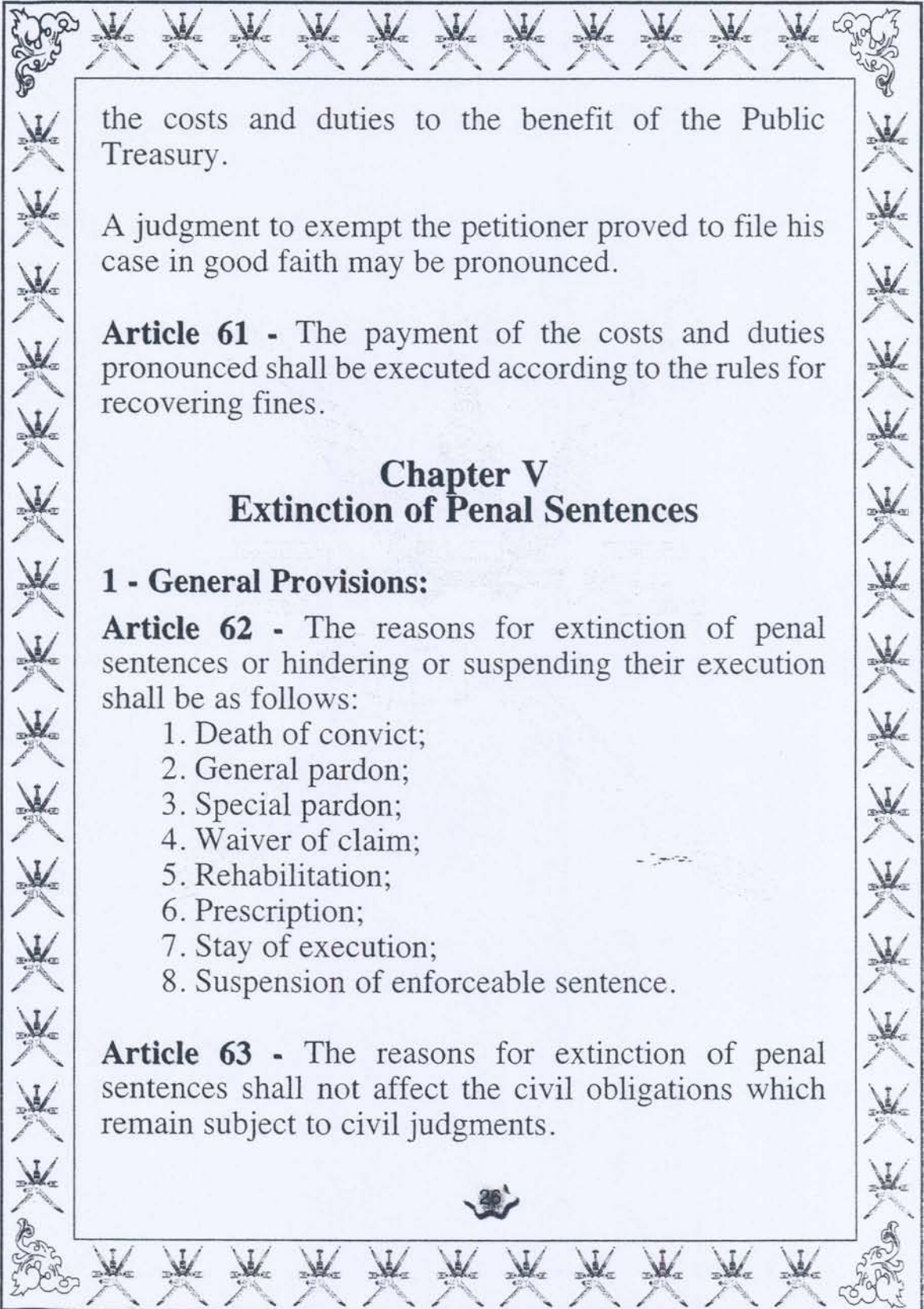
The judge may pronounce, upon request of the injured party, to transfer to him the property of the items subject to seizure by virtue of Article 52 hereabove, as a part of the due compensation and within the limits thereof.

Article 59 - Personal compensations shall be executed to the benefit of the injured party in the same manner as for recovering civil debts. The injured party may ask the judge to decide the imprisonment of the defendant to oblige him to pay or deliver the seized items, according to the provisions of paragraph 2 of the Article above if they are still not held.

The imprisonment period shall be determined proportionally with the value of the compensation including the value of the items ordered to be delivered to the injured party, provided it is not less than one month and not exceeding six months.

Article 60 - Any order of conviction or innocence shall include the obligation of the case loser to bear





the costs and duties to the benefit of the Public Treasury.

A judgment to exempt the petitioner proved to file his case in good faith may be pronounced.

Article 61 - The payment of the costs and duties pronounced shall be executed according to the rules for recovering fines.


Chapter V Extinction of Penal Sentences

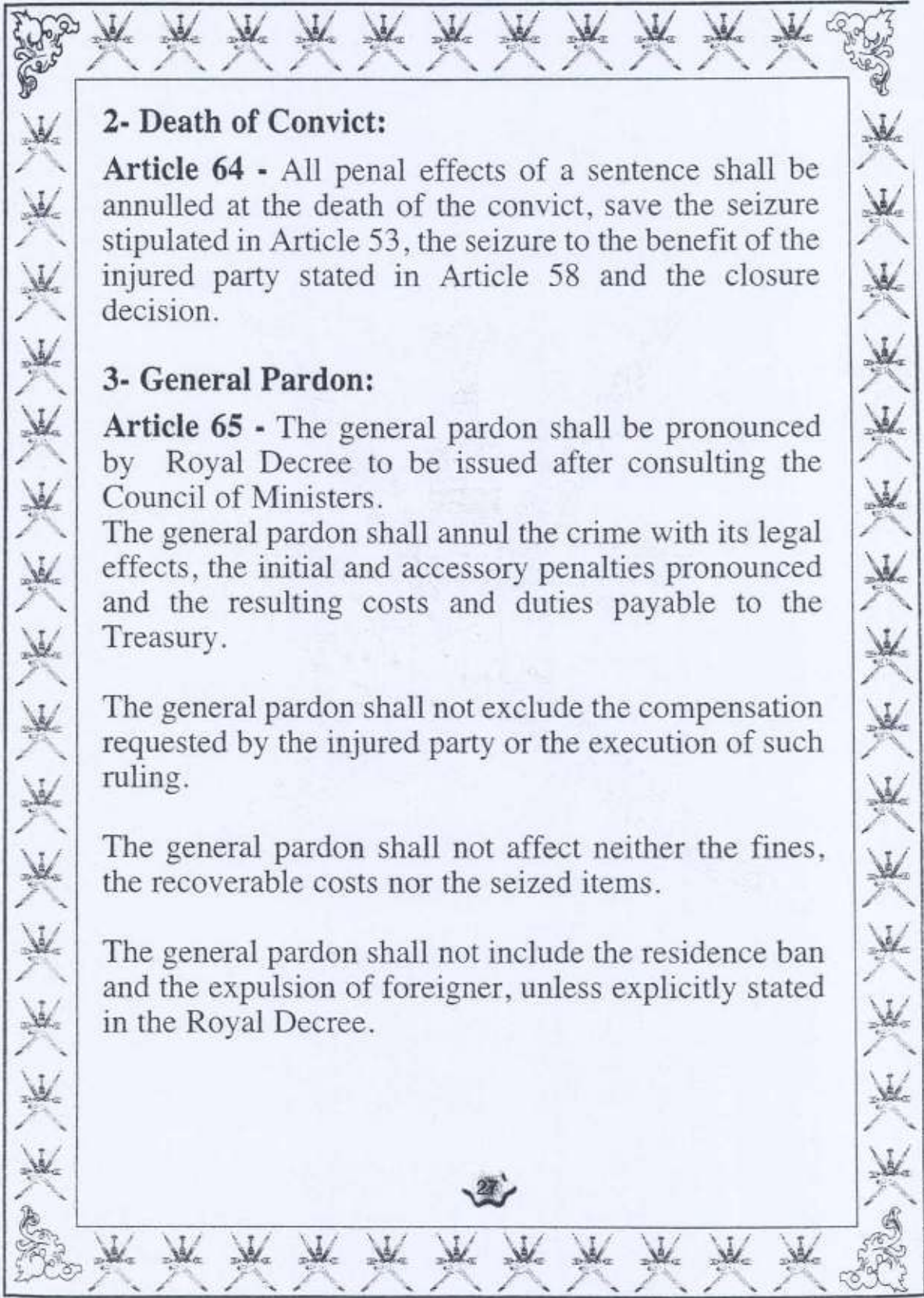
1 - General Provisions:

Article 62 - The reasons for extinction of penal sentences or hindering or suspending their execution shall be as follows:

1. Death of convict;
2. General pardon;
3. Special pardon;
4. Waiver of claim;
5. Rehabilitation;
6. Prescription;
7. Stay of execution;
8. Suspension of enforceable sentence.

Article 63 - The reasons for extinction of penal sentences shall not affect the civil obligations which remain subject to civil judgments.





2- Death of Convict:

Article 64 - All penal effects of a sentence shall be annulled at the death of the convict, save the seizure stipulated in Article 53, the seizure to the benefit of the injured party stated in Article 58 and the closure decision.

3- General Pardon:

Article 65 - The general pardon shall be pronounced by Royal Decree to be issued after consulting the Council of Ministers.

The general pardon shall annul the crime with its legal effects, the initial and accessory penalties pronounced and the resulting costs and duties payable to the Treasury.

The general pardon shall not exclude the compensation requested by the injured party or the execution of such ruling.

The general pardon shall not affect neither the fines, the recoverable costs nor the seized items.

The general pardon shall not include the residence ban and the expulsion of foreigner, unless explicitly stated in the Royal Decree.



4- Special Pardon:

Article 66 - The special pardon shall be granted by a Royal decree issued upon proposition from the ministers of interior and justice.

The pardon is only granted to the persons convicted in a final judgment.


The special pardon shall annul the initial penalty, replace it or reduce it in whole or in part. The accessory or additional penalties, however, shall not be included in the special pardon, unless explicitly mentioned in the Royal Decree.

5- Waiver of claim:

Article 67 - If the injured party waives his claim, the execution of the penalties pronounced shall be suspended concerning the crimes which prosecution is subject to personal petitioning.

Article 68 - The waiver of claim shall not be annulled or conditional. If this waiver regards once convict, it shall include all the other convicts.

The waiver of claim shall not be considered in case of multiplicity of claimants, unless formulated by them all.





6- Rehabilitation:

Article 69 - A convict may be rehabilitated, upon decision of the judge having pronounced the sentence, if the convict proves that:

1. Seven full years have passed since a coercive penalty has been executed, or three full years have passed following the execution of a disciplinary penalty.
2. He has executed the order to bear costs and duties either by cash payment or by imprisonment, has paid the compensation granted to the injured party, or has been exempted by the injured party from paying such compensation.

Rehabilitation annuls the future effects of all sentences pronounced and the accessory and additional penalties.


7- Prescription:

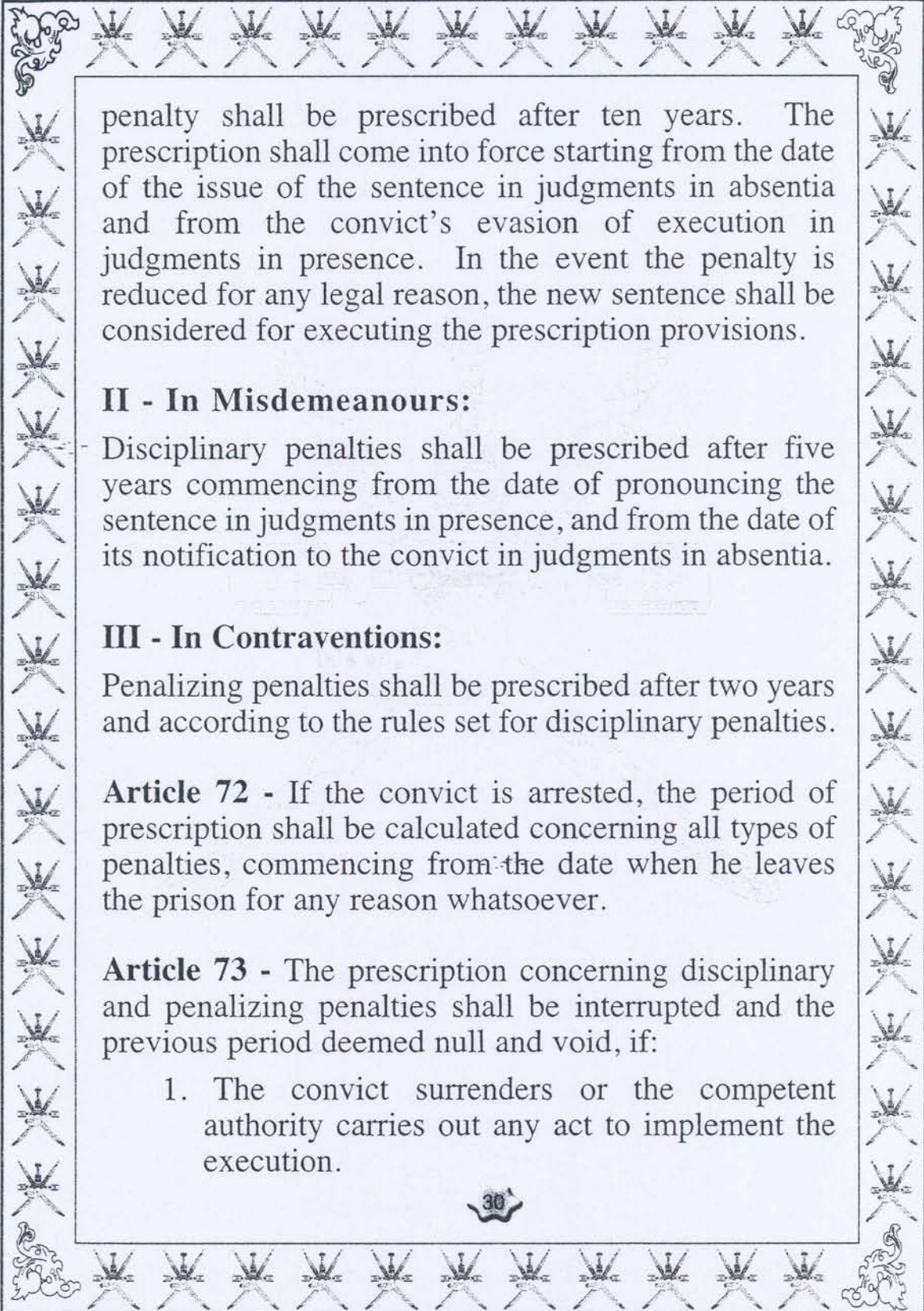
Article 70 - Prescription shall hinder the execution of penalties, save the residence ban and seizure stipulated in Article 53 above.

Article 71 - Penalties are prescribe according to the following conditions:

I - In Felonies:

Sentence to death and life imprisonment shall be prescribed after twenty five years. Any other coercive





penalty shall be prescribed after ten years. The prescription shall come into force starting from the date of the issue of the sentence in judgments in absentia and from the convict's evasion of execution in judgments in presence. In the event the penalty is reduced for any legal reason, the new sentence shall be considered for executing the prescription provisions.

II - In Misdemeanours:

Disciplinary penalties shall be prescribed after five years commencing from the date of pronouncing the sentence in judgments in presence, and from the date of its notification to the convict in judgments in absentia.

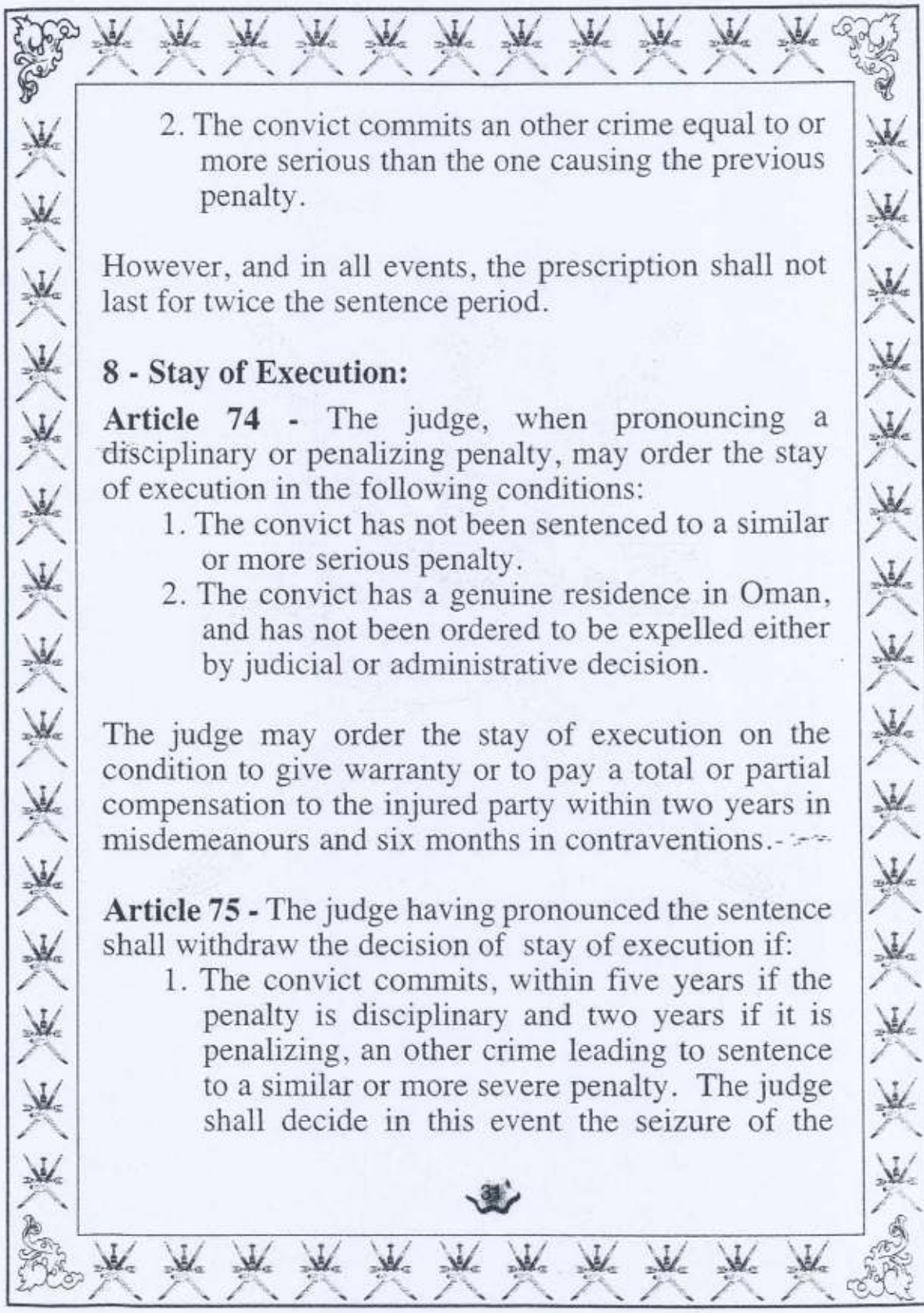
III - In Contraventions:

Penalizing penalties shall be prescribed after two years and according to the rules set for disciplinary penalties.

Article 72 - If the convict is arrested, the period of prescription shall be calculated concerning all types of penalties, commencing from the date when he leaves the prison for any reason whatsoever.

Article 73 - The prescription concerning disciplinary and penalizing penalties shall be interrupted and the previous period deemed null and void, if:

1. The convict surrenders or the competent authority carries out any act to implement the execution.

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2. The convict commits an other crime equal to or more serious than the one causing the previous penalty.

However, and in all events, the prescription shall not last for twice the sentence period.

8 - Stay of Execution:

Article 74 - The judge, when pronouncing a disciplinary or penalizing penalty, may order the stay of execution in the following conditions:

1. The convict has not been sentenced to a similar or more serious penalty.
2. The convict has a genuine residence in Oman, and has not been ordered to be expelled either by judicial or administrative decision.

The judge may order the stay of execution on the condition to give warranty or to pay a total or partial compensation to the injured party within two years in misdemeanours and six months in contraventions.

Article 75 - The judge having pronounced the sentence shall withdraw the decision of stay of execution if:

1. The convict commits, within five years if the penalty is disciplinary and two years if it is penalizing, an other crime leading to sentence to a similar or more severe penalty. The judge shall decide in this event the seizure of the

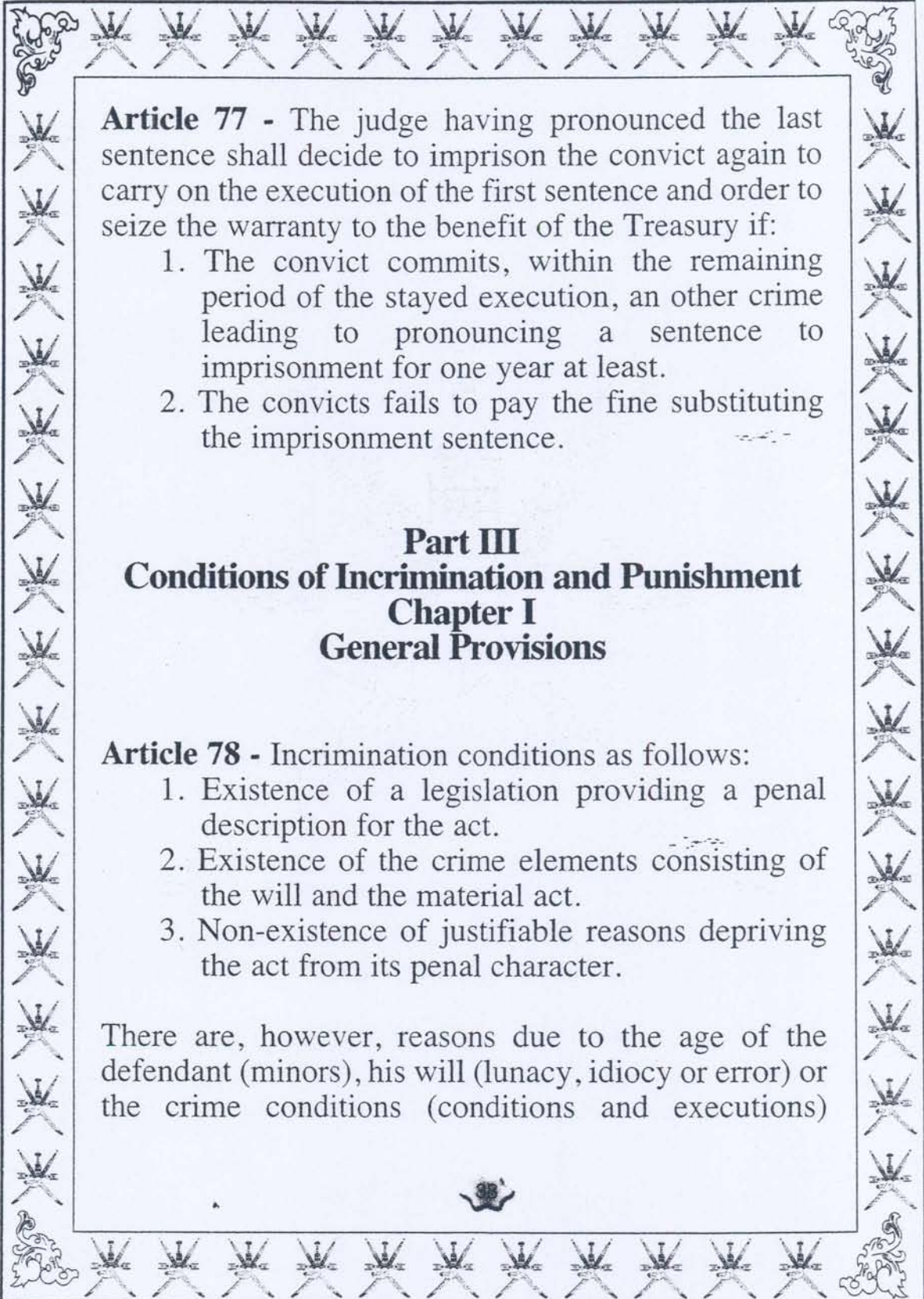
- warranty, if any, to the benefit of the Treasury.
2. The convict does not pay the warranty or fails to compensate the injured party according to the conditions set by the judge to order the stay of execution.

9 - Suspension of Enforceable Sentence:

Article 76 - If the reformation of the convict is established during the execution of the sentence and he has executed three quarters of his period or twenty years of life imprisonment, the execution can be suspended, according to the following:

1. The enforceable sentence to a coercive penalty shall be suspended by a Royal Decree ordering the convict to pay a warranty, to be under police control during the remaining period of his sentence and to pay the compensations due to the injured party prior to his release from prison.
2. The enforceable sentence to a disciplinary penalty shall be suspended by a decision from the judge having pronounced the judgment within the conditions stipulated in paragraph (1) above. The judge may replace the imprisonment sentence by a fine proportional to the remaining period.

In all events, the executed sentence period shall not be less than nine months.



Article 77 - The judge having pronounced the last sentence shall decide to imprison the convict again to carry on the execution of the first sentence and order to seize the warranty to the benefit of the Treasury if:

1. The convict commits, within the remaining period of the stayed execution, an other crime leading to pronouncing a sentence to imprisonment for one year at least.
2. The convicts fails to pay the fine substituting the imprisonment sentence.

Part III
Conditions of Incrimination and Punishment
Chapter I
General Provisions

Article 78 - Incrimination conditions as follows:

1. Existence of a legislation providing a penal description for the act.
2. Existence of the crime elements consisting of the will and the material act.
3. Non-existence of justifiable reasons depriving the act from its penal character.

There are, however, reasons due to the age of the defendant (minors), his will (lunacy, idiocy or error) or the crime conditions (conditions and executions)