



PENAL CODE



H.M. Sultan Qaboos bin Said
Sultan of Oman

**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 its publication.

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Sultan of Oman*

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Omani Penal Code

Book I

General Provisions

Part I

Penal Legislation

Chapter I

Principle of Legality of Crimes and Penalties and Execution of Penal Legislation as to Time

Article 1- No act shall be considered a crime unless stipulated in a specific legislation at the time when it is committed.

Furthermore, no penalty shall be pronounced if it is not determined in a legislation in force when the crime is committed. A crime is deemed committed as soon as its constituting acts are executed, without regard to the time of its results.

Chapter II

Execution of Penal Legislation as to Place

Article 2- The competence of a legislation means its jurisdiction over an act or a situation resulting in its application thereon. The competence of the Omani penal Code, determined in this Chapter, shall be fixed according to the following four criteria:

- 1- Territorial criterion: depending on the place where the act is committed. This is the territorial competence.
- 2- Subjective criterion: depending on the interest of the Omani state in this act. This is the subjective competence.
- 3- Personal criterion: depending on the nationality of the offender. This is the personal competence.
- 4- Typical criterion: depending on the type of the act committed and the Omani state's eagerness to share in international crime fighting. This is the comprehensive competence.

1- Territorial Competence:

Article 3- The Omani penal legislation shall apply to all crimes committed in Oman or in the territories falling under its control.

Article 4- A crime shall be deemed committed in the Omani territory if:

- 1- Any element constituting a crime, any of the acts of an indivisible crime or any initial or accessory act of complicity are executed in Oman.
- 2- The crime result takes place or is supposed to take place in Oman.

Article 5- The Omani territory includes its covering air layers, which constitute the Omani airspace. With a view to apply this code, the following shall be deemed a part of the Omani territory:

- 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 or 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 a 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 Articles 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 either 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:

- 1- Executing the sentences to loss of capacity or deprivation of rights, as long as they are conform to the Omani legislation, and to restitution, compensation or other civil orders.
- 2- Issuing sentences stipulated in the Omani legislation to loss of capacity or deprivation of rights, or to restitution or other civil orders.
- 3- Executing the Omani legislation concerning recidivism, accumulation of offences, stay of execution, suspension of an enforceable judgment or rehabilitation.

The Omani judge may make sure, by referring to the case documents, that the pronounced foreign sentence is sound as to its form and merits.

6- Extradition:

Articles 14 to 28- (*).

Part II

Types of Crimes and Penal Sentences

Chapter I

Legal Description of Crimes

1- Definition of Crime Description

Article 29- The legal description of crimes shall be determined depending on the penalty stipulated in legislations. Therefore, crimes shall be divided, according to the division of penalties, into three categories:

- 1- Felonies, which penalties are described as coercive.
- 2- Misdemeanours, which penalties are described as disciplinary.
- 3- Contraventions, which penalties are described as penalizing.

Article 30- To define the legal description of a crime, in accordance with the Article above, the maximum imprisonment sentence stipulated by law should be considered.

The legal description shall not change if the penalty stated by law is replaced by a less severe sentence due to mitigating circumstances. However, such description shall change if excuses are taken into consideration.

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

* Articles 14 to 28 have been cancelled by virtue of the Royal Decree N 4/2000, issuing the Extradition Law.

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 deduced 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;
- 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 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 centres.

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 instalments 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 instalment, all the remaining instalments 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 resides the victim or his relatives forth-degree removed, 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 sentenced to expulsion shall quit the national territory by his own means within fifteen days.

Any infringement to the judicially or administratively 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 equalling the executed sentence, provided it is no less than three years, unless he is rehabilitated.

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;
- 3- The right to vote;
- 4- The rights 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 decorations 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 one 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;
- 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 are 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) which shall hinder his punishment or lead to reduce the penalty, in accordance with the provisions stated in Chapter III hereafter.

Chapter II
Crime Elements

I- Moral Element:

Article 79- The moral crime element is:

I- Premeditated Crimes:

- 1- Criminal intent;
- 2- In cases stipulated in special legislation- the motive

II- Non-premeditated Crimes:

- 1- Error

Article 80- The criminal intent is the will to commit the crime in the manner it is defined by legislation. No one can invoke his ignorance or his misunderstanding of the penal law.

Article 81- A crime shall be deemed intentional even if the result of the act goes beyond the offender's intent, or if he has expected such result and accepted the risk.

Article 82- If the crime affects a person not expected to be harmed, the offender shall be punished as if he has committed the act against the initially targeted person. If both persons are harmed, half the sentence may be additionally pronounced.

Article 83- The motive is the reason driving the offender to commit his act or the optimum objective sought by him.

Article 84- An error is established in the non-premeditated crime when the harm to the third party results from the recklessness of the offender, his lack of attention or his in compliance with the legislations and regulations.

2- Material Element:

Article 85- An attempt to a crime is to commit acts directly tending to accomplish the crime.

Any person who attempts to commit a crime and deliberately refrains therefrom shall not be punished for the acts he performed, unless they constitute crimes in themselves.

Article 86- Any attempt to commit a felony shall be deemed as if accomplished even if hindered only by circumstances not depending on the offender's proper will.

However, the penalties fixed for felonies may be reduced as follows:

- Sentence to death may be reduced to life imprisonment or temporary imprisonment for a period from five years to fifteen years.
- Sentence to life imprisonment may be reduced to temporary imprisonment for a period from three years to ten years.
- The other coercive penalties may be reduced to the half of their period.

Article 87- The attempt to commit a misdemeanour shall not be punished unless in the cases explicitly stipulated by law.

Article 88- A crime shall be deemed unaccomplished if all the acts tending to commit it have been carried out but had no effect due to circumstances out of the offenders will.

In the event of unaccomplished felony, sentences may be reduced as follows:

- Sentence to death may be reduced to life imprisonment or temporary imprisonment for a period from seven years to fifteen years.
- Sentence to life imprisonment may be reduced to temporary imprisonment for a period from five years to ten years.
- The other coercive penalties may be reduced to the half of their period.

The unaccomplished misdemeanour shall not be punished unless contrarily and explicitly formulated by law. Therefore, sentences may be reduced up to the two thirds of the period for an accomplished misdemeanour.

3- Concurrence of Material Crimes:

Article 89- If many felonies or misdemeanours are concurrent, a separate sentence shall be pronounced for each and the joinder shall be ordered with the execution of only the most severe penalty.

However, the joinder may not be declared and the felonies or misdemeanours shall be accumulated, provided their total sentence does not exceed one and half the penalty decided by law for the most severe offence.

Article 90- If the judge has not ordered the joinder of offences or accumulation, the executing competent authority shall refer the case again to the judge to decide upon either the joinder or accumulation.
If the sentences are pronounced by various judges, the case shall be referred to the judge having declared the last sentence.

Article 91- The joinder shall not be ordered concerning two offences if the latest has occurred after a final sentence has pronounced on the first one.

Article 92- The joinder rule shall not be applicable to the penalizing penalties pronounced concerning contraventions, but shall be consecutively executed.

The joinder rule shall not be applicable to the accessory or additional penalties even if the initial penalties are joined, unless declared otherwise by the judge.

If the initial penalties are accumulated, their accessory penalties shall forcibly be accumulated.

Chapter III

Penal Liability and Punishment

1- Complicity:

Article 93- Any person who realizes any element constituting the crime or directly contributing in its execution or instigates such crime shall be deemed an offender.

Instigation is the encouragement or the attempt to encourage, by any means whatsoever, an other person to commit a crime. If the instigation leads to no result, the penalty shall be reduced in the manner stipulated in paragraphs 2,3, and 4 of Article 96 above.

Article 94- If many persons jointly commit a felony or misdemeanour, or if the felony or misdemeanour consist of many acts and each of the persons carries out one or more constituting acts, they shall all be deemed accomplices. Each of the accomplices shall be sentenced to the penalty decided by law, as if he were an independent offender.

If the crime is committed by speech transmitted through either devices or publication, the speech or writings maker or the publisher shall be deemed accomplices, unless the first one proves that the publication has been made without his consent.

Article 95- Any person having committed any of the following acts shall be considered a secondary participant:

- 1- Assistance of the offender in preparing the means or accomplishing the execution, or encouragement or leading thereof to commit the crime.
- 2- Agreement with the offender or any participant prior to the committing of the crime, participation in concealing the crime traces or disposing of its resulting items, or hiding one or more offenders from justice.
- 3- Prior knowledge of the antecedents of criminals accustomed to banditry or committing of assaults against state security and public safety or against persons and property; and provision of food, shelter, hideout or place of meeting.

Article 96- The participant without which assistance the crime has never been committed shall be sentenced as if he were the offender himself.

Any other participants shall be sentenced to life imprisonment or temporary imprisonment from seven to fifteen years if the offender is to be sentenced to death.

If the offender is to be sentenced to life imprisonment, the other participants shall be sentenced to temporary imprisonment from five to ten years.

In any other events, the participants shall be sentenced to one sixth to one third the sentence pronounced against the offender.

Article 97- Save the cases stipulated in paragraphs 2 and 3 of Article 95, any person hiding another person or assisting him to hide, after knowing that he has committed a crime, or knowingly conceals or disposes of items resulting from a crime shall not be deemed a participant but an initial offender to be sentenced for an independent crime punishable by imprisonment from three months to two years.

2- Impediments to Punishment:

Article 98- A person who hides an offender if he is his ascendant, descendant, husband, wife, brother or sister shall not be punished.

Article 99- Any person compelled to commit a crime by a physical or moral force, which he can not resist, shall not be punished, unless proved to be in such situation by his own fault; then he should be sentenced as an offender in an unpremeditated crime.

Article 100- Any person who commits a criminal act due to a material error affecting any of the elements constituting the crime shall not be punished.

However, in unpremeditated crimes, the error should not result from the offender's fault.

Article 101- Any person who commits a crime while being in a state of lunacy having deprived him of consciousness or will shall not be punished.

Article 102- Any person who commits a crime while being, due to a fortuitous act or force majeure, in a state of intoxication due to drugs having deprived him of consciousness or will shall not be punished.

If the intoxication results from the offender's fault, he shall be deemed liable for an unpremeditated crime.

He shall also be deemed liable for a premeditated crime if he anticipates, when being in such situation due to his own fault, the possibility to commit criminal acts. If he premeditatedly puts himself in that situation, with a view to commit a crime, his sentence shall be aggravated according to the provisions of article 114 hereafter.

Article 103- No punishment shall be imposed in case of exculpating excuse, as stipulated in Article 109 hereafter.

3- Minors:

Article 104- Any person having not completed nine years of age when committing a crime shall not be penally prosecuted.

If the suspect's age is not established, it shall be evaluated by the judge. In all events, the age shall be calculated according to the Christian calendar.

Article 105- Any person having completed nine years of age but is under thirteen years when committing a crime shall not be sentenced to imprisonment or fine. He shall be confined by judicial order to a reforming establishment determined by the judge for a period not exceeding the time when he attains eighteen years.

The judge may blame him in a public audience and deliver him to his tutor who shall sign a document where he undertakes to well educate the minor and make sure he does not commit any other crime during the period set in the judgement.

If the tutor infringes his undertaking, he shall be subject to the sentence fixed in the chapter on Abandonment of Minors herein. The judge may, therefore, decide to confine the minor to a reforming establishment in accordance with Paragraph 1 of this Article.

Article 106- Any person having completed thirteen years of age but is under fifteen years when committing a crime shall be sentenced to imprisonment from three to five years, if the crime is a felony punishable by sentence to death or life imprisonment. In other felonies, he shall be sentenced to imprisonment from one year to three years.

If the crime committed is a misdemeanour, he shall be sentenced to imprisonment from ten days to six months.

Article 107- Any person having completed fifteen years of age but is under eighteen years when committing a crime shall be sentenced to imprisonment from five to ten years, if the crime is a felony punishable by sentence to death or life imprisonment. In all other felonies, he shall be sentenced to imprisonment from three to seven years. If the crime is a misdemeanour, he shall be sentenced to imprisonment from ten days to one year.

4- Exculpating Excuses and Mitigating Excuses

Article 108- There shall be no excuse for any crime unless in the events explicitly stipulated by law. The offender shall benefit from the excuse that he may have ignored the existence thereof.

Article 109- If the exculpating excuse is established, it shall exempt the offender from sentence. The mitigating excuse shall lead to reducing the sentence as follows:

- If the act constitutes a felony punishable by sentence to death or life imprisonment, the sentence shall be reduced to temporary imprisonment for one year at least.
- If the act constitutes any other felony, the sentence shall be reduced to imprisonment from six months to two years.
- If the act is a misdemeanour, the sentence shall be reduced to imprisonment from ten days to six months and fine up to five Omani Rials.
- If the act is a contravention, the sentence may be reduced to the minimum fine stipulated by law.

Article 110- The following persons shall benefit from the mitigating excuse:

- 1- Any person with a mental hereditary or acquired disability or lacking discernment or will due to an intoxication resulting from the force majeure or a fortuitous act.
- 2- Any person being, while committing the crime, outraged due to an unreasonable and dangerous act carried out by the victim.

5- Mitigating Reasons and Aggravating Reasons:

Article 111- If a case includes mitigating reasons, the judge shall sentence the offender to:

- In Felonies:**
- 1- Life imprisonment or temporary imprisonment from seven to fifteen years, instead of sentence to death.
 - 2- Temporary imprisonment from five to ten years, instead of life imprisonment.
 - 3- Reduce any coercive penalty to the half, or reduce the sentence to one-year imprisonment if the minimum sentence does not exceed three years, save in events of recidivism.

In Misdemeanours:

- 4- Reduce the disciplinary penalty to its minimum stated by law, save in the event of recidivism.

In Contraventions:

- 5- Reduce the penalizing penalty to the minimum fine stated by law.

Article 112- If the recidivist offender deserves mitigating reasons to be taken into consideration concerning his second crime, the pronounced judgement shall explicitly include a special justification thereof.

Article 113- Sentences shall be aggravated in the events determined by law, especially:

- 1- If the offender is the one who organised the participation in the crime or supervised the acts of the participants.
- 2- If the offender willingly puts himself in a state of intoxication through liquors or narcotics with a view to commit the crime.
- 3- If the circumstances of the crime or those of its executors include situations calling for aggravated sentences, including the disgracing motive.
- 4- In the event of recidivism.

Article 114- If the effect of an aggravating reason is not stipulated in a special legislation, the aggravating reason leads to aggravate the sentence as follows:

- Life imprisonment shall be replaced by sentence to death. Each temporary imprisonment shall be increased by the third to the half of its period and the fine shall be doubled.
- If the offender makes a material error affecting any aggravating circumstance, he shall not be deemed liable for such circumstance.

Article 115- The following persons shall be considered recidivists:

- 1- Any person finally sentenced to a coercive penalty and who commits another felony punishable by imprisonment, during the execution of his sentence period, or during five years after its execution or after his sentence is extinguished for any legal reason save the general pardon.
- 2- Any person finally sentenced to a disciplinary penalty and who commits another similar misdemeanour, during the execution of his sentence period, or during two years after its execution or after his sentence is extinguished for any legal reason save the general pardon.
- 3- Any person sentenced to a penalizing penalty and who commits the same or analogous contravention, during one year from the date of its execution or after the penalty is extinguished for any legal reason save the general pardon.

Article 116- The recidivist shall be punished as follows:

- 1- Sentence to death, if the previous sentence was life imprisonment.
- 2- Twice the coercive sentence due for the second felony, provided it does not exceed thirty years in maximum.
- 3- Three times the maximum sentence decided by law for the misdemeanour if the offender has previously been sentenced for a felony.
- 4- Three times the maximum disciplinary penalty decided for the second misdemeanour, if the offender has been sentenced for a similar misdemeanour.
- 5- If the second misdemeanour is not similar to the first one, the offender shall be sentenced to the maximum penalty decided by law for the second misdemeanour.
- 6- If the second contravention is similar to the first one or punishable according to the same system, the offender shall be sentenced to three times the penalty decided by law for the second contravention.

Article 117- To implement the rule of recidivism, crimes shall be deemed similar as follows:
In Misdemeanours:

- 1- The premeditated misdemeanours stipulated in a same article in this law.
- 2- The premeditated misdemeanours committed against persons (Part IV).
- 3- Unpremeditated manslaughter or wounding.
- 4- Theft, fraud, breach of trust, forgery, embezzlement, flash cheque, immoral misdemeanours.

In Contraventions:

The contraventions infringing the provisions of a similar system shall be deemed similar.

6- Common Provisions to Reasons for Aggravating, Mitigating or Exempting from Penalty:

Article 118- In case of complicity, the reasons for aggravating, mitigating or exempting from penalty shall be applicable to all accomplices being either offenders or participants.

However, if an accomplice's reason is personal, it shall affect only him.

Article 119- The provisions regarding aggravating or mitigating reasons shall be applicable in the following order:

- Material aggravating reasons;
- Excuses;
- Personal aggravating reasons;
- Mitigating reasons.

The judge shall determine in his judgement the effect of each of the said reasons on the pronounced sentence.

Book II
Crimes
Part I
Crimes Against the State's Security
Chapter I
General Provisions

Article 120- Any agreement between two or more persons to commit a crime shall be deemed a conspiracy.

Article 121- The assault against the state's security shall be deemed accomplished if either the crime is actually committed or unaccomplished, according to the definition set in Article 88 above, or is still under preparation.

Assault against the state's security falls under two types:

- I:** An assault against the state's internal security, directed against:
- 1- His Majesty the Sultan or any individual personally related to him;
 - 2- The Sultanate's entity in general.
- II:** Assault against the state's external security directed against the Sultanate as to its international conditions.

Article 122- Any accomplice in a conspiracy against the State's security who informs the authority thereof prior to the execution of the crime shall be exempted from punishment.

If the information is carried out after an act preparatory to execution is implemented, the excuse shall only have a mitigating effect.

The instigator shall not benefit from the provisions of this article.

Chapter II
Assault Against the State's Internal Security

1- Assault Against His Majesty the Sultan:

Article 123- Any person premeditatedly committing assault against His Majesty the Sultan's life, or causes him serious harm or attacks his safety or freedom, or deliberately exposes his life or freedom to danger shall be sentenced to death.

The same sentence shall be pronounced if the assault is committed against the Sultan's wife, children, crown prince or crown prince's tutors.
If the assault committed against the above named persons does not threaten their lives, the sentence shall be life imprisonment.

Article 124- Any person committing violent assault against the prerogatives of the Sultan, either by depriving him of all or part of those prerogatives, or by dismissing him or obliging him to abdicate shall be sentenced to death.

Article 125- Any person who tries, by any illegitimate means, to change the hereditary succession of reign shall be sentenced to imprisonment for at least five years.

Article 126- Any person who commits, publicly or by publication, libel against the Sultan's rights or authority or criticises his person shall be sentenced to imprisonment from three months to three years and fine from twenty five to five hundred Omani Rials, or only one of these two sentence.

2- Assault against the State's Entity in General:

a- Overthrowing the Government Regime:

Article 127- Any one who uses force to overthrow the current government regime shall be sentenced to death.

b- Interruption of Authority:

Article 128- Any one who uses force with a view to disable the authority from exercising its functions shall be sentenced to imprisonment for at least three years.

c- Disobedience:

Article 129- Any one who plots for an armed disobedience against the Omani state authority shall be sentenced to life imprisonment.
Planners, instigators and all commanders of armed disobedience shall be sentenced to death.

Participants to armed disobedience shall be sentenced to imprisonment from three to five years.

A disobedience is deemed armed even when the weapons prepared therefore are stored and made ready to use.

d- Provocation of Civil War:

Article 130- Any person committing an act aiming at provoking a civil war shall be sentenced to life imprisonment.

e- Crime Gangs:

Article 131- Any person leading an armed gang, accustomed to acts of sabotage, pillage or killing, or holds a commanding position therein shall be sentenced to death, as soon as:

- 1- An assault is committed against public safety.
- 2- The authority trusted with fighting crimes against the State's security is attacked or resisted.

Any other participants to the gangs formed to the said purposes shall be sentenced to imprisonment up to fifteen years, if their acts do not result in crimes calling for a more severe sentence.

e- Terrorist Acts:

Article 132- Any one who attempts to commit a terrorist act tending to creating a state of panic, by using either explosives or toxic, inflammable or epidemic substances, or by any means which may cause a public threat, shall be sentenced to imprisonment for at least seven years.

The conspiracy to commit a terrorist act shall be sentenced to imprisonment for ten years at least.

If the act results in the destruction of a public building or establishment, a ship or aircraft, or any other facilities belonging to intelligence, communications or transport services, the offender shall be sentenced to life imprisonment.

The sentence to death shall be pronounced if the act leads to the death of an individual, destruction of all or part of a populated building.

f- Usurpation of Public Authority:

Article 133- The following persons shall be sentenced to imprisonment for seven years:

- 1- Any one who usurps a political, civil or military authority.
- 2- Any one who preserves, against a government order, a political, civil or military authority.
- 3- Any one who attempts, without authority's consent, to constitute armed military groups for any reason whatsoever.
- 4- Any military commander who keeps his forces mobilised after an order to demobilise or disperse them is issued.

g- Associations, Parties and Organisations:

Article 134- Considering the Law of Clubs and Associations issued on 14 Kaada 1391 A.H., corresponding to 1972 A.D., it shall be prohibited to establish associations, parties and organisations which are against the Sultanate's Statutes or social and economic systems.

The establishment in the Sultanate of a branch of any foreign political party opposing the

above-named statutes and systems shall also be prohibited.

If any body or branch are established contrary to the provisions of the two paragraphs above, it shall be dissolved, its assets confiscated and its founding member and managers sentenced to imprisonment from three to ten years. Its members shall be sentenced to imprisonment from one to three years.

h- Harm to State's Financial Status:

Article 135- Any person attempting, publicly or through publication, to diffuse fake facts or untrue allegations with a view to cause the devaluation of the national currency or to shake the trust in the state's financial status shall be sentenced to imprisonment from one month to three years and fine from twenty five to five hundred Omani Rials, or either of the two sentences only.

i- Hijacking:

Article 136- Any person attempting the following acts shall be sentenced to imprisonment for at least ten years:

- 1- To Hijack a Omani aircraft and obliging it to land in an airport other than its initial destination.
- 2- To hijack a foreign aircraft and obliging it to land in a Omani airport. If the act results in the death of an individual or the total or partial destruction of the hijacked aircraft, sentence to death shall be pronounced.

j- Seditious Assembly:

Article 137- Any one who participates in a private gathering including at least ten individuals with a view to commit a riot or a breach of public order, shall be sentenced to imprisonment from ten days to one year and fine not exceeding fifty Rials, if the assembly does not disperse following an order issued by an authority officer.

Article 138- Any one who commits an act including contempt of the national flag, either by lowering or destroying it or by any other manner expressing hatred and contempt, shall be sentenced to imprisonment from three months to three years and fine from twenty to Five hundred Rials.

l- Arms:

Article 139- Any person who bears an arm outside his home, either publicly or in an undue occasion or without licence from the competent authority, shall be sentenced to imprisonment from ten days to three years and fine from ten to three hundred Rials.

Any tool or device which may threaten public safety or be used in a war and any means categorised as an arm by the competent authority shall be deemed an arm .

Chapter III Assault Against the State's External Security

1- Treason:

Article 140- Any Omani who takes arms against the Omani state in the ranks of a state enemy to Oman or to any ally thereof, or who joins, by any means whatsoever, the enemy armed forces shall be sentenced to death.

Any Omani existing in an enemy state who commits the act under obligation by that state's regulations shall be exempted from punishment.

Article 141- Any person, either Omani or not, who plots for the benefit a foreign state, communicates with it to directly instigate its aggression on Oman, or provides this state with the means to achieve such a purpose shall be sentenced to death. If the act gives no result, sentence to life imprisonment shall be pronounced.

Article 142- Any person, either Omani or not, who plots to the benefit of the enemy or communicates therewith with a view to collaborate with it, by any means, to win over Omani forces shall be sentenced to death.

2- Assault Against the State's Territorial Integrity:

Article 143- Any one who attempts, by any means, to tear off any part of the sovereign Omani lands to join it to the territory of another state or to give a foreign state the property over a right or an advantage special to the Omani state shall be sentenced to imprisonment from three to fifteen years.

If the attempt actually results in tearing off any part of the sovereign Omani lands or if violence is used causing a killing, sentence to death shall be pronounced.

3- Immobilisation of National Defence:

Article 144- Any person, either Omani or not, who, in war time or when war is expected, destroys or sabotages a public or military facility or any communications and transport media, or, generally, the things with military character or which are prepared for use by public forces, with a view to immobilise the national defence or enable enemy forces to win over Omani forces, shall be sentenced to death.

Article 145- Any one who fails to implement, in war time or when war is expected, the obligations that he has undertaken to the benefit of the national defence or the state, or to supply the population or commits fraud in such obligations or supply.

4- Affection of Forces Morale:

Article 146- Any one who spreads, by any means, the spirit of military defeatism or attempts any act threatening the nation's financial or economic ability to stand against its enemies shall be sentenced to imprisonment from six months to three years and fine from twenty to five hundred Rials.

5- Spying:

Article 147- Any person, either Omani or not, who commits spying, during peace time, on the Omani state to the benefit of a foreign state shall be sentenced to imprisonment from three to fifteen years. If the spying act is committed during war time or to the benefit of a hostile state, the offender shall be sentenced to death.

Article 148- Any Omani national or resident in Oman who knowingly shelters a spy or enemy soldier sent in a mission of reconnaissance, helps him to escape or helps the escape of a captured enemy national shall be sentenced to imprisonment from three to fifteen years.

6- Assault Against the Heads, Representatives and Press of Foreign States:

a- Assault Against Heads of Foreign States:

Article 149- Any one who commits, within the national territory, assault against the life of the head of a foreign state, or his safety or freedom, shall be sentenced to death. If the assault does not result in a threat to life, sentence to imprisonment from three to five years shall be pronounced.

Article 150- Any one commits, publicly or by publication means, any harm to the person of a head of a foreign state while being in Omani territory shall be sentenced to imprisonment from three months to three years.

7- Assault Against Foreign Diplomats:

Article 151- If assault is committed against the foreign diplomats accredited in the Sultanate, the same sentences stated in the two articles above shall be pronounced.

c- Contempt of Foreign National Flags:

Article 152- Any one who commits, by the means stated in Article 138 above, contempt of foreign national flags flid in the Sultanate shall be sentenced to the penalties mentioned in the aforesaid article.

d- Prosecution:

Article 153- Acts of contempt committed publicly or by publication against the heads, representatives or flags of foreign states shall be prosecuted automatically or upon a personal complaint as practiced in the concerned states for similar acts.

Part II
Crimes Against Public Administration
Chapter I
General Provision

Article 154- Any person nominated by his Majesty the Sultan or the government as against a salary paid from the Public Treasury and any person delegated or elected to give a public service, either against payment or not, shall be deemed an official herein.

Chapter II
Crimes of Officials

1- Bribery:

Article 155- Any official who accepts a bribe for himself or on behalf of an other person, be it either money, gift, promise or any other advantage, in order to accomplish a due act pertaining to his function, to abstain from accomplishing it or postpone its accomplishment shall be sentenced to imprisonment from three months to three years, to fine equalling at least the value of what he was given or promised to get, and to dismissal from function during a period subject to the judge's estimation.

If the briber or agent informs the authority of the bribery before the judgement is pronounced, he shall be exempted from punishment.

Article 156- If an official accepts a bribe or demands it to carry out an act contrary to his duties or to abstain from implementing an act inherent to his function, he shall be sentenced to imprisonment for up to ten years, to fine equalling at least the value of the bribe and to be dismissed from duty.
The sentence shall include the briber, agent and legal representatives, if they commit such acts.

Article 157- If an official accept a bribe, after implementing the act expected by the briber, he shall be sentenced to imprisonment from three months to three years and fine equalling the value of the accepted bribe.

Article 158- The briber or agent shall be sentenced to imprisonment from one month to two years if he attempts to bribe an official who refuses it.

2- Embezzlement:

Article 159- If an official embezzles the state or public funds or items entrusted to him to administer, tax or keep, due to his function, he shall be sentenced to imprisonment

from three months to three years and fine amounting at least to the value of the embezzled funds or items.

If the embezzlement is committed through forgery or alteration, the official shall be sentenced to imprisonment for at least ten years and fine equalling four times the value of the embezzlement.

3- Misuse of Function:

Article 160- If an official misuses his function just for benefiting or harming a third party or abstains from carrying out his duty of prosecuting a crime which investigation or offender's apprehension falls within his jurisdiction, he shall be sentenced to imprisonment from three months to three years or fine from twenty to one hundred Rials.

Article 161- If an official abuses the powers of his function to commit a personal crime not falling within his duties, he shall be sentenced to imprisonment for up to three years or fine not exceeding two hundred Rials.

The said official shall also be sentenced to the penalty applicable by law to the committed personal crime.

4- Negligence of Functional Duties:

Article 162- Any official who deliberately neglects his functional duties shall be punished to fine from five to one hundred Rials.

If the negligence results in a harm to the public interests, the offender shall be sentenced to imprisonment from one month to one year.

Article 163- Any officer or individual of the labour force who neglects or fails to execute a legal order emanating from either a judicial or administrative authority shall be sentenced to imprisonment from one month to one year.

5- Divulgence of Office Secrets:

Article 164- If an official divulges, with no lawful reason, a secret which he knows due to his function, he shall be sentenced to imprisonment for up to three years and fine from twenty to two hundred Rials.

6- Abusive Imprisonment:

Article 165- Any official who limits, abusively or in cases other than the ones stipulated by law, an individual's freedom, shall be sentenced to imprisonment from three months to three years and fine from twenty to two hundred Rials.

7- Illegal Entering of Houses:

Article 166- Any official who enters an individual's house, without his consent, in the cases other than those stipulated by law or without respecting the law provisions, shall be sentenced to imprisonment from two months to two years.

8- Escape of Detainees:

a- Officials' Liability for Escape of Detainees:

Article 167- Any official who is entrusted with the custody of a person under arrest or a convict in a felony or misdemeanour, or ordered to conduct him to prison or to the judicial or administrative jurisdiction concerned by interrogating or suiting him, and whose negligence has resulted in the detainee's escape shall be sentenced to imprisonment from ten days to one year and fine from five to two hundred Rials.

If the runaway is under arrest or is convicted for a felony, the reckless official shall be sentenced to imprisonment from three months to three years.

However, the official may be exempted from punishment if he helps the authority in arresting the fugitive or obliges him to surrender within three months starting from the date of his escape.

Article 168- If the detainee's escape is implemented with the custodian official's help, the latter shall be sentenced to imprisonment from three months to three years if the detainee was under arrest or convicted for a misdemeanour or a contravention. The helping official shall be sentenced to imprisonment from three years to five years if the fugitive was under arrest or convicted for a felony punishable by less than life imprisonment.

The helping official shall be sentenced to imprisonment for at least ten years, if the fugitive was under arrest for a felony punishable by sentence to death or life imprisonment or was sentenced to any of these two sentences.

b- Individuals' Liability for Escape of Detainees:

Article 169- Any one, save officials, who attempts to help detainees to escape from prisons or from the custody of their guardians shall be sentenced to imprisonment from one month to three years and fine up to five hundred Rials.

The sentence shall be imprisonment from two years to ten years if the fugitive was under arrest for a felony punishable by sentence to death or life imprisonment or was sentenced to any of these two sentences.

c- Liability of Fugitives:

Article 170- Any one who is lawfully arrested and escapes due to the negligence or help of his custodian shall be sentenced to imprisonment from ten days to six months.

If the fugitive is under arrest by virtue of a subpoena or a judgement, he shall be sentenced to imprisonment from one month to two years and fine not less than fifty Rials. The sentence shall be doubled if the escape is accompanied by violence acts against the guardians.

Chapter III Assault Against Public Authority

1- Resistance of Officials:

Article 171- Any effective or negative resistance which hinders a lawful act carried out by an official shall be punished by imprisonment from ten days to one month and fine up to twenty Rials.

If resistance is violent or committed by many individuals, it shall be punishable by imprisonment from three months to three years and fine up to five hundred Rials, save the more severe sentence applicable according to the crime result.

2- Assault Against an Official:

Article 172- Any one who beats an official or treats him with violence, during the implementation of his duty or due to it, shall be sentenced to imprisonment from three months to one year and fine from ten to two hundred Rials.

If the assault is committed on a judge, the sentence shall be imprisonment from six months to three years and fine up to five hundred Rials.

If the assault is so threatening that it calls for a sentence more severe than those stipulated in this article, the sentence shall be increased according to Article 114 above.

3- Affront to an Official:

Article 173- Any one who commits, publicly or by publication and by speech or gestures, an affront to an official during the implementation of his function or due to it shall be sentenced to ten days to six months.

If the affront is committed against a seating judge, he shall be sentenced, in the same audience, to imprisonment from six months to two years.

If the affront invokes a fact calling for the official's punishment or tarnishing his reputation, the suspect shall be declared innocent if the fact is related to the official's function and proves to be true.

4- Embezzlement of Function:

Article 174- Any one who embezzles the status of official and practices a public function shall be sentenced to imprisonment from ten days to two years and fine from five to one hundred Rials, or by one of these two sentences only.

5- Embezzlement of Official or Recognized Statutes:

Article 175- Any one who, publicly and without entitlement, wears an official uniform belonging to the state officials or the religious authorities recognised by law, or bears any decorations or other honorary badges belonging to the Omani state or any foreign state shall be sentenced to imprisonment from ten days to six months and fine from five to twenty Rials.

6- Tearing and Damaging Official Notices:

Article 176- Any one who, by contempt of authority or protesting against official actions, tears off, removes or damages official notices, in whole or in part, shall be sentenced to imprisonment from ten days to three months.

If the act is committed in events other than the ones specified in the paragraph above, the offender shall be sentenced to fine from one to ten Rials.

7- Removing Seals and Misappropriation of Documents:

Article 177- Any one who, deliberately and without entitlement, removes the seals apposed by official order shall be sentenced to imprisonment from one month to one year and fine from ten to fifty Rials.

Article 178- Any one who deliberately takes, removes or damages, in whole or in part, the documents deposited in the public archives or court clerk offices shall be sentenced to imprisonment from one year to three years.

If the act is committed through violence, pulling out or climbing, the sentenced shall be imprisonment from three to ten years.

8- Breaches of Justice:

a- Concealing of Crimes:

Article 179- Any Omani who knows about a felony committed against the state security and who does not inform the authority thereof shall be sentenced to imprisonment from one to three years.

Article 180- Any official entrusted with automatically inquiring, investigating or prosecuting crimes, and who is informed about a crime but fails to carry out his duties shall be sentenced to imprisonment from one month to three years.

The provisions of this article shall not include the crimes which prosecution is conditioned by the complaint of the injured party.

2- Abstraction of Confessions and Information:

Article 181- Any official who unlawfully subjects a person to any type of violence, with a view to abstract a crime confession or any information related thereto shall be sentenced to imprisonment from three months to three years.

3- Malicious and False Accusation:

Article 182- Any one who commits any of the under stated acts shall be convicted for false and malicious accusation and shall be sentenced to imprisonment from ten days to three years and fine from ten to five hundred Rials:

- 1- Informing the competent prosecuting authority of a crime which he knows was not actually committed, or directly causing its investigation by faking material evidence.
- 2- Accusing a person of a crime he knows he is innocent thereof, or faking material evidence to support his accusation.

If the subject of the false accusation is a felony punishable by a coercive sentence, the false accuser shall be sentenced to imprisonment for ten years in maximum.

If the false accusation results in a sentence to death or life imprisonment, the false accuser shall be sentenced to imprisonment for ten years at least.

If the sentence to death is executed, the false accuser shall be sentenced to death or life imprisonment.

If the false accuser waives his accusation prior to any prosecution of the accused, the sentence shall be reduced according to the provisions of Article 109 above.

4- Impersonation:

Article 183- Any person who misleads justice or police forces entrusted with investigating crimes, by taking a false identity or status or gives a false declaration concerning his place of residence, shall be sentenced to imprisonment from ten days to six months and fine from five to twenty Rials, or to any of these two sentence.

5- False Testimony:

Article 184- Any one who is called to testify before justice under oath, and who asserts a falsehood, denies the truth or hides his knowledge of the questioned case facts shall be sentenced to imprisonment from three months to three years and fine from ten to five hundred Rials, or to one of these two sentences.

If the false testimony is given during a criminal investigation or penal trial, the witness

shall be sentenced to imprisonment for ten years in maximum.

If the false testimony results in sentencing the accused to death, the witness shall be sentenced to imprisonment for ten years at least; and if the sentence to death is executed, the witness shall be sentenced to death or life imprisonment.

If the testimony is given without oath, the sentence to temporary imprisonment shall be reduced to the half, and the sentences to death and life imprisonment to imprisonment for ten years.

Article 185- The false witness shall be sentenced to imprisonment from six months to one year and fine from ten to two hundred Rials, if the testimony is given before a non-judicial authority.

Article 186- The false witness shall be exempted from penalty if:

- 1- He waives his false testimony during the investigation and before it is closed.
- 2- He waives his false testimony during the trial and before the sentence is pronounced.
- 3- He is forcibly exposed, if he says the truth, to a serious threat menacing his freedom or honour, or menacing his wife, ascendants or descendants.

6- Fallacious Technical Reports:

Article 187- The sentences stated in the two previous articles shall be applicable to the expert designated by the court or the non-judicial authorities entrusted with investigating penal crimes, if the expert asserts a false fact or knowingly misinterprets such a fact.

7- Failure to Appear as a Witness:

Article 188- Any one summoned to testify before justice or the administrative authority entrusted with investigation and who fails to appear for undue or unacceptable reasons shall be sentenced to imprisonment from ten days to three months and fine from one to fifty Rials.

8- Perjury in Non-Penal Actions:

Article 189- Any one who commits perjury before justice in any non-penal action shall be sentenced to imprisonment from six months to three years and fine from ten to fifty Rials. The perjurer shall be exempted from penalty if he waives his perjury before any sentence is pronounced on the merits, even in non-final judgements.

9- Vindictive Recovery of Rights:

Article 190- Any one who recovers, by himself, his right from an other person while being capable of calling upon the competent authority shall be sentenced to fine from one to fifty Rials.

If the act is committed by violence or coercion against persons, the offender shall be sentenced to imprisonment for six months in maximum and fine as defined above.

If the offender is armed and uses violence or coercion or if the act is committed by a group of three or more armed individuals, the sentence shall be imprisonment from three months to two years and fine from ten to three hundred Rials.

The prosecution shall be conditioned by the complaint of the injured party if the said misdemeanour is not related to an other crime which can be automatically prosecuted.

Part III

Crimes Harmful to Public Trust

Chapter I

Forgery of State Seal, Official Marks, Currency, Public Bonds and Official Stamps

1- Forgery of State Seal and Official Marks:

Article 191- Any one who forges the Omani state seal or that of a foreign state, knowingly uses the forged seal, or manufactures or seeks to obtain tools for forging seals shall be sentenced to imprisonment from five to fifteen years.

Article 192- Any one who uses, without entitlement and without knowledge of the forgery, the Omani state seal or that of a foreign state, either the seal is authentic or forged, shall be sentenced to imprisonment from three to five years.

Article 193- Any one who forges a brand, a stamp or a stamping mallet belonging to a Omani or foreign public administration, fakes the print of such tools, or uses these marks without entitlement and either they are forged or authentic shall be sentenced to the penalty stipulated in Article 192 above.

2- Forgery of Currency and Public Bonds and their Diffusion

Article 194- Any person who commits any of the following acts shall be sentenced to the penalty stated in Article 191 above:

- 1- Forging the Omani or foreign currencies which are circulated by law or by custom in Oman or abroad.
- 2- Forging the Omani or foreign public bonds.
- 3- Manufacturing or seeking to obtain tools for forging currency or public bonds.
- 4- Endeavouring to diffuse forged currencies or public bonds, seeking the benefit which may result from such criminal acts.

The judge should order the seizure of all items in all events, either innocence or guilt are pronounced.

Article 195- Any one who receives a forged currency or public bond in good faith and tries to circulate them after discovery of their defect shall be sentenced to fine from one to five Rials.

3- Forgery of Official Stamps:

Article 196- Any one who forges Omani official stamps, of all types, and knowingly circulates them shall be sentenced to imprisonment for five years at least.

Article 197- Any one who knowingly uses a forged or previously used stamp shall be sentenced to imprisonment from three months to one year and fine from one to five Rials, or to only one of these two sentences.

4- Exempt from Penalty:

Article 198- Any accomplice to the crimes stipulated in this Chapter shall be exempted from punishment if he informs the authority of the crime before it is committed. If he helps in arresting the other accomplices, even after prosecution, he shall benefit from mitigation as per Article 109 above.

Chapter II Forgery

1- General Provisions:

Article 199- Forgery is an artificial alteration of truth regarding the facts and data aimed at being proved in a deed or any other writing constituting a document, which may result in a personal benefit or a material, moral or social injury to a third party.

Article 200- The user of a forged item, with knowledge, shall be sentenced to the same penalty as the forger himself.

Article 201- If the forgery is made or used with a view to prove a true fact, the penalty shall be reduced as per Article 109 above.

2- Criminal Forgery:

Article 202- Any one who commits the following acts shall be sentenced to imprisonment from three to fifteen years:

- 1- Committing forgery of official records or various documents issued by a government administration or an administration in which he has been working until the forgery is established.

- 2- Deliberately destroying, in part or in whole, the documents or altering them in a way which reduces their proving force.
- 3- Making a fallacious deed or any other writing which is supposed to be issued by an official department.

Article 203- Bearer bonds and nominal bonds which issue is allowed by law in Oman or in any other foreign country, and all financial bonds, cheques, either drawn to the bearer or transferable by endorsement shall be deemed as official documents.

Article 204- If the forger of official documents is an official, he shall be sentenced to imprisonment for not less than five years. To implement the above articles, men of religion and persons delegated to authenticate a bond, a signature or a seal shall be deemed as officials.

3- Criminal Forgery:

Article 205- Any one who commits forgery of private documents shall be sentenced to imprisonment from one year to three years and fine from twenty to five hundred Rials.

Article 206- Any one who is called by law to keep records subject to the authority's control and who alters these records in a manner which may lead the authority into mistake shall be sentenced to the same penalty stipulated in the Article above. The same sentence shall be pronounced against any one who knowingly uses such altered records.

Article 207- Sentence to imprisonment from one month to one year and fine from five to fifty Rials shall be pronounced against the following persons:

- 1- Any one who seeks to obtain, by impersonation, any official document destined to be held by population such as identity cards, passports, residence cards or labour licences, unless a distinct sentence is stipulated in a special law.
- 2- Any one who alters or forges the documents stated in the paragraph above.

Article 208- The sentence for forgery of private documents stipulated Article 205 above shall be pronounced against the following:

- 1- Any one who gives a false statement or declaration while carrying out a public function or duty or medical profession, with a view to submit them to official authorities, if such statement or declaration may result in an unlawful benefit or harm to the interests of a third party.
- 2- Any one who forges such statements or declarations.
- 3- Any one who knowingly uses such false or forged statements on declarations.

Part IV
Crimes Against Religion and Family
Chapter I
Crimes Against Religion

1- Violation of the Sacredness of Religion:

Article 209- Sentence to imprisonment from ten days to three years and fine from five to five hundred Rials shall be applicable to any one who:

- 1- Publicly blasphemes God's Holiness or pronounces a curse at his Prophets.
- 2- Commits, publicly or by publication, an affront to religions and faiths with a view to contempt them.
- 3- Commits an act breaching the peace of a lawful religious gathering.

2- Violation of the Sacredness of Cemeteries and Funerals:

Article 210- Sentence to imprisonment from ten days to one year or fine from ten to one hundred Rials shall pronounced against any one who:

- 1- Violates the sacredness of cemeteries.
- 2- Disturbs the persons in charge of funerals or violates the sacredness of the dead.

Article 211- Any one who establishes a marriage without being legally entitled to, or makes a marriage not conform to the provisions of the law applicable to that marriage or to the married spouses shall be sentenced to imprisonment from ten days to six months.

3- Negligence of Family Duties:

a- Abandonment of a Child in a State of Necessity:

Article 212- The father or mother who abandon their legal or adopted child, either by refusing to maintain him or neglecting to seek the means for his maintenance, shall be sentenced to imprisonment from ten days to three months and fine not exceeding ten Rials.

b- Failure to Pay Maintenance:

Article 213- Any one finally judged to pay a monthly alimony to his husband, wife, ascendants or descendants or to any other which maintenance is conferred on him by law, and refuses to pay such alimony for two months, shall be sentenced to imprisonment from one to six months and fine equalling the due remainder.

3- Prejudice to Tutorship upon a Minor:

Article 214- Any one who kidnaps or sequesters a minor under eighteen years, even with his consent, in order to take him away from the authority of his tutors or custodians, shall

be sentenced to imprisonment from six months to three years and fine from ten to five hundred Rials.

If the minor is under thirteen years and has been kidnapped or sequestered by duress or deceit, the offender shall be sentenced to imprisonment from three to fifteen years.

Article 215- The father, mother or any other person who refuses or delays the implementation of the judicial order to bring and deliver the minor to his entitled tutors shall be sentenced to imprisonment from three months to two years and fine from ten to two hundred Rials.

Article 216- The offending mother who believes that she is entitled to the custody of her child shall be exempted from penalty, if such a belief is established. If the minor is brought and delivered before a judicial order is pronounced, the sentence of the offending father, mother or other person shall be reduced to fine only.

5- Negligence of a Minor or Incapable:

Article 217- Any one who abandons or neglects a child under seven years or any other person unable to protect himself due to a physical or mental incapacity, or subjects him to beggary shall be sentenced to imprisonment from six months to one year.

If the child or incapable are neglected or abandoned in a deserted place, the sentence to imprisonment from one to three years shall be pronounced.

The penalty shall be doubled if the person having abandoned or neglected the child or incapable is one of his ascendants or the persons obliged to maintain the victim by law.

If the victim is subjected to a serious injury, the offender shall be sentenced to imprisonment for five years at least.

If the victim dies, the sentence to imprisonment for ten to fifteen years shall be pronounced.

Title V
Crimes Prejudicial to Honour and Public Morals
Chapter I
Indecent Assault

Article 218- The following persons shall be sentenced to imprisonment from five to fifteen years:

- 1- Any one who has sexual intercourse with a female out of marriage without her consent, either by coercion, menace or deceit.

- 2- Any one who kidnaps a person by the same means as above, with a view to commit indecent assault against him.
- 3- Any one who commits indecent assault against a person under fifteen years or having a physical or mental disability, even without coercion, menace or deceit, or any aggressor being either ascendant, tutor, servant or person having any authority on the victim.

Article 219- Sexual intercourse or indecent assault shall be deemed accomplished when the penis penetrates, to the minimal degree, the vagina or anus of the victim, either resulting in ejaculation or not.

Chapter II Incitement to Debauchery

Article 220- Any one who incites, by coercion or menace, a person to commit debauchery or prostitution shall be sentenced to imprisonment from three to five years. If the victim is under eighteen years, the sentence shall not be less than five years.

Article 221- Any one whose living is based, in whole or in part, on a third party's earnings from debauchery or prostitution, either under his protection or influence, shall be sentenced to imprisonment from three months to three years and fine from twenty to one hundred Rials.

Article 222- The same penalty as above shall be applicable to any person who manages a place for debauchery or prostitution or assists in its establishment or management.

Article 222 bis- Any one who practices debauchery or prostitution, as against payment or not, shall be sentenced to imprisonment from three months to two years.

Chapter III Homosexual and Lesbian Intercourses

Article 223- Any one who commits erotic acts with a person of the same sex shall be sentenced to imprisonment from six months to three years.

The suspects of homosexual or lesbian intercourse shall be prosecuted without a prior complaint, if the act results in a public scandal.

The suspects of lesbian intercourse among ascendants, descendants or sisters shall only be prosecuted upon a complaint from a relative or a relative by marriage forth-degree removed.

Chapter IV Public Scandals

Article 224- Any one who commits a sexual scandal by any of the means stated in Article 34 above shall be sentenced to imprisonment from ten days to one year and fine from two to fifty Rials.

The same sentence shall be applicable to any one who manufactures, purchases, exposes erotic letters or pictures or any indecent items. Scientific or artistic production shall not be deemed an indecent item, unless given, for a non scientific purpose, to a person under eighteen years.

Chapter V Fornication

Article 225- Any man or woman who have a sexual intercourse without an authenticated marriage deed shall be sentenced to imprisonment for a period not less than three months and not exceeding one year.

Article 226- Any married person who commits adultery shall be sentenced to imprisonment for a period not less than one year and not exceeding three years. The partner in adultery shall be sentenced to the same penalty, provided the status of marriage is known to him unless proved otherwise (*).

Article 227- The penal action shall not be introduced against the adulterer, either a man or woman, unless based upon a complaint from the spouse or tutor.

Chapter VI Liquors and Narcotics

1- Liquors:

Article 228- Any one caught in a state of blatant drunkenness or who causes agitation or disturbance to others in a state of drunkenness (**) shall be sentenced to imprisonment

The waiver of claim shall result in the interruption of penal prosecution and stay of execution (*).

from ten days to one year and fine not exceeding two hundred Rials, or by either of the two sentences.

Article 228 bis- Any one who manufactures, imports, trades or deals in liquors or practices an activity related thereto without licence from the competent authority shall be sentenced to imprisonment from six months to three years and fine not less than three hundred Rials.

The sentence to seize the liquors and the tools and means used in their production or transport and to close the place of crime (**) shall be pronounced.

2- Narcotics:

Article 229- Any one who trades in narcotics shall be sentenced to imprisonment from three to ten years and fine from three hundred to five hundred Rials.

The same sentence shall be applicable to any one who possesses narcotics with a view to give them, as against payment or not, to another person, or facilitates the use of such substances by any means whatsoever.

The penalty shall be aggravated as per Article 114 above if the substance is delivered to or its use is facilitated for a person under eighteen years or a drug addict.

Article 230- Any one who holds or purchases narcotic substances for personal use shall be sentenced to imprisonment from three months to two years or fine from fifty to five hundred Rials.

Article 231- The sentence stated in the two above Articles shall not include the persons who use narcotic substances for medical purposes by authorisation from the competent authority or upon a prescription signed by an authorised doctor.

Chapter VII Gambling Games

Article 232- Gambling games are the ones where chance wins over any skill or wit.

Article 233- Any one who establishes or manages a place for gambling games shall be sentenced to imprisonment from one to three years and fine not exceeding five hundred Rials.

* Amended by Articles 226, 227 and 228 by virtue of Royal Decree N 12/97.

** Article 228 bis has been added by virtue of Royal Decree N 12/97.

The same sentence shall be applicable to any one who plays gambling games.

In all events, the tools and funds (**) used in gambling shall be seized.

Article 234- ()**

Title VI Crimes Against Individuals Chapter I

Felonies and Misdemeanours Against Human Life and Safety

1- Murder:

a- Murder in General:

Article 235- Any one who murders a human being shall be sentenced to imprisonment for fifteen years.

Article 236- Murder shall be punishable by life imprisonment if murder is:

- 1- Committed for a turpis causa.
- 2- Committed to obtain a benefit resulting from a misdemeanour.
- 3- Committed against an official while carrying out his duty or due to it.
- 4- Committed against a minor under fifteen years.
- 5- Committed against two individuals or more.

Article 237- Sentence to death shall be pronounced if murder is:

- 1- Committed against the murderer's ascendants or descendants.
- 2- Committed with acts of torture or fierceness.
- 3- Committed with premeditation or malice or aforethought.
- 4- Committed to prepare for, facilitate or execute a felony or misdemeanour or to facilitate the escape of instigators, doers or participants or to hinder their punishment.

Article 238- Any one who causes manslaughter, by beating, violence, harshness or any other premeditated act shall be sentenced to imprisonment from five years at least.

The sentence shall not be under seven years if the act is accompanied with any of the events stated in the Articles above.

* Article 232 amended by virtue of Royal Decree N 12/97.

** Article 234 cancelled by virtue of Royal Decree N 12/97.

b- Infanticide:

Article 239- Any mother who kills her illegitimate baby, trying to overcome dishonour, shall be sentenced to imprisonment for at least three years.

c- Euthanasia:

Article 240- Any one who kills a human being by motive of pity and upon the victim's insistence shall be sentenced to imprisonment for ten years in maximum.

d- Incitement or Assistance to Commit Suicide:

Article 241- Any one who incites a human being to commit suicide or assists him therein shall be sentenced to imprisonment for ten years in maximum.

If the suicide does not result in death but in serious injury, the sentence to imprisonment for three months to two years shall be pronounced.

If the incited or assisted person is a minor under fifteen years or an insane, the penalties for instigation or participation to murder shall be applicable.

2- Abortion:

Article 242- Any one who causes a woman to abort, without her consent, shall be sentenced to imprisonment for five years at least.

Article 243- Any one who causes a woman to abort, with her consent, save in the case of necessity where the doctor believes that abortion is the only means to save the mother's life, shall be sentenced to imprisonment from six months to three years.

Article 244- Any woman who aborts her pregnancy, through means used by herself or by another person with her consent, shall be sentenced to imprisonment from six months to three years.

Article 245- If the abortion leads to the death of the woman, the offender shall be sentenced to imprisonment for seven years at least.

Article 246- The same sentence stipulated in Article 243 shall be imposed on any one who:

- 1- Seeks any of the means stated paragraphs 2 and 3 of Article 34 above, with a view to publish, circulate or facilitate the use of abortive means.
- 2- Sells, outlays for sale or purchases for trading purposes any abortive substances or facilitates their use by any means whatsoever.

3- Injury Against Persons:

Article 247- Any one who beats, wounds or injures a person without causing a disease or disability to work for a period exceeding ten days shall be sentenced to imprisonment up

to six months and fine from one to twenty Rials, or by any of these sentences.

The prosecution shall be conditioned by the complaint of the injured party and the action shall extinguish by waiver of claim. In such event, the penalty shall be annulled if a judgement has been pronounced.

Article 248- If the injury results in a disease or disability to work for a period exceeding ten days, the offender shall be sentenced to imprisonment from three months to three years and fine from twenty to one hundred Rials, or to one of these sentences only.

Article 249- The sentence to imprisonment from three to ten years shall be applicable if the premeditated injury results in:

- 1- A disease which is incurable or supposedly incurable.
- 2- A loss of any sense.
- 3- A loss or malfunctioning of an organ or incapacity to procreate.
- 4- A permanent facial mutilation.
- 5- Abortion of a pregnant victim, if the offender knows about her pregnancy.

Article 250- The aforesaid penalties for injury shall be aggravated, according to the provisions of Article 114 above, if the offence is committed in the manners stipulated in articles 236 and 237 above.

4- Fighting:

Article 251- If a person is killed or injured during a fight in which a group has participated, without being able to know the exact offender, all the persons who tried to harm the victim shall be sentenced to half the sentence applicable to the crime.

If the crime deserves the sentence to death, the convicts shall be sentenced to imprisonment for seven years at least.

If the crime deserves the sentence to life imprisonment, the convicts shall be sentenced to ten years in maximum.

The sentence shall be aggravated according to Article 114 for the person directly causing the fight.

5- Excuse in Manslaughter and Unpremeditated Injury:

Article 254- Any person causing the death of a human being due to negligence, lack of attention or disrespect of regulations shall be sentenced to imprisonment from six months to three years and fine from ten to five hundred Rials.

Article 255- Any person causing injury due to negligence, lack of attention or disrespect of regulations shall be sentenced to imprisonment for a period not exceeding one year and

fine no more than fifty Rials. However, the prosecution shall be conditioned by complaint of the injured party if the injury does not result in a disease or incapacity to work for a period not exceeding ten days. The waiver of claim by the plaintiff results in the annulment of the public right and the penalty, if a judgement was previously pronounced.

Chapter II

Crimes Against Individual Liberty and Honour

1- Sequestration

Article 256- Any one who deprives an other person of his liberty, by kidnapping or else, shall be sentenced to imprisonment from six months to two years.

Article 257- The same sentence as in the Article above shall be applicable to any one who knowingly hides a kidnapped person.

Article 258- The kidnapper shall be sentenced to imprisonment for fifteen years at least, if:

- 1- The sequestration period exceeds one month at least.
- 2- The kidnap was implemented by force, duress or deceit.
- 3- The sequestered person is subjected to physical or moral torture.
- 4- The kidnap aims at obtaining a ransom from the kidnapped or from any other person.
- 5- The crime is committed against an official while carrying out his duties or due to them.

Article 259- The offender shall benefit from the mitigating excuse if he willingly releases the kidnapped within twenty four hours, without committing a felony or misdemeanour.

Save the event stated in the paragraph above, the offender shall not benefit from any mitigating excuse or reason.

2- Enslavement:

Article 260- Any one who enslaves a person or puts him in a quasi-slavery status shall be sentenced to imprisonment from five to fifteen years.

3- Trafficking of Slaves:

Article 261- Any one who brings into or out of the Omani territory a human being in a state of slavery, disposes of him, by any means whatsoever, receives him, purchases him or keeps him in a state of slavery shall be sentenced to imprisonment from three to five years.

4- Violation of Domicile:

Article 262- Any one who enters an inhabited house or a place prepared for personal housing without consent of the person entitled to forbid him to enter, or who enters the place unseen or by deceit shall be sentenced to imprisonment from one month to two years and fine from ten to one hundred Rials.

The same sentence shall be imposed on any person who remains in the said places despite the order issued to him to leave by the person entitled to forbid to enter, or who remains there unseen or by deceit.

The prosecution shall be conditioned by a complaint from the injured party.

Article 263- The sentence stated in the Article above shall be doubled if the violation of domicile takes place:

- 1- During the night.
- 2- With use of violence against persons, or by breaking and pulling out.
- 3- If the violator bears an apparent weapon.
- 4- If the act is committed by a group of persons.
- 5- With threatening and menace.

5- Threatening and Menace:

Article 264- Any one who threatens to use a weapon for any reason shall be sentenced to imprisonment from ten days to one year and fine from five to fifty Rials, or to one of these sentences only.

Article 265- Prosecution in the events mentioned in the article above shall be conditioned by a personal complaint.

Article 266- Any one who threatens, himself or through a second individual, in writing or even by anonymous letter, to commit a felony against an other person shall be sentenced to imprisonment from three to five years and fine from twenty to five hundred Rials, if the threat includes the order to carry out an act, even lawful, or to abstain therefrom.

Article 267- Any one who threatens, by the same means as above, to commit a misdemeanour against an other person shall be sentenced to imprisonment from ten days to six months and fine from five to twenty Rials, or by either sentence only, upon a personal complaint.

Article 268- Any other threat to inflict an unlawful harm shall be sentenced to fine not exceeding ten Rials, if implemented by mere words or by the means stated in Article 34 above. In such event, the prosecution shall be conditioned by the personal complaint.

6- Contempt:

Article 269- Any one who harms the dignity of an individual by the means stated in Article 34 above shall be sentenced to imprisonment from ten days to six months or fine not exceeding ten Rials.

The prosecution shall be conditioned by a complaint from the victim, or his relatives forth degree-removed if the contempt regards a dead. The judge may exempt one or both parties from penalty if the victim has caused the contempt or if the contempt is mutual.

**Title VII
Crimes Constituting a Public Threat
Chapter I
Arson**

Article 270- Any one who sets fire to public or private facilities, land, sea or air transport means, oil fields or facilities, or inhabited or non-inhabited houses, either owned by him or not, or who deliberately sets fire to any thing at proximity of the said places so as fire can easily extend thereto shall be sentenced to imprisonment from seven to fifteen years.

Article 271- Any one who deliberately sets fire to agricultural crops, gardens or forests, either owned by him or not, so as fire extended or may extend to other places, shall be sentenced to imprisonment from three years to ten years.

Article 272- The sentences above shall be increased by the half if the fire causes a permanent disability.

If the fire causes death, the offender shall be sentenced to death.

Article 273- If the fire results from negligence, error or disrespect of regulations, the offender shall be sentenced to imprisonment from three months to three years and fine from ten to fifty Rials.

Article 274- Any one who is obliged by law to acquire and fix an anti-fire device and omits to set it up or repair it in event of failure shall be sentenced to imprisonment from ten days to six months.

The same sentence shall be applicable to any one who pulls out or deactivates such a device fixed in a due place.

**Chapter II
Assault Upon Traffic Roads,
Communications and Other Public Facilities**

Article 275- Any one who deliberately wrecks public roads or other facilities so as they become useless or unsafe shall be sentenced to imprisonment from three months to three years and fine from ten to five hundred Rials.

The same sentence shall be applicable to the destruction of signalling tools for ships, aircrafts or other transport media and to any misuse of any other means with a view to harm the transport media.

Article 276- If the assault causes serious damage to a human being or the transport media, the offender shall be sentenced to imprisonment from three to fifteen years.

The sentence to death shall be pronounced if the assault results in death.

**Chapter III
Assault Upon Drinking Water**

Article 277- Any one who deliberately contaminates drinking water by any thing harmful to human or animal health or causing epidemic proliferation shall be sentenced to imprisonment from three to five years and fine from twenty to five hundred Rials.

**Title VIII
Crimes Against Markets
Chapter I
Deprivation of Property
I- Theft**

1- Definition of theft

Article 278- Theft is the illegal taking of one's property.
Renewable powers such as water, electricity and gas shall be deemed as removable estate in this penal code.

2- Penal Theft:

a- Simple Larceny:

Article 279- Theft shall be punishable by imprisonment from three months to five years and fine from ten to five hundred Rials. The same sentence shall be applicable to the attempt to commit the misdemeanours stated in this Chapter.

b- Aggravated Larceny:

Article 280- Sentence shall not be less than imprisonment for one year and fine of three hundred Rials, if theft is committed in the following events:

- 1- If the theft is committed by night in a residential place or in a place of religion.
- 2- If the thief is masked or bears an apparent or hidden weapon.
- 3- If the thief is a servant who steals the property of his master or that of a person in the master's house or an other house where the thief has been taken to, or if the thief is an employee, worker or trainee in a factory and steals funds or tools from his place of work.
- 4- If the thief is civil or military servant or impersonates the status of official by wearing a uniform or invoking the power of authority.
- 5- If the theft is committed in any land, sea or air transport media or in public facilities such as airports, customs offices, post offices or quays.
- 6- If the theft is committed on domestic animals in their yards, three sheep and goats gathered in a flock, or camels, horses or cattle even if not gathered in a flock.
- 7- If the theft is committed on crops by a group of thieves, or if the thief is one person who carried the stolen thing in containers, chariots or on pack animals.

c- Theft for Use and Pilferage:

Article 281- Sentence to imprisonment from ten days to three months fine from two to twenty Rials shall be applicable, upon complaint from the injured party, in the following events:

- 1- If the theft is committed for using a thing and has been paid for thereafter.
- 2- If the pilferage is committed regarding fruit or crops before they are picked or harvested.

3- Criminal Theft:

a- Burglary:

Article 282- Sentence to life imprisonment shall be pronounced if the theft compounds the following events:

- 1- If the theft is committed during the night by two or more masked persons, one of whom at least bears an apparent or hidden weapon.

- 2- If the theft is committed by entering into a house or its dependencies through breaking, pulling out, climbing of walls, use of forged keys, special device, or by deceit or any other unusual means.
- 3- If the theft acts are accompanied by coercion or threat to use arms, either to prepare for the felony, to facilitate it, to secure the escape of offenders or to take hold of the stolen things.

Article 283- Sentence to imprisonment for ten years at least shall be imposed if the theft is committed without compounding the events stated above and if carried out by entering inhabited places, either by breaking, pulling out or any other usual means.

b- Robbery:

Article 284: The theft shall be called robbery and punishable by imprisonment from ten to fifteen years, if committed with any of the following events:

- 1- If committed by night on public roads, public or private establishments or especially by using coercion or threatening to use weapons, either to prepare for or facilitate the crime, to secure the escape of offenders or to take hold of the stolen items.
- 2- If the robbers are a group of persons.
- 3- If the robbery is committed by one armed person in a housing place.

c- Piracy:

Article 285- Any person attacking a sailing ship with a view to get hold of it or its cargo, or to harm its crew or passengers.

The offender shall be sentenced to death if the act of piracy leads to sinking the ship or killing a crewman or passenger.

d- Plunder:

Article 286- Any one who commits acts of theft or plunder during a state of disobedience, civil revolt, war, ship sinking, aircraft crash or any other calamity.

II- Usurpation and Intimidation

Article 287- Sentence to imprisonment from three months to three years and fine from ten to five hundred years shall be imposed on any one who commits the following, in order to draw an unlawful benefit either to himself or to an other person:

- 1- Usurpation, by threatening, of a signature or any other writing including an undertaking or quittance.
- 2- Threat of any person to inflict him physical harm or damage to reputation, property or source of living, or to a person interesting him, with a view to oblige him to carry out an act not imposed on him by law and neglect an act

which implementation is conferred on him by law.

The prosecution shall be conditioned by a complaint from the injured party.

If the offender carries a weapon with which he threatens the victim, he shall be sentenced to imprisonment for five years.

Chapter II

Fraud and All Types of Deceit

1- Fraud:

Article 288- Any one who obtains from others an unlawful benefit, for himself or for an other person by using fraudulent means, shall be sentenced to imprisonment from three months to two years and fine from ten to three hundred Rials.

The sentence shall be doubled if the fraud is committed against a person under eighteen years or against an adult deprived of his perfect mental faculties.

Article 289- Sentence to imprisonment from ten days to six months and fine from five to twenty Rials shall be applicable to:

- 1- Any one who obliges a person to deliver him goods with sale and return condition or due to a promise to pay, while intending not to pay or knowing that he will be unable to pay its due instalments and does not restitute the goods or pay their price after notification.
- 2- Any one who enjoys housing, food or drinks in a public place, while intending not to pay their price or knowing that he will be unable to pay their price.
- 3- Any one who takes, by deceit, any land, sea or air transport medium without paying his ticket.

2- Flash Cheque:

Article 290- Any one who maliciously draws a flash cheque, with no provision at all or no sufficient provision, who recovers such a provision in whole or in part after drawing the cheque, or who issues a countermand of payment shall be sentenced to imprisonment from three months to two years and fine from ten to five hundred Rials.

In addition to the said sentence, the drawer shall be obliged to pay the amount of the cheque and the accessory costs paid by the drawee.

Article 291- The same sentence as in the Article above shall be applicable to any one who knowingly encourages a third party to deliver him a flash cheque.

3- Swindling:

Article 292- Any trader who uses or purchases measures and scales not conform to the regulations, with a view to use them in his trade, shall be sentenced to imprisonment from one to ten days and fine from one to twenty Rials.

The sentence shall be doubled if the user of the measures and scales knowingly deceives his clients concerning the delivered quantity.

Article 293- Any one who manufactures or displays swindled or spoiled human or animal food stuff shall be sentenced to imprisonment from ten days to one year and fine from ten to two hundred Rials.

The sentence shall be doubled if the said stuff is harmful to human or animal health, even if the purchaser or consumer knows about the harmful swindling or spoil.

Article 294- Any one who deceives a purchaser as to the quality, basic characteristics or constitution of goods or the quantity of useful constituents or their types or origin when the type and origin are deemed the main cause of sale, either by agreement or by custom, shall be sentenced to imprisonment from one month to one year and fine from ten to two hundred Rials.

4- Manipulation of Prices and Illegal Speculations:

Article 295- Any one who succeeds or seeks to succeed, by deceit, in increasing or decreasing the prices of goods, food stuff or public or private shares traded in or outside the stock market, or commits any act which may break the market rule of offer and supply shall be sentenced to imprisonment from six months to two years and fine from fifty to five hundred Rials.

Chapter III

Breach of Trust

Article 296- The following persons shall be sentenced, upon a complaint from the injured party, to imprisonment from three months to two years and fine from ten to three hundred Rials:

- 1- Any one who receives money or any removable estate as a loan, trust, caution, rent or vadium and who conceals, embezzles, wastes or spoils it, by any means whatsoever, with a view to draw a benefit for himself or for an other person or to cause damage to an other person.
- 2- Any who has been appointed, by judicial order, custodian of money or any removable estate and who disposes thereof with a view to hinder the judicial procedures or resist the attachment or the execution order.

Article 297- The same sentence as in the Article above shall be applicable upon a complaint from the injured party against any one who conceals, takes over or refuses to restitute a trove or any removable estate coming under his possession by mistake, incidentally, or by force majeure.

Chapter IV Common Provisions to Chapters I, II and III

Article 298- For implementing this code, the expression "by night" or "during the night" shall mean the period from sunset to sunrise.

Article 299- Offenders in the crimes stated in the previous articles of this chapter, save Articles from 293 to 296, shall be exempted from penalty if they commit their acts with a view to damage ascendants or descendants.

If the offender is deemed a recidivist within five years, he shall be sentenced, upon complaint from the injured party, to not less than two thirds of the penalty stipulated by law for the committed crime.

Title VIII Bankruptcy and Forgery Chapter I Bankruptcy

1- Fraudulent Bankruptcy:

Article 300- Any bankrupt trader who conceals his records, embezzles or squanders a part of his property or recognises his intent to pretend debts not due by him, either in records, in official or ordinary deeds or by virtue of his trade budget shall be deemed a fraudulent bankrupt and shall be sentenced to imprisonment from three to seven years.

Article 301- If the fraudulent bankrupt is a company, the same sentence shall be applicable to:

- 1- Partners in joint liability companies and acting partners in commandite companies.
- 2- Limited partners who are accustomed to interfere in the business of commandite companies.

- 3- Managers and auditors of limited liability companies.
- 4- Managers, members of the Board of Directors, auditors of joint stock companies, if they commit, themselves, facilitate or allow an act of fraudulent bankruptcy, or if they publish fallacious data or untrue budgets or distribute unreal dividends.

2- Reckless Bankruptcy:

Article 302- In the following events, any trader shall be deemed a reckless bankrupt and sentenced to imprisonment from one month to one year:

- 1- If he squanders considerable amounts of money on hazardous operations, rash stock market speculations or goods purchase.
- 2- If, after ceasing to make payments and in order to postpone the bankruptcy, he purchases goods to sell them at a lower price, contracts loans, or transfers bonds or seeks other irregular means for obtaining money.
- 3- If, after ceasing to make payments, he pays a creditor at the expense of the syndicate of creditors.
- 4- If his personal or domestic expenses are exaggerated.

Article 303- If the bankrupt is a company, the penalty stipulated in the Article above shall be pronounced against the persons named in Article 301 herein, if they commit any of the offences named in paragraphs 1, 2 and 3 of the Article above.

3- Special Interests As Against Votes in Meetings of Creditors:

Article 304- The creditor who, dealing either with the bankrupt or any other person, makes the condition of obtaining a special interest as against voting for him in any meeting of creditors, or makes a private agreement resulting in a special interest to be obtained from the bankrupt assets shall be sentenced to imprisonment from one month to one year and fine not exceeding two hundred Rials.

Chapter II Forgery

1- Forgery of Distinguishing Industrial Labels and Trademarks:

Article 305- Any one who forges a distinguishing registered trademark owned by another person or apposes it on any goods or commercial items shall be sentenced to imprisonment from three months to three years and fine from twenty to five hundred Rials.

The same sentence shall be applicable to any one who knowingly displays for sale or sells any goods or items bearing a forged or usurped trademark.

Article 306- Any person who maliciously fakes a registered trademark, without forging it, and uses, sells such mark or caught in the act of displaying it for sale, with a view to deceive the purchaser shall be sentenced to imprisonment from two months to two years and fine from twenty to three hundred Rials.

2- Patents, Industrial Logos, Literary and Artistic Works and Trade Names:

Article 307- Sentence to imprisonment from three months to two years and fine from ten to three hundred Rials shall be pronounced against any one who:

- 1- Forges a patent or industrial logo subject to a previous registration in Oman or abroad, with a view to gain profit or harm its owner.
- 2- Fakes any literary or artistic work, either constituting a public ownership or not.
- 3- Usurps, by any means whatsoever, another person's trade name, even if it is merely changed or affixed to a name other than the initial owner's name or to any expression preserving the distinguishing letters of the initial name and inducing into confusion.

Title X

Crimes Against State and Individual Properties:

1- Demolition and Destruction:

Article 308- The following persons shall be sentenced to imprisonment from six months to three years and fine from fifty to five hundred Rials:

- 1- Any one who deliberately demolishes or destroys historical buildings and statutes, memorials or any other constructions for public use or decoration.
- 2- Any one who deliberately demolishes or destroys a building owned by an other person, a vehicle, ship, aircraft or any mine digging machinery.

If the act results in any harm to a human being, the offender shall be sentenced to imprisonment for not less than five years. If the act results in death, the offender shall be punished by imprisonment for fifteen years.

2- Removal of Abutments and Usurpation of Real Estate:

Article 309- Any one who demolishes or pull out a wall or fence or demolishes, destroys or removes any mark of abutments between various real estates, with a view to spoil land surveys or to harm a third party, shall be sentenced to imprisonment from one to six months and fine from ten to one hundred Rials.

If the offence is committed to facilitate usurpation of a land or implemented with coercion and duress inflicted to persons, the offender shall be sentenced to imprisonment from two months to one year and fine from twenty to two hundred Rials.

3- Trespass:

Article 310- Acts of trespass including the attack of an other person's agricultural lands, buildings, factories or real estate, with a view to occupy them and benefit therefrom, shall be punishable by imprisonment from three months to three years and fine not less than one hundred Rials.

The sentence shall be doubled if trespass is accompanied with threatening with weapons, or if the offender is a group of ten persons or more.

4- Encroachment Upon Crops, Agricultural Animals and Machinery and Irrigation Systems:

Article 311- The following persons shall be sentenced to imprisonment from ten days to six months and fine from five to fifty Rials:

- 1- Any one who deliberately cuts or damages crops, trees, natural or cultivated plantations in another person's lands.
- 2- Any one who deliberately damages, breaks or causes failure of agricultural machinery, or kills animals used in agriculture or any types of cattle.
- 3- Any one who deliberately damages water ponds or irrigation channels, or commits any act interrupting the regular flow of public water.

Title XI

Contraventions

Article 312- Sentence to penalizing imprisonment and fine from one to five Rials, or either of the two sentences, shall be imposed on any one who commits any of these acts:

- 1- Infringement of the administrative or municipal regulations lawfully issued.
- 2- Refusal to accept the currency with its regular value.
- 3- Unauthorised cutting of grass or extraction of earth, stones or any other things from any state property.
- 4- Disturbance of public tranquillity by screaming or making noise, with no reason or by using any noisy device which may disturb others in public or private places.
- 5- Refusal to provide assistance to population asked by active officials during disturbances or natural or other calamities.
- 6- Beggary in a public place or a place open to the public, either by pretending to be diseased, appearing in a pathetic state or using charlatanism.
- 7- Recklessness in guarding a animal in a public way making it harmful to public safety.
- 8- Throwing dirt in public ways.
- 9- (*).

- 10- Publicly breaking the fast during the Holy month of Ramadan by Muslims, without any motive.
- 11- Obstruction of public roads, which may result in hindrance of passage or interruption of traffic flow.
- 12- Appearance in an indecent manner in public places.
- 13- Negligence to register the identity of customs on the hotel or housing records.
- 14- Giving access for persons under eighteen years to theatre or cinemas to watch plays or pictures restricted to adults.

Article 313- The same sentence shall be applicable to any one who:

- 1- Enters other person's non-fenced or cropped land without having the right of way, or grazes or enters his cattle in an other person's non-fenced or cropped land, land cropped with fruit trees or wood, without the owner's permission.
- 2- Maltreats or overtires a farm animal, or maltreats a non-farm animal, without reason.
- 3- Causes by recklessness the death of an other person's animal.
- 4- Recklessly throws or lets down dirt on other persons.
- 5- Spoils the private adverts posted by official leave.

Article 314- Pursuant to the provisions of the Article above, the type of offence, the age of offender and the whips to be inflicted shall be specified as follows:

In Misdemeanours:

- 1- Five to ten whips if the minor has completed thirteen years but has not completed fifteen years.
- 2- Ten to fifteen whips if the minor is aged fifteen years but is under eighteen years.

In Contraventions:

- 3- Fifteen to twenty whips if the minor aged as in paragraph (1).
- 4- Twenty to thirty whips if the minor is aged as in paragraph (2).

Article 315- The present Code shall published in the Official Gazette.