Translation of

the Evidence in Civil and Commercial Matters Law No. 25 of 1968

ترجمة قانون الإثبات
في المواد المدنية والتجارية
رقم ٢٥ لسنة ١٩٦٨

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16 April 2026

ANDERSEN

Law No. 25 of 1968, Concerning the Promulgation of the Law of Evidence in Civil and Commercial Matters

In the name of the people: President of the republic

The House of Representatives has enacted the following law, which we hereby promulgate:

Preamble

The National Assembly has passed the following law, and We hereby promulgate it:

Promulgation Provisions

Article (1):

Part Six of Book One of Section One of the Civil Code, and Part Seven of Book One of the Code of Civil and Commercial Procedure, promulgated by Law No. 77 of 1949, are hereby repealed.

The repealed provisions shall be replaced by the provisions of the accompanying law, and every other provision contrary to its provisions is also repealed.

Article (2):

This law shall be published in the Official Gazette and shall come into force six months after the date of its publication.

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Article (1):

The creditor must prove the obligation, and the debtor must prove discharge therefrom.

Article (2):

The facts intended to be proved must be relevant to the action, material thereto, and admissible.

Article (3):

If the court appoints one of its judges to carry out an evidentiary procedure, it must fix a period not exceeding three weeks for carrying out such procedure.

The presiding judge of the circuit shall, when necessary, appoint a substitute for the delegated judge.

Article (4):

If the place where the evidence is to be taken is far from the seat of the court, it may delegate for this purpose the judge of the partial court within whose jurisdiction that place is situated, subject to observance of the time limit stipulated in the preceding Article.

Article (5):

Judgments issued concerning evidentiary procedures need not state reasons unless they include a final determination.

Orders issued fixing the date of the evidentiary procedure must be served; otherwise, the procedure shall be void.

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Service shall be effected at the request of the clerk's office with a notice period of two days.

Article (6):

Whenever completion of the procedure requires more than one hearing or more than one day, the minutes shall state the day and hour to which the adjournment is made, and there shall be no need to notify anyone absent of such adjournment.

Article (7):

Incidental matters relating to evidentiary procedures shall be submitted to the delegated judge, and any matter not submitted to him may not be presented to the court.

The decisions issued by the delegated judge on such matters shall be enforceable, and the litigants shall have the right to resubmit them to the court when the case is heard, unless the law provides otherwise.

Article (8):

If the delegated judge refers the case back to the court for any reason, he must fix the nearest hearing for it, with the absent litigants to be notified of the hearing date through the clerk's office.

Article (9):

The court may reverse any evidentiary procedure it has ordered, provided that it states the reasons for such reversal in the minutes. It may also disregard the result of the procedure, provided that it states the reasons for this in its judgment.

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Article (10):

Official instruments are those in which a public official or a person entrusted with a public service certifies what took place before him or what he received from the persons concerned, in accordance with the legal formalities and within the limits of his authority and competence.

If these instruments do not acquire official status, they shall have only the value of private instruments, provided that the persons concerned have signed them with their signatures, seals, or fingerprints.

Article (11):

Official instruments shall constitute evidence against all persons with respect to the matters recorded therein which were performed by the official who prepared them within the limits of his duty, or which occurred from the persons concerned in his presence, unless their forgery is established by the methods prescribed by law.

Article (12):

If the original official instrument exists, its official copy, whether handwritten or photographic, shall have the same evidentiary value to the extent that it conforms to the original.

The copy shall be deemed to conform to the original unless one of the parties' disputes this, in which case the copy shall be compared with the original.

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Article (13):

If the original of the official instrument does not exist, the copy shall have evidentiary value as follows:

- The original official copy, whether executory or non-executory, shall have the evidentiary value of the original whenever its external appearance leaves no room for doubt as to its conformity with the original.

- An official copy taken from the original copy shall have the same evidentiary value, but in this case either party may request that it be compared with the original copy from which it was taken.

- As for copies taken from official copies that were themselves taken from original copies, they shall have no value except merely for guidance according to the circumstances.

Law of Evidence in Civil and Commercial Matters

Chapter Two: Written Evidence

Section Two: Private Instruments

Article (14):

A private instrument shall be deemed to have been issued by the person who signed it unless he expressly denies the handwriting, signature, seal, or fingerprint attributed to him.

As for the heir or successor, he is not required to deny it, and it shall be sufficient for him to swear that he does not know that the handwriting, signature, seal, or fingerprint belongs to the person from whom he received the right.

Whoever is confronted with a private instrument and discusses its subject matter may not thereafter deny the handwriting, signature, seal, or fingerprint.

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Article (15):

A private instrument shall not constitute evidence against third parties as to its date except from the time when it acquires a fixed date.

An instrument shall have a fixed date:

- From the day it is entered in the register prepared for that purpose.
- From the day its contents are established in another instrument of fixed date.
- From the day it is endorsed by a competent public official.
- From the day of the death of one of those whose handwriting, signature, or fingerprint on the instrument has a recognized effect, or from the day on which it becomes impossible for one of them to write or affix his fingerprint due to a bodily infirmity.
- From the day of the occurrence of any other event that conclusively establishes that the instrument was executed before its occurrence.

  Nevertheless, the judge may, according to the circumstances, decline to apply the provisions of this Article to receipts.

Article (16):

Signed letters shall have the value of a private instrument for purposes of evidence. Telegrams shall also have this value if their original deposited at the dispatch office is signed by the sender, and a telegram shall be deemed to conform to its original until proof to the contrary is established.

If the original telegram is destroyed, the telegram shall have no value except merely for guidance.

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Article (17):

Merchants' books shall not constitute evidence against non-merchants; however, the entries recorded therein concerning supplies furnished by merchants may form a basis permitting the judge to direct the supplementary oath to either party in matters that may be proved by witness evidence.

Merchants' books shall constitute evidence against those merchants, but if such books are regularly kept, a person wishing to derive evidence therefrom in his own favor may not divide what is contained therein and exclude what is contrary to his claim.

Article (18):

Domestic books and papers shall not constitute evidence against the person from whom they emanate except in the following two cases:

- If they expressly state that he has received a debt.
- If they expressly state that he intended by what he wrote in those papers that they should stand in place of an سند for the benefit of the person in whose favor they establish a right.

Article (19):

An endorsement made on an instrument from which the discharge of the debtor may be inferred shall constitute evidence against the creditor until the contrary is proved, even if the endorsement is not signed by him, so long as the instrument has never left his possession.

The same rule shall apply where the creditor records in his own handwriting, without signature, what indicates the discharge of the debtor on another original copy of the instrument or on a receipt, provided that the copy or receipt is in the debtor's possession.

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Article (20):

A litigant may, in the following cases, request that his opponent be compelled to produce any document in his possession that is material to the case:

- If the law permits demanding that he produce or deliver it.
- If it is common between him and his opponent; a document shall in particular be deemed common if it is for the benefit of both litigants or establishes their mutual obligations and rights.
- If his opponent has relied on it at any stage of the proceedings.

Article (21):

The request must specify:

- The description of the document to be identified.
- The contents of the document to the extent possible in detail.
- The fact to be proved thereby.
- The evidence and circumstances supporting that it is in the possession of the opponent.
- The basis for obliging the opponent to produce it.

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Article (22):

The request shall not be accepted if it does not comply with the provisions of the two preceding Articles.

Article (23):

If the applicant proves his request and the opponent admits that the document is in his possession or remains silent, the court shall order the document to be produced immediately or at the nearest time it determines.

If the opponent denies and the applicant does not provide sufficient proof of the validity of the request, the denying party must take an oath "that the document does not exist, or that he does not know of its existence or location, and that he has not concealed it or neglected to search for it in order to deprive his opponent from relying on it."

Article (24):

If the opponent fails to produce the document at the time specified by the court or refuses to take the aforementioned oath, the copy of the document submitted by his opponent shall be deemed true and conforming to its original. If his opponent has not submitted a copy, the court may accept his statements regarding its form and subject matter.

Article (25):

If a litigant submits a document to rely upon in the case, he may not withdraw it without the consent of his opponent except with written permission from the judge or the presiding judge of the circuit, after a copy thereof is kept in the case file and endorsed by the clerk's office as conforming to the original.

Article (26):

The court may, during the proceedings—even before the court of appeal—permit the joinder of a third party to compel him to produce a document in his possession, in the cases and subject to the provisions and procedures set out in the preceding Articles.

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Article (27):

Any person who possesses or holds a thing must present it to anyone claiming a right related thereto whenever examination of the thing is necessary to decide on the claimed right as to its existence and extent. If the matter relates to documents or other papers, the judge may order that they be presented to the person concerned and submitted to the court when needed, even if this is for the benefit of a person who only wishes to rely on them in proving a right.

However, the judge may refuse to issue the order to present the thing if the person holding it has a legitimate interest in refusing to present it.

The presentation of the thing shall take place at the location where it is found at the time of the request, unless the judge designates another place. The requesting party must advance the expenses thereof, and the judge may condition the presentation upon the provision of a guarantee to secure compensation for any damage that may be caused to the holder due to the presentation.

Law of Evidence in Civil and Commercial Matters

Chapter Two: Written Evidence

Section Four: Proof of the Authenticity of Documents

Article (28):

The court may assess the effect of erasures, obliterations, insertions, and other physical defects in the document in terms of nullifying or diminishing its evidentiary value.

If the authenticity of the document is doubtful in the view of the court, it may, on its own motion, call upon the official who issued it or the person who drafted it to clarify the truth of the matter.

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Article (29):

Denial of handwriting, seal, signature, or fingerprint applies to non-official documents, whereas allegation of forgery applies to all documents, whether official or non-official.

Law of Evidence in Civil and Commercial Matters

Chapter Two: Written Evidence

Section Four: Proof of the Authenticity of Documents

Subsection One: Denial of Handwriting, Signature, Seal, or Fingerprint and Verification of Handwriting

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Article (30):

If the person against whom the document is invoked denies his handwriting, signature, seal, or fingerprint, or if his successor or representative denies it, and the document is material to the dispute and the facts and documents of the case are insufficient to form the court's conviction regarding the authenticity of the handwriting, signature, seal, or fingerprint, the court shall order verification by comparison or by hearing witnesses, or both.

Article (31):

Minutes shall be prepared stating the condition of the document and its description in sufficient detail, and shall be signed by the presiding judge, the court clerk, and the litigants. The document itself must also be signed by the presiding judge and the clerk.

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Article (32):

The operative part of the judgment ordering the investigation shall include:

- The appointment of one of the court's judges to conduct the investigation.
- The designation of one expert or three experts.
- The determination of the day and hour on which the investigation shall take place.
- The order to deposit the document subject to verification with the clerk's office after stating its condition in the manner provided in the preceding Article.

Article (33):

The clerk's office shall summon the expert to appear before the judge on the day and at the hour appointed to conduct the investigation.

Article (34):

The litigants must appear at the appointed time to submit the comparison documents in their possession and to agree on those suitable for such purpose. If the party charged with proof fails to appear without excuse, the court may rule that his right to prove is forfeited; and if his opponent fails to appear, the documents submitted for comparison may be deemed suitable for that purpose.

Article (35):

The party contesting the authenticity of the document must appear in person to provide handwriting specimens at the time appointed by the judge for that purpose. If he refuses to appear without an acceptable excuse, the court may rule that the document is valid.

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Article (36):

Comparison of handwriting, signature, seal, or fingerprint that has been denied shall be made with what is established as belonging to the person against whom the document is invoked in terms of handwriting, signature, seal, or fingerprint.

Article (37):

In the absence of agreement between the litigants, only the following may be accepted for comparison:

- Handwriting, signature, seal, or fingerprint appearing on official documents.
- The part of the document subject to verification which the litigant admits to be valid.
- His handwriting or signature written before the judge, or the fingerprint affixed before him.

Article (38):

The judge may order the production of official documents required for comparison from the authority holding them, or may move with the expert to their location to examine them without transferring them.

Article (39):

If official documents are delivered to the clerk's office, the copies made therefrom shall stand in place of the original, provided they are signed by the delegated judge, the clerk, and the official who delivered the original. When the original is returned to its place, the copy taken therefrom shall be returned to the clerk's office and shall be cancelled.

Article (40):

The expert, the litigants, the judge, and the clerk shall sign the comparison documents before commencing the verification, and this shall be recorded in the minutes.

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Article (41):

With respect to experts, the rules set out in the chapter relating to expertise shall be observed.

Article (42):

Witness testimony shall not be heard except with regard to proving the occurrence of the handwriting, signature, seal, or fingerprint on the document subject to verification by the person to whom it is attributed.

In this case, the rules set out in the chapter concerning witness testimony shall be observed.

Article (43):

If judgment is rendered confirming the authenticity of the entire document, the person who denied it shall be fined not less than four hundred pounds and not more than two thousand pounds.

Article (44):

If the court rules that the document is authentic, or rejects it, or rules that the right to prove its authenticity has lapsed, it shall proceed to examine the subject matter of the case immediately or fix the nearest session for its consideration.

Article (45):

A person in possession of a non-official document may bring an action against the person against whom the document is invoked, to acknowledge that it is in his handwriting, signature, seal, or fingerprint, even if the obligation contained therein is not yet due for performance. This shall be done by an original action following the usual procedures.

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Article (46):

If the defendant appears and acknowledges, the court shall record his acknowledgment, and all costs shall be borne by the plaintiff. The document shall be deemed acknowledged if the defendant remains silent, does not deny it, or does not attribute it to another.

Article (47):

If the defendant does not appear, the court shall rule in his absence confirming the authenticity of the handwriting, signature, seal, or fingerprint. This judgment may be appealed in all cases.

Article (48):

If the defendant denies the handwriting, signature, seal, or fingerprint, the investigation shall be conducted in accordance with the preceding rules.

Law of Evidence in Civil and Commercial Matters

Chapter Two: Written Evidence

Section Four: Proof of the Authenticity of Documents

Subsection Two: Allegation of Forgery

Article (49):

An allegation of forgery may be made at any stage of the proceedings by a report filed with the clerk's office. This report must specify all instances of alleged forgery, otherwise it shall be void.

The party alleging forgery must notify his opponent within eight days following the filing of the report, by a memorandum specifying the indications of forgery and the investigative procedures by which he seeks to prove it; otherwise, judgment may be rendered that his claim has lapsed.

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Article (50):

The party alleging forgery must submit to the clerk's office the document challenged, if it is in his possession, or the copy served upon him. If the document is in the possession of the court or the clerk, it must be deposited with the clerk's office.

Article (51):

If the document is in the possession of the opponent, the presiding judge may, after reviewing the report, immediately assign a bailiff to receive or seize the document and deposit it with the clerk's office.

If the opponent refuses to deliver the document and it cannot be seized, it shall be deemed non-existent, without prejudice to seizing it later if possible.

Article (52):

If the allegation of forgery is material to the dispute, and the facts and documents of the case are insufficient to convince the court of the authenticity or forgery of the document, and the court finds that the investigative procedure requested by the claimant in his memorandum is relevant and admissible, it shall order an investigation.

Article (53):

The judgment ordering the investigation shall include a statement of the facts which the court has accepted for investigation, the procedures it has deemed appropriate for proving them, and all other particulars mentioned in Article (32).

Article (54):

The investigation by comparison shall be conducted in accordance with the provisions set out in the preceding subsection.

The investigation by witness testimony shall be conducted in accordance with the rules governing such testimony.

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Article (55):

A judgment ordering an investigation pursuant to Article (52) shall suspend the enforceability of the document, without prejudice to precautionary measures.

Article (56):

If judgment is rendered that the party alleging forgery has lost his right to pursue the claim or that the claim is rejected, he shall be fined not less than one thousand pounds and not more than four thousand pounds.

No penalty shall be imposed if some of what he alleged is proven.

Article (57):

The defendant in the forgery claim may terminate the proceedings at any stage by relinquishing reliance on the challenged document.

In this case, the court may order the seizure or preservation of the document if the party alleging forgery so requests for a legitimate interest.

Article (58):

The court may, even if forgery has not been alleged before it in the prescribed manner—rule that any document be disregarded and declared void if it clearly appears from its condition or from the circumstances of the case that it is forged.

In this case, the court must state in its judgment the circumstances and indications upon which it relied.

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Article (59):

Any person who fears that a forged document may be used against him may bring an action against the person in possession of the document and the person benefiting from it, seeking a judgment declaring it forged. This shall be done by an original action brought in accordance with the usual procedures.

The court shall, in examining and ruling on this action, observe the rules set out in this subsection and the preceding one.

Law of Evidence in Civil and Commercial Matters

Chapter Three: Witness Testimony

Article (60):

In non-commercial matters, if the value of the legal transaction exceeds one thousand pounds, or is unspecified, witness testimony shall not be admissible to prove its existence or extinction unless there is an agreement or a provision to the contrary.

The obligation shall be assessed according to its value at the time the transaction was made. Proof by witness testimony shall be admissible if the excess over one thousand pounds arises solely from the addition of interest and accessories to the principal.

If the claim includes multiple demands arising from different sources, witness testimony shall be admissible in respect of each demand not exceeding one thousand pounds, even if their total exceeds this amount, and even if they arise from relations between the same parties or from transactions of the same nature.

In the case of partial performance, consideration shall be given to the value of the original obligation.

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Article (61):

Proof by witness testimony shall not be admissible, even if the value does not exceed one thousand pounds:

- In matters contradicting or exceeding what is contained in written evidence.
- If the claim concerns the remainder or part of a right which may only be proved in writing.
- If a litigant initially claims more than one thousand pounds and then reduces his claim to an amount not exceeding that value.

Article (62):

Proof by witness testimony shall be admissible in cases where proof is required to be in writing if there exists a commencement of proof in writing.

Any writing issued by the opponent that makes the existence of the alleged act probable shall be considered a commencement of proof in writing.

Article (63):

Proof by witness testimony shall also be admissible in cases where proof is required to be by written evidence:

- If there exists a material or moral impediment preventing the obtaining of written evidence.
- If the creditor has lost his written سند due to a cause beyond his control.

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Article (64):

A person who has not attained the age of fifteen years shall not be competent to testify.

However, statements of persons under this age may be heard without oath for the purpose of guidance.

Article (65):

Public officials and persons entrusted with a public service shall not testify, even after leaving their positions, regarding information that came to their knowledge during the performance of their duties, which has not been published through lawful means and for which the competent authority has not authorized disclosure. Nevertheless, such authority may permit them to testify upon request by the court or one of the litigants.

Article (66):

No person who has learned, through his profession or occupation, of a fact or information—such as lawyers, agents, physicians, or others—may disclose it, even after the termination of his service or the cessation of his status, unless its disclosure was intended for the commission of a felony or misdemeanor.

However, such persons must testify regarding that fact or information when requested by the person who confided it to them, provided that this does not violate the provisions of the laws governing them.

Article (67):

Neither spouse may, without the consent of the other, disclose what was communicated to him or her during the marriage, even after its dissolution, except in the case of an action brought by one spouse against the other or a criminal action brought against one of them for a felony or misdemeanor committed against the other.

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Article (68):

The litigant requesting proof by witness testimony must specify the facts he seeks to prove, whether in writing or orally during the hearing.

Article (69):

Permission granted to one litigant to prove a fact by witness testimony shall always entail that the other litigant has the right to disprove it by the same means.

Article (70):

The court may, of its own motion, order proof by witness testimony in cases where the law permits such proof, whenever it deems this useful for establishing the truth.

In all cases, whenever it orders proof by witness testimony, the court may summon for testimony any person whose evidence it considers necessary for revealing the truth.

Article (71):

The operative part of the judgment ordering proof by witness testimony must specify each fact to be proved; otherwise, it shall be void. It must also specify the day on which the investigation shall commence and the period within which it must be completed.

Article (72):

The investigation shall be conducted before the court, and it may, where necessary, delegate one of its judges to carry it out.

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Article (73):

The investigation shall continue until all witnesses for proof and for rebuttal are heard within the prescribed period. Witnesses for rebuttal shall be heard in the same hearing in which witnesses for proof are heard, unless prevented by an obstacle.

If the investigation is adjourned to another hearing, the pronouncement of the adjournment shall serve as a summons for those witnesses present to attend that hearing, unless the court or the judge expressly exempts them from attendance.

Article (74):

If one of the litigants requests, within the period specified for the investigation, an extension of that period, the court or the delegated judge shall immediately decide on the request by a decision recorded in the minutes of the hearing.

If the judge refuses to extend the period, a grievance may be submitted to the court based on an oral request recorded in the minutes of the investigation, and the court shall decide on it promptly. The court's decision shall not be subject to appeal by any means.

Neither the court nor the delegated judge may extend the period more than once.

Article (75):

After the expiration of the investigation period, witnesses may not be heard at the request of the litigants.

Article (76):

If a litigant does not produce his witness or does not summon him to appear at the designated hearing, the court or the delegated judge shall order him to produce or summon the witness to another hearing, provided that the period fixed for completion of the investigation has not expired. If he fails to do so, his right to rely on that witness shall lapse. This shall not prejudice any other penalty prescribed by law for such delay.

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Article (77):

If witnesses refuse to appear in response to the invitation of the litigant or the court, the litigant or the clerk's office, as the case may be, must summon them to appear to give testimony at least twenty-four hours before the date set for their hearing, excluding travel time.

In urgent cases, this period may be reduced, and the witness may be summoned by telegram from the clerk's office upon order of the court or the delegated judge.

Article (78):

If a witness is duly summoned and fails to appear, the court or the delegated judge shall impose upon him a fine of forty pounds. This judgment shall be recorded in the minutes and shall not be subject to appeal.

In cases of extreme urgency, the court or the judge may issue an order to bring the witness.

In other cases, the witness shall be re-summoned if necessary, and the costs of such summoning shall be borne by him. If he again fails to appear, he shall be fined double the aforementioned amount, and the court or the judge may issue an order to bring him.

Article (79):

The court or the delegated judge may relieve the witness from the fine if he appears and presents an acceptable excuse.

Article (80):

If the witness appears and, without legal justification, refuses to take the oath or to answer, he shall be fined, in accordance with the preceding provisions, an amount not exceeding two hundred pounds.

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Article (81):

If the witness has an excuse preventing his attendance, the delegated judge may go to him to hear his testimony. If the investigation is before the court, it may delegate one of its judges for this purpose. The litigants shall be summoned to attend the taking of this testimony, and minutes shall be prepared and signed by the delegated judge and the clerk.

Article (82):

A witness may not be challenged, even if he is a relative or in-law of one of the litigants, unless he is incapable of discernment due to old age, youth, illness, or any other reason.

Article (83):

A person unable to speak may give testimony if he can express his intention in writing or by signs.

Article (84):

Each witness shall give his testimony individually; without the presence of other witnesses whose testimony has not yet been heard.

Article (85):

The witness must state his name, surname, profession, age, and domicile, and must indicate his relationship or affinity and its degree if he is a relative or in-law of one of the litigants. He must also indicate whether he works for any of them.

Article (86):

The witness must take an oath to tell the truth and nothing but the truth; otherwise, his testimony shall be void. The oath shall be administered in accordance with the rites of his religion if he so requests.

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Article (87):

Questions shall be addressed to the witness by the court or the delegated judge. The witness shall first answer the questions of the litigant who called him, then those of the other litigant, without either litigant interrupting the other or the witness during the giving of testimony.

Article (88):

Once a litigant has finished examining the witness, he may not put new questions except with the permission of the court or the judge.

Article (89):

The presiding judge or any member of the bench may directly put to the witness any questions deemed useful for revealing the truth.

Article (90):

Testimony shall be given orally, and no written notes may be used except with the permission of the court or the delegated judge, where the nature of the case so permits.

Article (91):

The answers of the witnesses shall be recorded in the minutes, then read back to the witness, who shall sign them after making any corrections he deems necessary. If he refuses to sign, this and the reasons therefor shall be recorded in the minutes.

Article (92):

The expenses and compensation for loss of time of witnesses shall be assessed upon their request. The witness shall be given a copy of the assessment order, which shall be enforceable against the litigant who summoned him.

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Article (93):

The minutes of the investigation shall include the following particulars:

- The day, place, and time of commencement and conclusion of the investigation, with indication of the sessions it required.
- The names and surnames of the litigants, indication of their presence or absence, and their requests.
- The names, surnames, professions, and domiciles of the witnesses, indication of their presence or absence, and the orders issued concerning them.
- The statements made by the witnesses and the record of the oath administered to them.
- The questions addressed to them, the person who addressed them, any incidental matters arising therefrom, and the text of the witness's answer to each question.
- The signature of the witness on his answers after recording their reading and his observations thereon.
- The decision assessing the witness's expenses if requested.
- The signature of the presiding judge, the delegated judge, and the clerk.

Article (94):

If the investigation was not conducted before the court, or was conducted before it but the pleadings were not concluded in the same session in which the witnesses were heard, the litigants shall have the right to inspect the minutes of the investigation.

Article (95):

Upon completion of the investigation or expiration of the period fixed for its completion, the delegated judge shall fix the nearest hearing for the consideration of the case, and the clerk's office shall notify the absent litigant.

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Article (96):

A person who fears losing the opportunity to rely on the testimony of a witness regarding a matter not yet brought before the courts, but which may be brought before them, may request—against the interested parties—that such witness be heard.

This request shall be submitted by the usual procedures to the summary matters judge, and all expenses shall be borne by the applicant. Upon verification of necessity, the judge shall order the hearing of the witness, provided that the fact is one that may be proved by witness testimony.

Article (97):

In this case, no copy of the minutes of the investigation may be delivered, nor may it be submitted to the courts, unless the court of merits, when examining the matter, deems it permissible to prove the fact by witness testimony. The opponent shall have the right to object before it to the admissibility of this evidence, and shall also have the right to request the hearing of rebuttal witnesses in his favor.

Article (98):

The rules set out above shall be followed in this investigation, except for those provided in Articles 69, 72, 73, 74, and 94.

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Article (99):

A legal presumption shall dispense, in favor of the person for whose benefit it is established, with any other means of proof; however, this presumption may be rebutted by contrary evidence unless there is a provision stating otherwise.

Article (100):

The inference of any presumption not provided for by law shall be left to the discretion of the judge, and proof by such presumptions shall not be admissible except in cases where proof by witness testimony is admissible.

Article (101):

Judgments that have acquired the authority of res judicata shall be conclusive with respect to the rights adjudicated therein, and no evidence may be admitted to contradict this authority.

However, such authority shall apply only in a dispute between the same parties without any change in their capacities, and relating to the same right in subject matter and cause.
The court shall give effect to this authority of its own motion.

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Article (102):

The civil judge shall not be bound by the criminal judgment except with respect to the facts that were decided therein and where such decision was necessary.

Law of Evidence in Civil and Commercial Matters

Chapter Five: Admission and Interrogation of Litigants

Section One: Admission

Article (103):

Admission is the acknowledgment by a litigant before the court of a legal fact alleged against him, during the course of the proceedings relating to that fact.

Article (104):

Admission shall constitute conclusive evidence against the person making it.

An admission may not be divided against its maker unless it relates to multiple facts, and the existence of one of them does not necessarily entail the existence of the others.

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Article (105):

The court may interrogate any of the litigants present, and each of them may request the interrogation of his opponent who is present.

Article (106):

The court may also order the attendance of a litigant for interrogation, either on its own motion or at the request of his opponent. The person ordered to be interrogated must appear in person at the hearing specified in the decision.

Article (107):

If the litigant lacks capacity or has limited capacity, the person representing him may be interrogated, and the court may question the litigant himself if he is capable of discernment in matters in which he is authorized.

In the case of legal persons, interrogation may be directed to their legal representative. In all cases, the person to be interrogated must have the capacity to dispose of the right in dispute.

Article (108):

If the court considers that the case does not require interrogation, it shall reject the request for interrogation.

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Article (109):

The presiding judge shall put to the litigant such questions as he deems appropriate, and shall also put to him the questions requested by the other litigant. The answer shall be given in the same hearing unless the court decides to grant time for answering.

Article (110):

The answer shall be given in the presence of the party requesting the interrogation; however, the interrogation shall not depend on his attendance.

Article (111):

The questions and answers shall be recorded in detail and with precision in the minutes of the hearing. After being read, they shall be signed by the presiding judge, the clerk, and the person interrogated. If the latter refuses to answer or to sign, his refusal and the reasons therefor shall be recorded in the minutes.

Article (112):

If a litigant has an excuse preventing his attendance for interrogation, the court may delegate one of its judges to conduct the interrogation in the manner stated.

Article (113):

If a litigant fails to appear for interrogation without an acceptable excuse, or refuses to answer without legal justification, the court may allow proof by witness testimony and presumptions in cases where such proof would not otherwise be admissible.

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Article (114):

Each of the litigants may direct the decisive oath to the other party; however, the judge may prevent the directing of the oath if the litigant is abusing this right.

The party to whom the oath is directed may refer it back to his opponent; however, such referral shall not be permitted if the oath relates to a fact in which both parties do not participate, but which is exclusively within the knowledge of the person to whom the oath is directed.

Article (115):

The decisive oath may not be directed with respect to a fact contrary to public order.

The fact upon which the oath is based must relate to the person to whom it is directed; if it is not personal to him, it shall relate merely to his knowledge thereof.

A guardian, trustee, or agent of an absent person may direct the decisive oath in matters in which he is authorized to act.

The decisive oath may be directed at any stage of the proceedings.

Article (116):

A party who directs the oath or refers it back may not retract it once his opponent has accepted to take the oath.

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Article (117):

A litigant may not prove the falsity of the oath after it has been taken by the party to whom it was directed or to whom it was referred. However, if the falsity of the oath is established by a criminal judgment, the party who suffered damage therefrom may claim compensation, without prejudice to any right he may have to challenge the judgment rendered against him.

Article (118):

Whoever is directed to take the oath and refuses to do so without referring it back to his opponent, and whoever has the oath referred to him and refuses it, shall lose his case.

Article (119):

The judge may, of his own motion, direct a supplementary oath to either litigant in order to base his judgment on the merits of the case or on the amount to be awarded.

It is required for directing such oath that there be no complete evidence in the case and that the case is not devoid of any evidence.

Article (120):

A litigant to whom the judge directs the supplementary oath may not refer it back to the other litigant.

Article (121):

The judge may not direct the supplementary oath to the plaintiff for the purpose of determining the value of the claim except where it is impossible to determine such value by other means.

Even in such case, the judge shall determine a maximum limit for the value to be confirmed by the plaintiff's oath.

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Article (122):

A party directing the oath to his opponent must specify precisely the facts on which he seeks to have him swear and must state the wording of the oath clearly.

Article (123):

The court may amend the wording of the oath proposed by the litigant so that it is directed clearly and precisely to the fact upon which the oath is to be taken.

Article (124):

If the person to whom the oath is directed does not dispute either its admissibility or its relevance to the case, he must, if present in person, take it immediately or refer it back to his opponent; otherwise, he shall be deemed to have refused. The court may grant him time to take the oath if it sees fit.

If he is not present, he must be summoned by a bailiff to appear to take the oath in the form approved by the court and on the day specified. If he appears and refuses without dispute, or fails to appear without excuse, he shall likewise be deemed to have refused.

Article (125):

If the person to whom the oath is directed disputes its admissibility or its relevance to the case, and the court rejects his objection and orders him to take the oath, the operative part of the judgment shall specify the wording of the oath. This operative part shall be notified to the litigant if he was not present in person, and the provisions of the preceding Article shall apply.

Article (126):

If the person to whom the oath is directed has an excuse preventing his attendance, the court may go to him or delegate one of its judges to administer the oath.

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Article (127):

The oath shall be taken by the person swearing saying: "I swear," followed by the wording approved by the court.

Article (128):

A person required to take an oath may do so in accordance with the rites of his religion if he so requests.

Article (129):

In the case of a mute person, his customary signs shall be considered as taking or refusing the oath if he cannot write; if he can write, then his taking or refusal of the oath shall be by writing.

Article (130):

Minutes shall be drawn up for the taking of the oath, signed by the person taking it, the presiding judge or the delegated judge, and the clerk.

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Article (131):

The court may, of its own motion or at the request of one of the litigants, decide to move to inspect the disputed matter or to delegate one of its judges for that purpose.

The court or the judge shall prepare minutes stating all acts related to the inspection; otherwise, the procedure shall be void.

Article (132):

The court or the judge it delegates may, upon moving to conduct the inspection, appoint an expert to assist in the inspection. The court and the delegated judge may hear any witnesses they deem necessary, and such witnesses may be summoned upon request, even orally, by the court clerk.

Article (133):

Any person who fears the loss of evidence of a fact that may become the subject of a dispute before the courts may request, against the interested parties and through the usual procedures, that the summary matters judge conduct an inspection. In this case, the provisions set out in the preceding Articles shall apply.

Article (134):

In the case provided for in the preceding Article, the judge may appoint an expert to conduct the inspection and hear witnesses without oath. In such case, he must fix a hearing to hear the observations of the litigants on the expert's report and work.

The rules set out in the chapter relating to expertise shall apply.

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Article (135):

The court may, where necessary, order the appointment of one expert or three experts, and it must state in the operative part of its judgment:

- A precise statement of the expert's mission and the urgent measures he is authorized to take.
- The deposit to be paid into the court treasury for the expert's expenses and fees, the party required to make such deposit, the time limit for its payment, and the amount the expert may withdraw for his expenses.
- The time limit fixed for submitting the expert's report.
- The date of the hearing to which the case is adjourned for pleading if the deposit is made, and another earlier hearing for consideration of the case if the deposit is not made.
- In the event of payment of the deposit, the case shall not be struck off before notifying the litigants of the filing of the expert's report in accordance with the procedures set out in Article (151).

Article (136):

If the litigants agree on the selection of one expert or three experts, the court shall approve their agreement.

In all other cases, the court shall select the experts from among those approved before it, unless special circumstances justify otherwise, in which case it must state such circumstances in the judgment.

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If the appointment is made to the Experts Department, the Forensic Medicine Department, or one of the official experts, the administrative authority shall, upon being notified of the deposit, immediately designate the expert assigned to the mission and notify the court of such designation, and the provisions of Article (140) shall apply to him.

Article (137):

If the deposit is not paid by the party required to pay it or by any other litigant, the expert shall not be obliged to carry out his mission, and the court shall declare that the party who failed to pay the deposit has lost the right to rely on the judgment appointing the expert, if it finds that the excuses he presented are unacceptable.

Article (138):

Within two days following the payment of the deposit, the clerk's office shall invite the expert, by registered letter, to examine the documents filed in the case file without taking possession of them, unless authorized by the court or the litigants, and shall deliver to him a copy of the judgment.

Article (139):

If the expert is not registered on the official list, he must take an oath before the summary matters judge—without the necessity of the presence of the litigants—that he will perform his duties honestly and faithfully; otherwise, the procedure shall be void.

Article (140):

The expert may, within five days from the date of receiving a copy of the judgment from the clerk's office, request to be relieved from performing his mission. The presiding judge of the circuit or the judge who appointed him may grant such relief if he finds the reasons presented acceptable.

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In urgent cases, the court may reduce this period in its judgment. If the expert fails to perform his mission without having been relieved, the court that appointed him may order him to bear all expenses incurred unnecessarily and may award compensation where appropriate, without prejudice to any disciplinary sanctions.

Article (141):

The expert may be challenged:

- If he is a relative or in-law of one of the litigants up to the fourth degree, or if he or his spouse has an existing dispute with one of the litigants or his spouse, unless such dispute was initiated by the litigant or his spouse after the appointment of the expert with the intention of challenging him.

- If he is an agent of one of the litigants in his private affairs, or a guardian, trustee, or presumed heir after death, or if he is related by kinship or affinity up to the fourth degree to the guardian of one of the litigants, or to the custodian thereof, or to a member of the board of directors of a company involved in the dispute, or to one of its managers, where such member or manager has a personal interest in the case.

- If he, his spouse, or one of his relatives or in-laws in the direct line, or any person for whom he acts as agent, guardian, or trustee, has an interest in the dispute.

- If he works for one of the litigants, or has habitually shared meals or residence with one of them, or has received a gift from him, or if there exists enmity or affection between them that may prevent him from performing his mission impartially.

Article (142):

A request to challenge the expert shall be made by summoning him to appear before the court or the judge who appointed him, within three days from the date of the judgment appointing him if such judgment was rendered in the presence of the party requesting the challenge; otherwise, within three days from the date of notification of the operative part of the judgment.

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Article (143):

The right to request the challenge shall not lapse if its grounds arise after the prescribed period, or if the litigant proves that he did not become aware of them إلا after its expiration.

Article (144):

No litigant may request the challenge of an expert appointed based on their agreement, unless the ground for challenge arose after his appointment.

Article (145):

The request for challenge shall be decided expeditiously, and the judgment rendered thereon shall not be subject to appeal by any means. If the request is rejected, the applicant shall be fined not less than one hundred pounds and not more than four hundred pounds.

Article (146):

The expert must fix a date to commence his work not exceeding fifteen days following the assignment referred to in Article (138), and must summon the litigants by registered letters sent at least seven days before that date, informing them of the place, day, and time of the first meeting.

In urgent cases, the judgment may provide that the work commence within three days at most from the date of the assignment referred to, in which case the litigants shall be summoned by telegram sent at least twenty-four hours before the first meeting. In cases of extreme urgency, the judgment may provide for the immediate commencement of the mission and the summoning of the litigants by telegram to attend forthwith.

Failure to summon the litigants shall render the expert's work void.

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Article (147):

The expert must carry out his duties even in the absence of the litigants, provided they have been duly summoned.

Article (148):

The expert shall hear the statements and observations of the litigants. If any of them fails to appear before him, or to submit his documents, or to carry out any of the procedures of expertise within the prescribed time limits, in a manner that prevents the expert from performing his duties or leads to delay in their performance, he may request the court to impose upon the litigant one of the sanctions provided for in Article (99) of the Code of Civil and Commercial Procedure promulgated by Law No. 13 of 1968. The provisions set out in that Article shall apply to such judgment.

The expert shall also hear—without oath—the statements of those brought by the litigants or those whom he deems it necessary to hear, if the judgment has authorized him to do so.

If any of the persons mentioned in the preceding paragraph fails, without acceptable excuse, to appear despite being summoned, the court may, upon the request of the expert, impose a fine of forty pounds on the absentee, and the court may relieve him from the fine if he appears and presents an acceptable excuse.

Article (148 bis):

No ministry, governmental department, public authority, public institution, economic unit affiliated thereto, cooperative association, company, or sole proprietorship may, without legal justification, refuse to allow the expert to examine such books, records, documents, or papers as are necessary for the execution of the judgment appointing the expert.

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Article (149):

The minutes of the expert's work must include a statement of the presence of the litigants and their statements and observations, signed by them unless they have a reason preventing this, in which case it shall be stated in the minutes. It must also include a detailed account of the expert's work, the statements of the persons he heard either on his own initiative or at the request of the litigants, and their signatures.

Article (150):

The expert must submit a report signed by him stating the result of his work, his opinion, and the grounds on which it is based, with brevity and precision.

If there are three experts, each of them may submit an independent report with his opinion unless they agree to submit a single report stating the opinion of each and its grounds.

Article (151):

The expert shall deposit his report and the minutes of his work with the clerk's office, and shall also deposit all documents delivered to him. If the court before which the case is pending is located far from the expert's place of residence, he may deposit his report and its annexes with the clerk's office of the nearest court to him, and that court shall forward the deposited documents to the court hearing the case.

The expert must notify the litigants of such deposit within twenty-four hours following its occurrence, by registered letter.

Article (152):

If the expert does not deposit his report within the time limit specified in the judgment appointing him, he must, before the expiration of that period, deposit with the clerk's office a memorandum stating the work he has performed and the reasons that prevented him from completing his assignment.

At the hearing fixed for the consideration of the case, if the court finds in the expert's memorandum justification for his delay, it shall grant him an additional period to complete his assignment and deposit his report.

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If there is no justification for his delay, the court shall impose upon him a fine not exceeding three hundred pounds, and shall grant him another period to complete his assignment and deposit his report, or shall replace him with another expert and order him to return any amounts he has received from the deposit to the clerk's office, without prejudice to any disciplinary sanctions or compensation if applicable.

No appeal shall be admitted against the judgment replacing the expert and obliging him to return what he has received from the deposit.

If the delay is due to the fault of a litigant, the court shall impose upon him a fine of not less than twenty pounds and not more than three hundred pounds, and it may rule that he has forfeited the right to rely on the judgment appointing the expert.

Article (153):

The court may order the summoning of the expert to a hearing it determines to discuss his report if it deems it necessary. The expert shall present his opinion supported by its reasons, and the court may, on its own motion or at the request of a litigant, address to him such questions as it deems useful in the case.

Article (154):

The court may refer the assignment back to the expert to remedy any defects or deficiencies it finds in his work or investigation, or it may entrust this to another expert or to three other experts, who may rely on the information of the previous expert.

Article (155):

The court may appoint an expert to give his opinion orally at the hearing without submitting a written report, and his opinion shall be recorded in the minutes.

Article (156):

The opinion of the expert shall not bind the court.

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Article (157):

The expert's fees and expenses shall be assessed by an order issued upon a petition by the presiding judge of the circuit that appointed him or by the judge of the partial court who appointed him, immediately upon the issuance of the judgment on the merits of the case.

If such judgment is not issued within three months following the deposit of the report for reasons not attributable to the expert, his fees and expenses shall be assessed without waiting for the judgment on the merits.

Article (158):

The expert shall receive from the deposit the amount assessed for him, and the order of assessment for any excess shall be enforceable against the litigant who requested his appointment, as well as against the litigant who is adjudged liable for costs.

Article (159):

The expert and any litigant in the case may file a grievance against the assessment order within eight days following its notification.

Article (160):

A grievance by the litigant against whom the assessment order may be enforced shall not be accepted unless it is preceded by the deposit of the remaining assessed amount with the court treasury, earmarked for payment to the expert.

Article (161):

The grievance shall be filed by a report with the clerk's office, and its filing shall suspend execution of the order. It shall be considered in chambers after summoning the expert and the litigants to appear upon request of the clerk's office with a notice period of three days.

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However, if a final judgment has been rendered regarding liability for the costs of the case, the grievance shall not be brought against any person who did not request the appointment of the expert and was not adjudged liable for costs.

Article (162):

If the grievance results in a reduction of the amount assessed for the expert, the litigant may rely on this judgment against his opponent who has paid the expert on the basis of the assessment order, without prejudice to the right of that opponent to have recourse against the expert.

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