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AHMAD AL-JALBAI AND THE LAW OF ECONOMICAL CRIMES:

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On 09/04/1992 a judiciary verdict was issued by the State Security Court against Dr. Ahmad Al-Jalabi which read the following:

- 1- The conviction of Dr. Ahmad Abdulhadi Al-Jalabi escaping the justice verdict, for embezzlement with a term of imprisonment for 15 years hard labor.
- 2- Conviction of him for embezzlement as accomplice with a term of imprisonment for 15 years hard labor.
- 3- Conviction of him for dishonesty with a term of imprisonment for 2 years.
- 4- Conviction of him for dishonesty as accomplice, with a imprisonment for two years term.
- 5- Conviction of him for fraud as accomplice, with a term of imprisonment for 3 years.

As a result the court decided to combine the term of punishment against Dr. Ahmad Jalabi and passed a judgement of imprisonment against him for 22 years, and with a fine equal to amount he had embezzled totaling (27)



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Million and 266 Thousand U.S.D and 775 thousand Dutch Mark and 9945 Sterling Pounds and One Million and 332 Thousand JD, the verdicts by State Security Court were irrevocable or appeal except the verdict of execution, unless sanctioned by His Majesty the King, and the non-execution of imprisonment for more than one year, unless sanctioned by the Prime Minister thereon.

The verdicts grounds stated, that Petra Bank through Dr. Jalabi limits his job as Chairman of the Board of Directors, and as Director General for the banks. And that with the help of (some) of his relatives, working then in the Bank, he dealt with corresponding banks, termed as a Sister Banks and all are banks related to Al-Jalabi family and serve his interests and the interest of his convicted kin's through the said network, facilitated for him to take advantage of bank resources and infringed upon them, either by embezzlement of financial amounts or by disposing with bank monies by giving loans and misusing same in away that didn't agree with the bank interest, as he was the one controlling the Petra Bank and the other corresponding banks dealing with it. The court found out that Dr. Jalabi resorted for that to follow misleading ways and to cheat the Bank shareholders and/or the Central Bank and /or the Outside Auditor of the Bank, and that was made either by playing with the bank records and entries and/or by forgery and inducting incorrect reports and destroying accounts and related papers and establishing imaginary entries in the different accounts, and using fable accounts of no real existence and by attrition of money exchangers and depleting the National Economy of



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foreign currency or purchasing dead debts and using the bank financial resources to trade in gold and other metals and for speculation with currencies and infiltrating them outside the country, and grouping them in financial companies and establishments belonging to him, and for his kin's in London, Geneva, Washington, and Beirut, ignoring by that all laws and resgulation applicable related to bank procedures and oversleeping them, in addition to non-committing with any ratios or requirements that the Central Bank prescribes on the compulsory monetary reserve, liquidity, credit and foreign currency, even he ignored all matters or circulars or procedures or reports by the Central Bank inspectors addressing Petra Bank, without caring to any action that may be taken against him.

The verdict grounds showed also, that the court found over that Dr. Jalabi could perpetrate those acts (laws) due to the fact that became known for certain to the court that the involved had a distinguished character of big influence, domination, impact, high intelligence and towering one that impresses the others, and which made all the bank staff submissive to him under the conviction that their boss is of high integrity and honesty in work and that his major aim is to do the work sincerely and with full devotion to the best of bank interest, that they never had any hunch or slight thought that he was doing anything against the interests of the bank, and which pushed them all to execute his orders willingly to gain his satisfaction and confidence, as he was the sole and absolute commandeer.



As for Petra Bank losses the court found out that the losses of the bank were 233 Million JD of which 157 Million and 290 Thousand JD, marked as embezzlement.

However, one of the daily newspapers published a week ago, a Law Draft amending the Act of the Criminal Crimes, that include a lot of rules of which the power of the General Attorney of the State Security Court to make the financial reconciliation with those committing specific crimes (**The defendants**) instead of referring them to the court, which I will talk about it later on, and in light thereof a famous international Arabic newspaper published few days ago a news item about a governmental amendment on the Jordanian Economy Crimes (that allows for closing the suit file of Jalabi) and that amendment opens the way for settlement of big embattlements which the kingdom witnessed in 1990, in which was involved the opponent Dr. Al-Jalabi, nominated by American circles to succeed the deposed Iraqi president Saddam Hussein, the paper meant by that the verdict by State Security Court above mentioned .

The Prime Minister remarked that the (Draft) of the new Act has no relation with Al-Jalabi subject at all.

For fact, I personally learned from informed source of the draft Act three months ago, i.e. before Jalabi case came to existence in the way we see to day, and that Jalabi can benefit from the act once it's put in force, same as any other person if terms apply to him. It seems that from the word draft



and conditions around that it was not passed for Jalabi sake, but to address the so called case of Bank facilities and giving the General Attorney wide powers against those complained against them, and their funds, such as the precautionary seizure, and against their fathers and kids, and disallow than to travel and confiscate their property practically, and make financial compromises with them. These powers were originally exercised by the General Attorney of the State Security Court on the case of bank facilities.

It seems that was done without a proper legal coverage, which made the law-giver to conduct the new Act to make these resolutions legal which are unlawful of the powers that the new act brought along, which is of interest to us, the power given to the General Attorney to issue a resolution to stop chasing the complained against person and reconcile with him if he returned **Wholly or Partially** the funds he obtained when he perpetrated the crime, and resolution (verdict) shall not be operative until its approved by a 3 judge judicial committee, under the head of the General Attorneys and the membership of the Civil General Lawyer, and a Cassation Judge selected by Head of the Judicial Council. Its noted here that (draft Act) assumed already that the person who is still under investigation, has perpetrated the crime on one hand and its confirmed against him without a judicial verdict on the other hand, and that nothing has remained except making a financial reconciliation with him on a third hand, this without doubt is violating the Constitution and the general established constitutional principles, which establish that the suspect is convicted until he is proved innocent.



And that such conviction and its ultimate proof are the function of the court judiciary and not the function of the general attorney, even the suspect is caught red-handed and confessed freely before the general attorney with free will, that he had perpetrated the involved crime.

We would like to say that the general attorney plays the role of the advocate for the litigant (for the general right) before the court and not more, same as the advocate for defense with no difference, we refer here in particular to Article (102) of the constitution which expressly provides that courts either judicial or religious or private ones, have the authority to pronounce verdicts against persons in all civil and private suits (and not the general attorney or else).

Anyhow and on the assumption of the constitutionality of the (draft) Law and the confirmation again that it is not possible we see that Ahmad Al-Jalabi doesn't benefit of it at least at this stage, as long as the (draft) Law is applied (only) on the crimes that are still under investigation by the general attorney, while the case of Jalabi is out of the hand of the general attorney, even its initially not under the Sway of Judiciary. But its important to refer here that Ahmad Al-Jalabi should be retired by virtue of law if it happened that he was arrested or surrendered himself to the Jordanian authorities as the verdict against him was in absence (Art. 254/ penalty code).



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In this case trial shall be conducted before the State Security Court, and its verdict shall be cassetteable directly if the crime was considered as felony and appellateable if it was considered as a misdemeanor.

Of course the penalty can be dropped under a special amnesty, or dropping penalty and extinguishing the crime base-wise by the general amnesty, both of which is issued by his majesty the King reminding here that neither the general amnesty Act No. 36/1992 nor general amnesty Act No. 6/1999 included the embezzlement crime perpetrated Dr. Ahmad Al-Jalabi as per the verdict of the State Security Court.

Hamza Haddad

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