

Legally Yours



By Ahmad J. Tahboub

Car Accidents

In Jordan, human casualties due to car accidents are within the higher rates world-wide. Tragic accidents during this quarter alone injured hundreds and harvested the lives of many passengers and drivers. Accidents accumulating on Jordan's highways alarmed the population thereafter causing intervention at the level of the Royal Court. The usual question in our case is:

What to do when accidents happen?

- If you are driving, the first thing to do is check the safety of your passengers. By law, you are responsible for his/her well being. Even if they were hitch-hiking, a driver is bound by contract or legal commitment to get them safe to their intended destinations! This also means that you are responsible of transferring them to a hospital or a medical centre.
- Depending on your location, you should call the local police force. Usually, 191 does the trick, and if you were outside the jurisdiction of the capital's police, you will be directed over the phone to the right number to call.
- **YOU ARE NOT REQUIRED TO BLOCK TRAFFIC WITH YOUR CAR.** Police officers are qualified and well equipped to pin point skid marks, determine destinations, motion directions and determine distance between vehicles and other technical issues related to the accident. Remember, the road is not designed for you to park mid way. When you do not move your vehicle, you are jeopardizing other drivers' safety and lives. In all events, you should have your alerting signs and lights on!

Police stations and Courts.

- A car accident has two folds: the first is civil, and includes financial compensation for damages and costs incurred in relation to an accident. However, the second is criminal. By such, the law requires authorities to file a case on behalf of the public (community) before the Court of Reconciliation (first instance level). The criminal case includes both penalties for the misdemeanor and adequate compensation for damage to people's safety and property (whether private or public). Penalties vary from fines to imprisonment.
- Should the unwarranted happen and there is a human injury to a pedestrian, passenger or driver, it triggers a complicated phase of social protocols based on Jordanian traditions. As civilized as you may get in Amman or the outskirts, you will not get away without a deed of forgiveness from the injured family. Even if it reaches court, a judge will not let you go unless the injured presents a conclusive medical report attesting to his/her health condition along with reconciliation with the injured.
- Coinciding injury we consider the Peace delegation (or *Atweh*). This procedure comes in two phases or delegations. The first visit targets calming the injured or deceased's family, and is usually called Safety Delegation (or *Atwet Aman*). The offender (driver) should send a gathering of six to ten people to visit the harmed person's residence. The Safety Delegation presents one of its members as guarantor for compensating damages resulting from the accident. A few days or weeks later, as the case may be, another delegation follows targeting settlement of all tribal and individual rights. *Atweh* does not always mean that you have to pay, since it is the prerogative of the injured family to decide compensation before the Peace delegation sent from your side.
- As a non-Jordanian, you may want to seek local help of a friend or colleague. Be cautious, since *Atweh* involves very tricky and sensitive protocols. Although this old protocol is considered a social protection tool, *Atweh* mostly ends with forgiveness from the injured family's side. A chaotic procedure, concludes to a sad result where the injured or family of the deceased is left with no compensation from insurance due to a emotional waiver of financial rights.

In cases where damage is only financial, courts become optional and parties may reconcile on the spot or at the police station prior to transferring the file to court. In case of reconcile, make sure to seek legal advice. What you may easily consider a simple settlement document may well forgo rights to pursue insurance company and the other party for financial damages. Think while driving ... safety to all.

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