

**حالات إعفاء الناقل الجوي من المسؤولية حسب اتفاقية
مونتريال والتشريعات الأردنية**

The Exemption Cases of Liability of the Air Carrier
According to the Montreal Convention and
Jordanian Legislation

إعداد

محمود محمد خليل أبو شاور

بإشراف

الدكتور محمود عباينه

قدمت هذه الرسالة استكمالاً لمتطلبات الحصول على درجة الماجستير في الحقوق

تخصص القانون الخاص

قسم القانون الخاص

كلية الحقوق

جامعة الشرق الأوسط للدراسات العليا

تفويض

أنا الطالب محمود محمد خليل أبو شاور أفوض جامعة الشرق الأوسط للدراسات العليا بتزويد نسخ من رسالتي ورقياً وإلكترونياً للمكتبات، أو المنظمات، أو الهيئات والمؤسسات المعنية بالأبحاث والدراسات العلمية عند طلبها .

الاسم : محمود محمد خليل أبو شاور

التاريخ : 2013\ 6\ 9

التوقيع : 

قرار لجنة المناقشة

نوقشت هذه الرسالة وعنوانها : " حالات إعفاء الناقل الجوي من المسؤولية حسب اتفاقية
مونتريال والتشريعات الأردنية " وأجيزت بتاريخ : 9 / 6 / 2013

أعضاء لجنة المناقشة :
1. الأستاذ الدكتور : جمال الدين كندس
2. الأستاذ الدكتور : محمود محمد رافق العجاينة
3. الأستاذ الدكتور : عماد عبد الرحيم الصياح

التوقيع
رئيساً :
عضواً ومشرفاً :
عضواً خارجياً :

شكر و تقدير

الهي لا يطيب الليل إلا بشركك ، ولا يطيب النهار إلا بطاعتك ، ولا تطيب اللحظات إلا بذكرك ، ولا تطيب الآخرة إلا بعفوك ، ولا تطيب الجنة إلا برويتك .

الكل يعطي ، ولكن هناك من يعطي بلا حدود ، يعطي ليترجم معاني الكرم والجود ، لينال الثواب من الرب الودود ، ولا يسعني في هذا لمقام إلا أن أتقدم بجزيل الشكر وعظيم الامتنان والعرفان بالجميل والاحترام والتقدير لمن غمرني بالفضل ، واخصني بالنصح ، وتفضل علي بقبول الإشراف على رسالة الماجستير أستاذي عطوفة الدكتور محمود عبابنة ، الذي أفاض علي بعلمه ، وشملني بفضله ، ولم يخل علي بشيء من وقته الثمين ، وأتقدم بالشكر الجزيل لأعضاء لجنة المناقشة لتقبلها مناقشة هذه الدراسة .
وأتقدم بكلمة شكر إلى من فتحت لنا أبواب المستقبل ، واستقبلتنا في هذا الصرح الشامخ جامعة الشرق الأوسط للدراسات العليا ، لها منا كل الحب والتقدير والعرفان ، ولا يسعني في هذا المقام إلا أن أتقدم بأسمى آيات الشكر والامتنان والتقدير والمحبة إلى الذين حملوا أقدس رسالة في الحياة ، إلى الذين مهدوا لنا طريق العلم والمعرفة ، إلى أعضاء هيئة التدريس .

ولا يفوتني الشكر لكل من مد لي يد المساعدة والعون للوصول بهذه الدراسة إلى ما وصلت إليه ومنهم الأستاذ المحامي احمد أبو عرقوب وكيل شركة عالية للطيران ، والأستاذ المحامي يعقوب الفار وكيل الشركة الفرنسية للطيران ، والكابتن الطيار جهاد ديسان ، ومهندس الطيران ومفتش السلامة الجوي خالد أبو شاور ، وأستاذ اللغة العربية سعدي أبو شاور ، والأستاذ معاذ أبو شاور أخصائي برمجة الحاسوب وأخيراً وليس آخراً شقيقي إبراهيم أبو شاور صاحب القلب الكبير الذي ساندني وقدم لي كل الدعم المادي والمعنوي ..

الإهداء

إلى روح من أرضعتني الحب والحنان ، إلى رمز الحب وبلسم الشفاء ، إلى القلب الناصع بالبياض (والدتي

الحبيبة)

إلى من كلله الله بالهبة والوقار ، إلى من علمني العطاء دون انتظار ، إلى من حصد الأشواك عن دربي

ليمهد لي طريق العلم ، إلى القلب الكبير (والدي العزيز)

إلى توأم روحي ، ورفيقة دربي ، إلى صاحبة القلب الكبير ، إلى من أرى التفاؤل بعينها والسعادة في

ضحكتها ، إلى شعلة الذكاء والنور (زوجتي الغالية المهندسة أم محمد)

إلى القلوب الطاهرة الرقيقة ، والنفوس البريئة ، إلى رباحين حياتي (أبنائي)

إلى الحب كل الحب إخوتي وأخواتي وزوجة أبي

أهدي هذا الجهد المتواضع

		
		
		
		
		
		
		
		
		
		
		
		
1	.....	:
1	.....	:
6	.....	:
6	.....	:
6	.....	:
8	.....	:
10	.....	:
10	.....	:
10	.....	:
11	.....	:
15	.....	:
16	.....	:
16	.....	:
20	.....	:
21	..... 1999	:	
35	.....	:
54	.....	:
54	.....	:
60	.....	:
63	.....	:
64	.....	:
66	.....	:
67	.....	:
69	.....	:

71	.....	:
76	.....	:
77	.....	:
89	... ..	:
96	... ..	:
98	.... ..	:
	1999	:	
100			....
101	... ..1999	:	
101	.....	:
110 ()	:	
112	.....	:
	:	
113			
122 ()	:	
124	.....	:
128	.....	:
128	.....	:
)	:	
137		 (
140	.....	:
140	.....	:
141	.....	:
148	.....	:
150	.....	:

с

1929

1999

↳

2007 (41)

The exemption cases of liability of the air carrier according to Montreal Convention
and the Jordanian Legislation

Prepared by
The Student
Mahomoud M Abushawar

Supervision of
Dr. Mahmoud Ababneh

Abstract

Due to the speed of aviation in transporting people and quickly damaged goods , and the increase of depending on the air travel which led to the increase in aviation accidents , as a result of this, the international organizations sought to modify Warsaw 1929 convention and its modifying protocols so as to make balance between persons and aviation companies which constitutes the nerve of the economical life , hence Montreal 1999 convention appeared to respond to the challenges that face the flight companies as it granted the air carrier, in addition to the exemption of liability mentioned in the convention , additional right to reject the lawsuit before going into its subject , if the defendant relaxed and was not committed to the protest dates mentioned in Montreal convention , through defending not to accept the case , and it made the right fallible through defense by time , based on this the idea of hazards was excluded , and bearing the consequences as a basis for Montreal convention , as this idea doesn't recognize the error as a basis for responsibility , and it considered the responsibility of the air carrier as a contractual responsibility based on the supposed error to prove the contrary , and the foundation of this responsibility is based on the contract of the air transportation , so it is not provisioned that the inflicted should prove the mistake of the carrier , it is only required to prove the damage which he sustained as a result of the air carrying , and to the responsibility lies on the carrier to prove such conditions of innocence from consequences .

Montreal convention aborted the other conventions related to the limitation of liability and it allowed to exit from the stipulated compensation amount in the convention if it was proved that the damage resulted from an action , or refrain of the carries or his followers , agents for the purpose of inflicting damage , or if the

damage was due to mistake or negligence of the carrier , his follower, or his agents

.

Based on this the Jordanian Civil Aviation Law was modified according to the(41) law of 2007 to be suitable to these developments and to make it integral to Montreal convention side by side to the other Jordanian legislations , so the liability convention cases mentioned in the convention didn't become the only way to deny the responsibility of the air carrier , but there are other cases to be added as necessary precautions for avoiding hazards , the hazard inflicted on the aggrieved , the action of the other , and it addition to the formal defenses contained in the Jordanian Law .

:

:

(1)

" :

(2)"

. 16-11

.10

:

(

:

1

)

. (2003)

. (2010)

(1)

(2)

(1)

(2) 1999

2007

(3)

(4)

. 5 (1)

. 5 (.) 1 . (2006) (2)

www.icao.int/the_warsaw_system_on_air_carrier. (3)

. 2013\4\12

.2007 (41) (41) (4)

1944

(ICAO)

(1)

44 43

(2)

(Aviation Law)

(ICAO)

(ICAO)

1999

(5\53)

(IATA)

(3)

()

(IATA)

(4)

()

Convention On International Civil Aviation , Signed at Chicago ,On 7 December1944(Chicago ⁽¹⁾

Convention)(On- line) ,available at www.mcgill.ca/files/iasl/chicago1944

.19 : 1 .(1983) ⁽²⁾

.29 ⁽³⁾

.18 ⁽⁴⁾

(1)

(2)

1929

1999

(3)

2003

4

(4) 1999

97

(5) 2003\11\4

1999\5\28

.2007 (41) (41) (1)
 .5 (. .):(. .) 1 . .(. .) (2)
 : 1 1999 .(2008) (3)
 . 9
 . 6 -5 (4)
 1999 2002\2\17 (4533) (5)
 . 1929

2007

(41)

- " :

-

."

\

1999

1999

1999

:

:

1999

1929

:

:

1999

:

:

:

•

•

1929



1999

1999

()

:

:

:

.1

.2

.3

.4

.5

.6

.7

()

.8

.9

.10

.11

.12

: :

-:

: .1

1999

.

: .2

1999

: .3

2007

: :

.1999

: :

-:

.

-:

.

1999

-:

1999

.

.

:

:

.

.(2006)

:

.(.)

1999

1999

1\17

1999

1\17

1999

.(2008)

1999

() .(2011) •

:

.1

.2

1985

1929 .3

.4

2007

2007

1999

.

.

:

:

1999

.

(1)

(2)

(3)

: 1

. (2001)

. 462

2007 (41)

:

(1)

487

(2)

(2)

(2)

(3)

(2/79)

"

"(1)

2007

(4)

"

"

(2)

-:

1999

"

(33)

(1) (2\79) (12) 1966.

(2) انظر قرار محكمة التمييز الأردنية رقم (2007\2353)، هيئة عامة، تاريخ 4\8\2008، منشورات مركز عدالة.

(1)

1999

(1\1)

1999

1999

" (155)

(155)

(1)

"

(68)

"

"

"

(1)"

:

.

"

(2) "

(3)

.1966 (12)

(69 68)

(1)

.(2012)

(2)

(/1/6)

(3)

-

1999

1999

1929

1999

(1\2) (2 1\1)

()

:

: -1

: -2

: -3

(1) .1

(2) .2

(3) .3

(4) .4

.5

(2003) 1975 (1) 1929 (34) (1)
) 2013\4\12 www.lawbiz.ch/d/spahni/airlaw/warsaw
 (105) : ()
 1999 (51) 1975 (4) (34) (2)
 2013\4\11 www.lawbiz.ch/d/spahni/airlaw/warsaw
 1975 (4) (34) 1955 (16)
 1999 (51)
 1999 (2\2) (3)
 1975 (4)
 1999 (1\2) (4)
 -
 1971 (\1) -
 (26)) (ICAO)
 1971 (\1\23) www.jus.uio.no/im 1955
 (.2013\4\11 www.lawbiz.ch/d/spahni/airlaw/warsaw
 (1\2) 1999
 . 1999 (\57)

1999

(1)

: 1999

1999

. 1999

1999

1999

. 2007

:

:

: 1999

:

-1

:

: 1 .1999

.(2008)

(1)

. 19-6

-1"

-2

(1) "

:

(2)

:

:

:

. (-)

1929

. 1999

(1)

(1)

. 28

(2)

(1)

:

(2)

:

-

-

(3)

-:

-1

(4)

-2

()

-

-

:

. 35		(1)
.1999	(2\1)	(2)
.1999	(2\1)	(3)
.38		(4)

) ()

(

()

: :

:

-

- :

(1)

(2)

:

(155)

(1\1)

(3)

.88	(1)
.72	(2)
	(3)

-

(2)

" :

(1) "

1944

" :

(2) "

.. -

. 2007 (41) (2) (1)

Annex 13 to the convention on international civil aviation ,chapter 1(On -Line),available (2)

2013\4\13 :www.rmf.is/media/eydublod/annex_13

()

)

(27 (2008)

":

"

(1)

:

1999

(111)

(2)

(3)

:

(4)

:

.243

:(.) ()
1976 (43)

.(.) (1)
(218) (2)

: 1

. (2010)

)

(100

" (111)

()

"

.78

(3)

.50

(4)

(1) :

:

)

(

(Air Canada)

(1\3)

" :

(2) "

(3)

:

.46 (1)
1999 (1\3) (2)

" (1) (3) (1\36)

(1\2) (One-Way) (9) (3)
.1999

1999

(1)

(2)

:

1999

. 1999

(3)

:

:

(4)

(5)

:

(6)

: 1999

-2

" :

(7) "

1999

1975 (2) (1)

(1)

.1999

(12)

(2)

.1999

(22)

(3)

.1999

(51)

(4)

.59

(5)

.1975

(1)

(34)

(6)

.106

:

1

.(1998)

(7)

.

(1)

:

:

-1

(2)

(77)

(1)

(1)

-487

)

.1 :

(210-99

) (488

:

.2

:

.4

.3

(11163)

1999

.28

:

1 .()

.(2002)

(2)

() (1)

(2) 1999 (9) (5\3)

:

-2

(3)

1999 (27)

1999 (9)

(4)

(168) (1)

:

(2)

.1

.(206) : 1 .(1983))

.2

) .3

. (278) (3)

.28

1999 (1\11) (4)

(490))

(52))

1999 (4\17) : -3

:

(Luggage) :

(1)

(Handbag) :

(2)

:

-

2007

(41)

:

1999

.

-

.211

(1)

"

(78)

211

(2)

"

()

(

-IATA)

(9)

...

(1)

(2)

2008\4\8

(2007\2353)

(1)

. 1999

(2\1)

(2)

1999

:

(1)		.1
	(2)	.2
	(3)	.3
		.4
(4)		.5
		.6

.1999

(1\1)

()

.50 (1)

1999 (2\2) (2)

.71-68 (3)

162-159 (4)

1952

()

-:

:

: (1)

-1

(388)

"

(75)

(1) "

(Credit Card)

-

(203)

.

-

1999

(2)

(3)

.1976 (43)

(388) (1)

.2007 (41)

(168) (2)

(IATA)

(112) (3)

: -2

(1)

- -

(2)

(3)

" : (41) ()

(5) (4)"

: -3

.116	:	1	.(1998)	(1)
.265	:	1 1	.(2002)	(2)
		.166		(3)
.2007	(41)		(\41)	(4)
				(5)

(61)

"

"

(Overhead Lockers)

(1)

\

(2)

;(3)

-4

(Handbag)

(4)

)

(5)

(

Transport Safety Report(ATSB), (On-Line),available : www.skybrary.aero (1)

(2)

Transport Safety Report(ATSB), (On-Line),available

. 2013\3\1

www.skybrary.aero :

.211 (3)

.117 (4)

..." (78) (5)

."

-:

:

2007

1944

:

-1

"

(27)

(31)

(1) "

(28)

:

(27) ⁽¹⁾

.1

.2

.3

.4

.5

- .6

" Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered." ⁽¹⁾

;(2)

-2

(3)

(4)

;(5)

-3

(29)

"

Chicago Convention,(1944),Article 31,(On-Line) ,available: ⁽¹⁾

www.icao.int/publication/Documents/7300_orig_2013\3\1

.210 ⁽²⁾

.168 ⁽³⁾

1999 (19) ⁽⁴⁾

.....

.317 ⁽⁵⁾

(145)

"

"

(313)

(1) "

(2)

(3)

(4)

-4

(5)

()

.2007		(145)	(1)
	.1999	(513)	(2)
	.1999	(2\17)	(3)
	.134		(4)
.1966	(12)	(2\77)	(5)

(1)

(2)

:

-5

2007

(3)

(57) (6\28)

(50)

1999

(28)

(4)

.68

:

.(2006)

(1)

(2)

(41)

() ()

. 1999

.298

:

.(2007)

(3)

(ICAO)

(4)

-

(121) 2010

2011

:

-6

()

(1)

18

(2)

1944

(	30)	(707)	-
. 2013 \1\31	www.icao.int	2011	
	. 2007	(\12)	(1)
			(2)

1500

300

The Convention On International Civil :

Aviation ,Annexes 1-18 ,(On-Line)available :WWW.ICAO.INT

()

%44

-

-7

:

(41) ()

()

(41) ()

"

(1) "

:

-8

(28) 1999

"

1929

"

(1)

1999

.1966

-:

:

:(2)

-1

(3)

.1976	(43)	(87)	(1)
	.128		(2)
		(199)	(3)

(1)

(203)

\

(2)

:

-2

()

(3)

1999

(6)

(4)

.214

(1)

(388 387)

(75)

(2)

(70) 243

(3)

.1999

(2 1\16)

(4)

()

(3\22)

(1)

1999

:

-3

1999

(10)

(3 2 1)

-:

:

:(2)

-1

1999

(18)

.168

(2 1\71) ⁽¹⁾

⁽²⁾

(1\18)

"

(1) "

(2)

(3)

(4)

:

(\41)

:

"

. 307	:( . ) (	. 1999	(1\18)	(1)
	(2\72)	)	.( . )	(2)
		118		(3)
		. 168		(4)

"

.(1)

-2

(2)

()

(1\77)

(1\ 55)

1999

(19 18)

(291)

(71) (4)

(3)

. 168 (1)

. 120 (2)

309

134 (3)

(19 18)

1999

:

-3

1999

(1\13)

"

(1) "

(14)

(13)

1999

- -

"

(110)

"

(207)

()

)

(

)

⁽¹⁾ (

)

(

)

(

()

(210)

()

()

⁽²⁾ ()

()

"

(1\210)

.273 : 1 .()

.(2002)

(1)

.282

(2)

"

(1\12)

1999

(2\211)

(1)

(2)

Iata www.Transportrecht.de

2013\2\5

(73) ⁽¹⁾
 (1\4\8) ⁽²⁾
Conditions Of Carriage For Cargo
 :

1999 (4\12)

.1 :

1988 (24) (3\32))
 (144)) .2 (

(. (2\4\8)

(2\4\8) (3\143))
 (2\4\8) .3 (.

()

.

:

.

:

.

1929

1999

1999

(1\17)

"

"

.

:

:

-

:

(1)

.147

(1)

(1)

:

(2)

. 1999

(1\17)

: (3)

-

1999

(17)

(4)

)

(

.75

.74

(1)

149

(2)

.79

(3)

(13)

(4)

"Accident, An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with intention of flight until such time as all such persons have disembarked" *Annex 13 to the convention on international civil aviation*, chapter

1(On -Line),available :www.rnf.is/media/eydublod/annex_13

(1)

(2)

()

()

()

)

1999

(3)

(

(138)

. 285 (.) . ()

231-229

. 353-352

91

. (.) (1)

(2)

(3)

.351

·
:
-

(1\17) 1999

(1)

:

1999

(2)

.98 (1)
.101 (2)

(1)

(290)

(2) ()

(3)

2007

(155)

"

"

1952

.284 (1)

.145 (2)

(290 256) (3)

(1)

.⁽²⁾ 1952

1999

(38) (1\18)

" (1\18)

."

:

: -

1999

2007

.285 (1)

(2\2) (2)

()

Rome Convention(1952) " Convention On ()

Damage By Foreign Aircraft To Third Parties On The Surface" ,(On-line), Available :www.assa-int.org

" (1)

(2) "

)

(

.... "

()

40

2001/6/18

()

18

.⁽³⁾ (....

: -

1999

(18)

(13) 2007 (12) ⁽¹⁾

"Incident : An occurrence other than an accident ,associated with operation of an aircraft which affects or could affect the safety operation
Annex 13 to the convention on international civil aviation ,chapter 1(On –Line
2013\4\11 ,available :www.rmf.is/media/eydublod/annex_13
(Event) (Incident)
(serious incident)

*Icao accident/incident reporting manual(Icao doc 9176),appendix 7,(On-
Line),available:www.skybrary.aero/index.php/Icao_Adrep
.124 ⁽²⁾*

2007\3\7 (2006\1816) ⁽³⁾

()

(1)

) ()

(

(4\18)

"

(2) "

.....

"

(1\38)

.126 (1)
 .1999 (4\18) (2)

(1) "

:

-

(2\18)

"

(2\17)

()

1999

(1\38)

(1)

Iata Conditions Of -

. 2013\2\5

- *Carriage For Cargo* www.Transportrecht.de

"Article 11 Carrier's Liability

Carrier is liable toif the occurrence with caused the damage so sustained took place during the carriage by air , for the purposes of this article carriage by air shall comprise the period during which the cargo is in the charge of the carrier or in the charge of its agent .

(1) "

(17)

1999

(19)

"

" ...

:

(1)

(2)

1999

(19)

(18) (17)

(3)

(\55)

(4)

. 20 (.) 1 .

(2006)

(1)

. 84

(2)

.135

(3)

2009 \ 8 \ 26

(2009\907)

(4)

1929

1999

1999

(2\17)

(2\18)

(19)

(20)

(47) (26)

(270)

(77) (72)

(\56)

(55)

:

· -:

· -:

(1)

:

"

(1613)

"

:

(2)

(3)

(4)

.369	:	4 3 .	.(711—630)	(1)
.11	:	5 .	.(1977)	(2)
.272	:	1 .	.(2004)	(3)
.184	:	1 .	.(2006)	(4)

()

) ()

. (

(1)

(112-109)

1999

(1\35)

(4\31)

:

(1)

-
()

-
(2)

(3)

(4)

(5)

. 41

: 1 .

. 277	(1)
. 277	(2)
.(2008)	(3)
. 285	(4)
. 278	(5)

(1)

1999

(20)

(2)

"

1999

(20)

:

" (21)

(1)

-1

.821

(1)

. 208-195

: 1 .

(2010)

(2)

)

)

(

(

)

-2

.⁽¹⁾ (

)

-3

.(

(2)

:

(3)

.319

: .(.297 (.) : 2 .

)

.(2003)

(1)

.(2006)

(2)

.279

(3)

(109)

(1)

:



(111)

:



(109)

\

.

(110) ⁽¹⁾

-:

-

"

(1)"

.

(2)

1981\1\31	(1981\35)	<hr/>		(1)
.1981\1\31	(1981\35)	1995\11\19	(1995\1618)	
		.283		(2)

(1)

(31)

1999

:

(14)

:

-1

(2)

(7)

(21)

:

-2

(3)

(

)

(7)

:

-3

(4)

1999

(31)

(1)

:

1999

(2\31)

(2)

.256

:

.1999

(2\31)

(3)

1999

(3\13)

(4)

.232

:

:

-4

(1)

(21)

-

()

-

(2)

-:

-

.1999

(3\17)

(1)

:

:

1999

(2\31)

(2)

.232

(1)

)

(2)

(3)

(

()

()

()

(4)

)

(

(5)

.59

: .

.(2007)

(1)

.317

(2)

.375

:(.).(

)

.(.)

(3)

.313

: 1 .()

.(2002)

(4)

.313

(5)

(21 20)

1999

1999

1999

(\2\21) (20)

(20)

(\2\21)

... " (20)

- " (2\21) "...

-

(1)

:

.1

(2)

:

:

(3)

(4)

(5)

.2

()

(1)

:

()

()

.1999

(\2\21)

(2)

.221

: 1 .

(.1983)

(3)

.314

(4)

.1999

(\2\21)

(5)

:

.

:

:

(1)

()

()

() :

(2) ()

)⁽³⁾

(

:

-: () :

.371

(1)

.322

(2)

.277

(3)

"

1999

(2\36)

"

-:

:

-

:

:

:

(

)

(

)

(1)

201-186

: .()

.1999

.(2000)

(40)

(1)

: :

(1)

: -

)

(

(2)

.3

"

()

(3) ".....

.181 (1)

.1999 (20) (2)

1979\79 (1979\216) (3)

(2)

(1)

-

.1

-2

.3

.4

.5

(3)

(4)

.6

.7

)

_____ (1)

1952

.2007 (41)

(155) (2)

.2007 (41)

(141) (3)

(145) (4)

(

(1)

(2)

(3)

-

()

:

.1

.2

(4)

-

.2007		(145)	(1)
		(145)	(2)
.1966	(12)	(2177)	(3)
.1976	(43)	(247)	(4)

)

:

(

(1)

:

:

(2)

(3)

:

(4)

(5)

:

(6)

•

•

	. 1976	(43)	(261)	(1)
	. 461			(2)
. 963	:	2 2 .	.(1998)	(3)
.	1999\4\28		(1999\310)	(4)
.	2003\3\10		(2003\233)	(5)
.	2000\1\24		(1999\1281)	(6)

.

•

... "

-

-

. (1) "

(1)

(2)

:

"

1985 50

..

...

.	1999\4\28	(1999\310)	(1)
.	2003\3\10	(2003\233)	(2)

()

(1)ⁿ

(300) (193)

- -

)

(

:

()

()

(2)

()

(9)

1990\8\26
. 2007

(1990\245)

(26) 1952

(256)

(1)

(2)

. ()

) :

(1) (

()

()

1999

(18)

:

1999

1999

1999

(18)

(20)

(2\18)

"

:

.1

:

(1)

.2

(2)

(3)

.3

(4)

.427	(.)	(		( )	(1)
				(2\72)	(2)
			.244		(3)
		.1944		(1)	(4)

(1)

.4

52

/

(2)

(3)

. 5

1944

(\ 9)

(1)

()
(89)

:

. 221

:
1983\1\25

(1983\55)

(2)

1999

1929

(\2\18)

.1999

(20) (3)

(1)

)

(

(2)

(3)

"

(261)

(4) "

.175	(1)
.247	(2)
.89 -84	(3)
(261)	(4)

()

()

)

"

(

-

(1)

. -

(\41)

"

(1) "

(2)

. -

;(3)

. .1

. .2

. .3

"

1966 12

72

	.2007	(41)	<hr/>		(\41)	(1)
145	:	1	.	(1998)		(2)
					.408	
					(172)	(3)

2 /79

(1) "

(2\17)

..... "

(2) "

(3)

(4)

	1988 \10\22	(1988\ 890)	(1)
1999	(20) (2\18)	1929	
		.1999	(2\17) (2)
:	1 .1999	.(2008)	(3)
		.173	(4)
		(78)	

		(1)
:		
	(2)	.1
	(3)	.2
:		
	(4)	
	(261)	(1\72)
		(5)

		. 294		(1)
.1999		(20)		(2)
.1999		(2\17)		(3)
.1999		(2\17)		(4)
	. 96 -93	89 -84		(5)

)

:

(

(18)

(1)

1999

(22)

.(

)

(19)

)

(20)

(

:

.1

.2

1999

(1)

(2) "

"

()

()

()

)

(

()

()

:

(3)

.767

:

5 .

.(1977)

(1)

(1613)

(2)

(3)

)

(190-188

- Friend, Girl Friend)

-

(Boy-

-

:

. 1999

.

.

1999

. ()

: -

:

: -1

.....

: -2

()

()

(1)

(2)

(3)

)

.(2012)	(1)
.231-227	: 1 .(
(48)	(2)
(46)	(3)

:(1)

-3

...) (2\36)

1999

(28)

(...

... "

. " ...

()

:

(28)

(1)

(1)

\

: -

1999

:

. -1

. -2

. -3

. -4

:(2) ()

:

(.):(.) 1 .(

)

.(1999)

(1)

.235

.1999

(39)

(2)

(1)

:

:

(2)

(36)

(30)

:

.453

:(.) (

.1999

)

.(.)

(2\36)

(1)

(2)

(3/1)

(2\36)

"

(1)"

:(2)

:

:

(3)

:

-1

-2

(4)

(5)

.1929	(2\30)	1999	(2\36)	(1)
		.236		(2)
		.1999	(39)	(3)
		.1999	(40)	(4)
.1999	(45 41 40)			(5)

(1)

(43)

(2)

(3)

:

"

(2\33)

...

" ...

-

-

-

.1999

(40)

310

(1)

.1999

(43)

(2)

.238

(3)

(1)

()

(2) ()

(3)

: -

(4)

			<u>.287</u>	(1)
.189	:	.()	.(2000)	(2)
			.198	(3)
		1999	(14)	(4)
			(2\31) (13)	
			(3\36)	

: -

- -

.

.

(3\36)

:

()

()

- -

(1)

(1)

(32)

()

.()

(2)

()

(3)

(4)

(49)

(5)

1999

(32)

.236

(1)

308

(2)

.159

: 1 .

.(2004)

(3)

.229

(4)

.1999

(49)

(5)

(33)

.(1)

-1

-2

.()

-3

-4

.(2)

-5

(3)

()

(4)

() (2\33)

.(5)

.1999	(1\33)	(1)
.1999	(46)	(2)
.304		(3)
.143		(4)
.1999	(2\33)	(5)

.

)

(

(1)

.

:

.

.

.

" (123) (1) "

(2) "

(206)

" (2\267)

(3) "

(4)

) (2\267)

(5) (

(43) (1)

(1\44) (123) (2)

(46) (2\267) (3)

2009\9\1 (2009\1395) (4)

(35 34) 310 1 (5)

1 /22

"

206

(1) "

(265)

(3)

(2)

(267)

1989\9\27

(1986\391)

(1)

.1999

(2\21)

2010\3\18

(2009\3734)

(2)

.731

: 2 2 .

.(1998)

(3)

()

()

:

:

(206)

(207)

(1)

(2)

()

()

(3)

(4)

()

(5)

(206)

(1)

(207)

(2)

.274

: 1 .()

(2002)

(3)

(79)

278

(4)

(1642)

(5)

1999

(32)

-

(1)

(2)

(329)

(3)

(4)

(5)

)

(

	1997	(22)		(	\ 22)	(1)
(2001/3057)					(329)	(2)
			"		2002/3/3	
	329					
	1997	22		(5	4 \ 269)	(3)
	"		2010/4/19		(2009/3433)	
					(256)	(4)
					(\55)	(5)

:

.() -1

. -2

:

.1

.

.2

.

1999 .3

(1\30)

(1)

:

-

"

(426)

"

(1)

(53) (116)

(2)

()

(265)

"

"

(42)

"

-

.531 : 1 .
.1999 45 41 40

.(2003) (1)
(119 116 115) (2)

(1) "

-

- "

(55)

-

()

."

:

(1)

1952

:

()

(426)

(265)

:

(1)

(57)

(6\28)

1999

(50)

(28)

(265)

:

(1)

(53)

(\24)

2010 12

(\13)

"

(426)

"

(53)

.

2007

(58)

()

(1)

()

-

(36)

(1)

. (36)

- :

-

;(1)

-1

-2

-

-:

(2)

-1

-2

-3

:

()

!

:

"

(1)

"

(2)

:

()

(2\ 158)

2007

.

:

(1)

(1) ()

(2\79)

(2)

(3)

10

(58)

(1999)

(2\79)

1999

(35)

" :

.459

(1)

(76)

(2)

(58)

(3)

:

(1) "

(2)

(3)

(461 -457)

:

:

.

"

1929

28

76

.243

.454

.1999

461

: .

(35)

.(2002)

(1)

(2)

(3)

127

28

76

(1) "

(\58)

(2)

(1\35)

(109)

1929

2007\1\10

(2006\2645)

(1)

1999

. 1999

(1\35)

(\36)

2007

(\58)

(2)

()

()

1999

:

. ()

(1)

1999

(17)

(1)

1999

"

(256)

(266)

"

"

"

(2)

(3)

()

.187

(1)

.59

: 2 .3 .()

(2007)

(2)

.80

:

(.)

(3)

() (1)

60

"

(2)" (1\267)

:

()

()

(267)

(3)

"

.76 : . (.) (1)

2000\4\4 (1999 \3396) (2)

2006\9\5 (2006\597) (3)

.237 115 108 : 1 . (2012)

(1) "

:

(2)

(3)

)

(2\267)

(4) (

()

. ()

1999

:

.

(267) (1)

.98-97 (2)

2009\9\1 (2009\1395) (3)

(35 34) (2\267) (4)

.310 1

(267)

)

(

(1)

(2)

!

(3)

	2006\112	(2005\2816)		(1)
	.959	: 2 2 .	.(1998)	(2)
. (	)		.(2001)	(3)
	(2005\2816) (1999\526) (2004\765)		68 : 2	

"

(363)

....

(1) "

()

(5\22)

1999

(43) (3\30)

(2)

(3)

1990/12/29

(1990/560)

(1)

()

(2)

:

(3)

:

\

(1)

(2)

(6\22)

(3)

1999

:

:

-

(363)

(4)

.288

(1)

(362 361)

(2)

.1999

(6\22)

(3)

(266)

(4)

1929

(1)

1999

(2\21)

(22)

:

()

100000 -1

(2)

(3)

1999

(4)

4150 -2

)

1000 -3

(5)(

(6)

(2007\888) (2008 \717) (2009\1180)

(1)

.1999

(2\21)

(2)

.188

(3)

.1999

(1\21)

(4)

.1999

(2\22)

(5)

.1999

(5\22)

(6)

)

17 -4

(1) (

(2)

:

-

:

1999

(3)

:

(65,5)

(4)

(900)

Special Drawing Rights (SDR)

1969

.1999	(3\22)	(1)
.1999	(4\22)	(2)
.1999	(1\23)	(3)
.1999	(2\23)	(4)

(1)

.1999

1,50130

⁽²⁾1(SDR) =US\$1,50130=JD1,03 :

)

(

(3)

(4)

(1)

1976-1945

1971

.2013\4\5

www.imf.org.

(2)

.337-334

95

(3)

(270)

125

(4)

" : (1) ()

"

" :

(2)

(3)

(4\514) (358)

(\56)

"

"

1999

()

(26) (25)

: .() (2009) (1)

.100 217

.334 (2)

(790) (3)

.()

(1)

1999

" (25) 1929

"

-: :

1999

2007

1999

.

-: :

:

.1

.2

- - .3

. .4

.5
() :

()

.6

.7

:

:

1999

.8

:

•

. (20)

:

•

(18)

(2\21)

(2\17)

(19)

1999

.9

.10

.
(57) (6\28) .11
1999 (50) 2007

" (426)

"

(53)

.

.12

:

()

(2\ \58)

.13

2007

(35)

.14

(\58)

.15

(43) (3\30)

(43) (3\30) (5\22) (2\21)

.16

:

•

.(

)

)

•

(

1999

.17

(

)

.(

)

\

1999

.18

(/)

- :

:

(41)

.1

2007

1999

(2\ 58)

.2

"

2007

"

"

"

-

1999

.3

(35)

.4

()

.5

1999

.6

(2\21)

()

.7

)

1999

(31)

. (

-
- :
- .1 .(711-630) . 4 3 . :
 - .2 .(1977) . 5 . :
 - .3 .(2001)
 - .4 .(.) 1 . : 1 .
 - .5 .(2006) 2 .
 - .6 .(2000)) . :
 - .7 .(2009)) . (
 - .8 .(2006) . : .
 - .9 .(.) .(.) .(.) :
 - .10 .(2002) . 1 . :

: 1 .	.(2002)	.11
.	.(2002)	.12
: 2 2 .	.(1998)	.13
)	.(2001)	.14
: 2 .(
.	.(2012)	.15
.	:	
.	.(2007)	.16
.	:	
: 1 .	.(2006)	.17
.	.(.)	.18
.	:	
.	.(.)	.19
.	:	
: .(	) .(2003)	.20

	.(2012)	.21
. : 2 .()		
: 2 3 .()	.(2007)	.22
	.(2008)	.23
	: 1 .1999	
: 1 .	.(2004)	.24
.(.) 1 .	.(2006)	.25
)	.(1999)	.26
	.(.) 1 .(
.(.) : 2 .	.(2006)	.27
1 .()	.(2008)	.28
	:	
. : 1 .	.(1983)	.29
. : 1 .	.(1997)	.30
. : 1 .()	.(1998)	.31

	:	-
)	.(.)	.1
().(
	.	
	.(2011)	.2
)	.	
	(
	:	-
	.	.1
.1988	(24)	.2
	.1966 (12)	.3
	1977 (22)	.4
	.2007 (41)	.5
	.1976 (43)	.6
	.	.7
.(	)	.8
.2010	(12)	.9

- :
-
- .1
- .2
-
- :
1. **Annex 13 to the convention on international civil aviation**", chapter 1 (On – Line), available: [http:// www.rnf.is/media/eydublod/annex_13](http://www.rnf.is/media/eydublod/annex_13).
 2. Chicago Convention, (1944), "**Article 31**", (On-Line), available: www.icao.int/publication/Documents/7300_orig.
 3. Chicago Convention, (1944). "**Convention On International Civil Aviation**", (On- Line), available: <http://www.mcgill.ca/files/iasl/chicago1944>.
 4. "**General Safety (2010)** (On-line), Available: www.Iata.Org/Iosa.
 5. Guatemala City Protocol,(1971). "**Protocol to Amend the Convention of Certain Rules Relating to International Carriage by Air (Amended by the protocol done at the Hague 1955 signed at Guatemala city On 1971)**", (On- Line), available: <http://www.lawbiz.ch/d/spahni/airlaw/warsaw warsys.html> .
 6. Hague Protocol,(1955). "**Protocol to Amend the Convention of Certain Rules Relating to International Carriage by Air (the Hague protocol to the Warsaw)**", (On- Line), available: <http://www.jus.uio.no/im/air.carriage.warsaw.convention.hague.protocol>.
 7. "**Iata Conditions of Carriage for cargo**, (On-Line) available www.Transportrecht.de.
 8. "**Iata General Conditions Of Carriage For Passenger & Baggage**", (On- Line), available: www.Transportrecht.de .
 9. "**Icao accident/incident reporting manual (Icao doc 9176)**", appendix 7, (On-Line), available: www.skybrary.aero/index.php/Icao_Adrep.
 10. **International civil aviation Safety** "(2011),(On–Line),available : www.icao.int.
 11. "**International Monetary Fund** " (On –Line), available : www.imf.org,

12. Montreal Convention,(1999). "**Convention for the Unification of Certain Rules Relating to International Carriage by Air** ", (On- Line), available: [http:// www.lawbiz.ch/d/spahni/airlaw/warsaw.warsys.html](http://www.lawbiz.ch/d/spahni/airlaw/warsaw.warsys.html).
13. Montreal Protocol No 1, (1975). "**Protocol to Amend the Convention of Certain Rules Relating to International Carriage by Air (Amended by the protocol done at the Hague 1955 signed at Montreal On 1975)**",(On- Line), available :[http:// www.lawbiz.ch/d/spahni/airlaw/warsaw.warsys.html](http://www.lawbiz.ch/d/spahni/airlaw/warsaw.warsys.html) .
14. Montreal Protocol No 4, (1975). "**Protocol to Amend the Convention of Certain Rules Relating to International Carriage by Air (Amended by the protocol done at the Hague 1955 signed at Montreal On 1975)**", (On- Line), available: [http:// www.lawbiz.ch/d/spahni/airlaw/warsaw.warsys.html](http://www.lawbiz.ch/d/spahni/airlaw/warsaw.warsys.html).
15. Rome Convention(1952) "**Convention On Damage By Foreign Aircraft To Third Parties On The Surface**" ,(On-line), Available :www.assa-int.org.
16. **The Convention on International Civil Aviation** ", Annexes 1-18, (On-Line) available: www.icao.int.
17. **The Warsaw system on air carrier's liability**", (On- Line), available: www.icao.int/the_warsaw_system_on_air_carrier.
18. "**Transport Safety Report(ATSB)** ", (On Line),available : www.skybrary.aero.
19. Warsaw Convention,(1929). "**Convention for the Unification of Certain Rules Relating to International Carriage by Air**", (On-Line), available: [http:// www.lawbiz.ch/d/spahni/airlaw/warsaw.warsys.html](http://www.lawbiz.ch/d/spahni/airlaw/warsaw.warsys.html) .
20. Mahpopy, Mohamad & Warsham, Altaky, (2006). "**Legal and Agreement Exemption for the Air Carrier Liability**", (On – Line), available: www.justice.gov.ma.