

Decree Law No. 7 of 2006 Concerning the Law of the High Criminal Court

**The Chairman of the Executive Committee of the Palestine Liberation Organisation,
The President of the Palestinian National Authority,**

Having reviewed Article 43 of the Amended Basic Law of 2003 and its Amendments,
Based upon the powers bestowed upon me, and
In accomplishment of the public interest,

I hereby promulgate the following decree law:

Part I. Formation of the Court

Article 1

A regular specialised court to be called the 'High Criminal Court' shall be established within the formation of regular courts. Its permanent seat shall be in the city of Jerusalem, the capital of Palestine.

Article 2

The High Criminal Court shall convene on a temporary basis in the cities of Gaza and Jericho. It may also convene in any of the Palestinian homeland Governorates as occasion may require, based upon the decision of its President.

Article 3

1. The High Criminal Court shall consist of a President, whose rank shall not be below that of the President of a Court of Appeal, and a sufficient number of judges, whose ranks shall not be below that of a judge of a Court of First Instance.
2. The High Criminal Court shall convene before a panel of at least three (3) judges.

Article 4

A member of the Public Prosecution, whose rank shall not be below that of a Head of Prosecutors' District Office, shall assume the representation of the Public Prosecution before the High Criminal Court.

Part II. The Jurisdiction of the High Criminal Court

Article 5

The High Criminal Court shall have jurisdiction to hear the following offences, wherever they may occur in Palestine:

1. Crimes of murder set forth in the two penal laws in force in the Northern and Southern Governorates.
2. Crimes of rape, indecent assault, and criminal abduction set forth in the two penal laws in force in the Northern and Southern Governorates.
3. Attempts to commit the crimes set forth under paragraphs 1 and 2 of this Article.
4. Crimes of aggression against public property and public security, which are referred to the High Criminal Court by the President of the National Authority, the Legislative Council, the Council of Ministers, the Bureau of Financial and Administrative Control,

or the Commission for the Elimination of Illegal Gains, whatever the penalty prescribed thereto, or upon the decision of the Attorney-General.

Part III. Proceedings of Trial

Article 6

In a manner that does not contradict the provisions of the Law of Penal Procedure No. 3 of 2001, the High Criminal Court shall implement the following rules:

1. The Court shall hold a session to hear each action forwarded to it within a period not to exceed one (1) week from the date of the deposition of the petition of indictment before it.
2. The sessions of the Court shall convene on consecutive days. No trial may be adjourned for a period of more than four (4) days, except in cases of necessity and for reasons which shall be mentioned in the decision of the adjournment.
3. The Court shall order the member of the Public Prosecution and the claimant of a civil right, as well as the accused and the person liable for a civil right, to submit their written pleading within a period not to exceed eight (8) days from the date of the closing of the pleading.
4. The pleadings submitted by the adversaries shall be pronounced in the specified session and be attached to the minutes of the sessions upon their signature by the President of the Court.

Article 7

1. If an accused does not appear before the Court on the day and at the time set forth in the subpoena served upon him in the due form, he shall be tried in absentia.
2. If an accused attends the session of trial and then withdraws from it for any reason whatsoever or is absent from the trial following his appearance in one of its sessions, the Court shall continue to hear it as though the accused were present. The decision may not thereafter be challenged on the ground of the absence of the accused.
3. The absence of any accused shall not result in the adjournment of the trial or the delay of the hearing of the action with regard to the rest of the accuseds. Upon the appearance of an absent accused, the Court shall inform him of the proceedings taken during the period of his absence.

Article 8

1. The High Criminal Court shall have jurisdiction to detain and extend the detention of an accused in the crimes set forth in this law, as well as in accordance with the cases set forth in the Law of Penal Procedure.
2. The High Criminal Court shall have exclusive jurisdiction to examine the requests for bail and retrial submitted by the detained accused, the Public Prosecution and those released on bail pursuant to the Law of Penal Procedure.

Article 9

1. The High Criminal Court shall issue its judgement within a period not to exceed two (2) weeks from the date of the conclusion of the trial. The Court may adjourn the pronouncement of the judgement only once and for a period not to exceed two (2) weeks.
2. In the event of the arrest of an accused sentenced in absentia or if he surrenders himself, his trial shall be held again pursuant to the procedures set forth in this law.
3. The judgements issued by the High Criminal Court shall be implemented immediately upon their issuance, unless the judgement rules for capital punishment.

Article 10

1. The judgements issued by the High Criminal Court shall be subject to the challenge at cassation pursuant to the conditions set forth in the Law of Penal Procedure.
2. Within thirty (30) days from the date on which they are issued, the judgements issued by the High Criminal Court shall be subject to challenge at cassation by:
 1. The Public Prosecution.
 2. The convict.
 3. The claimant of a civil right.
 4. The person liable for a civil right.
3. By virtue of the law, the challenge at cassation shall take place in all judgements ruling for capital punishment or for life imprisonment, even if the litigants do not request thus.
4. The Court of Cassation shall assign a session to hear the objections submitted before it or those referred to it by virtue of the law within one (1) week from the date of the deposition of the petition of objection. The High Criminal Court must refer the file of the action immediately upon its notification of the deposition of the objection or upon the issuance of the judgement pursuant to the provisions of paragraph 2 above.
5. The Court of Cassation shall consider the objection on the merits pursuant to the provisions of the Law of Penal Procedure and within a period not to exceed thirty (30) days, which shall be renewable only once, as occasion may require. Such an extension shall be justified in the decision of the adjournment.

Part IV. Transitional Provisions

Article 11

Pursuant to the provisions of this law, the following shall be referred to the High Criminal Court:

1. Actions heard before the Courts of First Instance which fall within the jurisdiction of the High Criminal Court, provided that a final judgement is not issued thereon or that they were withheld for the issuance of a decision thereon.
2. All criminal actions on which judgements were issued by the Courts of State Security and which are within its jurisdiction by decision of the Attorney-General for retrial.

Article 12

The High Criminal Court shall have the right to resume the hearing of actions referred to it pursuant to the provisions of this law from the point where it reached each such action or reconsider the investigation therein anew in accordance with the conditions and details of the actions.

Article 13

In implementing the goals intended by this law, all provisions set forth in all other law or pieces of legislation are hereby repealed or amended to the extent that they would otherwise contradict the provisions of this law.

Article 14

This decree law shall be submitted to the Legislative Council for approval in the first session it holds following its promulgation.

Article 15

All provisions that contradict the provisions of this decree law are hereby repealed upon approval of the decree by the Legislative Council as provided in Article 14 above.

Article 16

All competent authorities, each one within its sphere of jurisdiction, shall implement the provisions of this decree law, which shall enter into force as of the date of its promulgation and shall be published in the Official Gazette.

Issued in the city of Ramallah on 15 February, 2006 AD, corresponding to 16 Muharram 1427 AH.

Mahmoud Abbas

Chairman of the Executive Committee of the Palestine Liberation Organisation

President of the Palestinian National Authority