

**Law by Decree No. 17 of 2014 Concerning the Amendment of the Law of Penal
Procedure No. 3 of 2001**

President of the State of Palestine

Chairman of the Executive Committee of the Palestine Liberation Organisation

In accordance with the provisions of the Amended Basic Law of 2003 and its Amendments,
particularly Article 43 thereof,

And the Law of Penal Procedure No. 3 of 2001 and its Amendments,

Having reviewed the Penal Law No. 16 of 1960, in force in the Northern Governorates,

Having reviewed the Penal Law No. 74 of 1936, in force in the Southern Governorates,

And upon the recommendation of the Council of Ministers on 25/03/2014,

Based upon the powers bestowed upon me, and

In accomplishment of the public interest,

In the name of the Arab Palestinian people,

I hereby promulgate the following Law by Decree:

Article 1

The Law of Penal Procedure No. 3 of 2001 and its Amendments, for the purposes of this amendment, shall be referred to as the Original Law.

Article 2

Paragraph (2) of Article (4) of the Original Law shall be amended to read as follows:

Actions, the prosecution of which is made conditional by law on a complaint or on a civil action by the victim, may be waived until a final judgement is issued thereon. If there are multiple victims, the waiver shall not be valid unless it is issued by all of the victims then living. A waiver regarding one of the accused shall be deemed a waiver toward the others, and as such leads to dropping the public claim.

Article 3

Article (5) of the Original Law shall be amended to read as follows:

1. In all cases in which a criminal action is statutorily conditioned on the filing of a complaint or a civil action by the victim or a third party, the complaint shall not be accepted following the lapse of three (3) months from the date the victim learned of the respective incident and of its perpetrator, unless the law determines otherwise.
2. The competent court may, by itself, drop a criminal case which is subject to a complaint or civil action if the victim or the civil plaintiff does not attend two consecutive sessions despite being notified.

Article 4

Article (137) of the Original Law shall be amended to read as follows:

The court shall consider petitions for release on bail in scrutiny upon soliciting the opinion of the Public Prosecution, unless the defense representative or the prosecution requests a pleading examination and the court agrees on that.

Article 5

Paragraph (3) of Article (153) of the Original Law shall be amended to read as follows:

The civil claimant may appeal the decision of the Attorney-General before the courts of first instance; the decision of such court shall be final. If the court cancels the decision, and was the competent court, the case shall be brought before another court; otherwise it shall be referred to the competent court.

Article 6

Article (169) of the Original Law shall be amended to read as follows:

1. If the Court of First Instance considers that the incident as set forth in the indictment report and before it is examined at the hearing, constitutes a felony outside its jurisdiction or a misdemeanour or a contravention then it shall pronounce that it lacks jurisdiction, and shall refer it to an individual judge of a Court of First Instance or to a Magistrate Court in accordance with the rules of jurisdiction.
2. If the individual judge of the Court of First Instance deems that the incident set forth in the indictment report and before his examination at the hearing, is within the jurisdiction of the Magistrate's Court, he shall pronounce lack of jurisdiction and refer it to a Magistrate Court.
3. If the individual judge of the Court of First Instance deems that the crime brought to him is within the jurisdiction of the Court of First Instance, he shall refer it to a Court of First Instance.
4. If a Magistrate Court deems that a crime brought before it comes under the jurisdiction of a Court of First Instance, it shall pronounce its lack of jurisdiction and refer it to the Public Prosecution to take the necessary action.

Article 7

Article (281) of the Original Law shall be amended to read as follows:

1. If the Court of First Instance is persuaded, after the conclusion of the hearing, that the deed imputed to the accused constitutes a misdemeanour, a contravention or a felony that is outside its jurisdiction, it shall rule to amend the charge and issue a judgement on the amended charge.
2. If the individual judge in the Court of First Instance is persuaded after the conclusion of the hearing, that the deed imputed to the accused constitutes a misdemeanour or a contravention, he shall rule to amend the charge and issue a judgement on the amended charge.

Article 8

Article (302) of the Original Law shall be amended to read as follows:

The sessions of the Magistrate Courts may be convened on the case of a misdemeanour without the presence of the Deputy-Prosecutor.

Article 9

Article (328) of the Original Law shall be amended by adding paragraph (2) to read as follows:

1. The appeal shall be submitted by depositing a writ of appeal with the clerk of the court which issued the judgement or with the clerk of the court of appeal within a period of fifteen (15) days from the day following the date of the issuance of the judgement if it was pronounced in the presence of the parties or from the date of its notification if it was deemed to have been pronounced in their presence.
2. The Public Prosecution and the accused may appeal the release on bail decisions issued by the Courts of First Instance and Magistrate Courts within seven days from the date of issuance of the decision.

Article 10

Article (334) of the Original Law shall be amended to read as follows:

1. The court of appeal may hear any witnesses who should have been heard before the court which issued the judgement under appeal and may amend any other deficiency in the trial proceedings.
2. The court may hear appeals on release on bail decisions in scrutiny.

Article 11

Article (339) of the Original Law shall be amended as follows:

The appeal submitted by a person against whom a judgement imposing an executory deprivation of liberty is issued shall extinguish if the convicted does not present himself for execution of the judgement before the session or was absent from two sessions of the trial sessions, unless the court decided for a legitimate excuse otherwise.

Article 12

All provisions that contradict the provisions of this Law by Decree shall be repealed.

Article 13

This Law by Decree shall be presented to the Legislative Council in the first session it convenes for approval.

Article 14

All the competent authorities, each one within its sphere of jurisdiction, shall implement the provisions of this Law by Decree, which shall enter into force as of the date of its publication in the Official Gazette.

Issued in the city of Ramallah on: 19/06/2014 AD.

Corresponding to 21 / Sha'ban / 1435 Hijri.

Mahmoud Abbas

President of the State of Palestine

Chairman of the Executive Committee of the Palestine Liberation Organisation