

Decree-Law No. 680, 6 January 2017

ARTICLE 1- The second sentence of Article 28 § 1 of the Law No. 357 on Military Judges (dated 26 October 1963) has been amended as follows:

“However, the authority to conduct investigation and prosecution shall rest with the Chief Public Prosecutor’s Office and the assize court in the province where the regional court of justice, which encompasses the area of jurisdiction of the military judge, is located.”

ARTICLE 2- Article 7 § 10 of the Law No. 2797 on the Court of Cassation (dated 4 February 1983) has been repealed.

ARTICLE 3- The following sub-paragraph has been added to Article 14 § 3 of the Law No. 2797:

“f) In the cases in respect of which the Court of Cassation shall act as a first instance court, if the workload requires so, the First Presidency Board may designate one or more chambers to take charge of solely such cases. In such situation, the cases still being tried by the designated chamber may be assigned by the First Presidency Board to the other chambers without waiting for the next calendar year.”

ARTICLE 4- Sub-paragraph (3) of Article 15 § 1 of the Law no. 2797 has been amended as follows:

“3. To conduct the appellate review of the decisions rendered by the relevant chambers acting as first instance courts,”

ARTICLE 5- The expression “to the General Assembly of Criminal Chambers of the Court of Cassation” in Article 46 § 5 of the Law No. 2797 has been replaced with the expression “to the relevant Criminal Chamber of the Court of Cassation”, and the sixth paragraph of the same Article has been repealed.

ARTICLE 7- Article 93 § 1 of the Law No. 2802 has been amended as follows:

“The authority to conduct investigation and prosecution in respect of judges and prosecutors for their personal offences shall rest with the Chief Public Prosecutor’s Office and the assize court in the province where the regional court of justice, which encompasses the area of jurisdiction of the concerned, is located.”

ARTICLE 8- The following provisional Article has been added to the Law No. 2802:

“PROVISIONAL ARTICLE 20- The amendment made to the fifth paragraph of Article 9/A by the Decree-Law which introduced this Article, shall also be applied in respect of those who took part in the written exam which was conducted prior to the enactment of this Article and whose results are yet to be announced.”

ARTICLE 9- Article 161 § 6 of the Code of Criminal Procedure (Law No. 5271 of 4 December 2004) has been amended as follows:

“(6) The authority to conduct investigation and prosecution in respect of governors and district governors for their personal offences shall rest with the Chief Public Prosecutor’s Office and the assize court in the province where the regional court of justice, which encompasses the area of jurisdiction of the concerned, is located. In *flagrante delicto* situations falling under the jurisdiction of assize courts, investigations shall be conducted in accordance with general provisions.”

ARTICLE 10- Article 172 § 2 of the Law No. 5271 has been amended as follows:

“(2) After a decision of non-prosecution has been issued, no criminal case can be brought on account of the same act unless there is new evidence capable of constituting sufficient doubt for a criminal case to be filed and a decision is rendered by a magistrate judgeship in that regard.”

ARTICLE 11- Article 173 § 6 of the Law No. 5271 has been amended as follows:

“(6) In cases where the objection is rejected, Article 172 § 2 shall be applied in order for a criminal case to be brought on account of the same act.”

ARTICLE 12- The expression “suspect or” has been added after the expression “a person who did not apply” in the sub-paragraph (b) of Article 247 § 2 of the Law No. 5271.

ARTICLE 13- The expression “the fugitive accused” in Article 248 § 1 of the Law no. 5271 has been replaced with the expression “the fugitive”.

ARTICLE 14- The expression “to the General Assembly of Criminal Chambers of the Court of Cassation” in Article 38 § 7 (b) of the Law No. 6087 on the High Council of Judges and Prosecutors (dated 11 December 2000) has been replaced with the expression “to the relevant Criminal Chamber of the Court of Cassation”, and the eighth paragraph of the same Article has been amended as follows:

“(8) The Chief Public Prosecutor at the Court of Cassation shall draw up the indictment and then communicate the bill of indictment to the Constitutional Court in order for it to hear the case in its capacity as the Supreme Court as regards the offences relating to office or to the relevant criminal chamber of the Court of Cassation as regards the personal offences.”

ARTICLE 15- The expression “by the General Assembly of Criminal Chambers of the Court of Cassation” in Article 17 § 2 of the Law No. 6216 on the Establishment and Rules of Procedures of the Constitutional Court (dated 30 March 2011) has been replaced with the expression “by the relevant criminal chamber of the Court of Cassation”, and the expression “to the General Assembly of Criminal Chambers of the Court of Cassation” in the fourth paragraph of the same Article has been replaced with the expression “to the relevant Criminal Chamber of the Court of Cassation”.

ARTICLE 18- The second sentence of Article 8 § 1 (d) of the Law No. 6112 has been repealed, and the following sub-paragraph has been added to the same paragraph:

“t) [Media services] cannot present acts, perpetrators and victims of terrorism in a manner that would produce results serving the interests of terrorism.”

ARTICLE 26- The following Article 13/A has been added after Article 13 of the Law No. 2559 on the Duties and Powers of the Police (dated 4 July 1934):

“Inquiry into missing children

ARTICLE 13/A- For the purposes of finding the whereabouts of missing children, the police, in accordance with the magistrate judge’s or, in cases where any delay is detrimental, the local authority’s written order or verbal order that is required to be put in writing at a later stage, may request the summary of all kinds of activities of a bank account belonging to the missing child, or used by the missing child although it belonged to another person, monitor his or her communication through telecommunications or assess the signal information. Decisions on an interim measure may be issued for a maximum period of one month; however, this period may, only once, be prolonged for another one month.

Decisions of the local authority shall immediately be submitted for the court’s approval. The court shall issue its decision in that regard within twenty-four hours at the latest.”

ARTICLE 27- The following paragraph has been added to Additional Article 6 of the Law No. 2559:

“As regards the cybercrimes, the police shall be authorized to have access to identity information of the Internet subscribers and to conduct cyber inquiries with a view to establishing the competent Chief Public Prosecutor’s Office in that regard. Access providers, host providers and content providers shall communicate the requested information to the relevant police unit established for the purposes of fighting against such crimes.”

ARTICLE 28- In Additional Article 7 of the Law No. 2559;

a) The expression “and in virtual platform” has been added after the expression “at country level” in the first paragraph.

b) In the second paragraph, the expression “with a view to preventing commission of the offences listed [...], in accordance with order of a judge, or in cases where any delay is detrimental, order of the Security General Director or the Head of Intelligence Department” has been replaced with the expression “with a view to preventing commission of the offences listed [...], in accordance with order of a judge, or in cases where any delay is detrimental, order of the Security General Director, the Head of Intelligence Department of the Security General Directorate, or the head of the relevant department of cybercrimes only when cybercrimes are concerned”; and the expression “or data transmitted via data traffic between the link addresses and the Internet resources” has been added after the expression “communication through telecommunications” in the same paragraph.

c) In the fourth paragraph, the expression “or the communication link” has been replaced with the expression “, the relevant Internet connection address or the connection”.

ç) In the eighth paragraph, the expression “by the officers of” has been replaced with the expression “by the officers of [...] and the officers of the relevant department of cybercrimes only when cybercrimes are concerned”.

ARTICLE 50- Subparagraph (d) of Paragraph 1 of Article 2 of the Law No. 2911 on Meetings and Demonstration Marches dated 6 October 1983 has been amended as follows:

“d) The local senior security authorities [shall denote] the provincial police chief and provincial gendarmerie commander in provinces; the district superintendent or inspector and the district gendarmerie commander in districts; and for the Coast Guard Command, [they shall denote] the Regional Coast Guard Commander, the Coast Guard Group Commander and the Coast Guard Gendarmerie Station Commander and the Coast Guard Ship/Boat Commander.”

ARTICLE 68- Paragraphs 1 and 2 of Article 9 of the Law No. 5188 have been amended as follows:

“Private security officers can only use the authorities listed in Article 7 during their term of office and within their area of service.

Private security officers cannot take their firearms outside their area of service. In the event of activities performed on a route such as the pursuit of a person who is accused of an offence that has been committed or who is under the strong suspicion that he/she would commit an offence, taking of measures against outside attacks, transportation of money and valuables and funeral service, the entire route shall be regarded as area of service. In obligatory cases, the area of service can be extended by a Commission decision. The area of service of private security officers in charge of guarding an individual shall be the entirety of the country when they are in the presence of the individual they guard, and their area of service shall be limited to the borders of the province, in respect of which an authorization to guard has been granted, in the absence of the individual they guard.”