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TITLE **LAW N° 13/2004 OF 17/5/2004 RELATING TO THE CODE OF CRIMINAL PROCEDURE, O.G SPECIAL N° OF 30/07/2004**

Modified and complemented by the Law n° 20/2006 of 22/04/2006, O.G special n° of 27 May 2006

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TEXTE

[Chapter 1. PRELIMINARY PROVISIONS](#)

Article: 1 (*Modified and complemented by the Organic Law n° 20/2006 of 22/04/2006*)

This law governs criminal investigation and prosecution aimed at imposing penal sanctions against acts that contravene the penal law.

Criminal judgements must be held in public audience, be fair, impartial, comply with the principle of self defense, cross examination, treat litigants equal in the eyes of the law, base on evidences legally produced and be rendered without any undue delay.

[Section 1. Actions arising from offences](#)

[Sub-section 1. Criminal action](#)

Article: 2

A criminal action is one brought in the name of the public, before a criminal court, seeking to impose punishment on an individual convicted of having committed a criminal offence.

Such an action is prosecuted by the Prosecution.

It can also be prosecuted by the victim, by filing a claim directly to a criminal court without basing his or her claim on the prosecution.

Article: 3

A criminal action abates upon death of the offender, in case of prescription of offence, when there is amnesty, when a law is repealed or following a court's final judgment on a particular offence.

In case the law provides otherwise, the action can also be extinguished if the defendant accepts to pay a fine without trial or in case a complainant withdraws his or her claim.

Article: 4 (*Modified and complemented by the Organic Law n° 20/2006 of 22/04/2006*)

Apart from criminal action against murder and violence against children that are unrescriptible, or where the law provides otherwise, a criminal action shall be extinguished :

- 1° in a period of ten (10) years for felonies;
- 2° in a period of three (3) years for misdemeanours;
- 3° in a period of one (1) year for contraventions.

Prescription of prosecution of an offence starts to run from the day on which the offence was committed when during that interval there have not been any measures of criminal investigation or prosecution conducted.

Article: 5

In this law, an investigative measure refers to all actions which are meant to search for offences, to collect evidence whether for the prosecution or the defence, as well as those of examining whether to prosecute the accused for trial or not.

Likewise actions of prosecution of offences shall mean all actions which are meant for instituting proceedings before courts of law, summoning parties, the appearing in courts, preparation of trial, hearing as well as exercising the procedures of appeal.

Article: 6

In regard to instantaneous offences, the prescription of prosecution of an offence starts to run from the day on which the offence was committed.

In respect of continuous offences, the prescription of prosecution of an offence starts to run from the day on which the last criminal act was completed.

When several acts constitute a common intent to prosecute an unlawful purpose, the prescription of prosecution of an offence starts to run from the day on which the last criminal act was committed.

Article: 7

The prescription of prosecution of an offence is suspended by acts of investigation or prosecution measures, if they are carried out within the time prescribed under article 4 of this law.

If, meanwhile, there has been any criminal action, the prosecution prescription starts to run again from the day of the last criminal act until the time provided thereof.

The same applies to the accused who may not have been implicated in the investigation or any prosecution.

Article: 8

Prescription of prosecution of an offence is suspended whenever the proceeding is interrupted by an inevitable obstacle provided for by the law or by a case of force majeure.

When such an obstacle is removed, the prescription time suspended from the day of the occurrence of the obstacle to its removal continues to run.

Sub-section 2. Civil action**Article: 9**

A civil action is an action filed to seek redress for damage caused by the offence.

Such an action is solely aimed at seeking civil damages.

It is brought in the manner provided for under this law.

Article: 10

Any person who has been injured by an offence can file a civil action. Such a person can be a natural or legal person, whether public or private.

However, associations, which have been legally constituted to fight against violence, can exercise the right available to civil parties on behalf of a victim, claiming damages arising from the offences.

Article: 11

Civil action can be brought against principal offenders, their accomplices and accessories as well as against those liable to pay for the damages.

They can also be brought against successors to the estates of offenders.