

A Palestinian Legal Collection

Ombuds Institutions and Security Sector Governance



PCSSS

Palestinian Centre for
Security Sector Studies
(PCSSS)



Geneva Centre for the
Democratic Control of
Armed Forces (DCAF)

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Representative Office
of the Federal Republic of Germany
Ramallah



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Democratic Control of
Armed Forces (DCAF)

About DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and the core security and justice providers such as police, judiciary, intelligence agencies, border security services and the military.

DCAF has worked in the Palestinian Territories since 2005. It assists a wide range of Palestinian actors such as ministries, the Palestinian Legislative Council, civil society organisations and the media in their efforts to make Palestinian security sector governance democratic, transparent and accountable.

About PCSSS

The Palestinian Centre for Security Sector Studies (PCSSS) is an independent, non-profit organisation, affiliated with the Palestinian Academy for Security Sciences (PASS) and dedicated to the promotion of knowledge about security sector reform in Palestine. PCSSS seeks to provide a platform for scholars, public officials and professionals concerned with security sector reform and with the provision of well-researched, factual, independent material to contribute to the development of the Palestinian security sector.

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Table of Contents

Introduction	5
Part I: Background Analysis	7
A Case for Establishing Ombuds Institutions	8
The Legal Framework of the PNA	11
Part II: The Legal Framework	15
Pre-PNA Jordanian Legislation (currently applicable in the West Bank)	16
Law No. 7 of 1954: The Law on the Prevention of Crimes	16
Regulation No. 1 of 1966 on Administrative Formations	20
Palestinian National Authority Legislation	33
1. Laws	33
Law on Arbitration No. 3 of 2000	33
Law of the Bureau of Financial and Administrative Control No. 15 of 2004	43
Law No. 1 of 2005 Concerning Illegal Gains	52
Bylaw of the Palestinian Legislative Council (PLC) of 2003	58
2. Presidential Decrees and Decisions	62
Decision No. 59 of 1994	62
Presidential Decree No. 22 of 2003 Concerning the Jurisdictions of Governors	63
Decree Law No. 7 of 2010 Concerning the Amendment of the Law on Illegal Gains No. 1 of 2005	65
3. Ministerial Decisions West Bank	73
Palestinian National Authority Council of Ministers: The Regulation on Complaints No. 6 of 2009	73
Decision of the Secretary General of the Council of Ministers No. 01/13/H.A.L of 2009: The Procedural Manual of the Regulation on Complaints	78

4. Executive Decisions Gaza Strip	81
Decision of the Council of Ministers No. 21/41/11/CoM/AH of 2007 Concerning the Appointment of Mr. Hasan Yousef Abdul Hadi As-Seifi as Inspector General at the Ministry of Interior	81
Ministry of Interior, Office of the Inspector General, Operational Procedures Manual of the Complaints Department, 2008	82
Draft Legislation and Other Legal Documents	90
Draft Law Concerning the Palestinian Independent Commission for Human Rights No. () of 2005	90
Memorandum of Understanding between the Legal Affairs Unit at the President's Office and the Directorate General of Complaints at the Cabinet Secretariat of the Council of Ministers	97

Introduction

The role of ombuds institutions

In many democratic countries, ombuds institutions play an important role in ensuring the accountability of government institutions and agencies.

This is no different in the security sector. Effective complaints mechanisms for citizens fulfil a crucial function in ensuring that the state's security and justice providers deliver good services to the people. This means that they shall deliver security to the people according to the people's needs while remaining fully accountable for their conduct.

Many democratic countries have established specific complaints handling mechanisms for the security sector. These mechanisms enable citizens to file complaints against police and security forces personnel, such as police ombuds offices. Moreover, in many countries there are also ombuds institutions for armed forces personnel themselves, allowing soldiers to complain about grievances related to their military service.

In the Palestinian context, various complaints handling mechanisms already exist. Some of them have a specific mandate to follow up on complaints against police and security forces.

Strengthening Palestinian ombuds institutions

In 2010, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the Palestinian Center for Security Sector Studies (PCSSS) at the Palestinian Academy for Security Sciences (PASS) jointly implemented the project 'Assessing Complaints Mechanisms of the Palestinian National Authority at Governorate and National Levels'. The project entailed a self-

assessment process of complaints mechanisms for citizens at the governorate level in the West Bank. It also included a mapping workshop of mechanisms at the national level that brought together representatives of all complaints bodies of the Palestinian National Authority (PNA).

The review showed that the current PNA ombuds system is multi-layered and complex. There are different complaints mechanisms at the national and local level. Some of them are more akin to fully-fledged ombuds bodies, such as the Palestinian Independent Commission of Human Rights (PICHR), whereas others refer to specific administrative issues such as sound financial management. All these complaints mechanisms include jurisdiction over police and security forces personnel, but only some of them have a clear focus on human rights violations. The political and administrative division of the West Bank and the Gaza Strip compounds this pluralism.

During the workshops, participants expressed their concern that this pluralism of ombuds and complaints handling institutions may lead to confusion and eventually less responsive governance. Citizens may find it hard to identify the appropriate channel for filing complaints and making their voices heard. Furthermore, they identified the following gaps in the legal framework:

- Lack of specific legislation to regulate the work of complaints mechanisms in the governor's offices;
- Overlapping jurisdictions of ombuds institutions at national and governorate level;
- Absence of legal provisions that allow for effective follow-up of citizens' complaints against security forces.

Against this background, participants recommended a thorough assessment of the existing complaints architecture of the PNA in terms of effectiveness, efficiency and distribution of authorities. Thus, before amending existing legislation, a number of important questions should be addressed:

- What do Palestinians expect from Palestinian ombuds institutions? What should be the vision of the Palestinian ombuds system?
- Are the existing mechanisms sufficient to cope with the expectations of the Palestinian people?
- If not, what would need to be done to meet these expectations? Can existing mechanisms be improved or are new mechanisms needed?
- If new mechanisms are needed, what should their mandate and mission be?
- What are the implications for the existing legal framework? What are the legal gaps? How can the different powers be harmonised and procedures for handling complaints be streamlined?

Its first section contains the relevant pre-PNA legislation and particular Jordanian legal texts still in force in the West Bank. The second section includes the relevant PNA legislation divided into four categories: 1) Laws; 2) Presidential Decrees and Decisions; 3) Ministerial Decisions issued in the West Bank; and 4) Ministerial Decisions issued in the Gaza Strip. The third section includes draft legislation and other legal documents of relevance.

DCAF remains available to support national efforts to establish or reform the legal framework of Palestinian ombuds institutions and complaints mechanisms in line with democratic values.

What is the purpose of this reader?

This reader is the first comprehensive collection of current and draft legislation related to the ombuds and complaints functions of the PNA. Its purpose is to provide Palestinian practitioners in charge of reviewing and reforming the Palestinian ombuds and complaints handling system with an overview of existing Palestinian laws, draft laws, and executive decisions regulating the work of such institutions and mechanisms.

How is this reader structured?

The reader contains two chapters, the first one providing an introduction to ombuds institutions and the legal framework of the Palestinian context, while the second one contains the legal collection. The first chapter presents different models of ombuds institutions and an analysis of the of the existing PNA legislation in this field. The second chapter is divided into three sections.

Part I:

Background Analysis

A Case for Establishing Ombuds Institutions

What are ombuds institutions?

Ombuds institutions are public sector institutions that are set up to monitor the administrative activities of the government. They receive complaints from citizens and investigate them in an impartial manner. They play a complementary role to parliament and the judiciary and can in no way substitute them. Their advantages, though, are that they are easily accessible and that they can conduct investigations in an informal and fast way.

Which purpose do ombuds institutions serve?

In many democratic countries, government administration has expanded greatly and so have complaints about bureaucratic (mis-) conduct and practices of police and security forces. In general, the establishment of ombuds institutions aims at improving the performance of public administration and enhances government accountability to the public.

The nature of ombuds institutions varies from one context to another:

National versus local government level: Ombuds institutions can be located at the national level, such as parliamentary ombudsmen or complaints handling departments in ministries. Others can be found at the sub-national level, such as complaints units of local governmental or administrative bodies.

Jurisdiction: The jurisdiction of ombuds institutions may vary: some offices may only take on complaints with regard to administrative matters, whereas in other countries they may have jurisdiction for complaints against private entities, too.

Box 1: The Historical Origin of the Ombudsman Concept

The concept of ombuds services in its present form dates back to the Swedish ombudsman of 1809 and has begun to take hold outside Scandinavia in the 1960s.

Historically, it may originate from Arab 'Muhtasib', the roots of which go back to the 7th century. This ancient ombudsman model was most probably initiated by the Second Khalif Omar, a man who was eager to ensure the observance of ethic principles, such as justice, by state officials in daily life. In practice, the 'Muhtasib' protected people who were victims of injustice, discrimination or unfairness by officials.

In Sweden, the idea of having a representative of the King to monitor in his absence the Swedish administration was born in the early 18th century. After a military defeat by Russia in 1709, the Swedish King Charles XII had to leave the country and fled to Turkey. The public service deteriorated as a result of his absence. Thus, in 1713, he appointed the Justitiekanslern (Chancellor of Justice) to oversee the Swedish administration. This led to the establishment of the Justitieombudsman through the Swedish constitution on 1809.

Another possible source of inspiration for establishing such a function in Sweden may have been the Turkish office of the Qadi Al-Quda (Chief Justice), which has a similar function.

In the security sector, complaints handling mechanisms contribute to stronger civil-democratic oversight of police, armed and security forces and more effective service delivery.

One can make a strong case for establishing ombuds institutions within an administrative structure. An earnestly operating ombuds institution benefits individual complainants, civil servants, members of police, armed and security forces, as well as the general public alike. Ombuds institutions can help identify patterns of administrative malfunctioning or infringement of human rights by police and security forces. Their work also helps identify problems in the armed forces that may infringe upon the rights of armed forces personnel. Thereby, complaints handling mechanisms can indirectly result in strengthened legal frameworks, improved institutional performance and enhanced service delivery. As a corollary, public funds would be utilised more effectively. In this sense, ombuds institutions can be understood as an evaluation tool for service delivery in public administration and the security sector, helping to continuously improve the quality of governance. This enhances credibility and trust by the public in governmental institutions. Ombuds offices encourage those in charge of service delivery to be more responsive to the public and develop good internal procedures to address grievances. Conversely, an ombuds institution also confirms the quality of service delivery in cases where complaints appear to be unfounded or unjustified.

What is the relation between ombuds institutions and the judiciary?

In contrast to the judiciary, ombuds institutions adopt a cooperative approach to conflict-solving. Acting as a mediator between the complainant and the administration, the ombuds institution plays a complementary role to the judiciary, while enjoying limited judicial powers. The ombuds institution cannot substitute, not even partially, the judiciary. While the judiciary's responsibility is to uphold the rule of law, an ombuds institution rather aims to propose a compromise. It focuses primarily on public administration efficiency and fairness rather than the implementation and

respect of the legal framework of a state. The ambition of the ombuds institution is to settle an issue in fairness rather than seeking to implement justice or law and order. Any controversy between a judge and an ombuds institution would have to be the subject of a judicial decision; the concept of judicial independence would thus not be at risk.

What are the basic principles guiding an ombuds institution?

In order to deliver their services properly, ombuds institutions need to adhere to a basic set of principles that allow them to effectively fulfil their role as an independent mediator between the public and the government. These principles set the policy guidelines for legislating and setting up ombuds institutions. They are outlined in the Code of Ethics of the International Ombudsman Association (see Box 2).

Box 2: The Code of Ethics of the International Ombudsman Association¹

The Code of Ethics lists the following principles:

- **Independence:** The ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.
- **Neutrality and impartiality:** The ombudsman, as a designated neutral, remains unaligned and impartial. The ombudsman does not engage in any situation which could create a conflict of interest.
- **Confidentiality:** The ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

¹ To access the full text of this code of ethics, go to: <http://www.ombudsassociation.org/about-us/code-ethics>

Table 1: Ombuds Institution vs. Human Rights Commission

	Ombudsman	Human Rights Commission
Structure	Single-person body, often assisted by experts and staff	Multi-member body
Appointment	Variable, often parliamentary act	Variable, parliamentary act or governmental decree
Mandate	Focus on administrative effectiveness and fairness	Explicit human rights mandate
Power of Investigation	Essential	Optional
Jurisdiction	Predefined service or department in public administration or police, armed and security forces	Open, public and private actors

What are the functions and responsibilities of a human rights ombuds institution?

While a traditional ombuds institution monitors the efficiency and fairness of administrative structures, human rights ombuds institutions are set up to address issues of human rights violations committed by state organs. If an ombuds institution combines these two functions in one mandate, it is referred to as a hybrid model.

Depending on the model it follows and its set-up, a human rights ombuds institution may have different functions and responsibilities. These depend on the particular situation in the state concerned as well as on possibly existing other institutions with similar functions, such as appeal or advisory committees, inspector generals, state auditors or specialised human rights institutions. In a broad sense, human rights ombuds functions and responsibilities may include:

- Commenting on existing and draft laws
- Monitoring the domestic human rights situation
- Monitoring and advising on compliance with international standards and cooperating with regional and international bodies
- Educating and informing in the field of human rights

- Receiving and handling complaints or petitions from individuals or groups
- Monitoring government compliance with their advice and recommendations

What are models of human rights ombuds bodies?

Ombuds institutions have been established in many countries carrying different names, such as Mediator of the Republic (Francophone tradition) or Defender of the People (Hispanic tradition). In some countries, human rights ombuds offices co-exist with human rights commissions, but transitions of functions and responsibilities can vary. The hybrid model of ombuds institutions has emerged mostly as a product of the Iberian/Hispanic tradition.

While human rights commissions usually have a clear mandate to promote and defend human rights, traditional ombuds institutions put their emphasis on their impartial investigatory function of overseeing fairness and legality in public administration (see Table 1 for a comparison between these two institutions). Since these precise and narrow definitions do not meet the needs of today's complex societies, different hybrid models have been developed to cope with the most diverse requirements of modern nation states. Hybrid ombuds institutions combine the traditional ombuds function of striving to improve the performance of the public administration with the role of human rights commissions.

The Legal Framework of the PNA

What is the legal framework for PNA complaints handling mechanisms?

The current legal framework of the PNA provides for several mechanisms through which citizens can submit complaints about administrative malfunctioning and malpractices of Palestinian police and security forces. It underpins a multi-layered system of ombuds functions. First, at the national level, there is the Palestinian Independent Commission of Human Rights (PICHR), which is the official human rights ombuds institution of the PNA. Second, there are also complaints departments in various line ministries. Third, there is a complaints function in the Palestinian Legislative Council (PLC). Fourth, there are complaints mechanisms in oversight bodies such as the State Audit and Administrative Control Bureau (SAACB) and the Anti-Corruption Commission. At the local level, the Governor's Offices also handle complaints.

Palestinian Independent Commission of Human Rights

The Palestinian Amended Basic Law of 2003 in Article 31 provides for the establishment of a national human rights commission: 'An independent commission for human rights shall be established pursuant to a law that shall determine its formation, duties and jurisdiction. The commission shall submit its reports to the President of the National Authority and to the Palestinian Legislative Council.' This provision, together with the Presidential Decree No. 59 of 1995, is the basis for the work of the Palestinian Independent Commission of Human Rights (PICHR). So far, the Palestinian authorities have not yet adopted legislation to establish such a commission. However, a number of drafts have been circulating to regulate the work of the

PICHR. In 2005, an PICHR draft law was submitted to the PLC. The draft confirms the status of the PICHR as the national human rights commission with an ombuds function at its core and provides the PICHR with a broad mandate. It gives the PICHR the authority to deal with cases of human rights violations, complaints submitted by citizens related to maladministration, abuse of power and squandering of public funds, education and promotion, monitoring, and integration of human rights into Palestinian legislation and practices. The draft law also empowers the PICHR to take cases to the court and to access information held by the government. In practice, the PICHR has been working based on the Presidential Decree No. 59 of 1995 and its internal bylaw.

Mechanisms Controlled by the Executive – Two Different Systems in the West Bank and the Gaza Strip

In recent years, the Palestinian authorities took steps to set up additional complaints mechanisms at the level of the line ministries. Since the takeover of the Gaza Strip by the Hamas movement in 2007 and the emergence of two separate governments, these efforts have led to the establishment of two different complaints systems in the West Bank and the Gaza Strip. In the West Bank, the Council of Ministers issued in 2009 the Regulation of Complaints No. 6, which is supported by a Procedural Manual issued in the same year. The Regulation of Complaints No. 6 of 2009 provides for the establishment of a specialized directorate-general for complaints in the Council of Ministers, which technically supervises the complaints units in the line ministries. These units have a broad mandate and can receive complaints of administrative malfunction against all government bodies reporting to the Council of Ministers, including,

in the case of the Ministry of Interior, against police and security forces. This system allows for complaints by both private citizens and civil society organisations.

In 2007, the authorities in the Gaza Strip established - through a Decision of the Ministry of Interior - the Office of an Inspector-General in the Ministry of Interior, which is authorised to receive citizens' complaints specifically against police and security forces. The Procedural Manual of the Complaints Department of 2008 regulates the jurisdiction of the Office of the Inspector-General in the field of complaints. It can receive complaints directly by the citizens or those forwarded by the Police or other security forces. The complaints department is not a separate entity in the Ministry of Interior, but complements the general oversight function of the Inspector-General. The Inspector-General may initiate investigations in all legal, financial or administrative violations committed by police and security forces.

Parliamentary and Independent Bodies

On the level of the legislature, the Bylaw of the Palestinian Legislative Council of 2003 provides for an ombuds function. According to its Article 100, any Palestinian citizen or legal entity can submit complaints or petitions on any public affair to the PLC. The complaints are received by the Speaker of the PLC and processed by the PLC complaints unit, which in turn may follow up with the Council of Ministers.

In addition to parliament, there are also specialised oversight bodies that have an ombuds function. For example, the State Audit and Administrative Control Bureau (SAACB), the PNA's audit office, can receive citizen's complaints on administrative or financial malpractice of PNA institutions. The SAACB's mandate is to ensure sound financial and administrative performance of all PNA bodies, including the Office of the President, the line ministries, the PLC, and the judiciary. It also includes the police and security forces. Article 23.11 of the Law of the Bureau of Financial and Administrative Control No. 15 of 2005 gives the Bureau the power not only to receive and follow up on citizen's complaints but also to make use of media outlets and create public pressure based on such complaints. The law in Article 47 also gives designated employees

of the SAACB the authority of judicial officers for investigating financial and administrative contraventions².

Another financial oversight body is the Anti-Corruption Commission of the PNA, which was originally established through the Law No. 1 of 2005 Concerning Illegal Gains. This law was amended by the Decree Law No. 7 of 2010 Concerning the Amendment of the Law Concerning Illegal Gains No. 1 of 2005. The Anti-Corruption Commission's mandate is to check financial assets of PNA functionaries, investigate accusations of corruption, and educate the public on the need of fighting corruption. Its jurisdiction extends to all PNA functionaries, including the President, the Prime Minister, ministers, PLC members, members of the judiciary, as well as ordinary civil servants. The original law also included commanders of police and security forces under its jurisdiction, but this provision was dropped in the Decree Law No. 7 of 2010. The Anti-Corruption Commission may not only receive reports, but also start investigations and ask the Public Prosecution to initiate an investigation in case of suspected criminal action. The Decree Law No. 7 of 2010 significantly broadened the powers of the Anti-Corruption Commission and authorised it to seize funds and directly prosecute wrong-doers. The law also allows for the delegation of prosecutors by the Public Prosecution to the Commission and provides for the establishment of specialised anti-corruption courts. In terms of complaints, the law in Article 18 enables any citizen to file a complaint on corruption before the Commission.

Governor's Offices

On the local level, it is the governor's offices that are endowed with complaints functions. For many citizens the governor's office is the first address to submit complaints due to its geographical proximity and accessibility. The governor is the representative of the President at the governorate level and is appointed by him. However, the legal framework for the governor's offices' complaints

² The capacity of judicial officer means that employees of the SAACB have the power to gather evidence and issue disciplinary sanctions in case of financial or administrative malpractice. Under the supervision of the Public Prosecution, they may also support the preparation of a criminal case and arrest suspects of financial crimes. See Law of Penal Procedures No. 3 of 2001, Articles 19-54.

mechanisms is not yet fully developed. The governor's offices receive complaints based on an amalgam of legislation that partly predates the establishment of the PNA. These laws include the Jordanian Law No. 7 of 1954 on the Prevention of Crimes, the Jordanian Regulation No. 1 of 1966 on Administrative Formations and the Presidential Decree No. 22 of 2003 Concerning the Jurisdiction of Governors. The governor's offices also apply the Law on Arbitration No. 3 of 2000 for solving conflicts based on complaints submitted by citizens. The Presidential Decree No. 22 of 2003 Concerning the Jurisdiction of Governors in Article 5 gives the governor broad powers to maintain law and order in the governorate and protect citizens' rights. It also determines that the governor is the head of the security committee in

the governorate, which includes representatives of all police and security forces.

In terms of complaints mechanisms, the governor's offices base their work on two pieces of legislation: Firstly, Article 89 of the Jordanian Regulation No. 1 of 1966 on Administrative Formations gives citizens the right to file complaints to officials at the governorate level. Secondly, Article 8 of the Council of Minister's Regulation of Complaints No. 6 of 2009 stipulates that complaints units be established in the governor's offices. Since the governor's offices administratively follow the Office of the President rather than the Council of Ministers, both institutions in 2009 signed a memorandum of understanding to coordinate their work in handling complaints.

Table 2: Overview of Palestinian Ombuds Institutions and Complaints Mechanisms

Level	Name	Type	Legal and Regulatory Provisions
Executive Branch (West Bank)	Directorate-General for Complaints of the Council of Ministers	Complaints handling unit of the government supervising the complaints units in the line ministries	<ul style="list-style-type: none"> Council of Ministers Regulation of Complaints No. 6 of 2009 Memorandum of Understanding Between The Legal Affairs Unit at the President's Office and the Directorate General of Complaints at the Cabinet Secretariat of the Council of Ministers of 2009
Executive Branch (West Bank)	Complaints units of ministries	Complaints handling units of the ministries operating at the central and the local government level	<ul style="list-style-type: none"> Council of Ministers Regulation of Complaints No. 6 of 2009
Executive Branch (Gaza Strip)	Office of the Inspector-General of the Ministry of Interior	Unit of the Ministry of the Interior handling complaints against the police and the security forces	<ul style="list-style-type: none"> Decision of the Ministry of Interior of 2007
Local Government Level	Offices of the Governors	Complaints handling function of the governorate administration	<ul style="list-style-type: none"> Jordanian Law No. 7 of 1954 on the Prevention of Crimes Jordanian Regulation No. 1 of 1966 on Administrative Formations

Level	Name	Type	Legal and Regulatory Provisions
			<ul style="list-style-type: none"> • Presidential Decree No. 22 of 2003 Concerning the Jurisdiction of Governors • Law on Arbitration No. 3 of 2000 • Law of Penal Procedure No. 3 of 2001 • Council of Ministers Regulation of Complaints No. 6 of 2009
Legislative Branch	Complaint Bureau of the Palestinian Legislative Council	Complaints handling unit of parliament	<ul style="list-style-type: none"> • Bylaw of the Palestinian Legislative Council of 2003, Art. 100
Legislative Branch	PLC Committees and PLC Members	Dealing with citizens' complaints according to PLC members' oversight duties	<ul style="list-style-type: none"> • Amended Basic Law of 2003, Art. 58-60. • Bylaw of the Palestinian Legislative Council of 2003, Art. 57.
National Level Independent Institution	Palestinian Independent Commission for Human Rights (PICHR)	National human rights commission and ombuds institution	<ul style="list-style-type: none"> • Amended Basic Law of 2003, Art. 31 • Presidential Decree No. 59 of 1995
National Level Independent Institution	State Audit and Administrative Control Bureau (SAACB)	Audit office of the PNA	<ul style="list-style-type: none"> • Law of the Bureau of Financial and Administrative Control No. 15 of 2005
National Level Independent Institution	Anti-Corruption Commission of the PNA	Governmental unit to fight corruption within the PNA and to raise public awareness	<ul style="list-style-type: none"> • Law No. 1 of 2005 Concerning Illegal Gains • Decree Law No. 7 of 2010 concerning the Amendment of the Law Concerning Illegal Gains No. 1 of 2005

Part II:

The Legal Framework

Pre-PNA Jordanian Legislation (currently applicable in the West Bank)

Law No. 7 of 1954: The Law on the Prevention of Crimes

I, Al Hussein the First, King of the Hashemite Kingdom of Jordan,

In pursuance of Article 31 under the Constitution, and

Based upon what the Houses of Notables and Representatives decided,

Hereby approve the following Law and order that it be published and added to the Laws of the State:

Law No. 7 of 1954: The Law on the Prevention of Crimes

Article 1: Name and Enforcement

This Law shall be entitled the 'Law on the Prevention of Crimes of 1954' and shall enter into force one month after its publication in the Official Gazette.

Article 2: Definitions

The expression "administrator" [mutasarriif] shall include the Governor of the Capital.

Article 3: Pledge of Good Conduct

In the event it is communicated to the administrator or in case he has [reasons] to lead him to believe that a person within his jurisdiction may belong to any of the categories mentioned below, and in case the administrator is of the opinion that there are sufficient reasons to take measures, he may issue to the person concerned a notice of appearance in the format included in the First Appendix to this Law, obliging the said person to appear before him to explain whether he has reasons not to give an undertaking, with or without a guarantee of

guarantors and in accordance with the format included in the Second Appendix to this Law, in which he undertakes to be of good repute during a period of time to be specified at the discretion of the administrator, provided that it does not exceed one year:

1. Each person who is present in a public or private place in circumstances that convince the administrator that he was about to commit a crime or to assist in its commission.
2. Each person who habitually committed burglary or theft or possession stolen property, or who habitually protected or sheltered burglars, or who assisted in the concealing of stolen property or disposing of it.
3. Each person who was in a situation which renders his release without a guarantee a danger to the people.

Article 4: Issuance of an Arrest Warrant

In the event any person mentioned under Article 3 is served a notice to appear before the administrator, but he does not appear before him within a reasonable period of time, the administrator may issue a warrant to arrest such person, provided that his trial takes place within one week of the date on which he was arrested.

Article 5: Rules of Investigation

1. When a person appears or is brought before the administrator, the latter shall initiate an investigation into the validity of the information on the basis of which the measures were taken, and shall hear any other evidence he deems to be expedient.

2. If it appears to the administrator, following the investigation, that there are adequate reasons that drive him to assign that person to give a pledge, the administrator shall issue forth a decision in this regard on condition that such undertaking does not differ from the subject matter mentioned in the notice of appearance or the arrest warrant and that its amount or duration are not discrepant either from those mentioned in any of the two.
3. In case the administrator, following the investigation, is not of the opinion that it is necessary to assign such person to present a pledge, he shall record an explanation thereof in the register and release him in the event he was detained solely for the purpose of the investigation.
4. The selfsame rules applicable in penal procedures before the courts of first instance shall be followed in the procedures, which are in place in accordance with this Law in relation to taking testimony under oath, questioning witnesses and examining them, the presence of lawyers, service of orders, notices of appearance, and all other instruments, as well as the objection of judgements and the execution of decisions, on stipulation that:
 - A. A charge that is discrepant from the charge mentioned in the notification referred to in the notice of appearance may not be address.
 - B. It is not necessary in the procedures taken in pursuance of this Law to prove that the accused person committed a certain action or certain actions.
 - C. The pledge must not exceed that he be obliged to preserve security, refrain from performing acts that may disturb public tranquillity, and to be of good conduct.

Article 6: Seizure of the Amount of the Pledge

If a person has given a pledge in his capacity as a principal or a guarantor in accordance with the decision of the administrator, which requires him to maintain security or to abstain from committing acts that may disrupt public tranquillity or to abide by good conduct, the administrator may, in the event the person under the guarantee has been proven to be convicted

of committing a crime which the law deems to be a breach of the stipulations of the pledge, seize the amount of the pledge, or assign the person under the guarantee, or the guarantors, or any one of them, to pay the amount of which he had pledged. The decision which issues forth in this regard shall be deemed to be final and shall be enforced in pursuance of the applicable procedure of the law in regard of the execution of Civil Law Verdicts.

Article 7: Refusal of the Admittance of Guarantors

The administrator may refuse to admit any guarantor whose guarantee he is dissatisfied with for the reasons which he records in the register.

Article 8: Failure to Present the Pledge

In the event the person to whom a decision to give a pledge has been issued in accordance with Paragraph 2 of Article 5 above fails to present the pledge on the date on which the period included under the decision on giving the pledge, he shall be imprisoned. In the event he was already imprisoned, he shall thus remain until he presents the required pledge or until the period specified in the decision on giving the pledge expires.

Article 9: Release of Failing Persons

If the administrator is convinced that the person imprisoned for failing to present the pledge in accordance with this Law can be released without exposing the public or any other person to danger by doing so, the administrator shall immediately submit a report on this matter to the Minister of Interior who may order that he be released.

Article 10: Authority of Amendment and Revocation

The Minister of Interior may at any time he desires revoke any pledge that was given in accordance with this Law or amend it to the benefit of the person who gave it.

Article 11: Request to Annul Guarantees

1. Any guarantor, who gave a guarantee that another person will maintain security or be of

good conduct, may submit a request to the administrator to annul the guarantee he gave. Thereupon, the administrator shall issue forth a notice of appearance or an arrest warrant for the person under the guarantee, and when he appears before him, the administrator shall annul the guarantee and order the person to present a new guarantee for the remaining period. In case the person fails to present such a guarantee, he shall be imprisoned until he presents it or until the period of the guarantee elapses.

2. In case the administrator deems that the guarantor who provided a guarantee that another person will be of good conduct or maintain security has become incapacitated for the guarantee, the administrator shall be entitled to assign the person tied to the guarantee to present another guarantor in place of that guarantor in the same manner and in reference of the selfsame conditions. The administrator may revoke the previous guarantee in the event the person under the guarantee does not do so within the allotted period of time.

Article 12: Surveillance of the Police

In case a person appears or has been brought before the administrator in accordance with the provisions of Article 4 and in case the administrator deems it necessary that such person should be assigned to present a pledge for good conduct in line with the meaning of this Law, he may order that the person be put under surveillance of the Police or Gendarmerie for a period of not more than one year in lieu of presenting a pledge, or both.

Article 13: Restrictions of Persons Put under Surveillance

The following restrictions shall be applicable in whole or in part to the person who is put under the police or gendarmerie surveillance in accordance with what the administrator decides:

1. He shall reside within the borders of any inhabited sub-district [qada'], city or village in the Kingdom and not move his place of residence to any another sub-district, city or village without a written authorisation from the Commander of the Area.
2. He shall be prohibited from leaving the sub-district, city or village where he resides without a written authorisation from the Commander of the Area.
3. He shall inform the Commander of the Area where he resides about any change in his house or place of residence.
4. He shall appear at the nearest Police station whenever the Police officer in charge of the sub-district or city where he resides assigns him to do so.
5. He shall stay inside his place of residence one hour after sunset until sunrise. The Police or Gendarmerie may visit him at any time to verify that.

Article 14: Penalty of Violating Conditions

Each person, who is placed under surveillance of the Police or Gendarmerie and who fails to observe any of the conditions stated in the decision shall be penalised with either or both confinement for a maximum period of six months or a fine of not more than fifty Dinars.

Article 15: Promulgation of Secondary Legislation

The Council of Ministers, upon approval of the King, shall be entitled to issue forth regulations for enforcement of the provisions of this Law.

Article 16: Repealing

The Law on the Prevention of Crimes of 1927 (Jordanian) and the Law on the Prevention of Crimes of 1933 (Palestinian), as well as the amendments introduced to them and the regulations issued forth in accordance with them, shall be repealed.

Article 17: Enforcement

The Prime Minister and the Ministers of Justice and Interior shall be assigned with the enforcement of the provisions of this Law.

January 28th, 1954

Al Hussein Bin Talal

Appendices

Appendix One

Notice of Appearance for Presentation of News on a Probable Occurrence of a Violation of Security

His Excellency _____
Whereas it has been proven to me on the basis of reliable news that (mention here the gist of the news) and that it is probable that you _____, it is therefore required that you appear in person to the _____ on day _____ of the month _____ of the year 19____ hour _____ to explain the reasons that prevent your being tied to a pledge with the amount of _____ Dinars (and if it is required to provide guarantors, add) and provide the guarantee of one guarantor (or two guarantors as the occasion may be) with the amount of _____ Dinars (each one of them if they are more than one) in order to _____ for a period of _____.

Issued with my signature on day _____ of the month _____ of the year 19____

(Signature)

Appendix Two

Deed of Pledge

Whereas I (mention the name), a resident of (mention the area), have been assigned to give a pledge _____ for a period (mention the period), I hereby undertake that I _____ throughout the aforementioned period. In the event I fail to do so, I pledge to pay to the Government an amount of _____ Dinars.

Written on day _____ of the month _____ of the year 19____.

(Signature)

(If it is required to provide guarantors, the following shall be added to the above)

We guarantee that _____ the aforesaid will _____ throughout the period mentioned above. If he fails to do so, we pledge jointly and severally to pay to the Government an amount of _____ Dinar.

Written on day _____ of the month _____ of the year 19____.

(Signature)

Regulation No. 1 of 1966 on Administrative Formations

I, Al Hussein the First, King of the Hashemite Kingdom of Jordan,

In pursuance of Article 120 under the Constitution; and

Based on the decision of the Council of Ministers, dated on December 20th, 1965,

Hereby order that the following Regulation be set forth:

Regulation No. 1 of 1966: Regulation on Administrative Formations

Promulgated in Accordance with Article 120 under the Constitution

Article 1: Name

This Regulation shall be entitled the 'Regulation on Administrative Formations of 1965' and shall enter into force as of the date of its publication in the Official Gazette.

Article 2: Division of the Hashemite Kingdom of Jordan

The Hashemite Kingdom of Jordan shall be divided into governorates, districts, sub-districts and subdivisions in accordance with the Regulation on Administrative Divisions No. 125 of 1965 and any amendments introduced thereto.

Article 3: Presidency of the Governorate, District, Sub-district and Subdivision

A Governor [muhafiz] shall head the Governorate [muhafaza]; an district administrator [mutasarraf] the district [liwa]; a director of sub-district the sub-district [qada']; and a director of subdivision the subdivision [nahiya]. The cities, villages

and neighbourhoods shall be administered in accordance with the laws and regulations in force in the Kingdom.

Article 4: The Governor and his Jurisdictions

- A. The Governorate shall be of a juridical (legal) character.
- B. The properties of the Governorate shall be of the properties of the State as well as of the gifts, wills, donations, loans and other funds which are collected from the citizens.

Article 5: Appointment of the Governor

The Governor shall be appointed by a decision from the Council of Ministers based upon a recommendation from the Minister of Interior and by the issuance of a High Royal Decree.

Article 6: Administration of the Governorate

- A. The administration apparatus at the Governorate Office shall consist of the Governor as the Head, a number of assistants and administrative employees, and an executive board.
- B. The Executive Board at the Governorate Office shall be composed of the Governor as the Head as well as of the membership of the Assistant to the Governor, Commander of the Area and chairpersons of departments at the Governorate with the exception of courts.

Article 7: Privileges Granted to the Governor

- A. The Governor shall be the representative of the Executive Authority and Head of the Public Administration or the most senior

authority in his Governorate. He shall be superior to all the State employees in his Governorate.

- B. An increment of representation shall be allocated to the Governor. An (unfurnished) house for residence and a governmental car shall be secured to him at the expense of the State in accordance with instructions to be approved by the Council of Ministers based upon the recommendation of the Minister of Interior.
- C. An assistant or more shall be appointed to the Governor in the rank of an administrator [mutasarraf] in order to perform the tasks, which the Governor entrusts to him.
- D. The Minister of Interior shall entrust a Governor to carry out the tasks of the Undersecretary of the Ministry of Interior. The increments provided for under Paragraph B above shall not be disbursed to him.

Article 8: Administering the Oath

Before the handing of the tasks of his function, the Governor shall make before His Majesty the King or the person whom he deputises and in the presence of the Minister of Interior the following oath: "I hereby swear by the Almighty God to be sincere to the King and the Nation and to respect the laws and regulations of the Country and to perform the duties of my function with trustworthiness and impartiality."

Article 9: Permission to Leave

The Governor shall ask permission from the Minister of Interior when he leaves the area of his work.

Article 10: Vacancy of the Governor's Position

In the event the Governor's position becomes vacant for any reason, the Minister of Interior shall assign his tasks by proxy and on a temporary basis to the administrative ruler with the highest grade in the Governorate or to the Commander of the Area. The Governor, in case he is absent from the office of his work, may delegate a member of the Executive Board or an administrative ruler in the Governorate after he obtains approval of the Minister of Interior.

Article 11: The Governor's Area of Jurisdiction

The Governor shall immediately adjudicate the petitions which fall within his jurisdiction. He shall refer the petitions that do not fall under his jurisdiction to the competent authority, enclosed with his opinion.

Article 12: Jurisdictions of the Governor

The Governor shall be assigned to achieve the following matters:

- A. Apply the rules of public freedoms and safeguard them within limits of applicable laws and regulations.
- B. Preserve public morals, public security, public health and public tranquillity in the Governorate, maintain personal rights and safety, and realise justice within bounds of the independence of the Judiciary.
- C. Prepare causes that lead to the economic, urban and social development in the Governorate; disseminate knowledge as well as intellectual and ethical prosperity; accomplish tolerance and fraternity between all sons of the Homeland; combat illiteracy; and encourage sports.
- D. Invigorate functions of municipalities and village councils and manage them in a good manner.

Article 13: Dissemination of Laws and Regulations

The Governor shall disseminate all the laws, regulations, instructions and circulars issued forth by various Ministries to the departments present in his Governorate.

Article 14: Submitting Regular Reports and Holding Meetings

- A. The Governor must submit to the Minister of Interior regular reports at least each two months in regard of public circumstances in his Governorate, needs of the inhabitants, necessary reforms and significant incidents which take place in his Governorate. Copies of such report shall be sent to all Ministers in addition to the reports which are necessitated by special conditions.

- B. The Governor must hold a meeting at least once a month with the administrators of districts, administrative staff and directors of sub-districts in order to examine public affairs of the Governorate and take the appropriate procedures in regard of them.

Article 15: The Meeting of Governors

Governors shall meet under presidency of the Minister of Interior each three months based upon his call in order to review the status in their Governorates, examine respective issues, and elaborate on draft laws and regulations, which the Ministry of Interior deems fit for presentation. The Minister of Interior shall present the result of such meeting in a summary to the Council of Ministers.

Article 16: Proposals of the Governor

- A. The Governor shall be entitled to propose to transfer any employee in his Governorate in case he is convinced that his presence has no longer been consistent with the public interest. The transference shall take place upon a recommendation from the Executive Board and decision from the competent Minister. The Governor shall be entitled to propose to the competent authorities to take disciplinary measures against the employees of his Governorate, the matter of the punishment of whom is beyond the circle of his jurisdiction in accordance with personnel regulations.
- B. In the event the competent Ministries or departments do not adopt the opinion of the Governor or the Executive Board in the cases mentioned above, the Governor may raise the matter to the Council of Ministers through the Minister of Interior.

Article 17: The Governor's Scope of Work

- A. With the exception of courts, departments of the Governorate shall report directly to the Governor.
- B. Employees at the Governorate must comply with orders of the Governor, though they shall have the right to express their remarks thereon. In the case of the Governor's written

insistence on the implementation of such orders, they shall have the right to raise the matter to their respective authority.

- C. The Governor shall have the right to supervise official departments and institutions with financial independence, which are present in his Governorate. The heads of these institutions must abide by the Governor's written requests, which are pertinent to public security.

Article 18: Responsibility of the Heads of Departments at Governorates

- A. All heads of departments at the Governorate Office and its annexes shall be answerable to the Governor in relation to their official working hours as well as the working hours of employees of their departments, with the exception of court judges.
- B. With the exception of court judges, heads of departments may not leave the Governorate Office except with the knowledge of the Governor.

Article 19: Commitment of the State Employees

All the State employees, who are delegated to the Governorate on an official mission, must contact the Governor in order to inform him about the mission, for which they have arrived. They must also provide him with a copy of their reports, which are related to his Governorate.

Article 20: Inspection

The Governor shall have the right to inspect all departments, prisons, official and semi-official public institutions in his Governorate.

Article 21: Function of the Judicial Police

The Governor shall perform the function of the Judicial Police in relation to the flagrant offence as is prescribed under the Law of Penal Procedure. He shall be entitled to notify the Attorney General of the non-flagrant offences which he views.

Article 22: Security Forces of the Governorate

- A. Security forces in the Governorate shall be placed under the immediate disposition of the Governor in terms of the performance of their functions. They shall be assigned to implement his orders in accordance with the provisions prescribed under relevant laws and regulations.
- B. The Public Security forces shall be distributed in the Governorate. Their stations shall be created and annulled in agreement with the Governor.

Article 23: Seeking Assistance from the Armed Forces

In case the Governor deems that the Public Security forces available in his Governorate are not enough to preserve public security and safety, he shall be entitled to request from the Minister of Interior to contact the Ministry of Defence in order to seek assistance of the armed forces.

Article 24: Resistance and Combating of Natural Disasters

The Governor shall take immediately all the measures expedient to resist and combat natural disasters, provided that he inform the competent authorities to complete the resistance and combating.

Article 25: Measures Taken in Case Usurpation of Rights in rem Occurs

- A. In the event a conspicuous usurpation affects any movable or immovable properties or rights in rem, the Governor shall be entitled to decide to reinstate the condition which had been in place prior to the usurpation. Upon the occurrence of an encroachment which may generate a dispute over yields or which is likely to violate public security, he shall be entitled to take the measures necessary to preserve them and to attempt to deliver rights to entitled persons. In the event such was excusable, he shall deposit them as a trust with a third person. Such shall not bear an influence on the verdict to be entered by the judicial authorities.

- B. The encroachment on the usufruct rights to established irrigation water, even if by treatment, shall be deemed to be tantamount to the conspicuous usurpation.
- C. The Administration must be consulted in order to remove the conspicuous usurpation or encroachment within one month from the date on which they occurred and within three months from the date on which they took place in reference of the absentee from the Kingdom. Otherwise, the dispute shall fall beyond the jurisdiction of the Administration.
- D. The administrative measure shall remain to be in effect until it is annulled or amended by a decision from the selfsame authority or until a definitive decision is issued forth by the judicial authorities, which adjudicate the conflict.

Article 26: Giving a Licence

The Governor may give a licence to withdraw water from rivers and streams following approval of relevant Ministries and departments on condition that it does not impinge on rights of other concerned persons.

Article 27: Making Administration Decisions

The Governor shall make administrative decisions in relation to local supplies and control of prices in agreement with the competent Minister.

Article 28: Local Public Services in the Governorate

The following matters shall be deemed to be local public services in the Governorate, which the Governor shall be entitled to supervise, observe and work towards materialising in participation and coordination with the competent authorities and bodies in accordance with the laws, regulations and instructions in force:

- A. Construct, pave and repair village roads which connect sub-districts, subdivisions and towns to villages.
- B. Provide potable water in cities and villages in cooperation with municipal and village councils and competent authorities.

- C. Regulate public facilities in cities and villages, such as pastureland, water sources, threshing floors, public squares and cemeteries, as well as designate the land necessary thereto and set forth the rules that safeguard the good usufruct thereof.
- D. Promote public education, combat illiteracy and establish public libraries.
- E. Dry swamps, expand free health services, establish clinics, infirmaries, orphanages and [shelters for] homeless juveniles as well as other institutions of social affairs.
- F. Organise construction in cities and villages, disseminate electricity, and secure postal services therein.
- G. Establish public markets, conduct competitions to promote industrial and agricultural production, and organise exhibitions of local industries and agricultural products.
- H. Regulate the civil defence affairs and take the measures which he deems to be fit to secure it.
- I. Sponsor charitable, sports and scouts activities.
- J. Regulate the investment of fishing and hunting in conformity with the domestic interest and conditions.
- K. Activate the establishment of forests and forestation as well as regulate inhabitants' usufruct of forests.
- L. Take the measures necessary to resist and combat natural disasters, such as floods, fire, epidemics, pandemics and famine, provided that he inform the competent Ministry in order to complete the resistance and combating with their technical methods.
- M. Protect archaeological artefacts, take care of fine arts, and oversee cinema houses, entertainment facilities and public places.
- N. And in general all the affairs which are assigned to administrative rulers in accordance with any law or regulation in force as well as any other matters which the Council of Ministers deems as public services.

Article 29: Authorisation

The Governor shall be authorised with some of the powers assigned by the laws and regulations to Ministers in accordance with the provisions of Article 4 under the Law on Public Administration No. 10 of 1965.

Article 30: Preparing the Draft Budget of the Governorate

The Executive Board at the Governorate shall prepare the draft budget of the Governorate. The Governor shall ensure that it is dispatched to the Ministry of Interior at least two months before the date on which the Public Budget would be examined in order to scrutinise it with Ministries and relevant departments and integrate it with the Public Budget of the State after it is approved.

Article 31: Transference of Accreditations Allocated to the Governorate

Following endorsement of the budget, the accreditations allocated to the Governorate shall be transferred to the Governor in order to implement them in accordance with the Decisions of the Executive Board.

Article 32: Line Items of the Budget Projects and their Implementation

The State departments at Governorates shall implement the budget projects and line items under supervision of the Governor.

Article 33: The Disbursement Officer

The Governor shall be the officer of disbursement of the expenditures designated to the Governorate.

Article 34: Observation of Some Provisions Relating to the Budget

The following provisions shall be observed upon implementation of the line items of revenues and expenditures in the Budget:

- A. Provisions of the Law on the Accounting Bureau.
- B. The financial apparatus shall carry out activities of receipt and disbursement for the

account of the Governorate in accordance with the financial regulations.

- C. The payment officer shall be the representative of the Ministry of Finance in the Office of the Governorate, district or sub-district.

Article 35: The Executive Board and its Jurisdiction

An Executive Board shall be constituted in each Governorate and district in pursuance of the provisions of Article 6/B under this Regulation.

Article 36: Convention of the Executive Board

The Executive Board shall convene under presidency of the Governor or administrator based upon their call in the place and at the time allotted in the invitation with the presence of the majority of members.

Article 37: Deliberation on the Governorate Affairs

The Governor or administrator shall deliberate with the aforesaid Board on all the affairs pertinent to the Governorate or district, particularly the matters provided for under Article 12, Article 28 and Article 56 of this Regulation as well as the matters presented by any members. He shall take the expedient decisions thereon.

Article 38: Implementing Decisions

The Governor must supervise implementation of the decisions of the Executive Board in line with the priority he estimates and the available capacities.

Article 39: The Advisory Board and its Jurisdiction

- A. A local advisory board, the number of members on which does not exceed fifteen, shall be constituted in each Governorate upon a recommendation from the Governor and approval of the Minister of Interior. Whenever possible, the following bodies shall be heeded in its representation and the duration of members thereon shall be three years:

1. Members of the House of Representatives and House of Notables in the Governorate.
 2. Municipal and village councils.
 3. Chambers of Commerce and Industry and banks.
 4. Associations and clubs.
 5. Farmers and cooperative societies.
 6. Representatives of physicians, engineers, lawyers and workers.
- B. The member on the Advisory Board shall be required to:
1. Have completed thirty years of age.
 2. Be Jordanian since at least five years.
 3. Enjoy his civil and political rights.
 4. Be a resident of the Governorate, district or sub-district.
 5. Master reading and writing.
 6. Not be convicted of a disgraceful crime or misdemeanour.

Article 40: Convention of the Board

The Board shall convene under presidency of the Governor based upon his call at least once each two months in the place designated in the invitation with the presence of the majority of members. The Governor may call any Government employee in the Governorate, district or sub-district to attend the Board meeting and take part in its deliberations, provided that he shall not have the right to vote.

Article 41: Disbursement of Remunerations

Remunerations may be disbursed to the members for attending the sessions in the amount which the Council of Ministers decides based upon the recommendation of the Minister of Interior.

Article 42: Submitting Resignation

Resignation of the member shall be submitted to the Governor and shall be registered immediately.

It shall be deemed to be final in the event it was not withdrawn within fifteen days from the date on which it had been registered.

Article 43: Prosecution of the Member before the Judiciary

Each member, who is prosecuted before the Judiciary of a crime or a disgrace, shall be deemed to be suspended until a verdict on his innocence is entered.

Article 44: Failure to Attend Meetings

Each member called to the meeting but fails to attend three consecutive sessions without a lawful excuse shall be deemed to be resigned. The Governor shall declare the decision on the annulment of his membership. Such decision shall be subject to challenge before the Executive Board of the Governorate within fifteen days from the date on which it was served. The Board's decision thereon shall be definitive.

Article 45: Vacancy of a Seat

In the event the seat of a member becomes vacant for any reason, his successor shall be appointed by a recommendation from the Governor and approval of the Minister of Interior.

Article 46: Deliberation on the Governorate Affairs

The Governor shall deliberate with the aforementioned Board on all the affairs relating to the Governorate and shall take the expedient recommendations thereon.

Article 47: Viewing the Draft Budget

The Board may view the draft budget of the Governorate, which is prescribed under Article 30 above, before it is approved by the Executive Board and shall express its opinion thereon in an advisory manner.

Article 48: Decision Making

Decisions of the Board shall be made with a majority vote of the present members. The Head of Board shall have a preponderant vote when

the votes are equal. The Board's decisions shall be deemed to be recommendations for the competent authorities and the Governor shall be responsible for serving them to those authorities.

Article 49: Implementing the Board's Recommendations

Official bodies shall implement the Advisory Boards' recommendations and work accordingly. If excusable, they shall report to the Board through the Governor the causes that have prevented the implementation of such recommendations.

Article 50: Recording of the Decisions

The Board's decisions shall be recorded one by one on a register to be signed by the Head or members and those present. Then, they shall be referred to the Governorate Bureau for execution.

Article 51: The District Administrator and his Jurisdiction

- A. The apparatus of the district [mutasarrifiya] shall consist of the district administrator, necessary number of administrative employees, and an executive board.
- B. The Executive Board shall comprise the District Administrator as the Head and membership of the Assistant to the District Administrator, Commander of the Area and heads of other departments, with the exception of courts.

Article 52: Tasks of the District Administrator

The District Administrator shall be the representative of the Executive Authority, Head of Public Administration and the most senior employee in his district. He shall be superior to all employees of the district of whatever ranks and [regardless of the] corps to which they belong and shall be responsible for public administration therein. He shall supervise the enforcement of laws and regulations, perform all functions delegated to him by the laws and regulations, preserve rights of the State and citizens, and implement all instructions of the Governor. He shall be bound to report to the Governor in significant matters of the district, especially with respect to those pertaining to security and order.

Employees of all departments must submit to the District Administrator all useful information as well as everything that may facilitate his mission.

Article 53: Leave

The District Administrator shall ask permission from the Governor when he leaves the office of his work.

Article 54: Privileges Granted to the District Administrator

An increment of representation shall be allocated to the District Administrator. A governmental car shall also be secured to him at the expense of the State in accordance with instructions to be approved by the Council of Ministers based upon the recommendation of the Minister of Interior.

Article 55: Vacancy of the District Administrator's Position

In the event the District Administrator's position becomes vacant for any reason, the Minister of Interior shall assign his tasks by proxy and on a temporary basis to the administrative ruler with the highest grade in the district or to the Commander of the Area. The Governor, in case the District Administrator is absent from the district office for a period that does not exceed one month, may delegate an administrative ruler in the Governorate or the Commander of the Area to carry out his function upon approval of the Minister of Interior.

Article 56: Tasks of the District Administrator

The District Administrator shall be assigned to achieve the following matters:

- A. Apply the rules of public freedoms and safeguard them within the limits of applicable laws and regulations.
- B. Preserve public morals, public security, public health and public tranquillity in the district, maintain personal rights and safety, and realise justice within bounds of the independence of the Judiciary.
- C. Prepare conditions that lead to the economic, urban and social development in the district;

disseminate science and knowledge as well as intellectual and moral prosperity; accomplish tolerance and fraternity between all sons of the Homeland; combat illiteracy; and encourage sports.

- D. Invigorate municipalities and village councils and manage them in a good manner.

Article 57: Disseminating Laws and Regulations

The District Administrator shall disseminate all the laws, regulations, instructions and circulars issued forth by Ministries or the Governor to the various departments present in his district.

Article 58: Submitting Reports

The District Administrator must submit to the Governor regular reports that are reasoned and supported with his opinion at least each two months in regard of the public circumstances in his district as well as needs and desires of the inhabitants, reforms and respective methods of realisation, status of prisons in his district, and significant incidents which take place in his district, in addition to the reports which are necessitated by special circumstances.

Article 59: The District Administrator's Scope of Work

- A. With the exception of courts, departments of the district shall report directly to the District Administrator.
- B. The district employees must abide by orders of the District Administrator. However, they shall have the right to express their remarks thereon in case they believe that they involve a contravention of the provisions of the Law or Regulation.
- C. The District Administrator shall be entitled to propose to the Governor to transfer any functionary in his from his district in case he is convinced that his presence has no longer been congruent to the public interest. The District Official shall be entitled to propose to the Governor to impose the penalties he deems fit on his district employees. The competent authorities must take such

proposal into consideration if it is supported by the Governor.

Article 60: Responsibility of the Heads of Departments

All heads of departments at the district office and its annexes shall be answerable to the District Administrator in relation to their official working hours as well as the working hours of their departments, with the exception of court judges. The District Administrator must recommend imposing expedient penalties on employees through the Governor. Heads of departments may not leave the district office except with the knowledge of the District Administrator.

Article 61: Commitments of the State Employees

All the State employees, including inspectors, who arrive to the district on an official mission, must contact the District Administrator in order to inform him about the mission, for which they have arrived. They must also provide him with a copy of their reports in case the matter is related to the district.

Article 62: Inspection

The District Administrator shall have the right to inspect all departments, prisons, official and semi-official public institutions in the district, with the exception of courts.

Article 63: Function of the Judicial Police

The District Administrator shall perform the function of the Judicial Police in relation to the flagrant offence as is prescribed under the Law of Penal Procedure. He shall be entitled to order to conduct investigation into the non-flagrant offence when necessary.

Article 64: Subordination of the Security Forces

Public Security forces in the district shall be placed under the immediate disposition of the District Administrator in terms of the performance of their functions. They shall be assigned to implement his orders in accordance with the

provisions prescribed under applicable laws and regulations.

Article 65: Taking Preliminary Measures to Preserve the Order

In cases provided for under Article 23 of this Regulation, the District Administrator shall be entitled to take preliminary measures to preserve the order. He shall present his proposals to the Governor so that he takes the appropriate measures.

Article 66: Resistance and Combating of Natural Disasters

The District Administrator must take immediately all the measures expedient to resist and combat natural disasters, such as floods, fire, epidemics and pandemics, provided that he inform the competent Ministry in order to complete the resistance and combating with its technical methods.

Article 67: Measures Taken in Case Usurpation of Rights in rem Occurs

- A. In the event a conspicuous usurpation affects any movable or immovable properties or rights in rem, the District Administrator shall be entitled to decide to reinstate the condition which had been in place prior to the usurpation. Upon the occurrence of an encroachment which may generate a dispute over yields or which is likely to violate public security, he shall be entitled to take the measures necessary to preserve them and to attempt to deliver rights to entitled persons. In the event this was excusable, he shall deposit them as a trust with a third person. In both cases, such shall not bear an influence on the verdict to be entered by the judicial authorities.
- B. The encroachment on the usufruct rights to established irrigation water, even if by treatment, shall be deemed to be tantamount to the conspicuous usurpation.
- C. The Administration must be consulted in order to remove the usurpation or encroachment within one month from the date on which they occurred and within three

months from the date on which they took place in reference of the absentee from the Jordanian territory. Otherwise, the dispute shall fall beyond the jurisdiction of the Administration.

- D. The administrative measure shall remain to be in effect until it is annulled or amended by a decision from the selfsame authority or until a definitive decision is issued forth by the judicial authorities, which adjudicate the sources of the conflict.
- E. The aggrieved party shall have the right to challenge the administrative measure before the Governor.

Article 68: Giving Licences

The District Administrator may give a licence to withdraw water from rivers and streams following approval of the relevant Ministries and departments on condition that it does not impinge on rights of other concerned persons.

Article 69: Making Administration Decisions

The District Administrator shall make administrative decisions in relation to local supplies and control of prices in agreement with the competent Minister.

Article 70: Local Services

The following matters shall be deemed to be local public services in the district, which the District Administrator shall be entitled to supervise, observe and work towards materialising in participation and coordination with the competent authorities and bodies in accordance with the laws, regulations and instructions in force:

- A. Construct, pave and repair village roads which connect sub-districts, subdivisions and towns to villages.
- B. Provide potable water in cities and villages in cooperation with municipal and village councils and competent authorities.
- C. Regulate public facilities in cities and villages, such as pastureland, water sources, threshing floors, public squares and cemeteries, as well as designate the land necessary thereto and set forth the rules that safeguard the good usufruct thereof.
- D. Promote public education, combat illiteracy and establish public libraries.
- E. Dry swamps, expand free health services, establish clinics, infirmaries, orphanages and [shelters for] homeless juveniles as well as other institutions of social affairs.
- F. Organise construction in cities and villages, disseminate electricity, and secure postal services therein.
- G. Establish public markets, conduct competitions to promote industrial and agricultural production, and organise exhibitions of local industries and agricultural products.
- H. Regulate the civil defence affairs and take the measures which he deems to be fit to secure it.
- I. Sponsor charitable, sports and scouts activities.
- J. Regulate the investment of fishing and hunting in conformity with the domestic interest and conditions.
- K. Activate the establishment of forests and forestation as well as regulate inhabitants' usufruct of forests.
- L. Take the measures necessary to resist and combat natural disasters, such as floods, fire, epidemics, pandemics and famine, provided that he inform the competent Ministry in order to complete the resistance and combating with their technical methods.
- M. Protect archaeological artefacts, take care of fine arts, and oversee cinema houses, entertainment facilities and public places.
- N. And in general all the affairs which are assigned to administrative rulers in accordance with any law or regulation in force as well as any other matters which the Council of Ministers deems as public services.

Article 71: Director of the Sub-district and his Jurisdiction

The Sub-district Director shall be the representative of the Executive Authority and the most senior employee in the sub-district. He shall be superior to all employees of the sub-district of whatever ranks and [and irrespective of the] corps to which they belong and shall be responsible for public administration in his sub-district. He shall supervise the enforcement of laws and regulations, perform all functions which these delegate to him, preserve rights of the State and citizens, and implement all instructions of the Governor and District Administrator. He shall be bound to report to the Governor and District Administrator in significant matters of the sub-district, especially with respect to those pertaining to security and order. Functionaries of all departments must submit to the Sub-district Director all useful information as well as everything that may facilitate his mission.

Article 72: Vacancy of the Sub-district Director's Position

In the event the position of the Sub-district Director becomes vacant or he is absent on a leave, the Governor shall delegate a person to substitute him following approval of the Minister of Interior.

Article 73: Permission to Leave

The Sub-district Director may not leave the area of his work except after asking permission from the Governor or District Administrator in line with his engagement.

Article 74: Subordination of Departments

- A. All departments in the sub-district shall be subject to the Sub-district Director's supervision and inspection. Excluded from this shall the courts, which will not be subject to his inspection. Heads and personnel of departments may not leave their offices except with the knowledge of the Sub-district Director.
- B. With the exception of court judges, all employees in the sub-district of various ranks shall be answerable to the Sub-district Director in regard of their official working

hours. He shall be entitled to propose to the Governor or District Administrator to penalise them.

Article 75: Inspection Tours

The Sub-district Director shall conduct each two months an inspection tour in the areas of his sub-district, provided that the duration of each tour does not exceed one week. Its duration and date of implementation shall be defined in agreement with the Governor or District Administrator with the exclusion of the tours necessitated by emergency conditions. He shall submit to the Governor or District Administrator a detailed report on the outcomes of each tour, to be enclosed with his opinion.

Article 76: Call to the Meeting

The Sub-district Director shall call the Subdivision Directors subordinate to him as well as heads of municipal and village councils to a meeting to be held under his presidency once each two months and when needed to discuss with them the affairs of their subdivisions as well as to listen to their opinions in regard of expedient reforms.

Article 77: Omission of Employees

The Sub-district Director shall be entitled to propose to penalise all employees of the sub-district who are omissive in the affairs of their functions, with the exception of judges.

Article 78: Function of the Judicial Police

The Sub-district Director shall be responsible for the public order in the area and shall exercise his function pertaining to Judicial Policing in relation to the flagrant offences in accordance with the provisions of the Law of Penal Procedure. He shall order to conduct investigation in non-flagrant offences when necessary.

Article 79: Association of the Public Security Forces with the Sub-district Director

Public Security forces in the sub-district shall be associated with the Sub-district Director and shall be assigned to implement his orders in pursuance of the provisions prescribed under applicable laws and regulations.

Article 80: Oversight and Inspection

The Sub-district Director shall be entitled to oversee enforcement of the provisions of the Law on Prisons as well as the regulations issued forth in accordance with it and to inspect them himself and to request from his respective authority to implement necessary reforms thereto.

Article 81: Taking Preliminary Measures to Preserve the Order

In the cases provided for under Article 23 of this Regulation, the Sub-district Director shall be entitled to take preliminary measures to preserve the order. He shall present his proposals to the Governor or District Administrator so that he takes the appropriate decision.

Article 82: Responsibility of the Sub-district Director

The Sub-district Director must support controllers of taxes and fees and to follow up on the collection of taxes. He shall also be responsible for expedited tasks of collection.

Article 83: Exercise of Jurisdictions

The Sub-district Director shall exercise his jurisdictions in relation to the administration of villages and municipalities in accordance with the provisions of the Law on the Administration of Villages, Law on Mayors in Cities and Law on Municipalities and, generally, the various functions and tasks assigned to him as per effective laws and regulations.

Article 84: Monitoring

Inspectors and employees of departments, who arrive to the sub-district on official missions, must contact the Sub-district Director before they commence work as well as inform him about their mission.

Article 85: Director of the Subdivision and his Jurisdiction

The subdivision shall be an administrative unit, which is subordinate to the Governorate, district or sub-district.

Article 86: Representative of the Executive Authority

- A. The Subdivision Director shall be the representative of the Executive Authority, Head of Public Administration and the most senior employee in his subdivision. He must secure the dissemination of laws and regulations therein and exercise the jurisdictions and authorities authorised to him by operative laws and regulations. Any State employee, who travels on a mission or inspection to a subdivision, must contact its Director.
- B. The Subdivision Director must report, to the administrative authority to which he is immediately associated, in regard of the affairs of the subdivision and shall implement the orders which he receives from it.

Article 87: Leaving Work with a Permission

Subdivision Directors may not leave the areas of their work except after asking permission from the administrative authority, which they are immediately associated. The subdivision employees may not leave their offices except with the knowledge of the Director.

Article 88: Implementation of Orders

With the exception of judges, the subdivision employees must implement the orders issued forth by the Director in relation to the securing of public health in accordance with the applicable laws and regulations. He shall have the right to control the official working hours of the subdivision employees and propose penalties against those who violate his authority.

Article 89: Hearing Complaints

The Subdivision Director shall hear the inhabitant's requests and complaints and shall implement the required action in their regard.

Article 90: Function of the Judicial Police

The Subdivision Director shall perform the function of Judicial Policing in relation to flagrant offences in accordance with the Law of Penal Procedure. He shall order to conduct

investigations into non-flagrant offences when necessary.

Article 91: Responsibility for Preserving Order and Security

The Subdivision Director shall be responsible for keeping order, security and public health in the subdivision. Public Security forces, which are present in his subdivision, shall be under his disposal. They shall be assigned to implement the administrative order which he addresses to them subject to penalties provided for under effective laws.

Article 92: Control and Inspection

The Subdivision Director shall control the villages located in the subdivision as well as inspect them in accordance with the provisions of the Law.

Article 93: Oversight and Investigation

The Director shall oversee mayors of villages, investigate owned land as well as all other land of the State and public properties, and send to the competent administrative authority all the information dispatched to him. He shall also assist financial officers in collecting taxes.

Article 94: Call to the Meeting

The Director shall call once a month the mayors of villages to a meeting, which he holds under his presidency, to examine issues pertaining to the subdivision, particularly those relating to the development of villages in health and social aspects. He shall himself send reports on such [meeting], enclosed with his proposals. At least once every six month, the Director must call to this meeting the physician, head of the Police station, agriculture officer, headmaster and teachers of the school in the subdivision. These must not fail to attend these meetings.

Article 95: Inspection Tours

The Director must conduct inspection tours in his subdivision in order to supervise its affairs. He shall submit to the authorities to which he is subordinate a report on the outcome of his tours, along with a statement of his opinion.

Article 96: Promulgation of Secondary Legislation

The Minister of Interior may issue forth instructions from time to time for enforcement of the provisions of this Regulation.

Article 97: Repealing

Each provision under any previous Regulation shall be repealed to the extent with which it contradicts the provisions of this Regulation.

Article 98: Enforcement

The Prime Minister and the Ministers shall be assigned to enforce the provisions of this Regulation

December 20th, 1965

Al Hussein Bin Talal

Palestinian National Authority Legislation

1. Laws

Law on Arbitration No. 3 of 2000

The Chairman of the Executive Committee of the Palestine Liberation Organization

President of the Palestinian National Authority

After review of the Arbitration Law for the year 1926, as amended, in application in the Gaza Governorates,

And the Law on Foreign Arbitration Decisions for the year 1930, as amended, in effect in the Gaza Governorates,

And the Arbitration Procedures for the Year 1935, in force in the Gaza Governorates,

And the Law on the Enforcement of Foreign Provisions No. 8 for the year 1952 in effect in the West Bank Governorates,

And the Arbitration Law No. 18 for the year 1953, in effect in the West Bank Governorates,

And the Land Courts Law promulgated on 8 April 1921, particularly Article 8 thereof, applicable in the Gaza Governorates,

And after ratification by the Legislative Council in its session of 3 February 2000,

We promulgated the following law:

Chapter One: Definitions and General Provisions

Article 1

For the purpose of the application of the provisions of this law, the following terms and expressions shall have the meanings specified hereunder unless otherwise specified:

Arbitration:

A means for dispute settlement between the parties to the dispute by presenting the issues in conflict before an arbitration panel to make a decision thereon;

Arbitrator:

A natural person who fulfills the tasks of arbitration;

Arbitration Panel:

One or more persons who undertake settlement of disputes;

Casting Arbitrator:

The arbitrator who makes the arbitration judgment when majority is not achieved;

Expert:

Any person qualified in a certain domain and can be consulted to explain technical issues related to his field of specialty that any other person would not be able to perform;

Competent court:

A court that is originally competent to review the dispute submitted to the Arbitration Panel in case of local arbitration. If the arbitration taking place in Palestine is international, the competent court shall be the first-instance court within the geographic limits this court is entitled to cover. In case of foreign arbitration, the competent court in registration and implementation of the decisions of arbitration shall be the first-instance court in Jerusalem, capital of the state of Palestine or in the temporary premises thereof in Gaza.

Article 2

Without jeopardizing the provisions of Article 4 of this law, the provisions of this law shall apply in arbitration between natural or legal persons who enjoy legal capacity to hold rights regardless of the nature of the legal relation subject of the conflict, while taking into consideration the international agreements in which Palestine is a signatory member.

Article 3

For the purposes of this law, arbitration shall be:

First, local if it is not a matter of international trade and is taking place in Palestine.

Second, international if the issues at conflict related to economic, trade or civil issues in the following cases:

1. If the headquarters of the parties in arbitration are in different countries in the time of conclusion of the agreement on arbitration. If any of the parties has several business centers, his headquarters shall be defined as the center that is more closely linked to the agreement on arbitration. If any of the parties has no business center, his place of residence shall be considered.
2. If the issues at conflict included in the agreement on arbitration are linked to more than one country.
3. If the headquarters for the business of each of the parties in arbitration are in the same country upon signature of the agreement on arbitration and that one of the following centers is located in another country.
 - a. the location to make the arbitration as is specified in the agreement on arbitration or as is explained the manner of specification thereof;
 - b. the center for the implementation of an essential part of the commitments arising from the trade or contractual relation between the parties;
 - c. the place that is most linked to the issues at conflict.

Third, foreign if it takes place outside Palestine.

Forth, special if it is not organized by an institution specialized in arbitration.

Fifth, institutional if it is performed via any organization specialized in arbitration and the supervision thereof whether it be in or outside Palestine.

Article 4

The provisions of this law shall not apply to the following matters:

1. Issues related to public order in Palestine.
2. Issues that cannot be solved by conciliation by law.
3. Disputes related to personal status.

Chapter Two: Agreement on Arbitration

Article 5

1. The agreement on arbitration is an agreement between two or more parties stipulating for referral of all or some of the conflicts that emanated or may emanated from a specific legal relation whether contractual or not contractual. The agreement on arbitration may be in the form of arbitration clause in a contract or in a separate agreement.
2. The agreement on arbitration must be written.
3. The agreement on arbitration shall be considered written if it includes a text signed by the parties or if it is implied by exchange of letters, telegrams or any other written documents between them.
4. If the agreement on arbitration is made pursuant to the emergence of the conflict, it must include the issues at conflict or it would be void.
5. If the arbitration clause is made on a separate agreement, it shall not be void upon breach, annulment or termination of the contract.
6. The agreement on arbitration may not be revised without approval by the parties or by a ruling from the competent court.

Article 6

The agreement on arbitration shall not end with the death of any of the parties unless the conflict is related to the person of the party who died.

Article 7

1. If any of the parties of arbitration initiates any legal action before any court against the other party regarding a matter that was agreed upon to be referred to arbitration, the other party, before debates start on the claim, shall have the right to request from the court to end this procedure. In which case, the court must make this ruling if it is convinced of the validity of the agreement on arbitration.
2. Such legal action as stated here above may not be initiated before commencement and continuation of arbitration procedures or after the arbitration decision is made.

Chapter Three: Arbitration Panel

Article 8

1. An arbitration panel shall be formed of one or more arbitrators with agreement of parties.
2. If there is no agreement on the formation of a panel for arbitration, each party shall choose an arbitrator and the arbitrators shall choose a casting arbitrator unless the parties agree to proceed otherwise.

Article 9

Any arbitrator must possess full legal capacity and enjoy all civil rights; he must not be sentenced for any felony or misdemeanor that harms honor or honesty nor can he be in bankruptcy unless he is redeemed.

Article 10

Without jeopardizing the provisions of this law, if the agreement on arbitration assigns an arbitration organization, the rules of this organization shall apply for the follow up of arbitration procedures, including designation and monitoring of the arbitration panel, specification of necessary cost and the distribution thereof

on parties as well as making decisions regarding revocation of the panel or any of its members.

Article 11

1. Upon request of any of the parties or the arbitration panel, the competent court shall assign a casting arbitrator from the records of arbitrators certified by the Ministry of Justice in the following cases:
 - A. If the agreement on arbitration provides for referral of the conflict to one arbitrator and that the parties do not reach agreement on the designation thereof;
 - B. If each party has the right to assign an arbitrator and has not done so;
 - C. If the arbitrator does not accept to undertake this mission within fifteen days from the date on which he was informed of his selection as arbitrator;
 - D. If the arbitrator or any of the arbitrators of any of the parties in case of multiple arbitration cannot perform this mission due to loss of capacity or inability and that the parties do not assign a successor thereof.
 - E. If the arbitrators are to assign a casting arbitrator but do not agree thereon.
 - F. If the casting arbitrator refuses or is unable to perform arbitration and that the agreement on arbitration does not stipulate for the designation of a successor thereof and that the parties do not agree on the nomination of this successor;
2. The court shall make its decision within fifteen days from the date of reporting to the other party through a copy of the claim. The decision of the court shall be irrevocable.

Article 12

1. Any arbitrator shall prove acceptance of this mission in writing and by signing the agreement on arbitration. He must inform the parties upon acceptance of this mission of any circumstances that may raise doubts about his independence or impartiality.

2. Any arbitrator shall not be allowed, without excuse, to relinquish the procedures of arbitration after accepting to fulfill such mission.

Article 13

1. It shall not be allowed to request dismissal of any arbitrator unless there are justifiable circumstances that raise doubts about his impartiality or independence. No party in arbitration shall be allowed to dismiss any arbitrator assigned or co-designated thereby if not for causes discovered after the designation of this arbitrator.
2. While taking into account paragraph 1 hereabove, it shall be prohibited to request dismissal of the arbitration panel after hearing the evidence of the parties.

Article 14

1. If any of the parties in conflict has a reason to request dismissal of the arbitration panel or of any of the members thereof, it must submit a written request within fifteen days from the date it became aware of such reason to the arbitration panel or institution in case of recourse to institutional arbitration.
2. If the request for dismissal is rejected, the submitting party thereof shall have the right to appeal before the competent court within fifteen days from the date of issuance of the decision, in which case the court's decision shall be irrevocable.
3. Any request for dismissal or appeal before the court shall entail suspension of the arbitration procedures until a decision is made regarding the appeal.

Article 15

1. If the mandate of any arbitrator expires as a result of death, dismissal or quash or for any other reason, a successor thereof shall be appointed in the same manner the first arbitrator was designated or in accordance with the procedures set forth in Article 11 of this law.

2. Arbitration procedures shall be suspended till appointment of a new arbitrator.

Article 16

The arbitration panel shall be responsible for the settlement of the following matters:

1. Issues related to competence.
2. Issues related to the agreement on arbitration.
3. Requests to dismiss the arbitration panel or any of its members
4. Pleas related to the arbitration presented before it.

Article 17

The arbitration panel shall have the right to consult with the competent court on any legal aspects emanating in the conflict.

Article 18

The parties may agree on the procedural rules that must be adopted by the arbitration panel. In the event they do not agree, the arbitration panel shall proceed with the procedures applicable in the place of arbitration.

Article 19

1. Parties in international arbitration may agree on the law to be applicable in case of conflict. In the absence of such agreement, the arbitration panel shall apply the Palestinian law.
2. In case of international arbitration taking place in Palestine and that the parties do not reach agreement on the law to be applicable, statute rules referred to on regulations regarding conflict in application of laws in the Palestinian law shall apply, taking into consideration that the rules of revenue cannot apply unless they stipulate for application of the Palestinian law. In all cases, the arbitration panel shall take into consideration the customs applicable to the relation between the parties in conflict.

Chapter Four: Arbitration procedures

Article 20

The arbitration panel shall start operation upon referral of the conflict thereto and its acceptance to arbitration between the parties.

Article 21

If the arbitration parties do not agree on the place for arbitration, it shall take place in the place determined by the arbitration panel taking into consideration the circumstances of the conflict and the suitability of the place for members; the arbitration panel may hold one or more sessions in any other place it deems fit.

Article 22

1. Arbitration shall take place in Arabic unless the parties agree otherwise. In case of multiplicity of languages, the arbitration panel shall set the language(s) to adopt.
2. The arbitration panel may request from any of the parties to submit written documents translated into Arabic or in any of the languages adopted thereby.
3. The arbitration panel may have recourse to a certified translator in case of multiplicity of languages of the parties in conflict.

Article 23

1. The plaintiff must within the period set by the arbitration panel send to the defendant and to the arbitration panel a comprehensive written statement explicating his case and the disputed matters, accompanied with copies of any evidence documents.
2. a. The defendant must, within thirteen days from the date he received the statement of the plaintiff and other documents, submit a detailed brief accompanied with evidence documents and send copies of the brief and documents to the plaintiff and arbitration panel.

b. The arbitration panel may extend the period set forth in paragraph a hereabove in the manner it deems fit.

3. The arbitration panel may at any of the stages of the conflict request from the parties to submit the original of the documents submitted thereto unless the parties of the arbitration agree on accepting only copies of these documents.

Article 24

The arbitration panel shall set a date to hear the parties and shall inform them of such date in adequate time. The panel may hear the parties or consider the briefs and documents sufficient if the parties agree thereon.

Article 25

Submission of documents to the person that must be informed thereof shall be made to him in person or to his workplace or usual residence or postal address specified in the arbitration agreement and in the contract regulating this relation unless the parties agree otherwise.

Article 26

1. If the plaintiff fails to submit the written statement set forth in paragraph 1 of Article 23 of this law without acceptable reasons, the arbitration panel must upon request of the defendant dismiss the case.
2. If the defendant does not submit the brief set forth in paragraph 2 of Article 23 stated hereabove without acceptable reasons, the arbitration panel must upon request of the plaintiff continue the procedures without considering such act as acceptance by the defendant of the pleas of the plaintiff. The arbitration panel may in this case make a judgment in abstentia based on the evidence submitted thereto.

Article 27

The arbitration panel shall hear evidence of the parties and write down the minutes of each session in a registry signed in accordance with the law in force and shall submit copies thereof to each of the parties upon request.

Article 28

1. The arbitration panel may upon request thereof or of any of the parties of arbitration summon any witness to testify or to submit any documents.
2. If such witness refuses to appear before the arbitration panel, the panel shall have the right to request from the competent court to summon the witness on the date set therefor.

Article 29

The arbitration panel may request from the competent court to make a proxy decision to hear the evidence of a witness living outside the area of jurisdiction of the court and unable to appear before it.

Article 30

The arbitration panel may upon request of any of the parties or by its own decision appoint one or more experts in any matter it determines, in which case each party must submit to such expert any information or document related to this matter.

Article 31

1. The arbitration panel shall send a copy of the expert's report to all of the parties while providing for an opportunity to question the expert before the arbitration panel in a session set for this purpose.
2. Every party shall have the right to call one or more experts to give their opinion on the matters dealt with in the report of the expert assigned by the arbitration panel.

Article 32

1. In the event of claim of fraud of any essential document related to the matters of conflict before the arbitration panel, the claiming party shall be requested to prove the claim before competent bodies.
2. The procedures of arbitration shall be suspended until a decision is made regarding the claim of falsification if the claimant proves that he had submitted his claim to the

competent bodies within one week from the date he was asked to do so.

Article 33

The arbitration panel, upon review of the conflict, may issue orders for precautionary or urgent measures it deems fit against any of the parties of arbitration if the agreement on arbitration states for such measures, in which case the ruling made shall have the force of a judgment by the competent court and shall be implemented in the same manner of implementation of judgments and decisions.

Article 24

The arbitration panel may decide to oblige the parties to payment of any sums it deems fit to cover the expenses incurred by the arbitration provided that the agreement on arbitration states clearly that this principle is acceptable. If the parties or any thereof fails to pay the sums due to the arbitration panel, the panel may request the competent court to issue a ruling therefor.

Chapter Five: Arbitration decisions and appeals

Article 35

1. Each of the arbitration parties shall have the right to amend or complete its claims or pleas during the arbitration procedures unless the arbitration panel decides to dismiss such right to prevent hindering the settlement of dispute.
2. After completion of evidence of the parties, the arbitration panel shall decide to suspend the case for issuance of judgment while allowing the parties to submit final plea within the period set by the panel.

Article 36

The parties in conflict may delegate the arbitration panel to proceed with conciliation among them on the bases of justice. The arbitration panel may upon request of any of the parties or by its own decision suggest a friendly settlement or the dispute.

Article 37

If the parties agree before issuance of the arbitration decision to settle the dispute, the arbitration panel shall make a decision to ratify the settlement within the terms agreed upon and shall consider such settlement as a decision of the panel.

Article 38

1. A. The arbitration panel must issue the decision settling the dispute within the period agreed upon by the parties.

B. Unless the parties agree otherwise, the decision must be made within twelve months from the date of commencement of the arbitration procedures. In all cases the arbitration panel may extend this period by a delay not exceeding six months.
2. In the event no arbitration decision is made within the period set forth in paragraph (a) hereabove, any of the arbitration parties may request from the competent court to extend the period of arbitration or to end the arbitration procedures. In which case, the parties shall have the right to file a case with the competent court.
3. The arbitration panel shall make its final decision in the conflict within three months from the date it suspended the case for judgment, and shall have the right to extend this period if such extension is deemed necessary.
4. Arbitration decisions shall be made by unanimity or majority of opinions after debates if the arbitration panel is composed of more than one arbitrator or by decision of the casting arbitrator if no majority is obtained.

Article 39

1. The arbitration decision shall include summary of the agreement on arbitration, the parties of the arbitration as well as the issues of arbitration, heard and written evidence, claims and the reasons and phrasing for the decision in addition to the date and place of

issuance and the signature of the arbitration panel.

2. The arbitration panel shall include in its decision any matters related to fees, expenses and remuneration incurred by the arbitration and the mode of payment thereof.

Article 40

The arbitration panel shall make its decisions in presence of the parties. If one or more of the parties is absent albeit being informed, the panel shall make its decision in this session and inform the absent party thereof. In which case the decision shall be considered in presentia unless otherwise is agreed by the parties.

Article 41

Without jeopardizing the provisions of the law, the decision of arbitration or any part thereof may not be published without approval of the parties of arbitration or of the competent court.

Article 42

1. The arbitration panel may on its own or upon request from any of the parties provided such request is submitted within thirty days from being informed of the arbitration decision or informing the other party, correct any accountancy, written or any other material mistakes that occurred in its decision. This correction shall be made on the original copy of the decision and shall be signed by the arbitration panel.
2. The correction must be made within thirty days from the date of issuance of judgment if the correction is to be made by the same panel, within thirty days from receiving the request for correction if the correction is to be made upon request of any of the parties.
3. The arbitration panel may upon request submitted by any of the parties within thirty days after being informed of the arbitration decision and provided that the other party is informed, explain specific points stated in the arbitration decision or in any parts thereof. If the arbitration panel is convinced of the request to explain, it shall make its

decision within thirty days from the date it received the request, in which case, the decision of explanation shall be considered complementary to the arbitration decision it explains and shall be subject to the same provisions.

4. If the arbitration panel cannot convene in reason of death or illness of any of the arbitrators, the competent court shall dissolve the arbitration panel unless is other wise explicitly specified.

Article 43

All of the parties of arbitration shall have the right to appeal against the decision of arbitration before the competent court for any of the following reasons:

1. In the event any of the parties of arbitration does not enjoy all or part of his capacity in accordance with the law governing such capacity unless this party is represented in correct legal manner.
2. If the arbitration panel or any of the members thereof is affected by any cause for loss of capacity before issuance of the decision of arbitration.
3. In case of violation thereof of the public order in Palestine.
4. Repeal of the arbitration agreement or annulment thereof upon termination of duration.
5. Misconduct by the arbitration panel or violation of what the parties had agreed on regarding application of legal rules on the issues in dispute or in the event the panel does not abide to the agreement or issues of arbitration.
6. If the decision of arbitration is considered null or if the procedures thereof are void thus making the decision null.
7. If the decision of arbitration is obtained by fraud or swindle unless the decision had been implemented before discovery of such fraud or swindle.

Article 44

1. The request to appeal against the arbitration decision shall be submitted to the competent court within thirty days as from the day subsequent to the date on which the decision was made if the arbitration decision is made in the presence of the parties; otherwise the appeal can be made as from the day subsequent to the date on which the parties were informed of the decision.
2. If the appeal to the arbitration decision is based on paragraph 7 of Article 43 of this law, the due date for appeal shall start as from the date on which fraud or swindle was discovered.

Article 45

1. If the period set forth in Article 44 of this law elapses without appeal to the arbitration decision, the competent court shall upon request of any of the parties ratify this decision and make it enforceable, in which case the decision shall be final and implemented in the same way of implementation of courts decisions.
2. If the competent court decides to reject the request for appeal, it shall consider the arbitration decision correct and make it enforceable.
3. If the competent court decides to revoke the arbitration decision, it may if it deems fit, refer the conflict to the arbitration panel again for review of some aspects determined by the court.

Article 46

Taking into account the provisions of Article 44 of this law, the due dates applicable to the appeal of decisions made by the competent court shall be subject to the rules and procedures of appeal applicable in the court treating the appeal.

Article 47

After ratification of the arbitration decision by the competent court, it shall have the same power and effect as court decisions and shall be implemented in the manner used to implement

any ruling or decision emanating from any court in compliance with the applicable procedures.

Article 48

Taking into consideration the international agreements adhered by Palestine and the laws in effect in Palestine, the competent court may, even upon its own consideration, refuse to implement a foreign arbitration decision in any of the two following cases:

1. If the decision violates public order in Palestine;
2. If the decision is not conform to the international treaties and agreements applicable in Palestine.

Article 49

Any party convicted by a foreign arbitration decision may request from the competent court to stop implementation of the decision of arbitration based on any of the following reasons:

1. If this party proves to the court validity of any of the reasons set forth in Article 43 of this law.
2. If it proves that the decision was nullified or the implementation thereof was suspended by any of the courts in the country in which the decision was made.
3. If the convicted party proves that the decision to be implemented was appealed in the country in which it was made and that no settlement has been reached regarding the appeal, in which case the competent court must suspend registration of the decision till issuance of a ruling regarding the appeal thereto.
4. If any of the courts in Palestine had issued a verdict that contradicts with the decision in a case filed between the same parties regarding the same matter and facts of conflict.

Article 50

Any party requesting implementation of any foreign arbitration decision must submit to the competent court the following items:

1. The foreign arbitration decision ratified by the Palestinian political representative or consul if any.
2. The decision must be translated into Arabic by a legal translator certified by the competent bodies, and the translation must be ratified by the political or consular representative of the country of the party requesting the registration. Or, the decision must be translated by a Palestinian legal sworn-in translator.

Article 51

The party convicted shall be sent a copy of the execution order and annexes thereof in accordance with applicable procedures.

Article 52

The convicted party may, upon receipt of the execution order in compliance with applicable procedures, submit a brief to the court within thirty days from the date on which it was informed. The other party shall be informed by a copy of the brief in accordance with applicable procedures.

Article 53

The decision of the competent court to implement or reject a foreign arbitration decision shall be revocable by appeal within thirty days from the date subsequent to the day on which it was issued if it was made in presence of the parties or on the next day after the date on which it was informed to the parties in case of decision in abstentia.

Chapter Six: Final provisions

Article 54

The Minister of Justice shall issue the decisions, guidelines and rulings related to the list of certified arbitrators set forth in Article 11 of this law.

Article 55

The Ministerial Cabinet shall issue the regulations and decisions necessary for the implementation

of the provisions of this law within a period not exceeding six months after the date of the publication thereof.

Article 56

The provisions of this law shall apply to any arbitration undergoing upon enforcement of this law and that it was not suspended for judgment therein.

Article 57

Any provisions that contradict with the provisions of this law shall be repealed.

Article 58

All competent bodies, each within the limits of its jurisdiction, shall implement the provisions of this law, which shall come into effect thirty days after its publication in the official gazette.

Promulgated in the City of Gaza on April 5th, 2000 Anno Domini, [Corresponding to] Muharam 1st, 1421 Anno Hegira.

Yasser Arafat

**Chairman of the Executive Committee of the
Palestine Liberation Organization**

**President of the Palestinian National
Authority**

Law of the Bureau of Financial and Administrative Control No. 15 of 2004

The President of the Palestinian National Authority,

Having reviewed the Amended Basic Law,

Having reviewed the Law of the Commission on Public Control No. 17 of 1995,

Having reviewed the Decision No. 22 of 1994 Concerning the Establishment of the Public Commission on Control,

Having reviewed the Decision No. 301 of 1995 Concerning the Appointment of a Chairman of the Public Commission on Control, and

Based upon the approval of the Legislative Council during its session of 14 April 2004,

I hereby promulgate the following law:

CHAPTER I: DEFINITIONS AND GENERAL PROVISIONS

Article 1

In applying the provisions of this law, the following terms and expressions shall have the meanings specified below, unless the context determines otherwise:

National Authority:

The Palestinian National Authority.

President of the National Authority:

The President of the Palestinian National Authority.

Council of Ministers:

The Council of Ministers of the National Authority.

Legislative Council:

The Palestinian Legislative Council.

Absolute majority of the Council:

Fifty percent (50%) plus one (1) of all members of the Legislative Council.

Bureau:

The Bureau of Financial and Administrative Control.

Chairman of the Bureau:

The Chairman of the Bureau of Financial and Administrative Control.

The Deputy-Chairman:

The Deputy-Chairman of the Bureau of Financial and Administrative Control.

The Director-General:

The Director-General of the Bureau of Financial and Administrative Control.

Article 2

Pursuant to the provisions of this law, a public bureau called the 'Bureau of Financial and Administrative Control' shall be established. It shall have a special budget within the General Budget of the National Authority and shall enjoy independent judicial personality, as well as full legal authority to perform all functions and activities in fulfillment of the duties to which it is established.

Article 3

'Control' shall refer to control procedures and acts which aim to:

1. Ensure financial activity and the good use of public funds for the purposes for which they are allocated.
2. Administrative inspection in order to ensure good performance and good use of authority and detect irregularities wherever they may be found.
3. [Ensure] the conformity of financial and administrative activities with the law, bylaws, regulations and decisions in force.
4. Ensure transparency, integrity and clarity in the public performance and promote credibility and confidence in the financial, administrative and economic policies of the Palestinian National Authority.

Article 4

1. The Chairman of the Bureau shall be appointed by decision of the President of the National Authority, based upon the nomination of the Council of Ministers and following the approval of the Legislative Council by absolute majority.
2. The Deputy-Chairman of the Bureau shall be appointed by decision of the Council of Ministers, based upon the nomination of the Chairman of the Bureau.
3. The Director-General shall be appointed by decision of the Council of Ministers, based upon the nomination of the Chairman of the Bureau.
4. The Chairman of the Bureau shall appoint a sufficient number of employees at the Bureau to perform its duties.

Article 5

The President of the National Authority shall present a replacement for the Chairman of the Bureau within a period not exceeding two (2) weeks from the date on which the Legislative Council refuses to approve the candidate [nominated] for the position of the Chairman of the Bureau.

Article 6

The person to be appointed as Chairman of the Bureau or Deputy-Chairman of the Bureau shall meet the following requirements:

1. To be Palestinian.
2. To be an experienced and specialised person.
3. To be attested for his integrity and good reputation.
4. To be at least forty (40) years of age.
5. Not to be convicted by a competent court of a financial crime or of any felony or misdemeanour involving moral or trust violations.

Article 7

The Bureau shall be accountable to the President of the National Authority and to the Legislative Council and shall assume the duties and powers assigned to it pursuant to the provisions of the law.

Article 8

The Chairman of the Bureau shall submit to the President of the National Authority, the Legislative Council and the Council of Ministers a report on an annual basis or upon request about his functions and remarks. He must also provide the President of the National Authority, the Legislative Council and the Council of Ministers with any data, information, studies or research papers which they may request, as well as conduct any other function to which he may be assigned by them. The annual report shall be published in the Official Gazette.

Article 9

The main office of the Bureau shall be in Jerusalem. It shall have two provisional offices in Gaza and Ramallah.

Article 10

1. The term of Chairman of the Bureau shall be seven (7) years for one (1) non-renewable term.

2. The Chairman of the Bureau may not be deposed for any reason whatsoever except by the absolute majority of the Council.
3. The salary and other financial entitlements of the Chairman of the Bureau shall be regulated by a decision of the President of the National Authority and [be approved by] the Legislative Council; it shall be published in the Official Gazette.
3. Set forth special programmes and courses for the qualification and training of the employees of the Bureau.
4. Prepare a draft annual budget for the Bureau and submit it to the Council of Ministers for approval within the annual General Budget of the National Authority.
5. Ensure that the internal bodies of control, inspection and monitoring in all financial units of the National Authority perform their duties in a correct and efficient manner, as well as examine the procedures which regulate their functions in order to ensure their competence and accuracy in the implementation of their functions.

Article 11

Pursuant to the provisions of this law, the Chairman of the Bureau, the Deputy-Chairman, the Director-General, and the employees of the Bureau shall enjoy immunity for all the functions which they perform in regard of their duties.

Article 12

Intervention in any function of the Bureau shall be prohibited. All parties which are subject to the control of the Bureau shall adhere to full and complete cooperation in regard of what the Bureau may request.

(...)

CHAPTER III. THE MANDATE OF THE BUREAU

Article 23

The Bureau shall ensure the smooth functioning and the financial and administrative stability of the National Authority, including its executive, legislative and judicial authorities; reveal all financial and administrative [irregularities and violations], including misfeasance and misuse of public functions; and ensure that public performance conforms with laws, bylaws, regulations, decisions and instructions in force, [is restricted] to their limits and exercised in the best manner and at the least possible costs. In implementing the above, the Bureau may perform the following in accordance the law:

1. Propose bylaws, regulations and policies pertaining to the function of the Bureau and submit them to the Council of Ministers for approval.
2. Develop plans and programmes to enable the Bureau to perform its duties.
6. Control the expenditures of the National Authority and its revenues, loans, advances, storehouses and warehouses in the manner set forth in this law.
7. Implement the policies pertaining to control and inspection in a manner that guarantees the promotion of transparency, credibility and clarity in the work of the Government, public institutions and bodies and those alike.
8. Investigate work and performance failures, including financial, administrative and technical defects which obstruct the work of the Government and public institutions and bodies, as well as propose methods to avoid and correct them.
9. Reveal financial, administrative and legal contraventions made by public employees during or in virtue of their functions.
10. Reveal contraventions which are made by persons other than public employees and which aim to violate the smooth performance of the public service.
11. Discuss citizens' complaints relating to contraventions or negligence in the performance of public functions and obligations, and study them or report them to media outlets which may address aspects of negligence, malfeasance, malpractice or mismanagement.
12. In regard of public revenues, the Bureau shall be responsible for:

- a. Auditing the collection of taxes, fees and returns to ensure that their estimation and collection are made pursuant to the laws and regulations in force.
 - b. Auditing transactions relating to the sale of governmental lands and real estate belonging to the National Authority and their management and lease.
 - c. Auditing the collection of all types of revenues to ensure that the collection takes place during the times set forth pursuant to the laws and regulations in force.
13. In regard of public expenditure, the Bureau shall be responsible for:
- a. Auditing expenditures to ensure that are disbursed for the purposes for which they are appropriated and that the disbursement is made pursuant to the laws and regulations in force.
 - b. Auditing instruments and documents relating to the disbursement to ensure that they are correct and that their value is identical to what is documented in the registers.
 - c. Ensuring that the issuing of disbursement orders is made in due form and by the competent authorities.
 - d. Ensuring that the provisions of the Budget Law and the annual budget are implemented and that the respective financial orders and drafts are made pursuant to its provisions.
14. Regarding accounts of deposits, imprests, loans or settlements, the Bureau shall be responsible for the verification of all such accounts to ensure that the operations pertaining thereto are correct and identical to what is documented in the registers. [The Bureau shall also ensure] that they are supported with necessary instruments and documents and [that] imprests and loans are redeemed on their dues dates with due interests for the General Treasury.
15. Control and review the decisions pertaining to the affairs of public employees regarding

appointments, salaries, wages, promotions, increments, leaves and any other allowances, as well as ensure the extent to which they conform to the laws and regulations on the one hand and to the General Budget on the other.

16. Audit grants, gifts and donations to administrative parties and their disbursement, as well as control the extent to which they conform to the laws and regulations in force.
17. Examine as required any issue, case or report which is referred to the Bureau by the President of the National Authority, the Legislative Council and its ad hoc-committees, the Council of Ministers or the competent Minister, if it falls within the scope of the duties and powers of the Bureau, including the investigation of administrative and financial contraventions which the employees of administrative authorities may commit.

Article 24

The Bureau may audit the accounts, documents, instruments and supplies of any department. The employees of such department must facilitate its duty and submit to it all information which it demands. It may also investigate reports submitted to it and ask [the employees] for clarification about the reasons for the delay in completing transactions.

Article 25

The Bureau may review all reports, information and data received from employees, as well as investigation reports on financial and administrative contraventions. It may request to be provided with all [necessary documents], including information and clarifications from all governmental departments regarding their functions.

Article 26

The Chairman of the Bureau shall submit quarterly or upon request reports that include investigation reports, studies, research work, proposals, the contraventions, the [administrative] responsibility for the contraventions and respective remarks and recommendations, to the President of the

National Authority, the Legislative Council and the Council of Ministers, in order to take the necessary measures.

Article 27

1. Administrative control activities shall be conducted to ensure the implementation of the rules and procedures of governmental accountability and the adherence of administrative parties to the General Budget of the National Authority as well as the registration and classification of financial transactions.
2. Financial control over disbursement and systems of internal control [shall ensure] the audit of reports and statements submitted by financial parties and their final accounts, so that they are in accordance with the actual transactions.

Article 28

The Bureau shall submit special reports on important issues requiring quick examination to the President of the National Authority, the Legislative Council, the Council of Ministers and the competent Minister.

Article 29

Pursuant to the provisions of the law, the Bureau may request, review or keep any files, data, papers, documents or information or obtain copies thereof from the party possessing such files, data, papers, documents or information, including the parties which deem them confidential. [The Bureau] may summon individuals for hearing their statements.

Article 30

Pursuant to the provisions of the law, the Bureau may request a competent authority to suspend an employee from his duties or dismiss him temporarily if his presence on duty causes damage to the procedures of investigation.

CHAPTER IV: THE PARTIES SUBJECT TO THE CONTROL OF THE BUREAU

Article 31

Pursuant to the provisions of the law, the following parties shall be subjected to the control of the Bureau:

1. The Presidency of the National Authority and affiliated institutions.
2. The Prime Minister and members of the Council of Ministers and those alike.
3. The Legislative Council, including its administrations and [subordinate] bodies.
4. The Judicial Authority and the Public Prosecution, as well as their members and employees.
5. The Ministries and agencies of the National Authority.
6. The security and police forces and all security and military agencies.
7. Public and civil society bodies and institutions, as well as syndicates, associations and unions of all types and levels and those alike.
8. Associations and companies which the National Authority owns or finances, or from which it receives aid, as well as parties offering donations to the National Authority.
9. Institutions and companies which are licensed to use or manage a public facility.
10. The local bodies and those alike.
11. Regarding parties not mentioned explicitly, the provisions of this law shall apply to those parties which are given special functions by laws, bylaws, decisions and regulations.
12. The bodies, departments and units on which the provisions of this law apply shall be called 'administrative parties.'

**CHAPTER V: OBLIGATIONS OF THE PARTIES
SUBJECT TO THE CONTROL OF THE BUREAU**

Article 32

The Ministry of Finance shall submit to the Bureau at the end of each quarter a report that details and analyses the status of the General Budget. The report shall also include financial developments and trends of revenue turnover and expenditures in comparison with the estimates, as well as interpretations of significant diversions, analysis of the cash flow and the effects of such developments on the general financial situation of the National Authority. In addition, the report shall include proposals on the appropriate correctional measures to recover the financial balance.

Article 33

The Ministry of Finance shall prepare preliminary unified accounts of public transactions and submit them to the Bureau within six (6) months from the end of the fiscal year. The accounts shall show inter alia the opening and closing balances of the unified fund and the special funds, along with details of financial operations which were conducted to correct the financial deficit – if available – and the net local and foreign public debt. In addition, the accounts shall state the loans given during the year and the resulting liabilities.

Article 34

On the basis of the preliminary accounts set forth under Article (33), the Ministry of Finance shall prepare the draft of the final account and submit it to the Bureau within one (1) year from the end of the fiscal year, for examination and submission of its remarks thereon to the Legislative Council.

Article 35

Each financial auditor in a financial unit must notify the Bureau of all cases of financial contraventions related to disbursements within a period not exceeding two (2) weeks from the date of their occurrence.

Article 36

Each commissioner of disbursement in a financial centre, as well as all other parties which are subject to the control of the Bureau, must notify [the Bureau] of incidents of embezzlement, theft, dissipation, damage, fire or negligence and those alike on the day on which they are discovered. They must also provide the Bureau with the decisions issued in their regard immediately upon their release, in addition to:

- a. Providing the Bureau with data and evidence necessary to follow up with the implementation of the planned correctional measures pursuant to the regulations and instructions which are set forth by the Bureau.
- b. Responding to the remarks of the Bureau within one (1) month from the date of the notification thereof.
- c. Providing the Bureau with all laws, bylaws, decisions, regulations, and instructions which such parties may issue.

Article 37

The parties which implement investment projects to which the National Authority is a party or a partner must provide the Bureau with copies of the contracts, agreements and tenders of each project, in addition to any modifications during the implementation of the project.

Article 38

Employees of the Bureau shall perform their functions in their offices, in the offices of the competent parties, and through field work. The parties which are subject to the control of the Bureau must provide a work place for in their offices upon request.

Article 39

The parties set forth under Paragraph 7 and 8 of Article 31 must submit the reports of the Bureau to their boards of directors within one (1) month from the date of their notification, as well as to the general assemblies upon their convention.

CHAPTER VI. FINANCIAL AND ADMINISTRATIVE CONTRAVENTIONS

Article 40

Pursuant to the provisions of this law, the following shall be deemed a financial contravention:

1. Contravention of financial rules and procedures set forth in the relevant laws, bylaws or regulations in force.
2. Contravention of rules and procedures relating to the implementation of the General Budget Law of the National Authority.
3. Contravention of rules and procedures pertaining to purchases, sales and management of warehouses, including the financial and accounting regulations applicable in this regard.
4. An action resulting in illegal disbursement of funds belonging to the National Authority, or misuse of financial entitlements of the National Authority or of the parties subject to the control of the Bureau.
5. Not providing the Bureau with copies of contracts, agreements or tenders which the provisions of this law require.
6. Not providing the Bureau on the due dates with accounts and supporting documents or other requested [information] including papers, data, decisions, protocols of sessions, documents or else which [the Bureau] is entitled to examine or view pursuant to the provisions of the law.

Article 41

Pursuant to the provisions of this law, the following shall be deemed an administrative contravention:

1. Not responding to the remarks or correspondences of the Bureau or delay the response without acceptable excuse beyond the dates set forth in this law. Also deemed as not responding shall be answering in a manner the aim of which is procrastination or postponement.

2. Concealing data requested by the Bureau, refraining from submitting them, or refusing to inform regardless of the nature of such data, in addition to abstaining from the implementation of the request.
3. Delaying without justification the notification of the Bureau within the periods of time set forth in this law of correctional measures taken by the competent party in regard of a contravention.
4. Failure in administrative work or in the management of a public facility.
5. Bad performance or negligence in the performance of a function.
6. Contravention of the relevant decisions or instructions issued by the Bureau.

Article 42

1. Pursuant to the provisions of the law, an employee who commits a financial or administrative contravention, contributes to committing it, or facilitates its occurrence, conceals its perpetrators or fails to report its shall be disciplined pursuant to the provisions of the law, without prejudice to further civil and criminal action.
2. The competent authorities shall take the necessary measures to redeem the amounts which were disbursed in an illegal manner.
3. The contravener is obliged to return the embezzled or lost amounts pertaining to the treasury of the National Authority or any other party which is subject to the control of the Bureau.

Article 43

An employee shall not be exempted from disciplinary penalty based upon the order of his manager unless it is proven that he committed the contravention while implementing a written order by the manager and upon warning the manager in writing about the contravention. In such case, the responsibility shall lie on the person who issued the order.

Article 44

All parties subject to the control of the Bureau must inform the Bureau immediately upon uncovering any financial or administrative contravention, any incident which may result in a financial loss on part of the National Authority or the loss of an entitlement thereof, or which may cause loss or damage to its movable or immovable assets in any form whatsoever, in order to take the necessary measures pursuant to this law and without prejudice to other measures which the concerned parties must take.

CHAPTER VII. EMPLOYEES OF THE BUREAU

Article 45

Any person to be appointed as an employee of the Bureau shall meet the following requirements:

1. To be Palestinian.
2. To be a competent and specialised person.
3. To be attested for his integrity and good reputation.
4. Not to be convicted by a competent court of a financial crime or any felony or misdemeanour involving moral or trust violations.

Article 46

The Chairman of the Bureau may delegate any employee of the Bureau to perform, on a temporary or permanent basis, a particular function at any governmental or non-governmental party.

Article 47

The persons authorised by the Chairman of the Bureau shall have the capacity of the Judicial Police in regard of the performance of the duties of their function pursuant to the provisions of this law.

Article 48

The Chairman of the Bureau shall supervise all actions of the Bureau and issue the decisions and

instructions which the progress of the work may require.

Article 49

Appraisal reports for employees shall be written pursuant to a bylaw or regulation to be issued in a decision by the Chairman of the Bureau.

Article 50

An employee of the Bureau who neglects or deviates from the duties required by his function or who appears in a manner that violates the honour of the function shall be disciplined, without prejudice to further civil and criminal action. He shall not be exempted from disciplinary penalty based upon the order of his manager unless it is proven that he committed the contravention while implementing a written order by the manager and upon warning the manager in writing about the contravention. In such case, the responsibility shall lie on the person who issued the order.

Article 51

Information, data and documents which employees of the Bureau review by virtue of their functions and in the context of performing acts of financial and administrative control shall be confidential and be dealt with on such basis. They may not be shown to or reviewed by a third party except for the Judiciary. [This includes] any actions resulting from financial or administrative control activities of the Bureau or the official jurisdiction to which [the Bureau] submits its reports, recommendations and results pursuant to provisions of this law under disciplinary and criminal liability.

Article 52

No disciplinary penalty may be imposed without hearing the employee of the Bureau and his defence. The decision of the Chairman of the Bureau thereon shall be in writing and justified and upon the formation of an investigation committee.

(...)

CHAPTER VIII. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 56

The properties of the Public Commission on Control established pursuant to the Law No. 17 of 1995 and its employees shall be transferred to the Bureau of Financial and Administrative Control which shall be established pursuant to the provisions of this law.

Article 57

Other laws of the National Authority shall apply in regard of any duties or other matters that fall within the capacities of the Bureau and which are not regulated in this law.

Article 58

The Law of the Public Commission on Control No. 17 of 1995 and the Decision No. 22a of 1994 Concerning the Establishment of Public Commission on Control shall be repealed. In addition, any provision that contradicts the provisions of this law shall be repealed.

Article 59

Based upon a proposal of the Bureau and following coordination with the Budget and Financial Affairs Committee of the Legislative Council, the Council of Ministers shall issue the bylaws and regulations necessary for the enforcement of the provisions of this law.

Article 60

All competent authorities – each one within its sphere of jurisdiction – shall implement the provisions of this law which shall enter into force thirty (30) days after its publication in the Official Gazette.

Promulgated in the city of Ramallah on December 27th, 2004 Anno Domini, [Corresponding to] Al-Qi'da 15th, 1425 Anno Hegira.

Rawhi Fattouh

President of the Palestinian National Authority

Law No. 1 of 2005 Concerning Illegal Gains

The President of the Palestinian National Authority,

Having reviewed the Amended Basic Law, and

Based upon what the Legislative Council approved during its session of 6 January 2005,

I hereby promulgate the following law:

Article 1

In applying the provisions of this law, the following terms and expressions shall have the meanings specified below, unless the context determines otherwise:

The Commission:

The Commission for the Elimination of Illegal Gains.

The Chairman:

The Chairman of the Commission for the Elimination of Illegal Gains.

The Illegal Gain:

Any fund which a person subject to the provisions of this law gains for himself or others by virtue of the exploitation of a position or capacity, by virtue of a conduct violating a legal provision or public manners, or through any other illegal manner, even if it may not constitute a crime. An illegal gain shall also be any increase in wealth which occurs after the avilment of a service, or the rendering of a capacity upon a person subject to the provisions of this law or to his spouse or minor descendants, if this is not compatible with their income and the person fails to submit evidence of a legitimate source thereof.

Also included shall be any funds gained by a natural or judicial person through collusion with any person subject to the provisions of this law to exploit his position or capacity.

Article 2

Subject to the provisions of this law shall be:

1. The President of the National Authority and his deputies and advisers.
2. The Prime Minister and the members of the Council of Ministers and those alike.
3. Members of the Palestinian Legislative Council (PLC).
4. Members of the Judicial Authority and the Public Prosecution.
5. Heads of organisations and directors of departments in the security and police forces.
6. Governors and heads and members of the councils of local bodies.
7. Heads and members of boards of directors, and executive directors of public shareholding companies in which the National Authority or any of its bodies is a shareholder.
8. Employees subject to the Law of Civil Service from the first and second special categories.
9. Purchase officers and their deputies, trustees of deposits, changers, purchase and sales representatives, members of purchase and sales committees from the third, fourth, and fifth categories of the Law of Civil Service, and those alike, including officers of the security and police forces.

10. Employees, officers, and members of bodies which receive their budgets or any support from the General Budget of the State.
11. Any other person whom the Council of Minister decides to include under the provisions of this law.

Article 3

1. Pursuant to the provisions of this law, a commission called the 'Commission for the Elimination of Illegal Gains' shall be established. The Commission shall enjoy judicial personality and administrative and financial independence, and it shall be allotted a private budget within the General Budget of the State.
2. The President of the State shall appoint the Chairman of the Commission upon the nomination of the Council of Ministers; the Palestinian Legislative Council shall approve his appointment with absolute majority.
3. The Chairman of the Commission shall appoint a sufficient number of employees to enable the Commission to perform its tasks.

Article 4

The person to be appointed as the Chairman the Commission shall meet the following requirements:

1. To be Palestinian descending from Palestinian parents and grandparents and not to hold any other nationality.
2. To be competent and qualified.
3. To be known for his integrity and good reputation.
4. No to be below the age of forty (40) years.
5. Not to be convicted by a competent court of any financial crime or any crime or misdemeanor violating honor or trust.

Article 5

A person appointed as employee of the Commission shall meet the following requirements:

1. To be Palestinian.
2. To be competent and qualified.
3. To be known for his integrity and good reputation.
4. Not to be convicted by a competent court of any financial crime or any crime violating honour or trust.

Article 6

1. The chairmanship of the Commission shall last for seven (7) non-renewable years.
2. The Chairman may not be dismissed nor changed except with the approval of the absolute majority of the Members of the Legislative Council.
3. The Chairman shall be held accountable before the Legislative Council.

Article 7

Pursuant to the provisions of the law, the Chairman and the employees of the Commission shall enjoy immunity regarding all actions they may perform during the execution of their tasks.

Article 8

The Commission shall be competent of the following:

1. To collect all declarations of financial assets and to request any information or clarification relating thereto.
2. To examine the financial assets of the persons subject to the provisions of this law.
3. To investigate complaints which are filed with reference to illegal gains.

Article 9

Pursuant to the provisions of this law, the Commission, in order to perform its tasks and powers, shall be competent of the following:

1. To request information and clarification and obtain papers and documents, or copies thereof, from relevant parties, including those which are confidential.

2. All competent authorities must perform whatever the Commission may request them to do; it may seek assistance from police officers or any other competent authority.

Article 10

At the beginning of the fiscal year, all competent authorities shall submit to the Commission a statement with the names of the competent persons subordinate thereto and who are subject to the provisions of this law.

Article 11

1. The President of the National Authority shall submit a declaration of his financial assets and those of his spouse and descendants in which shall be declared all their possessions, including real estate, movable property, shares, bonds and cash money inside and outside Palestine, as well as the debts which they may owe. Such declaration shall be kept sealed and confidential with the High Court of Justice and may not be viewed except by permission of the Court upon litigation and within the limits of the law.
2. The President of the National Authority may not purchase, hire, sell, grant or offer anything from the properties of the State or any public judicial person, or to have financial interests in any of the contracts which the governmental or administrative authorities may conclude. In addition, he may not, for the duration of his presidency, be a member of a board of directors of any company, nor may he engage in business or any other profession, or earn any other salary, remuneration or grant from anybody and in any capacity whatsoever other than the salary allotted to him and his allowances.

Article 12

1. If the Chairman of the Commission or the Attorney-General suspects the President of the Palestinian National Authority of an illegal gain, he shall submit an initial request to the Legislative Council and the Constitutional Court to challenge the legal capacity of the President of the Authority pursuant to the rules set forth under the Basic Law.

2. The President of the National Authority shall be suspended from the duties of his position upon the lodging of the accusation. The Speaker of the Legislative Council shall assume the duties of the President of the National Authority temporarily until the settlement of the accusation. The Attorney-General shall assume the procedures of investigation. The litigation of the President of the National Authority shall take place before a special court whose formation and litigation procedures shall be regulated by the law. If a final judgement of conviction is issued, he shall be removed from his position, without prejudice to other penalties pursuant to the law.

Article 13

1. The President of National Authority shall have the right to request an interrogation of the Prime Minister with reference to alleged crimes of illegal gains during the performance of the duties relating to his position or by virtue thereof pursuant to the provisions of the law.
2. The Prime Minister shall have the right to request an interrogation of any Minister on the grounds of the reasons set forth under Paragraph 1 above pursuant to the provisions of the law.

Article 14

1. Any Minister who is accused shall be suspended from the duties of his position immediately upon the issuing of the accusation. The end of his service shall not impede the continuation of the investigation.
2. The Attorney-General, or his representative from among the members of the Public Prosecution, shall assume the procedures of investigation; litigation shall take place before the competent court. The provisions and rules set forth in the Penal Law and the Law of Penal Procedures shall apply.
3. The provisions aforementioned shall be applicable to the deputies of Ministers, Under-Secretaries and those alike.

Article 15

1. If a Member of the Legislative Council is suspected of an illegal gain, the Chairman of the Commission or the Attorney-General may request the Council to suspend [his] immunity in the manner set forth under the Bylaw of the Council.
2. The Member of the Legislative Council shall be suspended from exercising his duties immediately upon the suspension of immunity, and the Attorney-General shall assume the procedures of investigation and accusation. The litigation shall take place before the competent court, and the provisions and rules set forth under the Penal Law and the Law of Penal Procedures shall apply. If the Member is convicted by a final judgement, he shall lose his membership of the Legislative Council, without prejudice to other penalties pursuant to the law.

Article 16

1. With the exception of the categories set forth under Paragraph 1, 2, 3 and 4 of Article 2 above (The President of the National Authority, the Prime Minister and the members of the Council of Ministers, the Speaker and the Members of the Legislative Council, the members of the Judicial Authority and the Public Prosecution), any person subject to the provisions of this law shall submit to the Commission the following:
 - a. A declaration of his financial assets and the assets of his spouse and minor descendants, including the movable and immovable properties which they may possess, stocks, bonds, shares in companies, bank accounts, cash money, jewelry, precious stones and metals, their sources of income and the value of such income, within two (2) months from becoming subject to the provisions of this law.
 - b. A declaration of the financial assets every three (3) years, or upon request, including, in addition to what is set forth under the Paragraph above, the source of any increase in his financial assets.

- c. In addition to the declarations set forth above, any person subject to the provisions of this law must submit a declaration of his financial assets within one (1) month from the date of ceasing to be subject to the provisions of this law.

2. With reference to the categories set forth under Paragraph 1, 2, 3, and 4 of Article 2 above (The President of the National Authority, the Prime Minister and members of the Council of Ministers, the Speaker and the Members of the Legislative Council, the members of the Judicial Authority and the Public Prosecution), the Commission shall have the right to review their declarations of financial assets. For such purpose, it may request from the High Court permission to review such, and the High Court must permit this within the limits of the law.

Article 17

If the Commission, regarding the categories set forth under Paragraph 1, 2, 3, and 4 of Article 2 above, strongly suspects an illegal gain, it shall refer the matter to the President of the National Authority in respect of the Prime Minister, and to the Prime Minister in respect of Ministers, and to the Legislative Council in respect of the President of the National Authority, the Speaker and the Members of the Legislative Council, and to the High Judicial Council in respect of the members of the Judicial Authority and the Public Prosecution for adopting the necessary legal procedures.

Article 18

Any person acquiring reliable information or documents with reference to an illegal gain may submit them to the Commission or file a complaint thereof against any of the persons subject to the provisions of this law.

Article 19

1. Any public employee who learns of an illegal gain must notify the Commission thereof.
2. The notification which the employee submits pursuant to Paragraph 1 above must not result in any disciplinary procedures against

him or the implementation of any procedures which [may] jeopardise [his] position or status.

Article 20

If the Commission considers the complaint to be justified, it shall request the person against whom it is lodged to state the source of his wealth.

Article 21

If a strong suspicion of an illegal gain arises through declarations [of financial assets] or complaints, the Chairman of the Commission shall decide, upon the necessary investigation, to refer file to the Attorney-General to perform the following:

1. To initiate action thereof in order to take legal measures.
2. To submit it directly to the competent Court of First Instance if the suspicion of the illegal gain is of an unknown origin, or if time elapsed on such crime, or if it is abated in accordance with the common law.

Article 22

The declarations set forth under this law and the procedures adopted for the investigation and examination of complaints regarding an illegal gain shall be confidential and may not be revealed except by a decision of the competent court.

Article 23

If the spouse of the person who is liable to submit the declarations set forth under this law refrains from giving and signing the necessary information, the person shall notify the Commission thereof. The Commission shall request the refraining spouse to submit a declaration of financial assets within two (2) months from the date of notification.

Article 24

The Commission may request the competent court to seize the funds of the person whose wealth is suspected, or any funds which are

suspected to be belonging to him in the possession of any other person, by means of a precautionary attachment. [It] shall be entitled to review the books of the defendant and his documents and seek necessary information from official and unofficial departments [sic], as well as assistance for such procedures from the experts it deems appropriate.

Article 25

Any person who gains an illegal gain for himself or others, or enables others to do so, shall be punished by the following:

1. Temporary imprisonment.
2. Restitution of the value of the illegal gain and of everything that is proved to be in his financial assets and is gained by means of the illegal gain.
3. Payment of a fine that is equal to the value of the illegal gain.

Article 26

1. The abatement of the criminal action upon death shall not prevent the restitution of the illegal gain by decision of a competent court, based upon the request of the Commission.
2. The competent court may order the inclusion of each person who gains a significant benefit other than those set forth under Article 13 above, to the effect that the decision of restitution be enforced upon him in correspondence of his financial benefit.

Article 27

1. If the perpetrator of a crime of illegal gain, or a partner therein, notifies the public authorities of the crime and the respective funds before they are uncovered, he shall be exempted from the penalties of imprisonment and fine.
2. If the perpetrator of a crime of illegal gain, or a partner therein, during his interrogation cooperates on the uncovering of the crime and its perpetrators, the penalty shall be reduced to imprisonment; he shall be exempted from the penalty of the fine.

Article 28

Any person who fails to submit the required declaration of financial assets on the prescribed date shall be punished with a fine between one hundred (100) and one thousand (1000) Jordanian Dinars, or its equivalent in legal tender, for each month of delay, [starting] from the date he became subject to the provisions of this law or the date allotted to him by the Commission.

Article 29

1. Any person who intentionally gives incorrect information in the declarations set forth under this law shall be punished with a fine between one hundred (100) and one thousand (1000) Jordanian Dinars, or its equivalent in legal tender.
2. Any person who spontaneously corrects the information stated in the declarations prior to the discovery of the error shall be exempted from the penalty.

Article 30

Any person who, with the intention to commit offence, falsely informs of an illegal gain shall be punished with, either or both, imprisonment of no less than six (6) months and a fine between one hundred (100) and one thousand (1000) Jordanian Dinars, or its equivalent in legal tender.

Article 31

Any person against whom a final court judgement is issued regarding the perpetration of a crime of illegal gain shall be deprived from assuming a public position.

Article 32

The penalties set forth under this law shall not preclude a severer penalty pursuant to any other law.

Article 33

Lawsuits of illegal gains and all relevant procedures shall not be subject to limitations of time.

Article 34

The Commission shall draft the bylaws necessary for the enforcement of the provisions of this law, which shall be issued by the Council of Ministers.

Article 35

Any provision contradicting the provisions of this law shall be repealed.

Article 36

All competent authorities – each one within its sphere of jurisdiction – shall implement the provisions of this law which shall enter into force thirty (30) days after its publication in the Official Gazette.

Promulgated in the city of Ramallah on January 8th, 2005 Anno Domini, [Corresponding to] Al Qi'dah 27th, 1425 Anno Hegira.

Rawhi Fattouh

President of the Palestinian National Authority

Bylaw of the Palestinian Legislative Council (PLC) of 2003

PREAMBLE

The Palestinian people in Palestine have expressed, through general, free and direct elections, their determination to follow democratic rules in building their institutions and in exercising their national sovereignty. Those elections have led to the birth of the first Palestinian Legislative Council (PLC) of the Palestinian National Authority (PNA).

On that basis, it is necessary to establish the working procedures for the elected Legislative Council, based upon the principle of separation of powers, which confirms the independence of the legislative authority and its right to legislate and to control the Executive Authority.

This bylaw was adopted to organise the working procedures of the Council and to regulate its activities, including the election of its organs, its decision-making process and its legislative procedures, as a first step towards national independence, the development of an advanced democratic society, and the exercise of sovereignty in the homeland.

This bylaw guarantees the freedom of the formation of parliamentary blocs, the freedom of opinion and expression, the freedom of opposition and constructive criticism. It shall also guarantee of comprehensive cooperation between the Council and the other constitutional institutions [of the National Authority].

PART I.

Article 1

In applying the provisions of this law, the following terms and expressions shall have the meanings specified below, unless the context determines otherwise:

Council

The Palestinian Legislative Council (PLC).

President of the National Authority

The President of the Palestinian National Authority (PNA).

Speaker

The Speaker (Ra'ees) of the Palestinian Legislative Council.

Council of Ministers

The Council of Ministers of the National Authority.

Office of the Council

The Office of the Presidency of Palestinian Legislative Council.

Member

Any elected PLC Member.

Constitution

The Basic Law of the National Authority for the interim period.

Secretariat

The Secretary-General and his assistant staff.

Absolute Majority

Fifty percent (50%) plus one (1) of the Members of the Council present during a vote.

Absolute Majority of the Council

Fifty percent (50%) plus one (1) of all Members of the Council.

Relative Majority

Majority of voters regardless the number of present Members.

Two-thirds majority

Majority of at least two-thirds (2/3) of the number of Members of the Council.

(...)

Chapter II. Procedures of Committees

Article 53

Each session of a committee shall be convened by its Chairman, upon the request of the Speaker in coordination with its Chairman, or upon the request of the majority of its members. The session shall be announced with not less than twenty-four (24) hours notice. The convening notice shall be accompanied by the agenda of the session.

Article 54

1. Committees shall meet in secret. The quorum for a committee shall be the majority of its members. Decisions of committees shall be made by a relative majority. In the case of a tie, the Chairman shall have a casting vote.
2. Committees may decide to hold public sessions.

Article 55

Minutes shall be taken of each session of a committee and shall include the names of the present and absent members, as well as a summary of the discussions held and the decisions made. The Chairman and the Secretary of the Committee shall sign the minutes.

Article 56

The Speaker shall refer to the competent committee all documents related to the subject referred to it and within its scope.

Article 57

A committee, through its Chairman, may request any minister or responsible person within the National Authority to clarify or give information

on any point related to the subjects referred to it or which lie within its competence.

Article 58

1. A minister may attend the sessions of a committee. A committee may, through its Chairman, request any minister or concerned person to attend any of the committee's sessions.
2. A committee shall be addressed through its Chairman.

Article 59

1. A member of the Office of the Legislative Council may attend sessions of committees and participate in discussions, but shall not have the right to vote.
2. A member of the Legislative Council may attend any session of any committee of which he is not a member to participate in the discussion, but shall not have the right to vote.

Article 60

Each committee shall submit a report regarding each subject referred to it, within the time-limit determined by the Legislative Council. If it fails to do so, the Speaker may ask the Chairman of the committee to explain the reasons for the delay and to determine the time that the committee deems necessary to complete its report. The Speaker may bring the question before the Legislative Council for decision. The Legislative Council may include this subject in its agenda.

Article 61

Reports shall be submitted to the Speaker for inclusion in the agenda of the Legislative Council. Reports shall be printed and distributed to the members of the Legislative Council at least twenty-four (24) hours before the session which will discuss it.

Article 62

Reports shall include the opinion of the committee on the subject referred to it with reasons and other opinions. Reports shall be accompanied by the recommendations of the

committee and draft decisions, together with an explanatory memorandum.

Article 63

Reports of committees shall be presented to the Legislative Council by the Chairman of each committee. In the absence of the committee Chairman, the Speaker shall ask the Secretary of the committee to present the report or the attending members of the committee to elect one member to present it.

Article 64

A committee, through its Secretary, may request to withdraw a report for further review, even if the Legislative Council has already begun discussing it. Any such request shall be subject to the agreement of the Legislative Council.

(...)

CHAPTER II. COMPLAINTS AND PETITIONS

Article 100

Any Palestinian shall have the right to file to the Council complaints and petitions concerning public affairs. Any such complaint or petition shall be signed by the petitioner and include his name, profession and full address. If the petition is submitted on behalf of a group or association, it shall be signed by a legal entity or a juridical person. Complaints may not include impolite or inappropriate language.

Article 101

Each complaint shall be registered in the order of its submission and given a serial number. The name, address and profession of the petitioner shall be recorded, together with a summary of the subject. The Speaker may order to put on hold complaints and petitions not meeting the requirements and shall inform so the petitioner.

Article 102

1. The Speaker shall refer complaints and petitions to the Complaints Unit. If the complaint or petition is linked to a subject

[previously] referred to a committee, it shall be forwarded to the same committee for scrutiny.

2. The Complaints Unit shall examine the complaint and recommend in a report to the Office of the Council whether it shall be sent to the Council of Minister or the competent committee, or whether it shall be rejected.

Article 103

The Council may ask Ministers to give clarifications on any complaint referred to them.

Article 104

The Speaker shall inform the petitioner about the procedures taken with regard to the complaint.

(...)

CHAPTER VI. GENERAL PROVISIONS

Article 113

If the Council is to form a representative delegation, the Office of the Council shall determine the number of Members, select them and present their names to the Council for approval. If the Council does not approve the proposal, the Members of the delegation shall be elected. If the Speaker or one of the Deputy-Speakers is a member of a delegation, he shall preside it. Otherwise, the Council shall appoint the president of the delegation.

Article 114

This bylaw may only be amended upon a proposal of the Speaker or one-third (1/3) of the Members of the Council. Any such proposal shall be submitted to the Council, which shall refer it to the Legal Committee. The [Legal] Committee shall study it and submit its recommendations to the Council in a period not exceeding one (1) month. Otherwise, the Council may consider the proposal directly. Amendments shall not be accepted unless approved by the absolute majority of the Council.

Article 115

This bylaw shall enter into force upon its approval. It shall be published in the Official Gazette. Any other related legislation or regulation previously in force in Palestine shall be repealed.

Promulgated in the city of Ramallah on June 7th, 2000.

Ahmad Qurie (Abu Ala)

Chairman of Palestinian Legislative Council

2. Presidential Decrees and Decisions

Decision No. 59 of 1994

The Chairman of the Executive Committee of the Palestine Liberation Organisation,

The President of the Palestinian National Authority,

Based upon the powers bestowed upon me,

Based upon the requirements of the public interest,

I hereby decide the following:

Article 1: Establishment of the Higher Palestinian National Commission for Human Rights

The Higher Palestinian National Commission for Human Rights shall be established.

Article 2: Constitution of the Commission

This Commission shall put forward its Constitution as well as the laws and basic norms, which govern its operation, safeguarding its independence and efficiency at the earliest possible time.

Article 3: Tasks of the Commission

The task of this Commission shall be to follow up with and ensure the availability of the requirements for safeguarding human rights throughout various Palestinian laws, legislation and regulations and in the operation of various departments, agencies and institutions in the State of Palestine and the Palestine Liberation Organisation.

Article 4: Enforcements and Entering into Force

This Decision shall enter into force as of its date and shall be notified to those expedient in order to enforce it.

Tunis on September 30th, 1993

Yasser Arafat

Chairman of the Executive Committee of the Palestine Liberation Organisation

President of the Palestinian National Authority

Presidential Decree No. 22 of 2003 Concerning the Jurisdictions of Governors

The President of the State of Palestine,

Chairman of the Executive Committee of the
Palestine Liberation Organisation,

President of the Palestinian National Authority,

Based upon the powers bestowed upon me, and

Based upon the requirement of the public
interest,

I hereby promulgate the following Decree:

Article 1

A. Each Governorate shall have a Governor, on the appointment and exemption of the position of whom a decision from the President of the National Authority shall be issued forth. He shall be in the grade of _____.

B. The Governor shall exercise his power in the administration of his Governorate in accordance with his powers, which are prescribed under this Decision. The Governor shall make before the President of the National Authority, prior to the commencement of the tasks of his function, the following oath:

"I hereby swear by the Almighty God to be sincere to Palestine, observe interests of the people, respect the Constitution and Law... and perform my work with all trustworthiness and sincerity."

Article 2

The Governor shall be the representative of the President of the Palestinian National Authority, the Head of Public Administration and the

supreme authority in his Governorate. He shall supervise the implementation of the public policy of the Authority and the service and production facilities within the scope of his Governorate.

Article 3

The Governorate shall have an independent juridical character and shall have its special budget.

Article 4

The administrative apparatus of the Governorate shall consist of the Governor, his Deputy and a number of advisors and administrative employees. (The Governor shall have the jurisdictions and powers of the Minister in relation to the administrative employees).

Article 5: Jurisdictions and Powers of the Governor

The Governor shall exercise the following jurisdictions and powers:

1. Preserve public security, morals, order, public ethics and public health, as well as protect public freedoms and citizens' rights.
2. Protect public and private properties and bring about security in his Governorate, to be assisted in this by the Commanders of Police and Public Security in the Governorate. Regular and permanent meetings shall be in place between them.
3. Work towards economic, urban and social prosperity in the Governorate, achieve equality and justice, and safeguard the rule of law.

4. Take all measures and actions necessary to confront natural disasters and incidents of significance.

Article 6

The Governor shall enforce the laws, regulations, instructions and orders issued forth by the President of the National Authority or the Council of Ministers.

Article 7

The Governor shall perform the function of the Judicial Police in relation to the flagrant offence. He shall also be entitled to notify the Public Prosecution of non-flagrant offence, which he views.

Article 8

The Governor shall be the highest Executive Authority and Head of Public Administration in his Governorate. Thereupon, the Governor shall be entitled to chair:

- A. The Executive Board in the Governorate, which consists of:
 1. Directors of government bodies in the Governorate, with the exception of courts and Public Prosecution.
 2. A number of heads of municipal councils in the Governorate.
- B. He shall preside over the Planning and Zoning Committee within the scope of his Governorate, which shall comprise: A number of chairpersons of municipalities and local councils in the Governorate.

Article 9

In cooperation with the competent authorities and in accordance with the applicable laws, regulations and instructions, the Governor shall be empowered to supervise, observe and work towards delivering local services, which are of interest to the citizens in the Governorate, including health, educational, cultural, social, urban, development and other services.

Article 10

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

Promulgated in the city of Ramallah on January 1st, 2003 Anno Domini.

Yasser Arafat

President of the State of Palestine

Chairman of the Executive Committee of the Palestine Liberation Organisation

President of the Palestinian National Authority

Decree Law No. 7 of 2010 Concerning the Amendment of the Law on Illegal Gains No. 1 of 2005

The President of the State of Palestine,

The Chairman of the Executive Committee of the Palestine Liberation Organisation,

The President of the Palestinian National Authority,

Having reviewed the Amended Basic Law of 2003 and its Amendments, particularly the provisions of Article 43 thereunder;

Having reviewed the Law of Illegal Gains No. 1 of 2005;

Having reviewed the Penal Law No. 16 of 1960 and its Amendments in force in the Northern Governorates;

Having reviewed the Penal Law No. 74 of 1936 and its Amendments in force in the Southern Governorates;

Having reviewed the Law of the Judicial Authority No. 1 of 2002;

Having reviewed the Penal Procedure Law No. 3 of 2001;

Having reviewed the Anti-Money Laundering Decree Law No. 9 of 2007;

Based upon the powers bestowed upon me;

In realisation of the public interest; and

In the name of the Arab Palestinian people,

I hereby promulgate the following Decree Law:

Article 1: The Original Law

The title "The Law of Illegal Gains No. 1 of 2005"

shall be replaced by the title "The Anti-Corruption Law No. 1 of 2005".

Article 2: Title of the Law

The phrase the "Original Law" shall hereinafter, wherever it is mentioned in this Law, mean the "Law of Illegal Gains No. 1 of 2005 A.D."

Article 3: Combating Corruption

The phrase the offence of the "illegal gain" shall, wherever it is mentioned in the Original Law, be replaced for the purposes of the enforcement of this Law by the phrase the "offence of corruption".

Article 4: Definitions

Article 1 under the Original Law shall be amended so as to become as follows:

The following words and expressions, mentioned in this Law, shall have the meanings designated thereto hereunder unless the context determines otherwise:

The National Authority:

The Palestinian National Authority.

The President of the National Authority:

The President of the Palestinian National Authority.

The Legislative Council:

The Palestinian Legislative Council.

The Council of Ministers:

The Council of Ministers of the Palestinian National Authority.

The Commission:

The Anti-Corruption Commission.

The Chairman of the Commission:

The Chairman of the Anti-Corruption Commission.

Corruption:

To be deemed as corruption for the purposes of the enforcement of the provisions of this Law shall be the following:

1. The offences which violate the duties of the public function as well as the offences which breach the public trust prescribed under the Penal Laws in force.
2. The offences resulting from money laundering, which are provided for under the Anti-Money Laundering Law.
3. Each act that leads to the prejudice of public properties.
4. Abuse of power in contravention of the Law.
5. Acceptance of favouritism and nepotism in a manner that denies a right and legitimises an injustice.
6. Illegal gain.
7. All the acts which are criminalised under Arab and international anti-corruption conventions, which the National Authority has ratified or acceded to.

Employee:

Each person who is appointed upon a decision from a competent body to occupy a function included on the Civil or Military Employment Structure Table on the budget of a government department, whatever the nature or title of such a function.

Properties:

The properties of all types, whether they are material or immaterial, movable or immovable, as well as the legal documents or deeds which prove the title to such assets, or the existence of a right thereto.

Nepotism and favouritism:

The making by an employee of a decision or intervention for the benefit of an unentitled person or body or preferring them to others for unprofessional considerations, such as partisan, familial, religious or factional affiliation in order to gain a material or immaterial benefit.

The Court:

The court which is competent of adjudicating the offences of corruption.

Article 5: Persons Subject to the Provisions of this Law

Article 2 under the Original Law shall be amended so as to become as follows:

Subject to the provisions of this Law shall be:

1. The President of the National Authority and his advisors and the heads of institutions reporting to the President's Office.
2. The Chairman and members of the Council of Ministers, and the persons alike.
3. The Speaker and members of the Legislative Council.
4. Members of the Judicial Authority and Public Prosecution as well as respective employees.
5. Heads of the bodies and agencies of the National Authority.
6. The Governors and heads, members and functionaries of the Councils of Local Bodies.
7. Employees.
8. Chairpersons and members of the boards of directors and staff of public shareholding companies, in which the National Authority or any of its institutions is a shareholder.

9. Collection officers, their deputies, and trustees of deposits and banks.
10. Arbitrators, experts, official receivers, creditor agents and liquidators.
11. Heads and members of the boards of directors of public commissions and institutions, charitable associations and civil society organisations, which enjoy the independent personality and financial and administrative independence.
12. Parties and unions, and those alike, as well as functionaries in any of them even if they do not receive support from the Public Budget.
13. The persons assigned with a public service in relation to the work, with which they are assigned.
14. Any non-Palestinian person who occupies a position in any of the legislative, executive and judicial institutions of the National Authority, and any person who exercises a public function for the benefit of any public body or public installation or civil society organisation belonging to a foreign country or public international institution.
15. Any other person or body whom the Council of Minister decides to submit to the provisions of this Law.

Article 6: Establishment of the Commission

Article 3 under the Original Law shall be amended so as to become as follows:

1. In pursuance of the provisions of this Law, a commission to be called the "Anti-Corruption Commission" shall be established. It shall enjoy the juridical personality as well as the administrative and financial independence. A special budget [line item] shall be designated to it within the Public Budget of the National Authority. In such a capacity, it shall be entitled to conduct all the legal dispositions expedient to achieve its objectives, and shall have the right to conclude contracts and resort to the Judiciary. The Public Prosecution, which is delegated to the Commission, shall represent it before the courts.
2. The main offices of the Commission shall be in the city of Jerusalem. Upon a decision from

the Chairman of the Commission, branches or offices thereof may be established throughout governorates of the Homeland.

3. The Chairman of the Commission shall be appointed upon a decision from the President of the National Authority based upon a recommendation from the Council of Ministers.
4. The Chairman of the Commission shall make, before he commences his tasks, before the President of the National Authority and in the presence of the Speaker of the Legislative Council and Chairman of the High Judicial Council, the following oath: "I hereby swear by the Almighty God to be sincere to God and to the homeland, and to respect the constitutional order, laws and regulations, and to perform the duties assigned to me in honesty and trustworthiness. God shall be witness to what I say."
5. The Chairman of the Commission shall appoint a sufficient number of employees and consultants in order to enable the Commission to perform its tasks. Their grades, salaries, honorariums and increments and all their functional and financial entitlements shall be determined in accordance with a relevant regulation.
6. As an exception from the provision of the Paragraph above, the Chairman of the Commission and all functionaries thereat shall be subject to the effective Retirement Regulations and shall benefit from the governmental health insurance in accordance with the Law.
7. The Chairman of the Commission shall establish an advisory council, to include personalities who are recognised for their experience and competence, to consult with it about the issues presented to him.
8. A Deputy Chairman of the Commission shall be appointed based upon a decision from the President of the National Authority and recommendation of the Chairman of the Commission. The Deputy Chairman of the Commission shall assume the tasks of the Chairman of the Commission in the event of his absence.

9. The Chairman of the Commission and all of the functionaries thereof shall disclose their properties and the properties of their spouses and minor children before they commence their work. These assets shall be kept at the Commission in relation to the functionaries and at the High Court in relation to the Chairman of the Commission.

Article 7: Presidency of the Commission

Article 6 under the Original Law shall be amended so as to become as follows:

1. The period of the presidency of the Commission shall be seven non-renewable years.
2. The Chairman of the Commission may not be dismissed from his tasks unless he is convicted by a definitive judgement of the offence of the breach of the duties and tasks delegated to him or he commits any act that prejudices honour or dignity or any act or disposition that falls within the scope of corruption in accordance with the provisions of this Law.
3. The Chairman of the Commission shall be relieved from his tasks upon a decision from the President of the National Authority in the following cases:
 - A. Admitted resignation.
 - B. In the event he loses a condition of his appointment.
 - C. His loss of legal eligibility in accordance with a decision from the competent Court.

Article 8: Capacities of the Commission

Article 8 under the Original Law shall be amended by the addition of the following paragraphs thereto after Paragraph 3 as follows:

4. Verify the suspicions of corruption, which are perpetrated by the persons who are subject to the provisions of this Law.
5. Raise awareness of the society, including all of its official and nonofficial levels, and enlighten it of the dangers of the offences of corruption and their impacts on the

economic, social and political development as well as how to prevent and combat them, through;

- A. Collecting information on all forms and types of corruption and working towards creating a database and information systems and exchanging them with the bodies and commissions concerned with the issues of corruption inside and outside [Palestine] in pursuance of the legislation in force.
 - B. Coordinating with all institutions of the National Authority in order to consolidate and develop the measures necessary to prevent corruption offences as well as to upgrade mechanisms and means to combat them.
 - C. Coordinating with media outlets in order to exercise an effective role in publicising the culture of integrity and combating of corruption within the society.
 - D. Working towards promoting the contribution and participation of civil society organisations and educational institutions in anti-corruption activities, launching public sensitisation about its dangers and impacts, and consolidating the culture of zero tolerance with corruption and corrupt individuals.
6. Make the anti-corruption public policy in cooperation with relevant bodies as well as develop the plans and programmes necessary to implement it.
 7. Develop periodic handouts which reveal the dangers of corruption, favouritism and nepotism on institutions and public administrations of the National Authority.
 8. Review, evaluate and examine the legislation pertaining to combating corruption and propose amendments thereto in line with applicable procedures.
 9. Liaise and cooperate with Arab, regional and international bodies, organisations and commissions concerned with combating corruption and take part in the programmes aiming to prevent such a type of offence.

10. Develop the annual report of the Commission.

Article 9: Powers of the Commission

Article 9 under the Original Law shall be amended so as to become as follows:

Notwithstanding the provisions of the Penal Procedure Law and other respective Laws, the Commission shall, in the course of the implementation of its tasks and capacities, be entitled to the following:

1. Receive reports, notices and complaints in relation to corruption offences, which are submitted to it; scrutinise and follow up on them; carry out activities of inquiry and collection of evidence thereon; uncover contraventions and violations; collect evidence and information thereon; and initiate investigation and proceed with the expedient administrative and legal procedures in accordance with the provisions of this Law and relevant legislation.
2. Prosecute each person who violates the provisions of this Law, seize his movable and immovable properties, prevent him from travelling, and request that the concerned authorities suspend him from work, cease his salary and increments and all of his financial entitlements when necessary, and amend or revoke any of those decisions in pursuance of the legislation in force.
3. Summon witnesses and the concerned public servants or employees of the private sector or any relevant persons for inquiry and investigation about an incident relating to an offence of corruption.
4. Request or access any files, data, papers, documents or information, or obtain copies thereof from the body, where these are present, including the bodies which deem all these to be of confidential circulation in accordance with the legal procedures in force.
5. Coordinate with the competent authorities to track, seize and restore the properties and revenues accrued from corruption offences, provided that the decision of seizure thereon is entered by the Court, which is competent of adjudicating the case.
6. The Commission shall be entitled to commence the inquiries and investigations necessary to follow up on any corruption offence either sua sponte or based upon a notification or complaint dispatched to it from any entity. In the event it appears with the conclusion of the case or investigation that the notification or complaint, which was dispatched to the Commission, was false or vexatious, its applicant shall be referred to the competent judicial bodies so that he is punished in line with the applicable legal rules.
7. Each company, association, civil society organisation, union or any of the juridical entity subject to the provisions of this Law, with the exception of public administrations, in the event their directors, board members, representatives or functionaries perpetrate in their name or using any of their means an offence of those identified by this Law, the Commission shall be entitled, and as the occasion may be, request that the Court suspend it from work, or dissolve any of these bodies, liquidate their properties, and deprive each person associated with the perpetrated offence from incorporating any similar body or be a member on its board or a director thereof for a period of not less than one year and not more than five years.
8. The right to set in motion actions of the offences defined by this Law shall be through the Public Prosecution and shall be commenced in accordance with the provisions of this Law and other respective legislation. Such actions shall not be lodged by any other party except in the cases defined by the Law. Following its motion, the action may not be ceased, waived, abandoned or reconciled except in the cases identified by the Law.
9. Notwithstanding the provision of any other piece of legislation, the Commission shall adhere to issuing its decisions regarding the files, which are being handled by it, immediately following the completion of its procedures, which are defined by the Law.

Article 10: Suspicion of the Existence of Corruption

Article 17 under the Original Law shall be amended so as to become as follows:

1. If, in relation to the categories prescribed in Paragraphs 1, 2, 3, and 4 under Article 5 of this Law, with the exception of the President of the National Authority, the existence of strong suspicions appears to the Commission regarding the perpetration of one of the offences included under this Law, the Chairman of the Commission shall refer the matter to the President of the National Authority in relation to the Prime Minister and his advisors and to the Prime Minister in relation to the ministers and those alike, and to the High Judicial Council in relation to the members of the Judicial Authority and Public Prosecution in order to take the expedient legal procedures in accordance with the Basic Law and respective legislation.
2. In the event strong suspicions exist as to the perpetration by the Chairman of the Commission of one of the offences included under the provisions of this Law, the President of the National Authority shall refer the matter to the Legislative Council in order to commence the procedures of scrutiny and investigation. In case the Council decides by an absolute majority that such suspicions necessitate referral to the Court, it shall decide to revoke the immunity of the Chairman of the Commission, suspend him from his work, and refer the matter to the competent Court for adjudication.

Article 11: Submission of Information

Article 18 under the Original Law shall be amended so as to become as follows:

1. Each person who possesses serious information or documents in regard of a corruption offence, which is prescribed under this Law and was committed by any employee, must submit it to the Commission or file a complaint thereon against its perpetrators.
2. The Commission shall guarantee to the witnesses, experts and whistleblowers, who are of good faith, the provision of legal,

functional and personal protection. The procedures of their protection as well as respective measures shall be identified in accordance with a regulation to be developed by the Commission and issued forth by the Council of Ministers.

Article 12: Accountability

Article 20 under the Original Law shall be amended so as to become as follows:

In the event it appears to the Commission that the complaint is serious, it shall request the person against whose wealth a contest is being lodged to state the source of such wealth. If the Commission is not convinced of the legitimacy of the source of such wealth, it must prove by means of the investigations it conducts the illegitimacy of such wealth.

Article 13: Referral of the File to the Public Prosecution

Article 21 under the Original Law shall be amended so as to become as follows:

If, during the investigations of the notices and complaints submitted, the existence of strong suspicions appears in regard of the occurrence of a corruption offence, the Chairman of the Commission shall decide, after conducting the necessary examination, to refer the papers to the Public Prosecution delegated to the Commission in order to take the expedient measures in accordance with the provisions of this Law and other respective laws.

Article 14: Penalties

Article 25 under the Original Law shall be amended so as to become as follows:

1. Where a provision is not prescribed under the Penal Law or any other law in force, each person who is convicted with any of the offences defined under this Law shall be punished with a penalty of either or both [confinement] from three to fifteen years, and a financial fine that reaches the amount of the properties the subject of the offence, in addition to the restoration of the properties accrued from the offence.

2. Any offender who takes the initiative to notify the Commission of a corruption offence before it or any of the competent authorities is knowledgeable thereof shall be exempted from the penalty. In the event the notification takes place after the offence is recognised, exemption must be like the matter of notification; the offenders shall be to apprehend and properties the subject of the offence [seized].

Article 15: Tasks of the Chairman of the Commission

The addition of a new article to the Original Law to bear number 6 bis after Article 6 as follows:

1. In addition to the tasks and powers provided for under this Law, the Chairman of the Commission shall assume the following tasks and powers:
 - A. Represent the Commission before third parties.
 - B. Supervise administratively and financially the Commission as well as the employees and functionaries thereat.
 - C. Issue forth the decisions necessary to implement tasks of the Commission and achieve its objectives.
 - D. Approve the annual budget of the Commission and submit it to the Council of Ministers for endorsement.
 - E. Establish the committees necessary for the operation of the Commission and identify their tasks in the decision on their establishment.
 - F. Develop the organisational and functional structure of the Commission and submit it to the Council of Ministers for approval.
 - G. Request the delegation or secondment of any of the employees to work at the Commission in accordance with respective Laws.
 - H. Approve the annual report of the Commission and submit it to the President of the National Authority, Council of Ministers and Legislative Council.

- I. Sign on the agreements and contracts which the Commission concludes.

- J. Any other tasks pertaining to the operation of the Commission and accomplishment of its objectives.

2. The Chairman of the Commission shall be entitled to authorise some of his powers, which are prescribed under this Law and the regulation issued forth in accordance with it, to his Deputy or to any of the senior employees at the Commission, provided that the authorisation is written and for a limited period of time.

Article 16: The Competent Court

The addition of a new article to the Original Law to bear number 9 bis 1 after Article 9 as follows:

1. Upon a decision from the High Judicial Council based upon a request by the Chairman of the Commission, a competent court shall be constituted to adjudicate issues of corruption offences wherever they occur. It shall convene under the presidency of a judge in the rank of a Presiding Judge of a Court of First Instance with membership of two judges, the ranks of whom shall not be less than a judge of a Court of Instance.
2. The Court panel shall convene in the city of Jerusalem or in any other area designated by the Presiding Judge of the Court. The provisions and procedures defined under the Laws in force shall be applicable to its sessions and to the manner of entering its decisions.
3. The Court panel shall commence to hear any case, which is submitted to it, within a period of not more than ten days from the date of its submission. It shall hold its sessions for this purpose on consecutive days. The trial may not be postponed for more than three days except when necessary and for reasons to be mentioned in the decision on postponement. Such shall be applicable to all grades of litigation.
4. The Court panel shall enter its decision on any case in which the trial has been concluded

as soon as practicable within a period that does not exceed ten days from the date of the conclusion of the trial. The Court shall be entitled to postpone it for this purpose only once for a period of not more than seven days.

5. The rulings entered by the Court shall be subject to methods of objection in accordance with the Penal Procedure Law.

Article 17: The Public Prosecution

The addition of a new article to the Original Law to bear number 9 bis 2 after Article 9 as follows:

1. Based upon a request by the Chairman of the Commission, a sufficient number of members of the Public Prosecution, including an Assistant Prosecutor, shall be delegated to work with the Commission for a period of two renewable years.
2. With reference to the provisions of the previous Paragraph, the delegation shall be in place in accordance with the procedures applicable under the Law of the Judicial Authority.
3. Members of the Public Prosecution, who are delegated to the Commission, shall be competent of investigating any offence of those prescribed under this Law as well as of setting the action in motion before the competent Court and carrying out all necessary legal processes throughout governorates of the Homeland.
4. The delegated Public Prosecution shall commence, with assistance of the Commission's employees who enjoy the capacity of the Judicial Police, the investigation procedures, which they must perform in a summary fashion and without any unjustifiable delay or slowness in such procedures.

Article 18: Repealing

1. Articles bearing numbers 13, 14, and 15 shall be repealed from the Original Law.

2. Each provision which contradicts the provisions of this Law shall be repealed.

Article 19: Regulations

Based upon the recommendation of the Chairman of the Commission, the Council of Ministers shall promulgate the regulations necessary for the enforcement of the provisions of this Law.

Article 20: Presentation to the Legislative Council

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

Article 21: Enforcement and Entry into Force

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

Promulgated in the city of Ramallah on June 26th, 2010 Anno Domini, [Corresponding to] Rajab 8th, 1431 Anno Hegira

Mahmoud Abbas

President of the State of Palestine

Chairman of the Executive Committee of the Palestine Liberation Organisation

President of the Palestinian National Authority

3. Ministerial Decisions West Bank

Palestinian National Authority Council of Ministers: The Regulation on Complaints No. 6 of 2009

The Council of Ministers,

In reference of the Amended Basic Law of 2003 and its Amendments, particularly the provisions of Article 68 thereof,

Having reviewed the Decision of the Council of Ministers No. 13/10/2003/PM.CoM/AQ of 2003,

The Decision of the Council of Ministers No. 05/03/09/CoM/AQ of 2005, and

The Regulation on the Department of Complaints at the Council of Ministers and Units of Complaints at Ministries, promulgated on May 3rd, 2005;

Based upon the recommendation of the Higher National Group of the Legislative Plan;

Based upon what the Council of Minister approved in its session, which convened in the city of Ramallah on March 8th, 2009,

Hereby promulgates the following Regulation:

Chapter I: Definitions

Article 1: Definitions

Upon the enforcement of the provisions of this Regulation, the following words and expressions shall have the meanings designated thereto hereunder unless the context determines otherwise:

The Council:

The Council of Ministers.

The Premier:

The Prime Minister.

The Prime Ministry:

The Palestinian Prime Ministry, which consists of the Cabinet Secretariat of the Council of Ministers and Office of the Prime Minister.

The Secretary General:

The Secretary General of the Council of Ministers/Chairman of the Office of the Prime Minister.

Directorate General of Complaints:

The Directorate General of Complaints at the Prime Ministry.

Units and offices: The Complaints Units and Offices at government institutions and Governorates.

Head of the government institution:

The competent Minister in his ministry or the head of the non-ministerial institution in accordance with the Law.

Government institutions:

The ministries, institutions, bodies and authorities that report to the Council of Ministers.

Chapter II: The Directorate General of Complaints

Article 2: Composition

A specialised directorate general shall be composed in the Council. Its structure shall be approved within the general structure of the Prime Ministry. It shall report directly to the Secretary General and shall be named

the Directorate General of Complaints. It shall consist of three departments. An employee shall assume its administration in accordance with the following criteria:

1. An employee in line with the functional hierarchy from the higher category.
2. To hold the bachelor degree in humanitarian sciences.
3. To have experience for a period of not less than seven years in the field of administrative or legal work.
4. To have adequate experience in dealing with the public as well as public service ethics.
5. Not to have been convicted with a crime or misdemeanour of moral turpitude unless he is re-incapacitated.
6. To be of good conduct and reputation.

Article 3: Technical Support and Supervision

The Directorate General of Complaints shall solely carry out all processes of technical support and supervision; monitoring, coordination and support of units at ministries and offices at governorates; and coordination with the Complaints Department of the Office of the President of the Palestinian National Authority.

Article 4: Departments of the Directorate General of Complaints

The Directorate General of Complaints shall consist of three departments as follows:

1. The Department of Follow-up with Units and Offices.
2. The Department of Coordination with the Complaints Unit at the President's Office, at the Legislative Council and with Nongovernmental Institutions.
3. The Department of Documentation, Archive and Reception.

Article 5: The Quarterly Report

The Directorate General of Complaints shall develop a regular quarterly report on the

complaints submitted thereto or to the units and offices and submit to the Secretary General for presentation to the Council.

Article 6: The Complaints Examined by the Directorate General of Complaints

The Directorate General shall examine the following complaints:

1. Those filed against the government institutions.
2. Those relating to the abstention from executing final judicial rulings entered against government institutions.
3. The complaints lodged by civil society organisations in relation to the performance of the government and the institutions reporting thereto.
4. The complaints on which a decision has been made or which have been rejected by a unit or office in the event new substantial data appear and change the course of the complaint.

Article 7: The Complaints Not Examined by the Directorate General of Complaints

The Directorate General shall not examine the following complaints:

1. The complaints heard by the Judiciary.
2. The complaints pertaining to conflicts between persons, whether they were natural or juridical.
3. The complaints, on the subject matter of which a definitive judicial ruling had been entered.
4. The complaints submitted by citizens in relation to making use of humanitarian aid and internal or external grants.
5. The complaints, on [the filing of] which more than a whole year has elapsed.

Chapter III: Units and Offices

Article 8: Composition of the Units and Offices

1. Specialised units shall be composed in government institutions. Their organisational structure and job description shall be approved within the organisational structure of the institution and shall be named the Complaints Units at ministries as a minimum, and Complaints Offices at governorates.
2. The units shall report immediately to the Minister.
3. The units and offices shall report technically to the Directorate General of Complaints at the Prime Ministry. An employee shall assume their administration in accordance with the following criteria:
 1. A civil servant shall assume the administration of the unit in accordance with the functional hierarchy from the A4-C [Grade] and shall be assisted by a sufficient number of employees.
 2. To hold the first university degree.
 3. To have experience for a period of not less than five years in the field of administrative or legal work.
 4. To have adequate experience in dealing with the public as well as in public service ethics.
 5. In regard of the Offices of governorates, the Governor may select the person whom he deems to be fit to receive and follow up with the complaints in the governorate.

Article 9: Jurisdictions and Tasks

Jurisdictions and tasks of units and offices:

1. To receive and follow up with the citizens' complaints relating to the performance of government institutions and their employees.
2. To coordinate and cooperate with Directorate General.

3. The units and offices shall coordinate and cooperate amongst them and in relation to complaints and common issues.

Article 10: The Units' Regular Report

The units and offices shall adhere to submitting a regular quarterly report to the Directorate General of Complaints, including information on the complaints; their number; completed, remaining and rejected ones; reasons of delay; in addition to the problems the Unit faces in the course of performing its function in accordance with administrative and legal rules.

Article 11: The Complaints Examined by the Units and Offices

The units and offices shall examine the following complaints:

1. Those filed against the government institutions.
2. Those relating to the follow-up of the execution of the final judicial rulings entered against government institutions.
3. Those lodged by civil society organisations in relation to the performance of the institution to which the units and offices report.

Article 12: The Complaints Not Examined by the Units and Offices

The units and offices shall not examine the following complaints:

1. The complaints heard by the Judiciary.
2. The complaints, on the subject matter of which a definitive judicial ruling had been entered.
3. The complaints pertaining to conflicts between persons, whether they were natural or juridical.
4. The complaints previously presented to the Complaints Unit, which decided to refuse or those which had been processed and a decision made thereon.

5. The complaints on humanitarian aid and external grants.

Chapter IV: Institutions' Commitment and Observation of the Periods of Judicial Contestation

Article 13: Commitment of Official Institutions

In the course of facilitating the mission of the Directorate General of Complaints and units and offices, official institutions with a relation to the subject of the complaint shall be committed to present all the documents related to the issue complained of on the allotted time.

Article 14: The Written Response

The Directorate General of Complaints or the units and offices must respond in writing to the complainant, [regardless of] whether the response was positive or negative, within a maximum period of thirty days.

Article 15: Observation of the Periods of Judicial Contestation

Upon the examination of complaints, the Directorate General of Complaints and the units and offices shall observe the periods of judicial contestation which are applicable at the High Court of Justice and prescribed under the Law of Civil Service, Law of Civil and Commercial Procedure and their amendments, as well as by any other law in this regard.

Article 16: Resorting to the Judiciary

The complainant shall have the right, if he so wants, to resort to the Judiciary to adjudicate his complaint.

Chapter V: Complaints against the Directorate General and Units and Offices

Article 17: Complaints against Employees of the Directorate General of Complaints

In the event the complaint is filed against the Chairman of or an employee at the Directorate General of Complaints, it shall be submitted

immediately to the Secretary General in order to take the proper procedures thereon.

Article 18: Complaints against the Employees of Units or Offices

In the event the complaint is filed against the officer in charge of or an employee at the units and offices, it shall be submitted immediately to the Minister or Governor as the occasion may be in order to take the proper procedures thereon.

Article 19: Malicious Complaints

In case it appears to the Directorate General of Complaints or the units and offices that the complaint filed is a malicious one, the Directorate General or the units or offices shall have the right to take the respective expedient legal proceedings in accordance with the provisions of the laws in force.

Chapter VI: Conclusive Provisions

Article 20: The Annual Report

The Directorate General of Complaints shall adhere to submitting its annual report to the Secretary General as well as any other reports for presentation to the Council of Ministers.

Article 21: The Procedural Manual

The Directorate General of Complaints shall present the Procedural Manual and the forms relating to the complaints as well as circulate them to the units and offices following approval of the Secretary General.

Article 22: Legal Support

The Legal Affairs of the Council of Ministers shall provide legal support to the Directorate General of Complaints. Coordination shall be in place between them.

Article 23: Repealing

The Regulation on the Department of Complaints at the Prime Ministry and Units of Complaints at Ministries, promulgated on May 3rd, 2005, as well as any provision that contradicts the provisions of this Regulation, shall be repealed.

Article 24: Entry into Force and Implementation

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

Promulgated in the city of Ramallah on March 8th, 2009, [Corresponding to] Rabee' al Awwal 11th, 1429 Anno Hegira.

Salam Fayyad

Prime Minister

Decision of the Secretary General of the Council of Ministers No. 01/13/H.A.L of 2009: The Procedural Manual of the Regulation on Complaints

The Secretary General of the Council of Ministers,
Based upon the power bestowed upon me by law,

Based upon the requirements of the public interest, and

Having reviewed the Regulation on Complaints No. 6 of 2009, particularly Article 21 hereunder,

Hereby decides as follows:

Article 1: The Technical Conditions to be Fulfilled by the Complainant

Complaints shall be received from the following bodies:

1. The complainant or through the person who legally represents him, whether he was a natural or juridical person.
2. Civil society organisations and other competent bodies.

Article 2: Procedures of the Filing of Complaints

Complaints shall be lodged to the Complaints Units available at government institutions, each within the sphere of its jurisdiction, or at the directorates of government institutions in the governorates of the Homeland. In the event a directorate is not available, it can be lodged to the Governorates.

The complaint shall be filed as follows:

1. Filling in the designated form in writing,

including all data, and signing on it by the complainant.

2. Enclosing all the documents and instruments that support the complaint.
3. The complaint shall be marked as to state that the complaint has been received by the employee, who received the complaint.
4. In the event the complainant is illiterate or disabled in a manner that prevents him from writing his complaint or filling in the form, he must seek assistance from another person, whom he trusts, provided that both parties affix their imprints on the complaint. The complainant's imprint must be registered as such, along with the statement of the name and two witnesses.

Article 3: Methods of Receiving Complaints

Complaints shall be received by one of the following methods:

1. Personal appearance by the complainant.
2. Electronic mail.
3. Facsimile.
4. Ordinary post office box.
5. Any other methods that are approved.

Article 4

Complaints pertaining to the person of the head of a government institution shall be lodged to the Directorate General of Complaints.

Article 5: Admittance, Refusal or Referral of the Complaint

1. The responsible employee must notify the complainant or his legal representative of the admittance or refusal of the complaint within at most three days from the date on which it was filed.
2. If the complaint is remitted from the unit to the competent Complaints Unit, the body to which the remittance is made must respond within three days from the date of delivery.
3. In case the complaint is admitted, the complainant shall receive a reporting card, stamped with the official seal and including the following data:
 - a. Name of the complainant or his legal representative.
 - b. Address of the complainant.
 - c. Subject matter of the complaint.
 - d. Number of the complaint.
 - e. Date on which the complainant shall report.
 - f. A list of attachments and a description thereof.

Article 6: Instruments Attached with the Complaint

The complainant shall enclose with his complaint copies of all the exhibits available with him and which support his complaint after they are compared to the original by the responsible employee.

Article 7: Examination and Follow-up of Complaints by the Units and Directorate General

1. In case the complaint is admitted, the Units and Directorate may perform the following:
 - A. Verify the correctness of information, data and instruments attached with the complaint.
 - B. Inquire the complainant about any further information on the subject matter of the complaint after receiving it.

- C. Inquire the body against which the complaint is filed or any other body in a manner that does not contradict the laws and regulations in force in the Palestinian National Authority.
 - D. Contact directly the concerned bodies in relation with the complaint, provided that its letters and correspondence with those bodies are [conducted] through letter-headed, documented and signed official correspondence.
2. The bodies, from which an inquiry is requested, must respond in writing within a maximum period of two weeks from the date of receipt.
3. In the event the response to the inquiry is not received following the expiration of a period of two weeks, the letter shall be resent to the concerned body, which shall be notified of the obligation of delivering or non-delivering the response within three days from the date on which the letter is received.
4. Following expiration of the periods provided for in Clauses (2, 3) under this Article without having obtained a response, the complaint shall be referred to the head of the government institution for processing and follow-up. Enclosed with it shall be the recommendations and suggestions of the Complaints Unit. Response shall be in place within a maximum period of one week.
5. In case the Unit receives a response from the government institution or the competent body at the Directorate, the Unit shall – through cooperation and coordination with the concerned bodies – follow up with the implementation of the decision of the head of the government institution in regard of the subject of the complaint.
6. If the head of the institution does not take any measure in relation to the file of the complaint remitted to him or if the complainant does not receive a written response about his complaint, the complainant shall have the right to submit his complaint to the Directorate General.
7. Once the citizen's complaint reaches the Directorate General, it shall have the right to

inquire the Complaints Unit at the institution before it submits it to the Secretary General of the Council of Ministers, provided that the response to the inquiry takes place within a maximum period of one week.

8. In the event a response is received by the concerned bodies bearing a relation with the subject matter of the complaint and the response includes or does not include a resolution of the complaint, the Unit must notify the complainant of the response in writing and signed by the head of the government institution or the person whom he assigns thereto. The complainant shall sign on the receipt.

Article 8: Examination and Follow-up of Complaints by the Directorate General

In the event the Directorate General does not receive a response about the subject of the complaint or receives a response that does not entail a resolution of the complaint, the Directorate shall have the right to submit a recommendation to the Council of Ministers through the Secretary General of the Council of Ministers, including proposals and recommendations of the Directorate for the resolution of the complaint.

Article 9: Coordination between Government Agencies

In the event the complaint examined by the Complaints Unit overlaps with more than one agency, the respective Complaints Units must coordinate with one another to follow up with finding a resolution for the complaint.

Article 10: Closing of the Complaint File

The file of the complaint shall be closed in any of the following two cases:

1. After the Directorate General or Unit receives the response about the subject matter of the complaint from the relevant, concerned body and [after] the response reaches the complainant as well as [after] the complete implementation of the decision.

2. A request by the complainant himself to close the complaint or halt it being followed up through his signature on the form designated thereto or through a written letter signed by him and by his legal representative, along with a statement of the reasons. In the event it appears that the reasons are related to a fear or any other obstructive factors, the complainant shall be entitled to raise the matter to the Prime Minister immediately in due form.

Article 11: The Report on Closing

The report on closing shall include the number of the complaint; date of its filing; completed follow-up of the subject of the complaint; response thereon; and date and causes of the closing, provided that the officer in charge of the Unit or officer in charge of the Directorate General sign on the report, which shall be stamped with the official seal.

Article 12: Reopening of the Complaint File

The file of the complaint shall be reopened based upon a written request by the complainant once new data and developments emerge. Such a complaint shall be deemed to be a new and separate one, which will be addressed in accordance with the provisions of the Regulation and this Manual.

Article 13: Entry into Force and Implementation

All the competent authorities, each within the sphere of its jurisdiction, must implement the provisions of the Manual, which shall enter into force as of the date of its promulgation.

Promulgated in the city of Ramallah on May 25th, 2009 Anno Domini, [Corresponding to] Jumada al Akhirah 1st, 1430 Anno Hegira.

Dr. Hasan Abu Libdeh

Secretary General of the Council of Ministers

4. Executive Decisions Gaza Strip

Decision of the Council of Ministers No. 21/41/11/CoM/AH of 2007 Concerning the Appointment of Mr. Hasan Yousef Abdul Hadi As-Seifi as Inspector General at the Ministry of Interior

Having reviewed the Basic Law,

Having reviewed the Law of Service in the
Palestinian Security Forces No. (8) of 2005,

Based upon the powers legally bestowed upon
me,

Based upon the recommendation of the Minister
of Interior,

Based upon the requirements of the public
interest,

The Council of Ministers has decided in its forty
first session, which convened in the Gaza city on
December 4th, 2007, the following:

Article 1

The amendment of the Decision of the Council of
Ministers No. 22/29/10/CoM/AH of 2007 so as to
become as follows:

The Appointment of Mr. Hasan Yousef Abdul Hadi
As-Seifi as Inspector General for the Ministry of
Interior in the grade of Assistant Deputy (A2).

Article 2

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

Promulgated in Gaza city on December 4th, 2007
Anno Domini, [Corresponding to] Thu al Qi'dah
25th, 1428 Anno Hegira

Isma'il Haniyyeh

Chairman of the Council of Ministers

Ministry of Interior, Office of the Inspector General, Operational Procedures Manual of the Complaints Department, 2008

Preface

A close relationship binds citizens' complaints to the Office of the Inspector General at the Ministry of Interior (Mol). Whereas Palestinian citizens face many concerns and problems that impede the smooth progress of their daily life, the Office of the Inspector General is a significant epitome and well-established tribune that seeks to consolidate concepts of justice, equality, respect of the rule of law, and protection of citizens' rights. The Office of the Inspector General further works towards removing grievances and injustices incurred on citizens by the misconduct of the personnel of security agencies, including the Police; abuse of public positions; unsatisfactory performance of the security establishment; negligence of citizens' needs; or obstruction of their transactions. In observance of citizens' interest and to maintain public rights and the rule of law as a foundation for materialising justice and equality, the Office of the Inspector General is now in the process of developing an appropriate, model complaints system and operational procedures manual. In line with clear, easy-to-use, transparent and fair operational procedures, the system and manual will be designed to facilitate the receipt, monitoring and handling of citizens' complaints at the Office. Short or absent procedures that identify techniques and mechanisms to address and handle public complaints, citizens are forced to waive their rights, be lenient toward deficient functions and corruption, or seek other means of redress. As a result, citizens would resort to personal connections, favouritism or nepotism, further fostering corruption and respective consequences.

An effective Complaints Department enhances opportunities to realise justice, consolidate the

rule of law, and preclude a fertile soil of corruption and relevant phenomena. The Complaints Department will function in accordance with a clearly defined system, applying clear operational procedures as well as special forms and handling processes. Grievances and complaints are an important tool because they cast light on aspects of inadequate performance throughout security bodies and, consequently, help develop and promote their functional quality.

We, the Office of the Inspector General, are determined to move forward and consolidate the complaints system at the Ministry of Interior's security agencies and directorates through representative offices of the Office of the Inspector General throughout governorates, which we will be operated soon. We all hope that the experience and results achieved by the Office of the Inspector General be disseminated to other ministries and government bodies as a pioneering experience. By God's will, we anticipate that its outputs and results of the Office's experience be positive and satisfactory.

Identifications

Identification of the Office of the Inspector General

The Office of the Inspector General was established in accordance with the Decision of the Council of Minister No. 21/41/11/AH.CoM of 2007, which was promulgated at the Council of Ministers' session of 4 December 2007. The Office aims to examine and ensure that all administrative, financial and legal affairs of the Ministry of Interior's security agencies, bodies and directorates are implemented in pursuance of relevant laws, regulations, standards and

instructions, and that the internal oversight system is in line with the Ministry of Interior's requirements.

Scope of Work

The Office of the Inspector General carries out functions of oversight and inspection over the Police and security agencies, which report to the Ministry of Interior. Accordingly, the Police and security personnel are subject to oversight. Within the limits of prescribed rules, the Office performs the following tasks:

1. Put in place necessary oversight function in order to reveal administrative, financial and legal irregularities.
2. Examine complaints filed by citizens as well as those referred to the Office by competent official authorities.
3. Initiate investigations into administrative, financial and legal violations, which are uncovered by the oversight activity as well as into violations referred to the Office by competent official authorities.
4. Follow up on relevant cases and issues with the concerned bodies in accordance with applicable laws and regulations.
5. Review the Ministry of Interior's administrative, financial, security and media policies, follow up on respective agreements, and participate in proposing and approving alternative policies.
6. Take part in the committees on the evaluation, interviews and promotions of the security personnel.

Accordingly, the Office of the Inspector General's jurisdiction is twofold:

- Oversight; and
- Investigation.

Identification of the Complaints Department

The Complaints Department is the body that receives, documents and classifies citizens' complaints. It also follows up on solving and responding to these complaints.

The Complaints Department is the connecting link between the security establishment, including the Police, and complainants. It is a two-way channel that handles complaints after they are filed by the citizen to the targeted body. As such, the Complaints Department addresses respective authorities and refers certain cases to the Investigation Department at the Office of the Inspector General for further scrutiny and inquiry. It submits recommendations for approval by the Minister and follows up on implementing the Minister's decisions thereon. The Complaints Department is not a judicial body that settles conflicts between litigants in civil issues. Its function is one of oversight; it is an administrative, not judicial, function. In addition, the Department introduces and raises citizens' awareness about applicable procedures and mechanisms.

A number of competent staff members work at the Complaints Department. These receive sufficient training and qualification on a continuing basis. The staff have a proper office, where they receive complainants. All logistics support requirements, including devices, equipment, integrated computerised system and technical support aspects, are duly provided to the Department staff.

The Complaints Department reports to the Office of the Inspector General, which is immediately associated with the Minister of Interior. The Office of Inspector General's jurisdiction and work is to receive complaints about functions, procedures, decisions and personnel of security agencies. It should be noted that procedures of receiving and handling public complaints are free of charge and available to all citizens.

Identification of the Operational Procedures Manual of the Complaints Department

This proposed Operational Procedures Manual makes clear all work processes in a detailed and chronological fashion. Through these processes, the Complaints Department implements activities needed to review citizens' complaints. It inquires about the motives and justifications of a certain position adopted by security agencies, including the Police, or by respective directorates or personnel. In addition to requesting that a decision be interpreted or an action clarified, the Department enables citizens to file complaints about the conduct or performance of security and Police personnel.

This Manual is important because it is a comprehensive reference of all procedures needed to handle citizens' complaints. It identifies the type and nature of complaints, which the Office of the Inspector General receives and handles, as well as those which fall beyond its scope of work. It also explains the methods of receiving complaints and the mechanisms to respond to, finalise, and close them. It describes the reporting system and provides the forms needed to carry out relevant functions effectively and efficiently. Once the Manual is complete, the Office of the Inspector General will, as a preliminary step, experiment and test it through real application and implementation. In the event application is deficient or procedures are complicated, the Manual will be amended immediately. As regional and international best practice shows, compilation and endorsement of the Manual is a lengthy process.

Thereupon, this Manual will be put to effect after a pilot phase of at least six months. Before it is finally approved, the Manual will be evaluated and necessary adjustments introduced.

Operational Procedures of the Complaints Department

Tasks and Jurisdictions of the Complaints Department

1. Receive complaints and ensure that they fall within the jurisdiction and responsibility of the Office of the Inspector General in terms of the body, which the complaint and its content target. The complainant will be notified of the acceptance or refusal of the complaint, making clear relevant reasons in all cases.
2. Examine complaints and scrutinise their details, especially in cases where complaints are vague or unspecified.
3. Record citizens' complaints on a special register in line with a special archiving system and through a particular classification system (to be introduced later in this Manual).
4. Address relevant bodies and inquire about and request replies by contacting the immediate officer in charge of the body, against which a complaint is filed, and informing them of the content and particularities of the complaint.
5. Receive the reply from the addressed body and refer it to the respective staff members at the Office for examination, assessment and proposal of procedures to handle it in case it appears to the Director of the Complaints Department that the reply is unclear or unconvincing.
6. In the event the complaint is not resolved or the addressed body procrastinates it, a letter of inquiry about the status of the complaint will be dispatched to the selfsame body. Otherwise, the Office will submit a report to the Minister, including a summary of the complaint, a brief outline of the Office's correspondence, and potential recommendations to handle the complaint so that the Minister can decide on the appropriate procedures.
7. Inform the complainant in writing of the reply or solutions reached in regard of the complaint, which he lodged to the Office.
8. Notify and draw attention of the directors of security agencies and bodies to the cases and complaints relating to their functions, including deviations in the conduct or performance of relevant personnel or frequent complaints about a certain subject or directorate.
9. Monitor any complaints about the performance of security agencies or personnel throughout the local community, including complaints announced on media outlets and in public meetings and assemblies. Respective bodies at the Minister's Office will duly be informed of such complaints.
10. Develop regular technical and administrative reports, including relevant documents and evidentiary proof, and submit them to the Inspector General for deliberation. Respective recommendations will be presented to the Minister.

Criteria Applicable to the Receipt of Complaints

The Complaints Department receives complaints about legal violations or impingements on public policies by security agencies, including the Police; improper conduct; or transgression of a security officer during service. The Department

also receives requests for inquiry about the justifications of any decisions that affect citizens' security and interest. In order to be admitted, complaints should meet the following criteria and conditions:

A. General Criteria:

1. Filed complaints should pertain to the functions of security bodies, including the Police, relevant personnel, directorates, or any functions that falls with the Complaints Department's jurisdiction and responsibilities.
2. In accordance with the Penal Procedure Law No. 3 of 2001, a period of more than three months should not have elapsed from the occurrence of the violation or the procedure complained of. Based on special considerations and in realisation of justice and the rule of law, the Complaints Department will have the discretionary power to admit certain complaints, even though more than three months have elapsed from the occurrence of such violation or procedure.
3. The complaint must be submitted by an identified entity.

Complaints within the scope of work of the Department:

- Complaints filed against the conduct of security or Police personnel; exploitation of the public position; arbitrary use of authority and powers generated by such a position against citizens; or unfair or illegal procedures.
- Depriving citizens of public services; delayed or short delivery of public services; and discrimination or inequality on grounds of partisan affiliation or family origin.
- Denying access to citizens or to any juridical persons to legally-permissible, public information.

Complaints beyond the scope of work of the Department:

- Complaints heard before the Judiciary, courts or arbitration commissions.

- Complaints on which a judicial decision has been entered.
- Complaints previously presented to the Complaints Department in relation to the same parties, subject and cause, but the Department decided to refuse or adjudicate them.
- Complaints relating to individuals' civil obligations.
- Complaints in regard of conflicts between individuals or private institutions.
- Demands raised by security and Police personnel, in relation to recruitment, promotion and other administrative procedures.

B. Technical and Procedural Criteria:

1. Fill out the Complaint Form: Not a complaint will be approved, recorded or scrutinised unless the special complaint form is completed. Written or typed details of the complaint should be enclosed with the form.
2. The complainant's signature, address, telephone number or method of contact, and current profession should be stated.
3. Complaints should be filed by the complainant himself or by a legally competent person on his behalf (e.g. father for son, heir, guardian, and any person who presents a proxy for representation of the complainant). Complaints will also be received from any juridical person (e.g. a civil society organisation, corporation, etc.), provided that the institution's official documents are presented and sealed with its official stamp.
4. The complaint will be sealed with the stamp of the Complaints Department.

Classification of Complaints

At the Complaints Department, complaints are sorted in line with the following criteria:

Classification according to the agency/directorate against which a complaint is filed:

- Complaints about Police directorates will be coded by a two-digit number, starting with 01 and ending with 39.
- Complaints about Civil Defence directorates will be coded by a two-digit number, starting with 40 and ending with 59.
- Complaints about Security and Protection directorates will be coded by a two-digit number, starting with 60 and ending with 79.
- Complaints about Internal Security directorates will be coded by a two-digit number, starting with 80 and ending with 95.
- Complaints about the Ministry of Interior's central directorates will be coded by a two-digit number, as follows:
 - 96 for the Financial Affairs Directorate;
 - 97 for the Administrative Affairs Directorate; and
 - 98 for Regulation and Management.

(...)

Classification according to the complainant:

- A complaint filed by a citizen (civilian) will be coded by a one-digit number (1).
- A complaint filed by military personnel will be coded by a one-digit number (2).
- A complaint filed by a juridical person (e.g. an institution or corporation) will be coded by a one-digit number (3).

Classification according to the subject of the complaint:

- A complaint pertaining to administrative violations will be coded by a one-digit number (1).
- A complaint pertaining to financial violations will be coded by a one-digit number (2).

- A complaint pertaining to legal violations will be coded by a one-digit number (3).
- A complaint pertaining to the arbitrary use of the public position will be coded by a one-digit number (4).
- A complaint pertaining to the abuse of public funds will be coded by a one-digit number (5).

Each complaint will be given a four-digit code, to be sequenced as follows:

- First and second digits from the left indicate a classification according to the agency/directorate, against which a complaint is filed.
- The third digit from the left indicates a classification according to the identity of the complainant.
- The fourth digit from the left indicates a classification according to the subject of the complaint.

Methods of the Receipt of Complaints

Complaints are received as follows:

1. Appearance of the complainant in person or by a legal proxy at the Complaints Department of the Office of the Inspector General.
2. Facsimile.
3. Electronic mail.
4. Ordinary mail in case the complainant signs on the grievance in his name and encloses his telephone number or method of contact to enable the verification of information, completion of missing information, and summons for satisfaction of data relating to his complaint.
5. Regional representatives of the Office of the Inspector General, to be distributed to all governorates, will receive complaints and fill out complaint forms. Complaints will then be handled in due form.

Work Mechanisms and Procedures

Stage One: Receipt of Complaints

1. The Department staff members receive written complaints from citizens in accordance with the prescribed techniques and mechanisms. After the special complaint form is completed, the handling process will be initiated as follows:

- The Complaints Department at the Office of the Inspector General receives complaints and proceeds with handling them.
- Directors of representative offices, who report to the Office of the Inspector General and who will be distributed to governorates, receive complaints, fill in special complaint forms, and dispatch them to the Complaints Department at the Office.
- The Complaints Department completes the complaints-designated form, which includes the complainant's full name; address; numbers of his telephone, facsimile and mobile telephone; the body against which the complaint is lodged; summary of the complaints in [bullet] points; attachments and documents; the complainants' signature; date of the complaint; and stamp of the Office or Department. (...)

2. The complaint is given a six-digit serial number in accordance with the prescribed archiving system approved by the Office of the Inspector General.

3. The staff member in charge of the complaints handling process designates a four-digit number to the complaint, as is explained in Clause 2 under the Classification of Complaints section above.

4. A collective complaint will be dealt with as a single complaint if it addresses the same issue or subject matter, except in special cases to be left to the discretion of the Department staff.

5. The Department staff members ensure that all technical and procedural details are in place.

6. The Complaints Department will be entitled to inquire and ask for the clarification of any additional information from the complainant as it deems necessary. It will also make sure that the required information, data and documents have been provided.

7. The complainant will be informed that his complaint has been admitted and approved by the Office of the Inspector General and that it is being handled. Otherwise, the Department apologises for handling the complaint, stating and recording respective reasons and justifications on the daily register.

8. Brief the complainant about the administrative procedures to be taken to handle his complaint within an expected time limit. The complainant will also be informed about the work mechanisms applicable at the Complaints Department.

9. No original documents will be accepted as attachments. Duplicate copies are admitted after they are compared to the originals.

10. The complainant will be given a reporting card, stating the name of the complainant or his proxy; number and subject matter of the complaint; date of filing the complaint; time and data of reporting; document and evidentiary papers enclosed with the complaint; signature of the respective Department staff member; and stamp of the Department.

Stage Two: Following up with and handling the complaint

1. The Complaints Department will address relevant bodies to inquire about the subject of the complaint, as well as ask them to reply to the inquiry and the measures they have taken to deal with the complaint (Annex 3: Complaint Inquiry Form).

2. The Monitoring Department at the Office of the Inspector General will follow up and address the concerned bodies to inquire about the complaint. The Department will also provide the respective body with a summary of the content of the complaint.

3. In case any reply is sent by the body against whom a complaint was filed, the complainant will be notified of the details of the reply to his written complaint (...).
4. If no reply is received within a maximum period of two weeks from the receipt of the complaint and completion of required correspondence, the Complaints Department will contact the same concerned body to remind it of the complaint and inquire about its status, using the Follow-up and Reminder Form (...).
5. In the event the Department does not receive any reply a week after the Follow-up and Reminder Form is dispatched, the Inspector General shall send to the Minister a notice, including a summary of the complaint which was referred to the concerned body, and indicating that the Complaints Department has not received a reply from that body. Recommendations will be enclosed with the notice so that the Minister issues forth his directives on the appropriate measures.
6. In case the Complaints Department does not receive a reply from the Minister, or from the person whom the Minister authorises, within two weeks, the complainant shall be informed in writing that a reply has not been available so that he follows up on his complaint in the way he deems fit. For example, the complainant may resort to the Judiciary.
7. In the context of the follow-up process, the Complaints Department will be entitled to perform the following tasks:
 - Contact the directorate or division, to which the complaint is related, and report that the reply received about the complaint is unconvincing and unjustified. Accordingly, the Complaints Department will take the necessary legal and administrative procedures in due form.
 - Contact the Minister and report that the Department has not received any reply in relation to the complaint it submitted to him.
 - Contact more than one body within security establishment, asking for

clarification of the details of a certain complaint.

8. The Minister will issue forth directives and decisions, which define time limits, nature of the procedures and steps taken to follow up on and handle complaints, and the body which he authorises to handle complaints in a timely fashion.
9. The division or directorate, against which a complaint is filed, will be entitled to meet with the complainant, provided that the Complaints Department is thus notified.

Stage Three: Resolving and closing complaints

1. The Complaints Department will close the handled complaints once the "Closing Report" is finalised. The Closing Report will indicate the complaint number, date of filing, complainant's name, completed follow-up processes, reply to the complaint, date of reply, date of closing the complaint, cause and justifications of closing, signature of the staff member who compiled the report, and stamp of the Office. To close a complaint, the following components should be in place:
 - Compile the Closing Report.
 - Receive the written reply and transmit it to the complainant in writing.
 - State that a reply has not been received (i.e. negative reply) and notify the complainant of the fact that a reply is not available.
 - Request by the complainant himself that the complaint be closed and follow-up process halted, provided that the complainant signs on the respective form (Waiving of the Complaint).
 - In the event the complainant challenges the decisions on his complaint, he will be referred to the Judiciary.
2. The Complaints Department will open the file of any case or complaint in case [new] data or developments appear so as to require that the complaint be revisited based on the complainant's application. As such, the complaint will be deemed to be a new one.

3. All rejected complaints will be recorded on a special register. These will be classified on the Complaints Register under a different classification, entitled "Consultancies".
4. All steps (referrals, correspondence, inquiries, solutions, and replies) will be recorded and documented a computerised special register.

Registration and Documentation Systems

Reporting

1. The Complaints Department will develop a monthly report to be submitted to the Inspector General, who will review and submit it to the Minister as part of the report developed by the Office of the Inspector General. The report will include statistics of the number of complaints filed to the Complaints Department. Complaints will be sorted and distributed to various agencies and directorates. The report will make clear the status of complaints in terms of the follow-up level. The report will be discussed in a meeting, in which the Minister and Inspector General will take part.
2. The Complaints Department will compile a comprehensive annual report and submit it to the Inspector General. To provide relevant statistics and analysis, the report will include complaints and sort them according to the subject matter and directorates against which they were filed. Additionally, the report will indicate the conclusion of the complaints, number of the complaints processed, replies received by the Department, degrees of response by relevant directorates and divisions, and respective proposals and recommendations. In addition, the report will present an analytical description of the nature of complaints and classification in terms of focus on certain directorates or personnel in order to tackle this issue and make the proper decision thereon. The report can also highlight certain cases, samples and forms of processed complaints, as well as of those which are being processed. Furthermore, the report will state the causes of complaints, single out those which constitute or arouse a particular phenomenon. By identifying and exterminating the causes of the complaint,

a radical solution of the problem in question in will be provided. The annual report will also feature an analysis of the working relationship between the Complaints Department at the Office of the Inspector General and other divisions of security agencies, defining increasing needs and setting recommendations to meet them.

3. On special occasions and when requested, the Complaints Department will develop special reports on particular complaints or in response to frequent complaints filed against the same employee or service.

Carrying complaints forward

1. The Complaints Department will close all the complaints it receives at the end of every year, avoiding as much as practicable that the complaints are carried forward to the next year.
2. The Complaints Department identifies the system of carrying the complaints forward as well as the mechanism of handling such complaints.

Maintaining and damaging complaints

1. The Complaints Department will keep complaints and respective reviews in the archive at the Office of the Inspector General.
2. The period, during which the complaints are kept, will be defined in line with the instructions issued forth by the Office of the Inspector General.
3. The Department will establish the "Disposal Committee" to dispose of the archive upon expiry of the legally prescribed period. Meantime, registers will be continued to be kept and maintained.

Draft Legislation and Other Legal Documents

Draft Law Concerning the Palestinian Independent Commission for Human Rights No.() of 2005

The Chairman of the Executive Committee of the Palestine Liberation Organisation,

The President of the Palestinian National Authority,

Having reviewed the Presidential Decree No. 59 of 1994,

Having reviewed Article 31 under the Amended Palestinian Basic Law of 2003,

Following approval of the Palestinian Legislative Council,

I hereby promulgate the following Law:

Chapter I. Definitions and General Provisions

Article 1

In the enforcement of the provisions of this Law, the words and expressions mentioned in this Law shall have the meanings designated thereto hereunder unless the context determines otherwise:

The Commission:

The Independent Commission for Human Rights, which is referred to in Article 31 under Title Two of the Basic Law.

The Board of Commissioners:

The Board of Commissioners of the Commission.

The Commissioner General:

The Commissioner General of the Commission.

The Commissioner:

The member on the Board of Commissioners.

The Committee of Nomination:

The committee which nominates Commissioners of the Commission.

The Council:

The Palestinian Legislative Council.

The Bylaw:

The Bylaw of the Commission.

The Financial System:

The financial system of the Commission.

The Annual Report:

The Annual Report, which is issued forth on the status of the citizen's rights.

Article 2

In accordance with this Law, a commission to be called the Independent Commission for the Citizen's Rights shall be established. It shall have the independent juridical personality and shall have the right to possess real estate and immovable properties, which are expedient for the progress of its functions and exercise of its activity, and to dispose thereof in conformity with the provisions of the Law. It shall rely in the exercise of its tasks upon the public rights and freedoms approved under the Basic Law or the Constitution in force. It shall abide by the international conventions and principles relating to human rights, which the Palestinian National Authority has ratified.

Article 3

Based upon the deep-rooted commitment to the values of democracy and good governance, which require the respect of the citizens' fundamental rights and freedoms, promotion of the rule of law and equality before it, separation of the three major powers, indiscriminability, free, regular and fair elections, accountability and transparency, the Commission shall, in its capacity as the national commission for human rights and ombudsman, follow up and ensure the provision of the requirements of maintaining human rights in various Palestinian laws, legislation and regulations and in the operation of various departments, bodies and institutions of the Palestinian National Authority, and shall raise citizens' awareness about their content.

Article 4

The Commission shall be committed to gratuitousness in the delivery of its services.

Article 5

The main seat of the Commission shall be in the city of Jerusalem. It may open a temporary seat and other branches in various areas in the homeland.

Chapter II: Composition of the Commission

First: The Board of Commissioners

Article 6

1. A Board of Commissioners, which consists of 18 members and chaired by the Commissioner General, shall assume administration of the Commission.
2. The number of members on the Board of Commissioners of either sex shall not be less than 30% of the number of its members.
3. The Commissioners shall be selected by the Committee of Nomination in accordance with the mechanism prescribed under this Law.

Article 7

The person to be appointed as a member on the Board of Commissioners shall be required:

1. To be Palestinian.
2. To enjoy full legal eligibility.
3. To be academically qualified, enjoy competence, experience and professionalism, and be committed to the defence of the issues of human rights and citizen's rights.
4. Not to have been convicted of an offence or misdemeanour by a competent court or by a professional disciplinary council in an act pertaining to the misuse of public funds or abuse of the position.
5. To be acknowledged for morals and integrity and enjoy a high-profile respect within the society.

Article 8

1. The Commission shall constitute the Committee of Nomination, which will comprise as members:
 - a. The Minister of Justice by virtue of his position.
 - b. The Chairperson of the Legal Committee in the Legislative Council by virtue of his position.
 - c. A judge at the High Court, to be nominated by the High Judicial Council based upon the request of the Council Affairs Committee.
 - d. The former Commissioners General and the present Commissioner General.
 - e. One member, whom the Board of the Bard Association shall select.
 - f. One member, whom the Council of Human Rights Organisations shall select.
 - g. A president of a university, whom the Higher Education Council shall identify.
2. The present Commissioner General shall preside over the Committee of Nomination.

3. The Committee of Nomination shall remain to be in place as long as the Board's term.

Article 9

Members on the Board of Commissioners shall be selected in pursuance of the following mechanism:

1. Within one month from the date of its selection, the Committee of Nomination shall convene, based upon an invitation from its Chairperson, nominate a number of persons to be members on the Board of Commissioners, and refer them to the Board.
2. The number of persons nominated by the Committee of Nomination to be members on the Board of Commissioners shall not be less than double the number of the Commissioners to be selected.
3. The Board shall select from among the list of persons nominated to it the necessary number for membership of the Board of Commissioners of the Commission within a period of one month from the date, on which the list of nominees is presented to it.

Article 10

1. Following the selection of all members on the Board of Commissioners at the first time, one third of the members on the Board of Commissioners, on whose membership more than four years have elapsed, shall be replaced.
2. Members on the Board of Commissioners mentioned under Paragraph 1 shall be changed on the basis of selection or ballot.
3. Operation of the members on the Board of Commissioners shall continue until the election of the members, who will replace them.

Article 11: Capacities of the Board of Commissioners

The Board of Commissioners shall be competent of the following:

1. Making the general policy of the Commission.

2. Developing the Commission's Bylaw, which shall define the mechanism of holding and managing sessions of the Board of Commissioners, manner of decision making, and the nature of complaints, with which the Commission deals.
3. Developing the Financial System prescribed for the policy of disbursement, salaries and various rights enjoyed by the employees working at the Commission.
4. Developing regulations on the Commission's exercise of its functions, provided that they are issued forth by a decision from the Council of Ministers and published in the Official Gazette.
5. Approving the draft annual budget and action plan of the Commission and submitting them to the Ministry of Finance for integration into the Draft Budget of the State.
6. Endorsing the final accounts and selecting an accounts auditor.
7. Admitting unconditional grants and donations.
8. Selecting the Commissioner General from among members on the Board of Commissioners.
9. Approving the Annual Report of the Commission.
10. Appointing the Executive Director and accounts auditor.

Article 12: Cessation of Membership

1. A Commissioner shall be deemed to have lost his or her membership on the Board of Commissioners in any of the following cases:
 - a. Death.
 - b. Resignation, which shall be valid three months after the date of its submission to the Board of Commissioners.
 - c. Legal incapacity.
 - d. If the person lost any membership condition stated by this law.

2. Membership of a Commissioner shall be ceased in the event he or she occupies a position or function in any of the official or semi-official departments or bodies or institutions of the Palestinian National Authority.

Second: The Commissioner General

Article 13

1. The Board of Commissioners shall elect, in its first meeting, a Commissioner General and a Deputy for him or her from among its members with an absolute majority vote for a term of four years that is renewable once.
2. A decree on the accreditation of the Commissioner General shall be promulgated by the President of the Palestinian National Authority.
3. The Commissioner General shall be committed to dedicate him/herself to the work of the Commission.
4. The Commissioner General shall make, prior to the performance of his or her tasks, the legal oath before the President of the Palestinian National Authority.

Article 14

The Commissioner General shall be competent of the following:

1. Implementing decisions of the Board of Commissioners.
2. Representing the Commission before official and nonofficial, local and international bodies.
3. Following up with the progress of functions of the Commission and its implementation of the tasks assigned thereto, including:
 - a. Investigation of the complaints received by the Commission.
 - b. Selection of the issues, which the Commission investigates, without a complaint.

Third: The Executive Director

Article 15

1. The Commission shall have an Executive Director to be appointed by a decision from the Board of Commissioners. He or she shall be answerable to the Commissioner General.
2. The Executive Director shall perform the following tasks:
 - a. Implement policies and decisions of the Board of Commissioners.
 - b. Regulate and supervise the daily functions of the Commission.
 - c. Submit regular reports to the Commissioner General on the progress of work.
 - d. Appoint staff members of the Commission.
 - e. Any other tasks assigned to him or her by the Commissioner General in relation to the tasks and capacities of the Commission.

Chapter III: Capacities of the Commission

Article 16

The Commission shall be competent of the following:

1. Receiving, following up with and investigating citizens' complaints relating to the violation by public and semi-public authorities of the fundamental rights and freedoms prescribed by the provisions of the Constitution or Basic Law or other applicable laws, including complaints on the following aspects:
 - a. Arrest and detention without the application of legal procedures.
 - b. Torture and ill treatment during detention.
 - c. Death inside prisons and detention centres.

- d. Delay in the presentation of the detained person to trial or in the addressing of charges to him or her.
 - e. Prevention of the visit to the detained person by his or her family.
 - f. Search without legal warrants.
 - g. Issues of appointment and recruitment, in which sound legal processes are not applied, or in which the principle of equity is not observed.
 - h. Issues of arbitrary dismissal from the public service and of the employees who do not obtain their functional rights, including promotion, tenure and financial entitlements.
 - i. Retirement on pension of employees before they attain the legal age, and without the existence of a legal justification.
 - k. Unjustified reluctance by the Executive Authority to deliver the legally prescribed services, such as the right to education, housing and health, and unjustified delay of the completion of transactions.
 - l. Discrimination in law enforcement for considerations of gender, religion, race, colour or political affiliation.
 - m. Non-compliance with decisions of the Judicial Authority.
 - n. Aggression by the Executive Authority on citizens' properties.
 - o. Impingement on the right to life as a result of using force, or negligence.
 - p. Infringement on the right to opinion and expression.
2. Review the Palestinian legislation to ensure that it is consistent with international standards and conventions on human rights. The Commission shall commence this by submitting necessary proposals and recommendations to the competent Palestinian authorities in order to introduce expedient amendments and alterations

thereto as well as to make needed proposals in their regard.

- 3. Raise awareness on law and human rights among various Palestinian sectors, both official and civil, using various methods, such as the preparation and dissemination of educational publications and materials, and establishment and possession of necessary means of media.
- 4. Develop special and legal reports in the field of human rights, and on the institutions assigned to deliver public services when recurrent complaints are filed by citizens and the public about the violation by these institutions of their rights or when the Commission reaches a conviction that violations of individuals' rights are in place in other forms.
- 5. Issue forth the annual report on the status of the citizen's rights in Palestine, which shall be submitted to the Chairman of the Executive Committee, Chairman of the Legislative Authority and Chairman of the Judicial Authority and shall be published to the public.
- 6. Provide a specialised database and information in the field of human rights.

Chapter IV: Citizens' Complaints

Article 17

Any person, any of whose fundamental rights and freedoms that are granted to him or her in accordance with the provisions of the Constitution or the laws in force has been impinged on by official authorities, shall be entitled to lodge his or her complaint to the Commission in line with the norms approved thereby.

Admittance of Complaints

Article 18

- 1. The Commissioner General, or the person whom he delegates, shall be the body legally authorised to admit the processing of the complaint.

2. The Commissioner General may submit some of the complaints, which are deemed of public interest, to the Board of Commissioners in order to make the appropriate decision on their processing.

Article 19

The Commission shall not process any complaint in the following cases:

1. If more than one year has elapsed from the complainant's knowledge of the occurrence of the violation.
2. If the subject of the complaint was being heard before a judicial body.
3. If the complaint had already been presented to the Judiciary and a judgement was entered thereon.
4. If it had already been presented to the Commission which rejected to process it, except in the event new evidence is available.
5. If the subject of the complaint is beyond its jurisdiction.
6. If the complainant did not exhaust the ordinary administrative procedures with the Administration.

Article 20

1. The Commission shall have the right to resort to the Judiciary in any of the following cases:
 - a. After the exhaustion of all available methods of grievance, objection and intervention in relation to the subject of the complaint or the subject under investigation, including addressing the relevant body and presenting its recommendations in regard of the subject of the complaint.
 - b. In the event the violation complained of results in a public detriment, and it requests a judicial intervention.
2. Recourse to the Judiciary shall be based upon a decision from the Commissioner General.

Article 21

1. The Commission shall be entitled, in the course of materialising the tasks assigned thereto, to the following:
 - a. Inspect public institutions, such as prisons, detention centres, juvenile institutions, infirmaries and centres of the disabled.
 - b. Request and access any files, data or papers or obtain copies thereof from the respective official authorities in relation to its aspects of work, assisting it in the implementation of its tasks and achievement of its objectives.
 - c. Summon and hear witnesses, including official employees.
 - d. Summon the persons, whom it deems fit, to give their testimonies on any matter that is relevant to the investigations it conducts.
2. Cooperation by any employee with the Commission may not be a cause to subject him or her to any disciplinary measures.
3. The bodies, to which the complaint pertains, must reveal to the Commission all the documents relating to the subject of the complaint, as well as deliver all necessary forms of assistance in regard of the complaint filed to it.
4. The Commission shall be entitled to present its recommendations in respect of the unresolved issues to the President of the National Authority or the Speaker of the Legislative Council.

Article 22

Conclusions and reports of the Commission, during its processing of a certain issue or upon its discussion of a particular subject, shall not be deemed to be a final official testimony in any judicial or legal proceedings. However, these can be relied upon as a means of consultation.

Article 23

Any of the Commission's staff members shall be prohibited from:

1. Being a party to or having a direct or indirect interest in the contracts, which are concluded with the Commission.
2. Using the information which they have obtained by virtue of their work at the Commission for purposes other than those defined under the Law.

Chapter V: The Commission's Budget and Staff Salaries

Article 24

The Commission shall be operate in line with a Financial System to be approved by the Board of Commissioners.

1. The Financial System shall define the policy of disbursement, salaries and various rights enjoyed by the employees working at the Commission.
2. [Provisions] applicable to the public finance shall equally apply to the funds and properties of the Commission.
3. The Commission shall adhere, in the preparation of its budget, to the provisions of the Law on the Organisation of the Public Budget and the regulations issued forth in accordance with it.

Article 25

Revenues of the Commission shall be composed of the following:

1. What is designated to it in the Public Budget of the Palestinian National Authority.
2. The donations and grants, which the Board of Commissioners approves.

Chapter VI: Transitional and Conclusive Provisions

Article 26

The Board of Commissioners shall develop the regulations necessary for the enforcement of the provisions of this Law. These shall be promulgated by the Council of Ministers and published in the Official Gazette.

Article 27

The Commission, which is in place in accordance with the Presidential Decision No. 59 of 1994, shall be deemed to be the Commission referred to under this Law. It shall adjust its position in pursuance of its provisions within a period of one year. Otherwise, it shall be deemed to be in contravention of the provisions of the Law.

Article 28

All competent authorities, each within the sphere of its jurisdiction, shall implement the provisions of this Law, which shall enter into force thirty days after the date of its publication in the Official Gazette.

Promulgated in the city of Ramallah on / /2005
Anno Domini, Corresponding to _____ Anno
Hegira

**Chairman of the Executive Committee of the
Palestine Liberation Organisation**

President of the Palestinian National Authority

Memorandum of Understanding between the Legal Affairs Unit at the President's Office and the Directorate General of Complaints at the Cabinet Secretariat of the Council of Ministers

This Memorandum of Understanding has been concluded on this day, Tuesday, the 21st of July of the year 2009 between:

The Legal Affairs Unit at the President's Office in the Palestinian National Authority, represented by its Chairman

And

The Directorate General of Complaints at the Cabinet Secretariat of the Council of Ministers in the Palestinian National Authority, represented by its Director General,

Believing in the realisation of the goals sought by the establishment of the Directorate General of Complaints at the Cabinet Secretariat of the Council of Ministers and establishment of the Consultations and Complaints Department at the Legal Affairs Unit at the President's Office for the purposes of redressing the Palestinian citizen and removing the injustice caused to him by public institutions;

Seeking to materialise the principle of the rule of law and respect of the principle of the separation of and cooperation between all powers;

In furtherance of the cooperation relations in the course of realising this goal on the basis of respecting the Palestinian Basic Law and the laws and decisions in force;

For implementation of the provisions of His Excellency the President's Electoral Platform and his constant directives in regard of the Palestinian citizen;

For implementation of the Decision of the Council of Ministers on the Establishment of Complaints Units at Ministries and Government Bodies;

For implementation of relevant Presidential Decisions and Decrees;

For rejuvenation of those directorates, departments and sections specialising in receiving citizens' complaints and processing them in line with rules and laws; and

Convinced with the feasible cooperation and exchange of experience, expertise and information in the field of complaints and benefiting from the means and capacities available to each,

Hereby agree to the following:

First: Cooperation

Cooperation between them shall include the exchange of visits; experiences; information; programmes; expertise; training; research; statistics; monthly, quarterly and semi-annual reports; and other matters that help accomplish the objectives and goals of the Unit and Directorate General.

Second: Referral of Complaints

The complaints dispatched to each of the President's Office and Council of Ministers, which pertain to the institutions of the other party, shall be referred in order to examine their processing and provide the other party with the conclusions and recommendations in a manner that does not inhibit coordination and correspondence with

the bodies bearing a relation to the complaint. Correspondence shall be in place between the two Directors General or the persons they delegate on their behalf for this purpose.

Third: Exchange of Information

The information pertaining to the complaints shall be exchanged between both parties through the monthly reports on the received complaints and attachments to these complaints, including documents and data that help clarify and treat the subject of the complaint, as well as through regular monthly meetings which are held between them.

Fourth: Regular and Emergency Meetings

1. Regular meetings shall be held between them in order to evaluate the work and resolve pending problems and complaints. These meetings shall be monthly and subsequent to the monthly meeting of the Complaints Units at Ministries with the Directorate General of Complaints at the Council of Ministers and subsequent to the regular meetings between the Legal Unit and Governorate Affairs Unit at the President's Office with representatives of the Complaints Sections at Governorates.
2. Other emergency meetings shall be held upon a request by one of the parties.

Fifth: Legal Cooperation

Legal coordination and cooperation shall be in place between them through the representative of the Directorate General of Legal Affairs at the Council of Ministers for the exchange of expertise in this area and for the establishment of legal precedents in the area of complaints.

Sixth: Coordination with Security Agencies

Coordination shall be in place with the Public Relations at security agencies or the bodies legally representing these agencies in relation to the complaints received by the security agencies, taking account of the ministries and/or bodies to which these security agencies report.

Seventh: Media Plan and Public Awareness

1. To cooperate with respect to the Media Plan in order to educate citizens about the existence of complaints directorates, units, departments and sections at public institutions as well as about the possibility of filing their complaints thereto, taking account of the jurisdiction of the Judiciary within the scope of the capacities of these directorates, units, departments and sections.
2. To develop the Media Plan in cooperation with the Ministry of Information, Radio and Television Corporation, Palestine News and Information Agency (WAFA), and any other relevant body.
3. To design regular television and radio programmes in the presence of the relevant ministry and/or ministries and to provide a toll free number to citizens in order to present their observations, inquiries and other respective matters as well as respond to them.

Eighth: Joint Courses, Seminars and Workshops

1. Coordination and cooperation will be in place between them in order to develop joint training courses, seminars and workshops in liaison with relevant bodies. These shall include training courses on management and public outreach and shall be implemented by internal and external training institutions, such as the National Training Institute.
2. To conclude cooperation protocols with internal and external training institutions as well as to cooperate in the development, organisation, implementation and financing of joint specialised seminars, workshops and symposiums in a regular manner. Both parties and the respective bodies shall take part in these.
3. To cooperate in the area of studies and research relating to complaints.

Ninth: Implementation of the Memorandum of Understanding

In consultation between them and between their employees, the Chairman of the Legal

Affairs Unit at the President's Office and Director General of the Directorate General of Complaints shall set forth a periodic programme for the implementation of this Memorandum, taking account of available capacities and acting diligently to follow up on its materialisation and implementation.

Tenth: Signature

Declaring their full and explicit approval of this Memorandum of Understanding and all of its provisions in accordance with the above, both parties hereby sign on two duplicate copies and each party has kept its own copy.

This Memorandum of Understanding has been drawn up on two duplicate copies and each party has kept a copy to act accordingly.

For The Legal Affairs Unit at the President's Office

Dr. Yasser Abu Khater

For The Directorate General of Complaints at the Cabinet Secretariat of the Council of Ministers

Dr. Ahmed Fares 'Odeh

مركز جنيف للرقابة الديمقراطية على القوات المسلحة

شارع المعارف ٣٤

رام الله / البيرة

الضفة الغربية

فلسطين

تلفون: ٢٩٥ ٦٢٩٧ (٢) ٠٠٩٧٢

فاكس: ٢٩٥ ٦٢٩٥ (٢) ٠٠٩٧٢

مكتب بيروت

مركز جفینور - بلوك ج - الطابق السادس

شارع كليمنصو

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