

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

**The Security Sector
Legislation of the
Palestinian National
Authority**

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Foreword

A sound legal framework is a key element of security sector reform (SSR) and a precondition for effective, efficient, and democratically accountable security sector governance. Over the past years, despite adverse conditions, Palestinian politicians, researchers, and civil society activists have made many attempts to reform their security sector and found themselves confronted with numerous challenges, such as the absence of a state framework, Israeli occupation, and the legacy of patrimonialism in the Palestinian National Authority (PNA). Just as challenging proved to be the Palestinian legal system, a patchwork, in which laws from the Palestinian National Authority and the Palestinian Liberation Organization (PLO) coexist with Jordanian and Egyptian legislation, and even with legislation from the British mandate. On the top of all this, one has to add the military orders from Israel, which add to the legal complexity and make reform even more daunting.

Palestinians deserve to be commended for the progress they have achieved in establishing a legislative framework for their security sector. Nevertheless, the legal system still contains many gaps and internal inconsistencies, which call for harmonization and further codification. Besides, security sector reform anywhere, not only in the Palestinian territories, is an ongoing enterprise, which makes legal reform and adaptation a permanent task.

Purpose of the Collection

This compilation is the first comprehensive collection of security sector legislation in the Arab world. It has been prepared to serve a double purpose: First, as an inventory, it seeks to give Palestinian and international practitioners and experts an overview of the Palestinian security sector legislation already in place. The collected texts thus may be used as a quick reference manual. Second, it also is meant to be a tool for stimulating and facilitating Palestinian debate in workshops and seminars that deal with security sector legislation. Palestinian politicians, legal experts, students, and civil society actors should be freed from the time-consuming burden of chasing documents. Instead, they should be allowed to concentrate on studying the texts, identifying the gaps and overlaps, discovering the inconsistencies, assessing the needs for improvement, and developing new legislation that enables reform.

We thought it would be useful to publish this collection not only in Arabic, but also in English translation, as this offers Palestinians the possibility to discuss their security legislation with a wider circle of experts and compare it against a broad set

of international practices. We hope that the publication invites Palestinian, Arab, and international experts to comment on these laws and to contribute to enriching the debate on the Palestinian security sector legal framework. In this sense, the book marks the beginning rather than the achievement of a reform process.

Structure of the Collection

The present collection includes all relevant security sector legislation adopted by the Palestinian National Authority (PNA) – laws, executive decisions, and bylaws of institutions relevant to the security sector. However, it does not include non-PNA legislation that still is of relevance to security sector governance. The PNA, in one form or another, continues to apply PLO military legislation, Jordanian and Egyptian laws, as well as legal texts from the British mandate period; there are a number of areas where the PNA has not yet issued pertinent legislation, in particular in the domain of civil and military penal law and with regard to various security organisations. The documentation of relevant “pre-PNA” legislation is left for a second volume that later will supplement the present collection.

This volume is divided into seven parts that correspond to the basic functions of civil-democratic security sector governance.¹ Each part, whenever possible, distinguishes among laws, executive decisions, and administrative decisions of security sector institutions, and places them in chronological order. This should allow the reader to view and analyse PNA security legislation in its historical development. Eventually, this also may result in a better understanding of how security and political developments on the ground, as well as international pressure, have shaped the legislative process, which has remained piecemeal. However, we have made one exception to the chronological order in relation to laws that amend previous legislation. Here, the amending law directly follows the original text, regardless of the time of the amendment, so that the reader quickly may grasp the relevant version of a legal text.

The first part of this volume presents the constitutional framework for Palestinian security sector governance, the Amended Basic Law of 2003. The Basic Law, adopted after extensive domestic discussion, was meant to apply for an interim period until the adoption of the constitution of the Palestinian state. However, it contains comprehensive regulations regarding the basic institutional setup of the PNA and currently functions as the “quasi-constitution.” The second part of the collection contains the legislative framework for executive management and legislative oversight of the PNA security sector. In the third part, we have included all legislation pertinent to regulating the PNA security organisations. Here, we have made a distinction between legal texts dealing with administrative and financial management – which apply to the security forces in their entirety – and those regulating the organisational structures and functions of individual security organisations. The fourth part contains the legislative framework for law and order

in the PNA. The fifth part includes the legislative framework for the PNA Judiciary. In addition to the pertinent laws and executive decisions, we also have included a number of decisions by the Judiciary that regulate the work of courts and public prosecution. In the sixth part, the reader will find the relevant legislation for criminal proceedings. Finally, the seventh part contains the legislative framework for the role of Palestinian civil society in security sector governance.

The present collection is comprehensive and contains all relevant PNA legislation for security sector governance. However, it does not include draft laws that still await the approval of the PNA President or are under review in the Palestinian Legislative Council (PLC). As these drafts are likely to undergo further changes before being approved, we have decided not to include them in the present volume.²

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Ramallah, January 2008

The Editors

Endnotes

- ¹ From a governance and development perspective, it makes sense to define the term “security sector” in a broad sense. It encompasses the organisations authorised to use force, the civil management and oversight bodies, justice and law enforcement institutions, and civil society groups, in addition to non-statutory security forces. See for example the OECD DAC guidelines on SSR. DAC Guidelines and Reference Series: Security System Reform and Governance (Paris: OECD DAC, 2005), pp. 20–21.
- ² However, draft laws can be accessed on the web site of the Geneva Centre for the Democratic Control of Armed Forces (www.dcaf.ch/mena), where they will be available as an addition to the electronic version of this printed volume.

Introduction

Roland Friedrich, Arnold Luethold and Firas Milhem

The Security Sector Legislation of the Palestinian National Authority (PNA)

Security Sector Legislation before Oslo – A Normative Patchwork

Successive political regimes managed to enforce legal systems in Palestine that failed to reflect the political aspirations of Palestinians. The Ottoman rule (until 1917) and the British Mandate (1917–1948) largely shaped the legal landscape, before the Arab-Israeli war of 1948 brought East Jerusalem and the West Bank under Jordanian rule and the Gaza Strip under Egyptian administration. The 1948 war not only divided East Jerusalem and the West Bank from the Gaza Strip geographically, but also split the territories into two separate legal, judicial, and administrative systems. When Israel occupied both areas in 1967, the Israeli military administration maintained separate legal systems in the West Bank and the Gaza Strip and supplemented them with a large number of military orders, controlling various aspects of Palestinian life. At the same time, Israel annexed East Jerusalem (6,5 square kilometers) and an additional 70 square kilometers of the West Bank to the municipality of West Jerusalem, imposing there the legal and administrative system applicable in Israel but without giving Israeli citizenship to Palestinians residing in the area. On the top of all this, the Palestinian Liberation Organization (PLO), a non-state actor, issued legislation to legalize its organisational and administrative structures.

The succeeding authorities, eager to regulate all aspects of public life, were more concerned with preserving public order than building an integrated Palestinian security sector. This explains why pre-PNA legislation on Palestinian defence or intelligence functions is missing. The few pieces of early Palestinian security legislation are concerned only with internal security and deal mostly with the Police. On the other side, Jordan had developed a comprehensive legal framework for its security sector, covering the armed forces as well as external intelligence and internal security. With Jordan's annexation of the West Bank in 1950, this legal framework also became applicable to the West Bank. Unlike the West Bank, the Egyptian administration of the Gaza Strip had not resulted in the annexation of territory; there, the PNA inherited a completely different legal framework regulating only internal security issues.

While all Ottoman laws and most of the British mandatory regulations have ceased to apply, some pre-PNA regulations still remain in force. As a matter of principle, and regardless of its actual enforcement, pre-PNA legislation remains applicable in all areas where the PNA has not yet replaced or repealed a law. Four pieces of pre-PNA security legislation are important in this regard: The British Penal Code of 1936, the Jordanian Public Security Law No. 38 of 1965, the Jordanian Penal

Code of 1960 and the Egyptian Decree Law No. 6 of 1963 Concerning the Police. In addition to these laws, the PNA still applies some PLO legislation: The PLO Revolutionary Penal Code of 1979 and the PLO Revolutionary Penal Procedures Law of 1979 form the legislative basis for the PNA military judiciary.

Table 1 below gives an overview of the most important pre-PNA security legislation in chronological order.

Table 1: Overview of Pre-PNA Security Legislation

	Legislation	Status
British Mandate	Palestinian Police Law of 1926 and its amendment of 1946	Not applicable
	Regulation Concerning the Retirement of Police [Personnel] of 1933	Not applicable
	Penal Code of 1936	Applicable in the Gaza Strip
Egyptian Administration	Notice Relating to Applications and Complaints of the Public for Recruitment in the Police Force and Military Academies of 1958	Applicable in the Gaza Strip
	Decree Law Concerning the Police No. 6 of 1963	Applicable in the Gaza Strip
	Decree Relating to Police Offences in violation of the Force's Order and Discipline of 1964	Applicable in the Gaza Strip
	Decree by the Director of Internal Affairs and Public Security relating to Terms and Rules of Promotion of 1964	Applicable in the Gaza Strip
	Law Concerning the Military and National Service of the Palestinian People No. 4 of 1965	Implicitly abrogated in the Gaza Strip
Jordanian Rule	Military Pensions Law No. 55 of 1959	Applicable in the West Bank
	Penal Code of 1960	Applicable in the West Bank
	Royal Military Academy Regulation No. 54 of 1963	Not applicable
	Jordanian Armed Forces Law No. 11 of 1964	Theoretically applicable in the West Bank
	General Intelligence Law No. 24 of 1964	Not applicable
	Public Security Law No. 38 of 1965	Implicitly abrogated in the West Bank
	Public Security (Amendment) Law No. 50 of 1965	Implicitly abrogated in the West Bank
PLO	Revolutionary Penal Code of 1979	Applicable in West Bank and Gaza Strip
	Revolutionary Penal Procedures Law of 1979	Applicable in West Bank and Gaza Strip

The Oslo Framework: Establishing the PNA Security Sector

The signing of the Declaration of Principles on Interim Self-Government Arrangements (DoP) between the PLO and the Government of Israel in September 1993 was a major political shift for the Palestinians. The DoP aimed at starting negotiations that would lead to an end of the Israeli occupation of Palestinian Territories and to a peaceful settlement of the Palestinian-Israeli conflict. It provided for an interim Palestinian self-government with authority to enact legislation in all areas of jurisdiction assigned to it by the Declaration and the subsequent Oslo Agreements. The latter also provided for elections for a Legislative Council and called for the establishment of a Palestinian police force and “an independent judicial system composed of independent Palestinian courts and tribunals.”¹

Palestinians began developing a Judiciary that included civil courts at various levels (Magistrate, First Instance, and Court of Appeal), a High Court, a Court of Cassation, and a Constitutional Court, as well as military courts. In 1995, the PNA established the State Security Courts for offences related to regime security. These, however, were abolished in 2003. With the election of the first Palestinian Legislative Council (PLC) in 1996, Palestinians were given an instrument for enacting legislation and thus regulating the functioning of the PNA.

An important milestone in the development of the Palestinian security sector is the Gaza-Jericho Agreement (1994), which sets the rules for the redeployment of the Israeli armed forces. Under the terms of this agreement, Israeli forces had to withdraw from the Gaza Strip and the area of Jericho and to hand over these areas to the control of the Palestinian National Authority. Finally, Annex I² of this Agreement provided for the creation of the “Palestinian Directorate of the Police Force.” The Palestinian Police was to become the sole force in the PNA-controlled territory, integrating four branches: Civil Police, Public Security, Intelligence, and Emergency Services and Rescue (Civil Defence). In each district, the four Police branches were to be placed under one central command. The same Annex I³ also provided for the establishing of a Palestinian Coastal Police unit.

The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (1995), which replaced the Gaza-Jericho Agreement, divided the West Bank and the Gaza Strip into three areas: A, B, and C. According to the Agreement, each area has distinctive borders and rules for administration and security controls. In Area A, the Palestinian National Authority enjoys both administrative and security responsibility; in Area B, the PNA has administrative responsibility whereas Israel has security responsibility; in Area C, Israel has both full administrative and security responsibility.⁴ The Interim Agreement did not apply to occupied East Jerusalem, which Israel continued to regard as annexed territory and incorporated into the Jerusalem municipality.

The Agreement reconfirmed the Palestinian Police force as the only security authority: “The Palestinian Police shall consist of one integral unit under the control

of the Council.”⁵ In its Annex I,⁶ the Agreement defines the key responsibilities of the Palestinian Police as follows:

- *“Maintaining internal security and public order;*
- *Protecting the public and all other persons present in the areas, as well as protecting their property, and acting to provide a feeling of security, safety and stability;*
- *Adopting all measures necessary for preventing crime in accordance with the law;*
- *Protecting public installations, infrastructure and places of special importance;*
- *Preventing acts of harassment and retribution;*
- *Combating terrorism and violence, and preventing incitement to violence;*
- *Performing any other normal police functions.”*⁷

The Agreement in Annex I allows the PNA to establish new security organisations, increasing the number of branches to six:

1. *Civil Police;*
2. *Public Security;*
3. *Preventive Security;*
4. *Presidential Security;*
5. *Intelligence;*
6. *Emergency Services and Rescue (Civil Defence).*⁸

Annex I of the Agreement further confirms the establishment of the Palestinian Coastal Police.⁹

In implementing these provisions, the PNA began establishing security organisations with very little strategic planning, adding over time new agencies that the Agreements had not provided for. At one point, the PNA security sector involved 17 different security organisations, all of which operated without any legal foundation, as they had been established before the required legislation could be enacted. As a result, overlapping mandates and responsibilities fuelled internal competition and rivalry amongst the different PNA security organisations. This, coupled with poor oversight performance from the Palestinian Legislative Council and the Judiciary, resulted in poor security sector governance, which led to human rights violations and, in eyes of the population, weakened the legitimacy of the PNA.

Constitutional Framework and Legislative Process

The Basic Law – The Palestinian Constitution

After protracted political quarrel, the PNA published in 2002 the Palestinian Basic Law, the Palestinian constitution, which, until the establishment of an independent Palestinian state, regulates the system of governance, public rights, and freedoms in the PNA-controlled territory. The law establishes the rule of law and the separation of powers, based on representative democratic governance and political pluralism. It was amended in 2003 and 2005.

The PNA is a hybrid system that combines elements of presidential and parliamentary democracy. The President is elected by direct and general vote¹⁰ and appoints and dismisses the Prime Minister.¹¹ The Council of Ministers is “the highest executive and administrative instrument”¹² and is accountable to the PLC. It is headed by the Prime Minister, who selects the members of his government.¹³ The PLC has the power of legislation and oversees the work of the government.¹⁴ In terms of oversight, the PLC can use a number of instruments, such as inquiries, interpellations, and hearings,¹⁵ fact-finding committees,¹⁶ and votes of no-confidence¹⁷. The PLC also has a complaints function, which, however, is not regulated in the Basic Law but in the Standing Orders, the PLC bylaw.¹⁸

The Basic Law itself is not very specific on the security organisations, but its Article 39 states that the President is the commander-in-chief of the Palestinian security forces. Article 69(7) gives the Council of Ministers the responsibility to maintain the public order and internal security. The Basic Law defines the security forces and the Police as the “regular forces”:

*“They shall be the armed forces in the country. Their functions shall be limited to defending the country, serving the people, protecting society, and maintaining public order, security, and public morals. They shall perform their duties within the limits prescribed by law, with complete respect for rights and freedoms.”*¹⁹

The concrete organisation of the security forces and the Police, however, is left to be dealt with in simple legislation.²⁰

Somewhat more details are given in the Basic Law with regard to the Judiciary. In Article 97, it establishes an independent judiciary with a comprehensive court system. The Judiciary is headed by a High Judicial Council²¹ and includes the High Court,²² the High Constitutional Court,²³ administrative courts,²⁴ military courts,²⁵ and the Public Prosecution.²⁶ Until the practical establishment of the Constitutional Court, the High Court continues to convene as the supreme instance in constitutional matters. In addition to that, the Basic Law also provides for the Bureau of Financial and Administrative Control²⁷ and an “independent commission for human rights.”²⁸

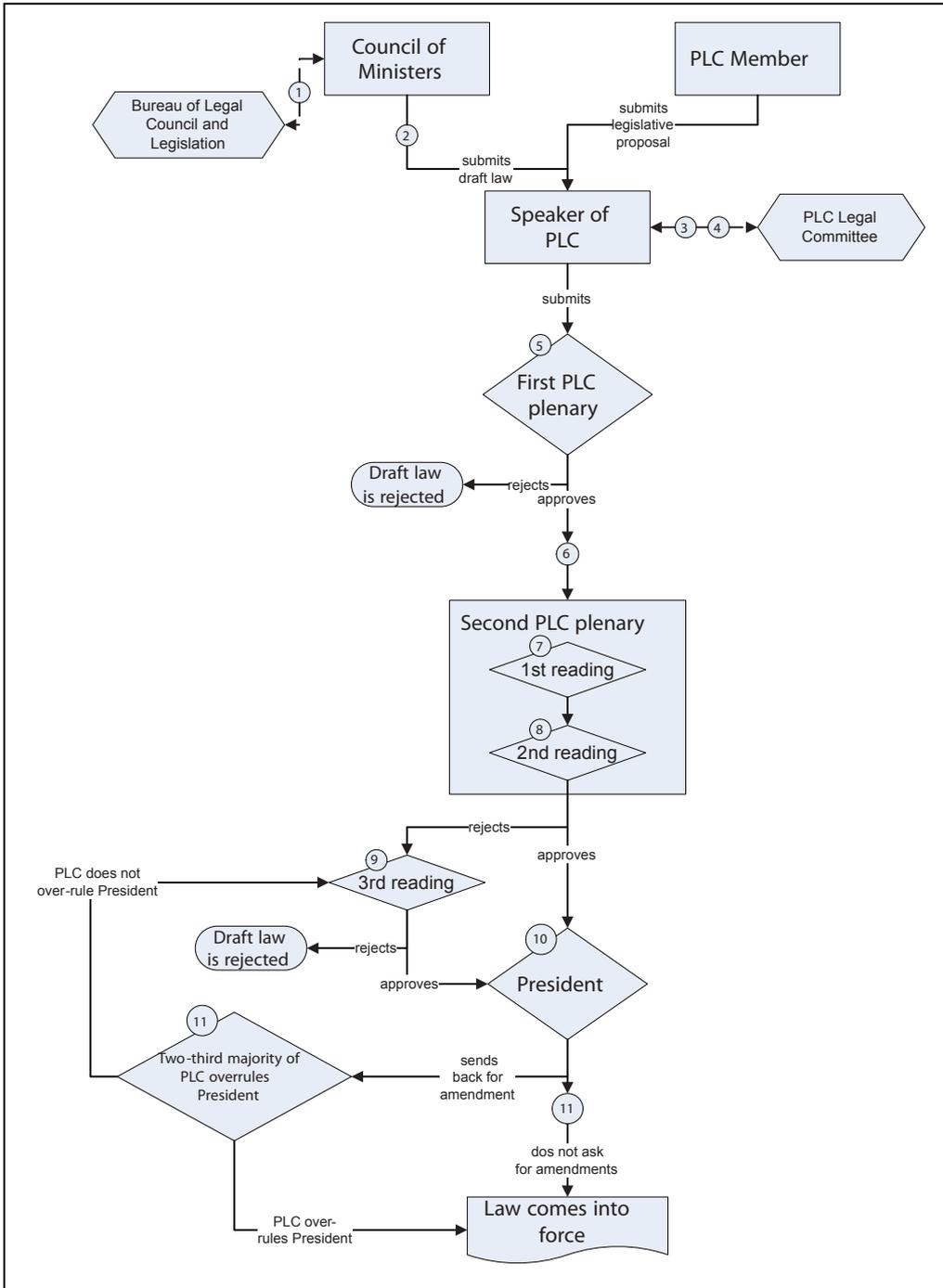
The Legislative Process

The Basic Law is not the only source that defines the legislative process. To understand the legislative procedures, it is important to read the Basic Law in conjunction with the PLC Standing Orders and the Law No. 4 of 1994 Concerning the Procedures of the Development of Legislation. One also needs to consider that some aspects are determined more by customary practices than by law.

Draft laws can be submitted to the PLC either by the Council of Ministers or individual PLC members.²⁹ The actual legislative procedure is the following:

1. If the Council of Ministers submits the draft law, the legal department in the respective ministry forwards it first to the Bureau of Legal Counsel and Legislation for technical review.
2. Following review, the Bureau returns the draft law to the Council of Ministers, which forwards it to the PLC for approval.
3. The Speaker of the PLC then sends the draft to the Legal Committee for review.³⁰
4. After examination of the draft, and in preparation for the general discussion, the Legal Committee submits its recommendations in writing to the speaker.³¹
5. The PLC then votes by absolute majority to accept or reject the draft law.³²
6. If the draft is accepted by the Council, the PLC or its committees introduce any necessary amendments, and the draft will be presented in the next parliamentary session.³³
7. The draft law then goes through two readings. In the first reading, the draft is read article by article and then voted on in its entirety.³⁴
8. In the second reading, the members vote on any amendments as proposed in the first reading.³⁵
9. Based on a written request by the Council of Ministers or a quarter of the PLC, the draft might be presented for a third reading.³⁶
10. Following the readings, the draft law is forwarded to the President for promulgation.³⁷ It has become customary practice that this is done through the Council of Ministers, although not required by the law.
11. If the President does not demand any changes within thirty days, the draft automatically becomes law. If the President sends the law back to the PLC for amendment, the PLC still may overrule the President and approve the original text, provided it obtains the support of a two-thirds majority.³⁸

Chart 1: The Legislative Process



The Hierarchy of the PNA Legislation

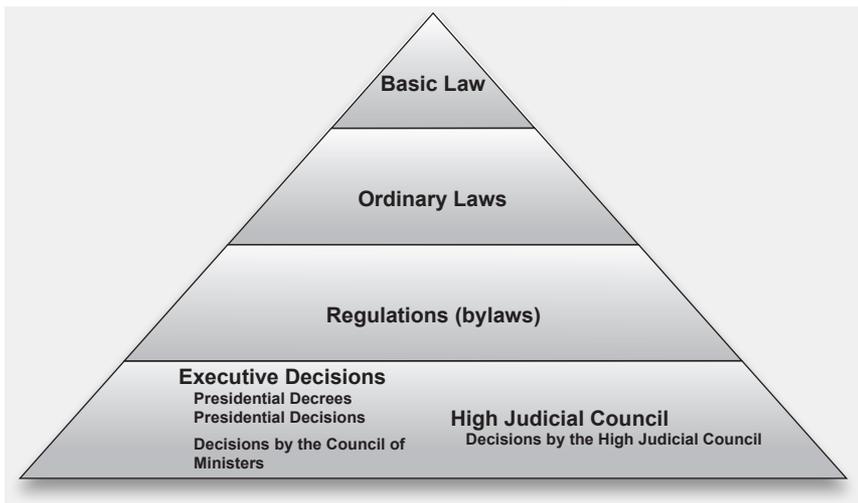
Customary practice, not law, determines the hierarchy of PNA legislation. During the interim phase, until the adoption of the constitution of the Palestinian state, the Basic Law is the highest source of legislation and may be changed only by a two-thirds majority of PLC members.³⁹

Ordinary laws are the second-highest source of legislation. Further down in the hierarchy follow the Regulations (bylaws), which are instruments for implementing ordinary legislation. Next in line are the executive decisions, which fall in three types:

- **Presidential decrees:** These are intended to facilitate the work of the Executive and other institutions of the PNA. In case of necessity, and if the PLC is not in session, the President also may issue decrees that have the power of law. "Decree laws," however, must be approved by the PLC in the first session after their issuance; otherwise they lose their legal power.⁴⁰ Increasingly, the Presidency has come to use "decree laws" after the electoral victory of the Change and Reform List (Hamas) in the 2006 legislative elections; the legal status of these "decree laws" is contested.
- **Presidential decisions:** Presidential decisions are similar to decrees. As the Executive so far has failed to make a sharp distinction, the difference between these two types of legislation is, in practice, often difficult to discern.
- **Decisions by the Council of Ministers:** These only are administrative regulations to facilitate the work of the government.

The Decisions by the High Judicial Council, which regulate the work of the Judiciary are another type of administrative decisions that can be considered the equivalent in the Judiciary of what Decisions by the Council of Ministers are for the Executive.

Chart 2: Hierarchy of PNA Legislation



Current PNA Security Sector Legislation

The absence of a proper legal foundation for most Palestinian security organisations long has been considered a major obstacle to good Palestinian security sector governance. Serious attempts to regulate the security organisations started only in 2002 with the Presidential Decree No. 12 Concerning the Attachment of the Police, the Preventive Security and the Civil Defence to the Ministry of Interior. This decree restructured the internal security forces, but left untouched the structure of the “proto-army” organisations of the PNA – National Security Forces, Military Intelligence, Coastal Police, Presidential Security – or the PNA General Intelligence. Before 2002, the Civil Defence was the only security organisation that had a legal basis.⁴¹

A significant step forward was made in 2005 with the enacting of the Law of Service in the Palestinian Security Forces No. 8. Although the law did not aim specifically at restructuring the security organisations, it stipulates that the PNA shall have three main security organisations: Internal Security Forces, National Security Forces, and General Intelligence. The law also states that any existing or planned security organisation necessarily must fall under the jurisdiction of one of the three branches. Moreover, the law is important because it regulates for the first time the rights and obligations of security personnel; it also provides for mechanisms of promotion and disciplinary measures. Before that, the internal management of the security organisation had been the exclusive prerogative of individual commanders. The PNA attempt to regulate the financial management of the security organisations with the enacting of new legislation signalled further progress in the right direction.⁴² In addition to that, the PNA also issued the General Intelligence Law No. 17 of 2005.

Yet, despite all these efforts, the absence of a comprehensive normative framework for the security organisations still is problematic. The mission and powers of many security organisations, such as the Civil Police and the National Security Forces, are not defined. The work of the Civil Police, for instance, is addressed only partly in the Law of Penal Procedure No. 3 of 2001. The implementation of the Law of Insurances and Pensions of the Palestinian Security Forces No. 16 of 2004, the Law of Public Retirement No. 7 of 2005, and the Law of Service requires executive decisions, which still have not been issued. In addition to all of this, critical legislation, such as that related to the restructuring of the security organisations, sometimes fails to have an impact on the actual work of the security organisations on the ground, because they are not or only poorly implemented.

The legal framework for accountability is relatively well-developed, as the Amended Basic Law and the PLC Standing Orders include clear oversight procedures: The Law of the Organisation of the General Budget and Public Finances No. 7 of 1998, the Law of the Bureau of Financial and Administrative Control No. 15 of 2004, and the Law No. 1 of 2005 Concerning Illegal Gains provide a detailed framework in

terms of financial accountability. The Judicial Authority Law No. 1 of 2002 and the Law of the High Constitutional Court No. 3 of 2006 brought significant progress toward developing a normative framework for the Judiciary. Furthermore, the PNA took some steps to regulate its law-enforcement procedures, notably with the Correction and Rehabilitation Centres ('Prisons') Law No. 6 of 1998 and the Law of Penal Procedure No. 3 of 2001. The problems of weak oversight thus lie not so much with the legal framework as with its implementation and a poorly developed culture of accountability within the Palestinian society.

Toward a Comprehensive Legal Framework

Although Palestinians have made some important progress in developing security sector legislation, much still remains to be done to establish a comprehensive and systematic legal framework for the PNA security sector. Many security sector draft laws currently are pending in the PLC, and are at various stages of development. These include a Basic Security Law on the organisational structure of the security agencies and various laws concerning the Preventive Security, the National Security Forces, and the Police. Further draft laws exist on the National Security Council, the military judiciary, and the Palestinian Independent Commission for Citizens' Rights (PICCR) and the PNA ombudsman and human rights institute. The PNA also had introduced a new version of the Judicial Authority Law, which the PNA Constitutional Court rejected in 2005 after it had detected procedural errors.

Palestinian security sector reform has suffered from the lack of a clear policy for legislative development and poor strategic planning capabilities. The drafting process itself needs to undergo reform in order to keep it free from any specific group bias. In the past, many security sector draft laws were written by representatives of the security organisations themselves, who thus could use their influence to foster their political power or obtain privileges.

Legislative reform thus remains a key driver for Palestinian security sector reform. As past reform efforts have made clear, the creation of a normative framework for the PNA security sector requires an inclusive and informed decision-making process, as well as the requisite expertise.

Endnotes

- ¹ Article 9 (6), The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (1995).
- ² Annex I, Article 3 (3a), Agreement on the Gaza Strip and the Jericho Area (1994).
- ³ *Ibid.*, Article 3 (3b).
- ⁴ Area A includes all areas from which Israeli military control was transferred to the Palestinian National Authority, including the Gaza Strip minus the Israeli settlements and military zones, and the eight major Palestinian population centres in the West Bank – Jericho, Nablus, Qalqilya, Tulkarem, Ramallah, Bethlehem, Jenin and Hebron (special arrangements for the redeployment of the Israeli military from Hebron were concluded in the Protocol Concerning the Redeployment in Hebron and the Note for the Record, January 17,1997). Area B includes 450 Palestinian towns and villages in the West Bank. Area C includes the Jewish settlements of the West Bank and areas of strategic importance to Israel.
- ⁵ Annex I, Article 4 (2a), The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (1995).
- ⁶ *Ibid.*, Article 4 (1).
- ⁷ *Ibid.*, Article 4 (1).
- ⁸ *Ibid.*, Article 4 (2a).
- ⁹ *Ibid.*, Article 4 (2b).
- ¹⁰ Amended Basic Law, Article 43.
- ¹¹ *Ibid.*, Article 45.
- ¹² *Ibid.*, Article 63.
- ¹³ *Ibid.*, Article 65.
- ¹⁴ *Ibid.*, Article 47(2).
- ¹⁵ *Ibid.*, Article 56 (3).
- ¹⁶ *Ibid.*, Article 58.
- ¹⁷ *Ibid.*, Articles 66 (3), 77 (1)).
- ¹⁸ PLC Standing Orders, Article 100.
- ¹⁹ Amended Basic Law, Article 84 (1).
- ²⁰ *Ibid.*, Article 84 (2).
- ²¹ *Ibid.*, Article 100.
- ²² *Ibid.*, Article 104.
- ²³ *Ibid.*, Article 103.
- ²⁴ *Ibid.*, Article 102.
- ²⁵ *Ibid.*, Article 101 (2).
- ²⁶ *Ibid.*, Article 107.
- ²⁷ *Ibid.*, Article 96.
- ²⁸ *Ibid.*, Article 31.
- ²⁹ Amended Basic Law, Article 56, 70.
- ³⁰ PLC Standing Orders, Article 65 (5).
- ³¹ PLC Standing Orders, Article 65 (3).
- ³² *Ibid.*, Article 65 (4).
- ³³ *Ibid.*, Article 65 (4).
- ³⁴ *Ibid.*, Article 68 (1a).
- ³⁵ *Ibid.*, Article 68 (1b).
- ³⁶ *Ibid.*, Article 68 (2).
- ³⁷ *Ibid.*, Article 70.
- ³⁸ Amended Basic Law, Article 41.
- ³⁹ Amended Basic Law, Article 120.
- ⁴⁰ *Ibid.*, Article 43.
- ⁴¹ Civil Defence Law No. 3 of 1998.
- ⁴² See the Law of Insurance and Pensions of the Palestinian Security Forces No. 16 of 2004 and the Law of Public Retirement No. 7 of 2005.

I. The Constitutional Framework for PNA Security Sector Governance

The Amended Basic Law of 2003

In the Name of God, the Merciful and the Compassionate.

Part I.

Article 1

Palestine is part of the larger Arab world, and the Palestinian people are part of the Arab nation. Arab unity shall be an objective that the Palestinian people shall work to achieve.

Article 2

The people shall be the source of power, which shall be exercised through the legislative, executive, and judicial authorities based upon the principle of separation of powers and in the manner set forth in this *Basic Law*.

Article 3

Jerusalem shall be the capital of Palestine.

Article 4

1. Islam shall be the official religion in Palestine. Respect for the sanctity of all other divine religions shall be maintained.
2. The principles of Islamic *Shari'a* shall be a principal source of legislation.
3. Arabic shall be the official language.

Article 5

The governing system in Palestine shall be a democratic parliamentary system based upon political and party pluralism. The President of the National Authority shall be directly elected by the people. The Government shall be accountable to the President and to the Palestinian Legislative Council.

Article 6

The principle of the rule of law shall be the basis of government in Palestine. All governmental powers, agencies, institutions and individuals shall be subject to the law.

Article 7

Palestinian citizenship shall be regulated by the law.

Article 8

The flag of Palestine shall be of four colors and in accordance with the dimensions and measurements approved by the Palestine Liberation Organisation. It shall be the official flag of the country.

Part II. Public Rights and Freedoms

Article 9

Palestinians shall be equal before the law and the Judiciary, without distinction based upon race, sex, color, religion, political views or disability.

Article 10

1. Basic human rights and liberties shall be protected and respected.
2. The Palestinian National Authority shall work without delay to become a party to regional and international declarations and covenants that protect human rights.

Article 11

1. Personal freedom is a natural right that shall be guaranteed and may not be violated.
2. It shall be prohibited to arrest, search, imprison, restrict the freedom, or prevent the movement of any person, except by judicial order pursuant to the provisions of the law. The law shall determine the period of provisional detention. Imprisonment or detention shall only be permitted in places that are subject to laws related to the organisation of prisons.

Article 12

Every arrested or detained person shall be promptly informed of the reason for his arrest or detention. He shall be promptly informed, in a language he understands, of the nature of the charges brought against him. He shall have the right to contact a lawyer and to be tried before a court without delay.

Article 13

1. No person shall be subject to any duress or torture. Accused and all persons deprived of their freedom shall receive proper treatment.
2. All statements or confessions obtained through violation of the provisions set forth under paragraph 1 of this Article shall be nullified and of no force or effect.

Article 14

An accused person shall be considered innocent until proven guilty in a court of law that guarantees the accused the right to a defense. Any person accused in a criminal case shall be represented by a lawyer.

Article 15

Punishment shall be personal. Collective punishment shall be prohibited. Crime and punishment shall be determined only by the law. Punishment shall be imposed only by judicial decision and apply only to actions committed after enactment of the applicable law.

Article 16

It shall be prohibited to conduct any medical or scientific experiment on any person without the prior legal consent of the person or a court. No person shall be subject to medical examination, treatment or surgery, except pursuant to the law. Transplantation of human organs and new scientific developments shall be regulated by the law in order to serve legitimate humanitarian purposes.

Article 17

Homes shall be inviolable; they may not be subject to surveillance, broken into or searched, except pursuant to a valid judicial order and in accordance with the provisions of the law. Any legal consequences resulting from violations of this article shall be considered invalid. Individuals who suffer from such a violation shall be entitled to a fair remedy, guaranteed by the Palestinian National Authority.

Article 18

Freedom of belief, worship and the performance of religious functions shall be guaranteed, provided that public order and public morals are not violated.

Article 19

Freedom of opinion may not be violated. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law.

Article 20

Freedom of residence and movement shall be guaranteed within the limits of the law.

Article 21

1. The economic system in Palestine shall be based upon the principles of a free market economy. The Executive may establish public companies that shall be regulated by the law.
2. Freedom of economic activity shall be guaranteed. The law shall determine the rules governing its supervision and the limits of those rules.
3. Private property, both real estate and movable assets, shall be protected and may not be expropriated except in the public interest and for fair compensation in accordance with the law or pursuant to a judicial decision.
4. Confiscation of property shall be pursuant to a judicial decision.

Article 22

1. Social, health, disability and retirement insurance shall be regulated by the law.
2. Maintaining the welfare of the families of martyrs, prisoners of war, injured and disabled is a duty that shall be regulated by law. The National Authority shall guarantee these persons education, health and social insurance.

Article 23

Every citizen shall have the right to proper housing. The Palestinian National Authority shall secure housing for those who are without shelter.

Article 24

1. Every citizen shall have the right to education. Education shall be compulsory until at least the end of the basic level. Education shall be free in public schools and institutions.
2. The National Authority shall supervise all levels of education and its institutions and shall strive to upgrade the educational system.
3. The law shall guarantee the independence of universities, institutes of higher education and scientific research centers in a manner that guarantees the freedom of scientific research as well as literary, artistic and cultural creativity. The National Authority shall encourage and support such creativity.
4. Private schools and educational institutions shall comply with the curriculum approved by the National Authority and shall be subject to its supervision.

Article 25

1. Every citizen shall have the right to work, which is a duty and an honor. The National Authority shall strive to provide work for any individual capable of performing it.
2. Work relations shall be organised in a manner that guarantees justice to all and provides workers with welfare, security, and health and social benefits.
3. The organisation of unions is a right that shall be regulated by the law.
4. The right to conduct a strike shall be exercised within the limits of the law.

Article 26

Palestinians shall have the right to participate in political life, both individually and collectively. They shall have the following rights in particular:

1. To form, establish and join political parties in accordance with the law.
2. To form and establish unions, associations, societies, clubs and popular institutions in accordance with the law.
3. To vote, to nominate candidates and to run as candidates for election, in order to have representatives elected through universal suffrage in accordance with the law.
4. To hold public office and positions in accordance with the principle of equal opportunities.
5. To conduct private meetings without the presence of police members and to conduct public meetings, gatherings and processions within the limits of the law.

Article 27

1. The establishment of newspapers and all media means shall be a right for all, guaranteed by this *Basic Law*. Their financial resources shall be subject to the scrutiny of the law.

2. Freedom of audio, visual, and written media, as well as freedom to print, publish, distribute and transmit, together with the freedom of individuals working in this field, shall be guaranteed by this *Basic Law* and other related laws.
3. Censorship of the media shall be prohibited. No warning, suspension, confiscation, cancellation or restriction shall be imposed upon the media, except by the law and pursuant to a judicial decision.

Article 28

No Palestinian may be deported from the homeland, prevented or prohibited from returning to it or leaving it, deprived of his citizenship, or handed over to any foreign entity.

Article 29

Maternal and childhood welfare shall be national duties. Children shall have the right:

1. To comprehensive protection and welfare.
2. Not to be exploited for any purpose whatsoever and not to be permitted to perform work that might damage their safety, health or education.
3. To protection from harmful and cruel treatment.
4. Not to be subjected to beating or cruel treatment by their relatives.
5. To be segregated from adults, if the children are sentenced to a penalty entailing deprivation of liberty, and to be treated in a manner that is appropriate to their age and aims at their rehabilitation.

Article 30

1. Filing an action before a court shall be a protected and guaranteed right for all persons. Every Palestinian shall have the right to seek redress in the judicial system. Litigation procedures shall be regulated by the law to guarantee the prompt resolution of cases.
2. Laws may not contain provisions that provide immunity to any administrative decision or action or that bars judicial review.
3. Judicial error shall result in a remedy by the National Authority. Conditions and methods of such remedy shall be regulated by the law.

Article 31

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.

Article 32

Any violation of personal freedoms, of the sanctity of the private life of human beings, or of any of the rights or freedoms that are guaranteed by the law or by this *Basic Law* shall be considered a crime. Criminal and civil actions

resulting from such violations may not be subject to any statute of limitations. The National Authority shall guarantee a fair remedy to those who suffer from such damage.

Article 33

Enjoying a balanced and clean environment is a human right. The preservation and protection of the Palestinian environment from pollution for the sake of present and future generations shall be a national duty.

Part III. The President of the National Authority

Article 34

The President of the National Authority shall be elected in a general and direct election by the Palestinian people, pursuant to the *Palestinian Election Law*.

Article 35

Before assuming office, the President shall swear the following oath before the Legislative Council and in the presence of the Speaker of the Palestinian National Council and the President of the High Court:

'I swear by God, the Almighty, to be faithful to the homeland and to its sacred places, to the people and its national heritage, to respect the constitutional system and the law, and to safeguard the interests of the Palestinian people fully, as God is my witness.'

Article 36

The initial term of the presidency of the National Authority shall be the interim phase, after which the President shall be elected pursuant to the law.

Article 37

1. The office of the President shall be deemed vacant in any of the following cases:
 - a. Death.
 - b. A resignation submitted to the Palestinian Legislative Council, if accepted by two-thirds (2/3) of its members;
 - c. Loss of legal capacity, as per a decision issued by the High Constitutional Court and subsequently approved by a majority of two-thirds (2/3) of the members of the Palestinian Legislative Council.
2. If the office of the President of the National Authority becomes vacant due to any of the above cases, the Speaker of the Palestinian Legislative Council shall temporarily assume the powers and duties of the Presidency of the National Authority for a period not to exceed sixty (60) days, during which period free and direct elections to elect a new President shall take place pursuant to the *Palestinian Elections Law*.

Article 38

The President of the National Authority shall exercise his executive duties as determined in this law.

Article 39

The President of the National Authority is the Commander-in-Chief of the Palestinian Forces.

Article 40

The President of the National Authority shall appoint and terminate the services of delegates of the National Authority to foreign countries, international organisations and foreign agencies. The President shall accept the accreditation of foreign delegates to the National Authority.

Article 41

1. The President of the National Authority shall promulgate the laws approved by the Palestinian Legislative Council within thirty (30) days from being referred to him. The President may refer a draft law back to the Legislative Council with his comments and the reasons for his objection within the same period. Otherwise, the law shall be deemed promulgated and published in the *Official Gazette*.
2. If the President of the National Authority returns a draft law to the Legislative Council in conformity with the time limit and conditions set forth under the preceding paragraph, the Legislative Council shall discuss the law again. If the Legislative Council approves the law a second time by a majority of two-thirds (2/3) of its members, the proposed law shall be deemed promulgated and published in the *Official Gazette*.

Article 42

The President of the National Authority shall have the right to grant special pardons or to commute sentences. However, general amnesties or amnesties for crimes may not be granted except by the law.

Article 43

The President of the National Authority shall have the right, in cases of necessity that cannot be delayed and when the Legislative Council is not in session, to issue decrees that have the power of law. These decrees shall be submitted to the Legislative Council in the first session convened after their issuance; otherwise they shall cease to have the power of law. If these decrees are submitted to, but not approved by, the Legislative Council but not approved, they shall cease to have the power of law.

Article 44

The salary, allowances, and remuneration of the President shall be determined by the law.

Article 45

The President of the National Authority shall appoint the Prime Minister and authorise him to constitute his Government. The President shall have the right to dismiss the Prime Minister or to accept his resignation and to request him to convene the Council of Ministers.

Article 46

The Council of Ministers shall assist the President in the performance of his duties and the exercise of his powers in the manner set forth in this *Basic Law*.

Part IV. The Legislative Authority

Article 47

1. The Palestinian Legislative Council shall be the elected legislative authority.
2. The Legislative Council shall assume its legislative and oversight duties as determined in its bylaws, insofar as they do not contradict the provisions of this law.
3. The term of the Legislative Council shall be the interim period.

Article 48

1. The Legislative Council shall consist of eighty-eight (88) members elected pursuant to the law.
2. If the position of one or more members becomes vacant due to death, resignation or loss of capacity, interim elections shall be conducted in the relevant district to elect a successor, pursuant to the law.

Article 49

Before commencing work, every member shall swear the following oath before the Legislative Council:

'I swear by God, the Almighty, to be faithful to the homeland, to preserve the rights and interests of the people and the nation, to respect the law, and to perform my duties in the best manner, as God is my witness.'

Article 50

In its first session, the Legislative Council shall elect a Speaker, two Deputies to the Speaker, and a Secretary-General. Together, they shall make up the Office of the Legislative Council. No member of the Office shall at the same time hold the position of the President of the National Authority, or a minister, or any other governmental position.

Article 51

The Legislative Council shall accept the resignation of its members and establish its own bylaws, as well as procedures for questioning its members, in a manner

that does not contradict the provisions of this *Basic Law* or general constitutional principles. The Legislative Council shall be solely responsible for maintaining order and security during sessions and committee meetings. Security personnel may not be present on the Legislative Council premises unless requested by the Speaker or the Chairman of a committee, as occasion may require.

Article 52

The President of the National Authority shall open the first ordinary session of the Legislative Council and shall deliver an opening address.

Article 53

1. Members of the Legislative Council may not be questioned in civil or criminal proceedings due to opinions they express, facts they mention, their voting in sessions of the Legislative Council or committee meetings, or because of any action they perform outside of the Legislative Council in the course of performing their parliamentary duties.
2. No member shall be interfered with in any manner, nor shall any search be made of a member's possessions, home, place of residence, vehicle, office, or any real estate or movable property belonging to the member, throughout the period of immunity.
3. No member of the Legislative Council shall be required during the period of membership, or subsequently, to testify on any subject regarding actions or statements in the Legislative Council or information obtained as a result of membership therein, unless the member voluntarily agrees to do so and has the prior consent of the Legislative Council.
4. No penal measures shall be taken against any member of the Legislative Council unless he is found in the immediate commission of a crime. The Legislative Council shall be notified immediately about measures taken against a member so that it may decide upon its proper course of action in the matter. If the Legislative Council is not in session, the Office of the Legislative Council shall assume this responsibility.
5. No member of the Legislative Council shall relinquish parliamentary immunity without the prior permission of the Legislative Council. Immunity shall not lapse after membership in the Legislative Council ceases but shall be subject to the limits prevailing during the period of membership.

Article 54

1. No member of the Legislative Council shall exploit membership in the Legislative Council for any type of private business or in any manner whatsoever.
2. Each member of the Legislative Council shall submit a financial statement for himself, his spouse and each of his minor children that details what each owns in wealth, including, but not limited to, real estate and movable property inside of Palestine and abroad, as well as debts. Each such statement shall be kept in a sealed confidential envelope at the High Court of Justice and may not be accessed unless permitted by the Court and within the limits set forth by the law.

Article 55

Each member of the Legislative Council shall receive a monthly salary determined by the law.

Article 56

Each member of the Legislative Council shall have the following rights:

1. To submit to the Executive all legitimate requests necessary to enable the member to carry out parliamentary functions.
2. To propose laws. Rejected proposals may not be submitted again within the same term.
3. To address inquiries and interpellations to the Government, to any minister or to others of similar rank. Interpellations may not be discussed until seven (7) days after submission, unless the addressee agrees to reply immediately or within a shorter period. However, the period of seven (7) days may be shortened to three (3) days in urgent cases and with the approval of the President of the National Authority.

Article 57

1. Following an interpellation, a minimum of ten (10) members of the Legislative Council may submit a request to withdraw confidence from the Government or from any minister. Voting on such a request may not be held earlier than three (3) days after its submission. A decision may be issued by the approval of the majority of the members of the Legislative Council.
2. Withdrawal of confidence shall result in the termination of the term of the party from whom confidence was withdrawn.

Article 58

The Legislative Council may form special committees or entrust one of its committees to conduct information gathering and fact-finding regarding any public matter or any public institution.

Article 59

The Legislative Council shall approve the General Development Plan. The law shall determine the way to prepare and submit the General Development Plan to the Legislative Council.

Article 60

The law shall regulate the specific rules governing the preparation and approval of the General Budget and disbursement of funds appropriated in it, as well as all attached budgets, developmental budgets, budgets for public institutions and services, and budgets for each project in which the investment of the Government comprises at least fifty (50%) percent of its capital.

Article 61

Taking into consideration the provisions of Article 90 of this *Basic Law*:

1. The Government shall submit the annual draft General Budget to the Legislative Council at least two (2) months prior to the beginning of each fiscal year.
2. The Legislative Council shall convene a special session to discuss the annual draft General Budget. Within a period not to exceed one (1) month from the date of receipt, the Legislative Council shall either approve the annual draft General Budget with the necessary amendments prior to the beginning of the new fiscal year or send it back to the Government. The returned draft General Budget shall include the comments of the Legislative Council so that its requirements can be fulfilled and the draft General Budget can be resubmitted to the Legislative Council for approval.
3. The voting of the Legislative Council on the General Budget shall be title by title.
4. Transfer of funds between the various budget titles shall not be permitted unless agreed upon by the Legislative Council and the Executive.

Article 62

The final accounts of the General Budget of the National Authority shall be submitted to the Legislative Council no later than one (1) year from the end of the fiscal year to which the accounts pertain. The Legislative Council shall vote on the final accounts title by title.

Part V. The Executive Authority

Article 63

The Council of Ministers (the 'Government') shall be the highest executive and administrative instrument; it shall shoulder the responsibility for implementing the programme approved by the legislative branch. Except for the executive powers of the President of the National Authority, as set forth in this *Basic Law*, executive and administrative powers shall be within the competence of the Council of Ministers.

Article 64

1. The Council of Ministers shall comprise a Prime Minister and ministers, not to exceed twenty-four (24) in number.
2. Each minister's appointment shall identify to which ministry each minister shall be assigned.

Formation of the Government

Article 65

1. Within three (3) weeks of his appointment by the President of the National Authority, the Prime Minister shall form a government. There shall be a right to an extension of a period not to exceed two (2) weeks.

2. If the Prime Minister fails to form a government within the prescribed deadline or does not obtain the confidence of the Legislative Council, then the President of the National Authority shall appoint another Prime Minister within two (2) weeks from the passing of the deadline or the date of the session of confidence, whichever first occurs. The provisions set forth under the preceding paragraph shall apply to the new Prime Minister.

Confidence in the Government

Article 66

1. Once the Prime Minister selects the members of the Government, the Prime Minister shall submit a request to the Legislative Council to hold a special session for a motion of confidence. The motion of confidence shall take place upon hearing and discussing the written ministerial declaration, which specifies the programme and the policies of the Government. The session shall be held no later than one (1) week from the date of submission of the request.
2. The motion of confidence shall be cast for the Prime Minister and the members of the Government together, unless the absolute majority of the members of the Legislative Council decide otherwise.
3. Confidence shall be granted to the Government if it obtains the affirmative vote of the absolute majority of the members of the Legislative Council.

Article 67

After obtaining the motion of confidence and before assuming their offices, the Prime Minister and members of the Government shall swear the constitutional oath, set forth in Article 35 of this *Basic Law*, before the President of the National Authority.

Powers of the Prime Minister

Article 68

The Prime Minister shall exercise the following powers:

1. To form or modify the composition of the Council of Ministers, to dismiss or accept the resignation of any of its members, and to fill a vacant position.
2. To convene the Council of Ministers for weekly meetings, or as occasion may require, or upon the request of the President of the National Authority, as well as to set its agenda.
3. To preside over sessions of the Council of Ministers.
4. To manage the affairs of the Council of Ministers.
5. To oversee the work of the ministers and public institutions dependent upon the Government.
6. To issue necessary decisions within the competence of the Prime Minister pursuant to the law.
7. To sign and issue regulations approved by the Council of Ministers.

8. Appoint a minister to serve as the Prime Minister's Deputy and to assume the duties of the Prime Minister if the Prime Minister is absent or unable to perform such duties.

Powers of the Council of Ministers

Article 69

The Council of Ministers shall exercise the following powers:

1. To devise general policies within the limits of its jurisdiction and in light of the ministerial programme approved by the Legislative Council.
2. To implement general policies adopted by the competent Palestinian authorities.
3. To prepare the General Budget for submission to the Legislative Council.
4. To prepare the administrative apparatus, set its structure, and provide it with all necessary means, as well as to supervise it and follow up on it.
5. To follow up on the enforcement of laws and to ensure compliance with their provisions, taking necessary actions in this regard.
6. To supervise the performance of the ministries and all other components of the administrative apparatus regarding their duties and functions, as well as to coordinate between them.
7. To be responsible for maintaining public order and internal security.
8. To discuss with various governmental bodies competent with regard to the preceding paragraphs 6 and 7 their proposals and policies regarding the implementation of their respective responsibilities.
9. (a) To establish or dissolve agencies, institutions, authorities and similar administrative units belonging to the executive apparatus of the Government, provided that each such unit shall be regulated by law.
(b) To appoint heads of institutions and agencies set forth under the preceding subparagraph (a), and to supervise them pursuant to the provisions of the law.
10. To determine the respective areas of responsibility of all ministries, agencies and institutions that report to the Executive, and others of similar status.
11. To assume each other responsibility assigned to it pursuant to the provisions of the law.

Article 70

The Council of Ministers shall have the right to submit draft laws to the Legislative Council, to issue regulations, and to take necessary actions to enforce laws.

Article 71

A minister shall exercise the following powers and functions with regard to his ministry:

1. To propose the general policy for the ministry and to supervise its implementation after approval.
2. To supervise the conduct of affairs in the ministry and to issue necessary instructions therefor.

3. To implement the General Budget within the funds allocated for the ministry.
4. To propose bills and legislation related to the ministry and to submit them to the Council of Ministers.
5. A minister may delegate certain powers to the deputy-minister or to other senior officers in the ministry, within limits set forth by the law.

Article 72

A minister shall submit detailed reports to the Council of Ministers on the activities, policies, plans and achievements of his ministry in comparison with the objectives specified for the ministry within the framework of the General Plan, including the ministry's proposals and recommendations concerning its future policies. These reports shall be submitted regularly every three (3) months, so that the Council of Ministers remains well informed and has sufficient information about the activities and policies of each ministry.

Meetings of the Council of Ministers

Article 73

1. Upon invitation of the Prime Minister, the Council of Ministers shall meet periodically every week, or as occasion may require. No persons other than ministers may attend these meetings, unless there is a prior invitation from the Prime Minister.
2. The meetings of the Council of Ministers shall be documented.

Accountability of the Prime Minister and the Ministers

Article 74

1. The Prime Minister shall be accountable to the President of the National Authority for his actions and the actions of his Government.
2. Ministers shall be accountable to the Prime Minister, each within the limits of his jurisdiction and for the actions of his ministry.
3. The Prime Minister and members of the Government shall be jointly and individually accountable to the Legislative Council.

Article 75

1. The President of the National Authority shall have the right to refer the Prime Minister to investigation as a result of crimes attributed to the Prime Minister during or due to the performance of his official duties, pursuant to the provisions of the law.
2. The Prime Minister shall have the right to refer any minister to investigation based upon any of the reasons set forth under the preceding paragraph 1, pursuant to the provisions of the law.

Article 76

1. Every indicted minister shall be suspended from the performance of official duties immediately upon the issuance of an indictment. Such a suspension shall not prevent the continuing of the investigation or follow-up procedures.
2. The Attorney-General or a representative of the Public Prosecution shall perform the investigation and indictment procedures. If a trial ensues, it shall be conducted before an appropriate tribunal and shall follow the provisions and procedures determined in the *Penal Code* and the *Law of Penal Procedure*.
3. The above provisions shall apply to deputy-ministers, assistant-ministers, and others of similar rank.

Motion of Non-Confidence

Article 77

1. A minimum of ten (10) members of the Legislative Council may submit a request to the Speaker to hold a special session to withdraw confidence from the Government or from any minister after an investigation.
2. The date of the first special session shall be determined three (3) days from the date of submitting the request. The special session shall not be held later than two (2) weeks from the date of the submission of the request.

Article 78

1. Adoption of a motion of non-confidence in the Prime Minister and the Government shall require the absolute majority of the members of the Legislative Council.
2. A motion of non-confidence in the Prime Minister and the Government shall result in the immediate termination of their term.
3. Upon the termination of the term of the Prime Minister and the Government as provided in paragraph 2 above, they shall temporarily exercise their powers in the capacity of a caretaker government, during which they may make decisions only insofar as they are necessary for the conduct of executive affairs until a new government is formed.

Article 79

1. If the Legislative Council, by absolute majority, adopts a motion of non-confidence in the Prime Minister or in the Prime Minister and the members of the Government collectively, the President of the National Authority shall present a new Prime Minister, who shall take over from the former within a period not to exceed two (2) weeks from the date of the adoption of the motion of non-confidence. The new Prime Minister shall be subject to the provisions of this title.
2. If the Legislative Council adopts a motion of non-confidence in one or more members of the Government, the Prime Minister shall present the new member or members in the following session, provided that such presentation shall

take place within two (2) weeks from the date of the adoption of the motion of non-confidence.

3. (a) Any addition or change that may affect a portfolio, a minister, or more than one minister shall be considered a ministerial reshuffle, so long as it affects less than one-third (1/3) of the members of the Council of Ministers.
(b) Upon a ministerial reshuffle, the addition of a minister, or the filling of a vacancy for any reason, the new minister or ministers shall be presented in the very next session of the Legislative Council, which shall occur no later than two (2) weeks from the date of the reshuffle or the occurrence of the vacancy for a motion of non-confidence pursuant to the provisions of this Article.
4. Neither the Prime Minister nor any of the ministers shall assume their duties until they obtain the confidence of the Legislative Council.

Financial Liability of Members of the Council of Ministers

Article 80

1. The Prime Minister and each minister shall submit a financial statement for himself, his spouse and his minor children that details what each owns in real estate, movable property, stocks, bonds, cash money and debts, whether inside of Palestine or abroad, to the President of the National Authority, who shall make the necessary arrangements to maintain their secrecy. Such information shall remain confidential and may not be accessed unless permitted by the High Court, as occasion may require.
2. Neither the Prime Minister nor any minister may purchase or lease any property belonging to the State or to any public entity, or have a financial interest in any contract concluded with any governmental or administrative body, nor may they, during their terms of office, be board members in any company, or practice commerce or any other profession, or receive a salary or any other financial reward or remuneration from any person in any capacity whatsoever, other than the single salary determined for ministers and the relevant allowances.

Remuneration and Allowances of the Prime Minister and the Ministers

Article 81

Remuneration and allowances for the Prime Minister, ministers and others of similar rank shall be determined by the law.

Article 82

The appointed Prime Minister and all ministers must be Palestinians, who enjoy full civil and political rights.

Article 83

The Government shall be considered dissolved and shall be formed again pursuant to the provisions of this title in the following cases:

1. Upon the commencement of a new term of the Legislative Council.
2. Upon the adoption by the Legislative Council of a motion of non-confidence in the Prime Minister, in the Prime Minister and the Government, or in one-third (1/3) or more of the number of ministers.
3. Upon any addition, change, vacancy, or dismissal that involves at least one-third (1/3) of the Council of Ministers.
4. Upon the death of the Prime Minister.
5. Upon the resignation of the Prime Minister or the resignation of one-third (1/3) or more of the members of the Government.
6. Upon the dismissal of the Prime Minister by the President of the National Authority.

Security Forces and Police

Article 84

1. The Security Forces and the Police shall be regular forces. They shall be the armed forces in the country. Their functions shall be limited to defending the country, serving the people, protecting society and maintaining public order, security and public morals. They shall perform their duties within the limits determined by the law, with full respect for rights and freedoms.
2. The law shall regulate the Security Forces and the Police.

Local Administration

Article 85

1. The law shall organise the country into local administrative units, which shall enjoy juridical personality. Each unit shall have a council elected directly, as determined by the law.
2. The law shall determine the areas of responsibility of the local administrative units, their financial resources, their relations with the central authority and their roles in the preparation and implementation of development plans. The law shall regulate the aspects of oversight over these units and their various activities.
3. Demographic, geographic, economic and political parameters shall be taken into consideration at the time of defining the administrative divisions so as to preserve the territorial unity of the homeland and the interests of the communities therein.

Public Administration

Article 86

The appointment of public officials and governmental staff and the conditions of their employment shall be pursuant to the law.

Article 87

The law shall regulate all affairs related to civil service. The Civil Service Department shall, in coordination with the competent governmental bodies, upgrade and develop the public administration. Its advice shall be sought upon drafting laws and regulations that deal with public administration and civil servants.

Public Finance

Article 88

Public taxes and duties shall be imposed, amended and repealed only by the law. No one may be fully or partially exempted, except in circumstances determined by the law.

Article 89

The law shall determine the provisions regarding the collection of public funds and the procedures for spending therefrom.

Article 90

The law shall determine the beginning and the end of the fiscal year and regulate the General Budget. If the General Budget is not approved by the beginning of the new fiscal year, expenditures shall continue on the basis of a monthly allocation of one-twelfth (1/12) of the budget of the previous fiscal year, for each month.

Article 91

1. All revenues received, including, but not limited to, taxes, duties, loans, grants and profits accruing to the National Authority from managing its property or activities, shall be paid to the General Treasury. No part of the General Treasury funds may be allocated or spent for any purpose whatsoever, except pursuant to the law.
2. The National Authority, pursuant to the provisions of the law, may form a strategic financial reserve, to encounter fluctuations and emergency situations.

Article 92

Public borrowing shall be concluded by law. It shall not be permitted to commit to a project which would require spending funds from the General Treasury at a later stage, unless approved by the Legislative Council.

Article 93

1. The law shall regulate the Monetary Authority, banks, the securities market, foreign exchange, insurance companies, and all financial and credit institutions.
2. The Governor of the Monetary Authority shall be appointed by decision of the President of the National Authority and approved by the Legislative Council.

Article 94

The law shall determine the rules and procedures for granting privileges or imposing obligations related to the utilisation of natural resources and public facilities. The law shall also detail the ways and means of dealing with real estate owned by the State and other public legal personalities, and the rules and procedures regulating them.

Article 95

The law shall determine the rules and regulations for granting wages, remuneration, pensions, subsidies and allowances incurring to the General Treasury. The law shall also determine the bodies that will be responsible for their implementation. No exceptional funds shall be spent except within the limits determined by the law.

Article 96

1. A 'Bureau of Financial and Administrative Control' shall be established by law to provide financial and administrative oversight to all bodies and units of the National Authority, which shall include the monitoring of the collection of public revenues and the spending therefrom, within the limits of the budget.
2. The Bureau of Financial and Administrative Control shall submit to the President of the National Authority and to the Legislative Council an annual report or a report upon request about its work and comments.
3. The Chief of the Bureau of Financial and Administrative Control shall be appointed by decision of the President of the National Authority and approved by the Legislative Council.

Part VI. The Judicial Authority

Article 97

The Judicial Authority shall be independent and shall be exercised by the courts of different types and at different levels. The law shall determine the way in which they are constituted and their jurisdiction. They shall issue their decisions pursuant to the law. Judicial decisions shall be announced and executed in the name of the Palestinian Arab people.

Article 98

Judges shall be independent and shall not be subject to any authority other than the authority of the law while exercising their duties. No other authority may interfere in the Judiciary or in judicial affairs.

Article 99

1. Appointment, transfer, secondment, delegation, promotion and investigation of judges shall be determined in the *Judicial Authority Law*.
2. Judges may not be dismissed, except in the cases set forth in the *Judicial Authority Law*.

Article 100

A High Judicial Council shall be established. The law shall determine the way it is constituted, its responsibilities, and its rules and procedures. The High Judicial Council shall be consulted about draft laws relating to the Judiciary, including the Public Prosecution.

Article 101

1. Matters governed by *Shari'a* law and matters of personal status shall come under the jurisdiction of *Shari'a* and Religious Courts, pursuant to the law.
2. Military Courts shall be established by special laws. Such courts shall not have any jurisdiction beyond military affairs.

Article 102

Administrative Courts may be established by the law to consider administrative disputes and disciplinary complaints. Any other jurisdiction of such courts and the procedures to be followed before them shall be determined by the law.

Article 103

1. A High Constitutional Court shall be established by law to consider:
 - (a) The constitutionality of laws, bylaws, and other enacted rules.
 - (b) The interpretation of the *Basic Law* and legislation.
 - (c) Resolution of jurisdictional disputes which might arise between judicial entities and administrative entities having judicial jurisdiction.
2. The law shall determine the manner in which the High Constitutional Court is formed and structured, the operating procedures it shall follow, and the effects of its decisions.

Article 104

The High Court shall temporarily assume all duties assigned to Administrative Courts and to the High Constitutional Court, unless they fall within the jurisdiction of other judicial entities, pursuant to the laws in force.

Article 105

Court hearings shall be public, unless a court decides to hold them *in camera* due to considerations related to public order or public morals. In all cases, the sentence shall be pronounced in a public hearing.

Article 106

Judicial decisions shall be implemented. Refraining from or obstructing the implementation of a judicial decision in any manner whatsoever shall be considered a crime carrying a penalty of imprisonment or dismissal from position if the accused individual is a public official or assigned to public service. The aggrieved party may file an action directly to the competent court, and the National Authority shall guarantee a fair remedy for him.

The Public Prosecution

Article 107

1. The Attorney-General shall be appointed by decision of the President of the National Authority, based upon a nomination submitted by the High Judicial Council.
2. The Attorney-General shall handle and assume public cases in the name of the Palestinian Arab people. The jurisdiction, functions and duties of the Attorney-General shall be determined by the law.

Article 108

1. The law shall determine the manner of forming the Public Prosecution service and its jurisdiction.
2. The law shall determine the conditions for appointing, transferring and dismissing members of the Public Prosecution service and the rules and procedures of their accountability.

Article 109

A sentence of capital punishment pronounced by any court may not be enforced unless approved by the President of the National Authority.

Part VII. State of Emergency Provisions

Article 110

1. The President of the National Authority may declare a state of emergency by decree when there is a threat to national security caused by war, invasion, armed insurrection, or in times of natural disaster, for a period not to exceed thirty (30) days.
2. The state of emergency may be extended for another period of thirty (30) days if a majority of two-thirds (2/3) of the members of the Legislative Council votes in favor of the extension.
3. The decree declaring the state of emergency shall state its purpose, the region to which it applies, and its duration.
4. The Legislative Council shall have the right to review all or some of the procedures and measures adopted during the state of emergency, at the first session convened upon the declaration of the state of emergency or in the

session of extension, whichever comes earlier, and to conduct the necessary investigations in this regard.

Article 111

It shall be prohibited to impose restrictions upon fundamental rights and freedoms when declaring a state of emergency except to the extent necessary to fulfill the purpose set forth in the decree declaring the state of emergency.

Article 112

Any arrest resulting from the declaration of a state of emergency shall be subject to the following minimum requirements:

1. Any detention carried out pursuant to a state of emergency decree shall be reviewed by the Attorney-General or the competent court within a period not to exceed fifteen (15) days from the date of detention.
2. The detained individual shall have the right to select and appoint a lawyer.

Article 113

The Legislative Council may not be dissolved or its work be hindered during a state of emergency, nor shall the provisions of this title be suspended.

Article 114

All provisions regulating the state of emergency that were applicable in Palestine prior to the entry into force of this *Basic Law* shall be cancelled, including the British Mandate Defense (Emergency) Regulations issued in the year 1945.

Part VIII. General and Transitional Provisions

Article 115

The provisions of this *Basic Law* shall apply during the interim period and may be extended until the entry into force of the new Constitution of the State of Palestine.

Article 116

Laws shall be promulgated in the name of the Palestinian Arab people and shall be published immediately in the *Official Gazette*. These laws shall enter into force thirty (30) days from the date of their publication, unless the law determines otherwise.

Article 117

Laws shall apply only to what occurs after their entry into force. It may be determined otherwise as occasion may require, except for criminal matters.

Article 118

Laws, regulations, and decisions in force in Palestine before the enforcement of this law shall remain in force to the extent that they do not contradict the provisions of this *Basic Law*, until they are amended or repealed pursuant to the law.

Article 119

All legal provisions that contradict the provisions of this *Amended Basic Law* is hereby repealed.

Article 120

The provisions of this *Amended Basic Law* may not be amended except by a majority vote of at least two-thirds (2/3) of the Members of the Legislative Council.

Article 121

This *Amended Basic Law* shall enter into force as of the date of its publication in the *Official Gazette*.

Issued in the city of Ramallah on 18 March, 2003 AD, corresponding to 15 Muharam 1424 AH.

Yasser Arafat

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

The Basic Law of 2005 Concerning the Amendment of the Amended Basic Law of 2003

**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*, particularly Article 120 thereof,
Based upon the approval of the Legislative Council during its session of 27 July
2005,

In accomplishment of the public interest, and
In the name of the Palestinian People,

I hereby promulgate the following law:

Article 1

Articles 36, 47/paragraph 3 thereunder, 48, and 55 of the *Amended Basic Law of 2003*
shall be amended to become as follows:

Article 36

The term of the presidency of the National Authority shall be four (4) years.
The President shall have the right to nominate himself for a second term,
provided that he shall not occupy the position of the presidency more than
two (2) consecutive terms.

Article 47, Paragraph (3)

The term of the Legislative Council shall be four (4) years from the date of its
election, and the elections shall be conducted once every four (4) years in a
regular manner.

Article 48

1. The members of the Legislative Council shall be elected in general, free
and direct elections pursuant to the provisions of the *Elections Law*, which
shall determine the number of members, electoral constituencies, and the
electoral system.
2. If the position of one or more members of the Legislative Council
becomes vacant, the vacancy shall be filled pursuant to the provisions of
the *Elections Law*.

Article 55

Allowances, rights and obligations of the members of the Legislative Council
and ministers shall be determined by the law.

Article 2

A new Article under number 47 *bis* shall be added to the *Amended Basic Law of 2003*, the provision of which shall be as follows:

Article 47 bis

The term of the current Legislative Council shall terminate when the members of the new elected Council swear the constitutional oath.

Article 3

This law shall enter into force as of the date of its publication in the *Official Gazette*.

Issued in the City of Gaza on 13 August, 2005 AD, corresponding to 8 Rajab 1426 AH.

Mahmoud Abbas

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

II. The Legislative Framework for Executive Management and Legislative Oversight

1. LAWS

Law of the Organisation of the General Budget and Public Finances No. 7 of 1998

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

Having reviewed the *Law of the Organisation of the General Budget No. 39 of 1962* in force in the Governorates of the West Bank,
Having reviewed the draft law submitted by the Budget and Financial Affairs Committee of the Legislative Council, and
Based upon the approval of the Legislative Council,

I hereby promulgate the following law:

Part 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:	The President of the National Authority
Council of Ministers:	The Council of Ministers of the National Authority
Legislative Council:	The Palestinian Legislative Council
Ministry:	The Ministry of Finance
Minister:	The Minister of Finance
Competent Minister:	The Minister in relation to his Ministry and the Departments attached to it.
Institution:	Any authority, body or institution which is a corporate entity with financial and administrative autonomy and the budget of which is not included in the General Budget of the National Authority.

Public Institution:	Any authority, body or institution in Palestine which is a corporate entity and the budget of which is included in the General Budget of the National Authority.
General Budget:	A detailed programme for the expenditure and revenues of the National Authority for a specific fiscal year that includes the annual estimates for the revenues of the National Authority, grants, loans, sundry expenses, disbursements and all other proceedings pertaining thereto.
Institutional Budget:	The budget of any institution, comprising the annual estimated collections, including transfers by the National Authority, expenditures and other disbursements.
Local Bodies Budget:	The budget of any local body, comprising the estimated annual collections, including transfers by the National Authority, expenditures and other disbursements.
Fiscal Year:	It shall begin on the 1 st of January and end on the 31 st of December of each calendar year.
Accounting System:	The set of rules, procedures and organisational measures approved by the Ministry of Finance to organise, record and register all financial transactions pertaining to the entirety of collections and disbursements. It shall be implemented in each ministry and public institution attached to the National Authority.
Public Funds:	The movable and immovable cash and in-kind funds of the ministries, public institutions, local bodies and corporations of the National Authority.
Revenues:	The tax and non-taxation revenues, grants and other revenues obtained by the National Authority.
Taxation Revenues:	The income taxes, profits and local taxes on commodities and services, as well as all other taxes which may be imposed.
Non-Taxation Revenues:	The profits from companies owned by the National Authority or in which it is a direct or indirect shareholder, as well as administrative fees, fines, confiscations, and other non-taxation revenues.

Local Bodies Revenues:	The taxation and non-taxation revenues, grants, transfers by the National Authority and all other revenues obtained by local bodies.
Grants:	The local and external grants, whether they are in cash or in kind.
Expenses:	The running, capital and development expenses.
Running Expenses:	The salaries, wages, allowances, operating and transformation expenditure of the ministries, public institutions and other executive bodies of the National Authority.
Capital Expenses:	The ownership of capital assets and capital transfers to projects and other developmental expenditures.
Special Funds:	The public financial bodies and accounting units established by law for the realisation of general and specific objects, whose collections and expenditures are prepared outside the unified fund of the National Authority within the budgets of the National Authority or local bodies, pursuant to Article 11 of this law.
Budget Department:	<p>The administrative unit in the Ministry of Finance responsible for:</p> <ol style="list-style-type: none"> 1. Preparing the General Budget of the National Authority and the budgets of public institutions, as well as for following up on these budgets throughout all stages of the budget process, including budget implementation. 2. Preparing the forms, procedures, and time tables in order to submit the revenue and expenditure estimates of the ministries, public institutions, local bodies, and corporations. 3. Formulating the circulars pertaining to the preparation of the budget.

Treasury Department:	<p>The administrative unit in the Ministry of Finance responsible for:</p> <ol style="list-style-type: none"> 1. Formulating the rules and procedures which pertain to the implementation of the General Budget, local budgets, private funds, budgets of the public institutions and corporations, as well as for formulating the account coding for the financial transactions (financial item) in a manner consistent with the sorting and classification of the General Budget. 2. Cash management and organising the banking arrangements for the National Authority. 3. Managing, organising, supervising and controlling the various financial resources. 4. Compiling the periodical and annual accounts of the financial transactions of the ministries, public institutions and special funds, as well as issuing the periodic reports thereto.
General Treasury Account:	<p>The central account managed by the Ministry of Finance in which all collections are deposited and from which all disbursements of the National Authority are made.</p>
General Revenue Account:	<p>A special account managed by the Ministry of Finance, into which the revenues are temporarily deposited to transfer them to the General Treasury Account.</p>
Closing Account:	<p>The account prepared in accordance with accounting principles and the unified accounting system and which includes a budget account statement, as well as the actual and real figures at the end of the fiscal year.</p>
Cash Financial Position:	<p>A statement of the National Authority's financial position at a certain period of time or at the end of a fiscal year. It comprises the assets margin, including the cash liquidity, of the National Authority, the liability and obligations margin toward third parties in accordance with the accounting basis, as well as standards which are regulated by law.</p>
Budget Surplus and Deficit:	<p>The total revenues less expenses, loans and payments, are called the General Budget surplus if the former surpasses the latter. However, it is called the General Budget deficit if the latter surpasses the former.</p>

Financial Employee:	Any employee appointed in the National Authority, who is responsible for receiving, keeping, disbursing or controlling public funds, or organising financial books and documents, or making financial entries, or transcribing financial entries into the respective forms; an employee with the function of managing public funds or preparing costing accounts, analysis and financial planning.
Internal Auditing Staff:	A group of individuals appointed by the Ministry of Finance to audit the financial transactions relating to the collections and disbursements of ministries and public institutions in accordance with a specific purpose system. The staff shall be directly attached to the Ministry of Finance.
Bureau of Financial and Administrative Control:	The external control staff who audits and controls the finances of each ministry, public institution, local body, corporation and special fund.
Financial Control Units:	Groups of individuals who are attached to the Bureau of Financial and Administrative Control.

Article 2

The name of this law shall be the *Law of the Organisation of the General Budget and Public Finances*. It aims to organise the preparation, approval, implementation and control of the General Budget at its various stages, as well as to organise the financial affairs of the National Authority.

Article 3

1. The Council of Ministers shall submit the *Draft General Budget Law* to the Legislative Council at least two (2) months prior to the beginning of the next fiscal year.
2. The Legislative Council shall refer the draft to the Budget and Financial Affairs Committee for studying and expressing its opinion thereon in detail, as well as for transmitting its recommendations to the Legislative Council.
3. The Legislative Council shall hold a special session to discuss the *Draft General Budget Law* in the light of the report and recommendations of the Budget and Financial Affairs Committee. The Legislative Council shall approve the draft, together with the amendments, prior to the beginning of the new fiscal year or return it to the Council of Ministers within a period of one (1) month from the date of its submission, along with the required amendments of the Legislative Council. The Council of Ministers shall return the draft to the Legislative Council within a period of two (2) weeks from the date of its referral in order to adopt it.
4. The voting on the General Budget shall be title by title.

5. Notwithstanding the provisions of this law, it shall be prohibited to make transfers between the titles of the budget except by the approval of the Legislative Council.

Article 4

If it is not possible to approve the *Draft General Budget Law* prior to the beginning of the new fiscal year, the Ministry shall have the authority to collect the revenues in accordance with the mechanisms, conditions and rates set forth in the legislation in force. Expenditures shall continue through monthly appropriations at the rate of one-twelfth (1/12) for each month of the budget of the past fiscal year for a period not to exceed three (3) months.

Article 5

The *General Budget Law* shall set out the means for utilising the budget surplus or financing the deficit. The deficit of the General Budget shall be financed through the reduction of expenses, the increase of revenues, or local or foreign borrowing.

Article 6

All revenues and collections of the National Authority shall be transferred to the General Treasury Account and enter the General Budget, unless this law determines otherwise. No public funds shall be allocated or disbursed for any purpose whatsoever, except pursuant to the law.

Article 7

No tax or fee shall be imposed except pursuant to the law. Fees levied by the Treasury Department relating to activities of the executive bodies of the National Authority, such as services to individuals or interests in return for the utilisation of public funds, shall not be included in the chapter thereof.

Article 8

In cases other than those set forth under this law, it shall be prohibited to exempt anyone from paying taxes and fees.

Article 9

The Council of Ministers may issue bylaws for controlling the expenditure of public funds and for regulating and managing public assets.

Article 10

The Ministry of Finance shall be responsible for managing the General Treasury Account and operate it pursuant to the instructions of the Minister.

Part II. The General Treasury Account of the National Authority

Article 11

The Ministry shall establish and manage a unified fund for the National Authority called the 'General Treasury Account', into which all revenues, loans, grants and other collections of the National Authority shall flow and from which all disbursements of the National Authority shall be made, except those set forth in Article 17 below.

Article 12

No expenditure shall be disbursed from the General Treasury Account except under the appropriations determined by the law.

Article 13

The cash resources of the unified fund shall be kept in one account called the 'General Treasury Account' with the Palestinian Monetary Authority.

Article 14

No ministry, public institutions or other executive body of the National Authority may open accounts with the Palestinian Monetary Authority or with any other bank except by written permission of the Ministry.

Article 15

Except for what is set forth in this law or any other law, no individual, public institution or executive body of the National Authority shall have the right to disburse any amounts from the unified fund or conclude any obligation under which a subsequent disbursement may result.

Article 16

In case of a legal undertaking to settle the amount of the collections of the unified fund prior to the entry into force of this law, the settlement shall be made even if there is no appropriation therefor.

Article 17

Unless an exception by law, an international agreement, or a legal contract is available, all revenues of the National Authority shall be transferred immediately and in full to the unified fund. It shall be permissible to establish special funds if the law, international agreements, or legal contracts requires so. All cash resources of the special funds shall be kept in the General Treasury Account pursuant to the provisions of this law.

Article 18

The Bureau of Financial and Administrative Control shall control the revenues and expenditures of the ministries, public institutions, local bodies, corporations,

and special funds, as well as the respective methods of collection and expenditure. It shall submit a comprehensive annual report to the President and the Legislative Council comprising all comments, opinions and violations committed, as well as the responsibility therefor.

Part III. Preparation, Submission and Approval of the General Budget

Article 19

The General Budget shall be the basic financial tool of the National Authority and its work programme for the expenditure and revenues of the various projected activities for a specific fiscal year, in order to implement financial, economic and social objectives and policies. The General Budget shall comprise international agreements, legal contracts, the unified fund, and all special funds, unless an exception by law is available.

Article 20

The Budget Department shall assume the following responsibilities and functions:

1. Preparing the annual General Budget for the ministries and public institutions, as well as preparing the budgets of institutions of the National Authority and following up on the same during all stages of the budget process.
2. Preparing the staff roster for ministries and public institutions and the coordination thereof.
3. Conducting research required for the preparation and implementation of the General Budget.
4. Assessing the manpower requirements of ministries, public institutions and corporations in relation to hierarchies, professions, services and specialisations.
5. Studying and evaluating all requests, programmes, works and projects for which appropriations are requested following an assessment of their economic feasibility and consistency with the approved financial policies.
6. Securing non-duplication in specialisation, programmes and financing. The Budget Department may request all necessary information to enable it to perform its function.
7. Reviewing all financial documents and contracts, as well as the accounts of ministries and public institutions.
8. Drafting a circular for the preparation of the General Budget, with a detailed and clear explanation of all required proceedings, as well as determining the approved basis and standards for the appropriation of allocations and the time-table for the preparation of the General Budget until its approval.
9. Participating in the evaluation of the financial, economic and monetary positions of the National Authority. The Minister shall submit a report thereof to the Council of Ministers in order to determine the dimensions of the General Budget for the next fiscal year.

10. Participating, with other competent bodies, in the preparation of development plans.
11. Preparing, developing and updating financial legislation and bylaws in cooperation with other competent bodies.
12. Formulating the standards for measuring performance in implementing all projects and programmes to which appropriations are allocated by the law.
13. Preparing the draft of the General Budget supplement for additional allocations that exceed the appropriated allocations in the approved *General Budget Law*.
14. Developing for ministries and public institutions the forms for the preparation of the General Budget, including formulations, classifications, sorting and descriptions relating to the General Budget, in accordance with the unified accounting system approved by the Ministry for sorting and classifying accounting statements, closing accounts, and financial and cash positions of ministries and public institutions.

Article 21

The *Draft General Budget Law* shall include the following:

1. Tables comprising the total revenues and expenditures for the next fiscal year in accordance with the sorting adopted for organising the General Budget.
2. Tables showing a summary of the General Budget for the next fiscal year in accordance with the classification of revenues and expenditures.
3. Tables showing the re-estimated revenues and expenditures for the prior two (2) years in accordance with the title and parts and the approved sorting.
4. Tables comprising the estimated expenditure for the next fiscal year in accordance with the titles and parts and the approved sorting.
5. A table showing in brief the financial and cash position of the General Treasury Account.
6. A table showing the credits, debits, local and foreign short and long-term loans of the National Authority, as well as the proposed plans for their settlement.
7. A table showing the contributions and investments of the National Authority in local and non-local institutions and corporations.
8. A brief description of the programmes, plans and objectives of the National Authority for the next fiscal year within the statement of the General Budget submitted by the Minister.
9. Any other clarifications which the Council of Ministers may deem necessary.

Article 22

Ministries, public institutions and corporations shall fully comply with the instructions set out by the Budget Department for the preparation of the *Draft General Budget Law* and draft staff rosters and instructions to enable the Budget Department to perform its function.

Article 23

Ministries and public institutions shall be responsible for the correctness of the figures, data, information and tables which they submit to the Budget Department.

Article 24

Ministries and public institutions shall provide the Budget Department with all figures, data, information, tables and clarifications which it may request.

Article 25

The Ministry shall submit, in cooperation with the competent bodies, on the 1st of July of the current fiscal year a comprehensive report to the Council of Ministers on the general financial position of the National Authority, together with projections of the sources and liabilities during the remaining period of the fiscal year, as well as policy recommendations relating to respective economic developments. The Council of Ministers shall use this report as a guide in setting up the indicators and policies for the preparation of the General Budget for the next fiscal year.

Article 26

The Budget Department shall begin with the preparation of the General Budget circular on the basis of the indicators and policies set forth by the Council of Ministers. The circular must be issued on the 1st of July of the current fiscal year. The circular shall review the overall financial and economic projections for the next fiscal year, the economic and financial indicators and policies set by the National Authority, and the limits of the revenues on the basis of which the General Budget shall be assessed. The circular shall include expenditure ceilings in accordance to which the ministries and public institutions shall estimate their budgets, as well as guidelines, instructions, forms and time-tables for the preparation of the estimates of the General Budget for the next fiscal year.

Article 27

The Budget Department shall formulate, classify, sort and describe the structure and accounts of the General Budget to lay a sound basis for the financial management and the financial information system. The accounts of the unified fund and the special funds shall be classified to the National Authority in a manner consistent with the structure of the General Budget and the account classification.

Article 28

The forms and information in the General Budget circular shall include the following:

1. A statement showing the estimated expenditure for every main item of the General Budget as follows:
 - a) Actual expenditures for the previous fiscal year.
 - b) Actual expenditures for the first six (6) months and the envisaged expenditures for the remaining six (6) months of the current fiscal year.
 - c) Expenditure estimates for the next fiscal year.
 - d) Actual expenditures for each item shall be compared with the credits corresponding thereto in the General Budget.

2. A supplemental statement of wages and salaries for each ministry and public institution; a statement with job titles, names and salaries of employees shall be attached upon request.
3. A separate statement showing additional manpower requirements which result in additional financial obligations, together with a justification for such increases.
4. A statement of the financial requirements for the purchase of commodities and services in accordance with the instructions and standards issued by the Ministry.
5. A statement of long-term capital financing requirements. Proposals of new capital projects shall be accompanied by a full report and the necessary documents. Requirements for the financing of capital projects under execution shall be in accordance with the capital expenditure table specified by the Budget Department. This table shall be updated with former work, expenditures and price increases.
6. A statement showing the estimated revenue for each main item of the General Budget as follows:
 - a) Actual revenues for the previous fiscal year.
 - b) Actual revenues for the first six (6) months and envisaged revenue for the remaining six (6) months of the current fiscal year.
 - c) Revenue estimates for the next fiscal year on the basis of currently applied tariffs and standards.
 - d) Revenue estimates for new proposals and for the amendment of tariffs.
 - e) Actual revenues for each item shall be compared with the estimates corresponding thereto in each case.

Article 29

The Treasury Department shall prepare statements of the temporary cash flow relating to governmental transfers, debt services of the financial assets, and the collection of interest.

Article 30

The Budget Department shall study the revenues, expenditures and lending estimates in coordination with the competent ministries and public institutions, as well as formulate the final draft of the General Budget, in accordance with the indicators and policies set forth by the Council of Ministers. The budget shall be submitted as a law to the Council of Ministers in the first half of October of the current fiscal year for approval.

Article 31

1. The Council of Ministers shall submit the *Draft General Budget Law* for the next fiscal year to the Legislative Council for review and approval on the 1st of November of each year.
2. The Minister shall submit an accompanying report to the Legislative Council comprising the adopted financial policy and the basic elements of the *Draft General Budget Law*.

3. The Chairman of the Budget and Financial Affairs Committee shall submit a report to the Legislative Council with the comments of the Committee on the *Draft General Budget Law*, as well as on the report of the Minister, in anticipation of completing the proceedings for approving the *Draft General Budget Law*.
4. The discussion, approval and promulgation of the *General Budget Law* shall be finalised prior to the beginning of the new fiscal year.

Article 32

The *Draft General Budget Law* shall comprise a classified statement of the estimated revenues and proposed expenditures for each ministry and public institution. The statement shall set out the actual revenues and expenditures for the prior fiscal year and the adjusted estimates for the current fiscal year. The law shall also contain proposals pertaining to the collection of additional revenues through new taxation and non-taxation measures, as well as new deficit borrowing provided for in the budget. The envisaged rate of deficit shall be set as a maximum.

Article 33

Proposals in the *Draft General Budget Law* which pertain to capital projects under implementation must include an evaluation of the actual progress in the light of the planned objectives and a statement of the financial requirements for the next fiscal years. The *Draft General Budget Law* shall contain, in the case of new capital projects, justifications and details of the implementation in order to enable the Legislative Council to make the appropriate decisions pertaining thereto.

Article 34

Estimated revenue collections shown in the *Draft General Budget Law* for the next fiscal year shall be made on the basis of the actual collection of revenues pursuant to the revenue laws applied during the current fiscal year.

Article 35

Approved appropriations in the *General Budget Law* shall be set as maximum amounts, and actual expenditures shall not exceed such appropriations.

Article 36

If there is a need for any amendment of any items in the General Budget or the addition of items which would require new appropriations, each such amendment shall be prepared as a supplement to the budget and submitted by the Council of Ministers to the Legislative Council for approval and promulgation as law.

Article 37

A suitable reserve to meet unexpected financial requirements during the fiscal year shall be included in the *General Budget Law* under the disposal of the Council of Ministers. The Minister shall study financial requests by ministries and public institutions relating to the reserve and submit such requests with his recommendations to the Council of Ministers for decision.

Article 38

The *General Budget Law* shall be published for general information for the public upon its approval by the Legislative Council.

Article 39

The budgets of local bodies shall follow the classification structure of the budget accounts of the Ministry regarding classification, formation and sorting.

Article 40

Regarding the budgets of local bodies, the authority of officials of the Treasury Department pertaining to the implementation of the General Budget shall be exercised by the respective financial officials of the local bodies.

Part IV. Implementation of the General Budget

Article 41

The Ministry shall have the following responsibilities and functions in implementing the General Budget:

1. Issuing decisions determining proceedings, documentation and accounts, as well as preparing the reports of all payment and receipt transactions resulting from the implementation of the General Budget, including special funds.
2. Issuing regulations and establishing procedures for the implementation of the General Budget, the budgets of the local bodies, special funds, and the budgets of public institutions and corporations; determining the account coding for financial transactions (financial items) pertaining thereto in accordance with the sorting and classification of the General Budget.
3. Managing cash and organising the banking arrangements for the National Authority.
4. Managing, organising, supervising, and controlling the various financial resources.
5. Compiling the periodic and annual accounts for the financial transactions of the National Authority, local bodies, special funds and public institutions, as well as issuing periodic reports pertaining thereto.
6. Allocate funds to the ministries and public institutions on a quarterly basis with monthly cash ceilings. The allocated funds and cash ceilings shall be determined on the basis of the availability of non-disbursed cash sources from the previous allocations of the ministries and public institutions and in light of the relative priorities between demands and projected expenditure obligations.
7. Managing all guarantees and obligations resulting from borrowing on behalf of the National Authority and managing the financial assets of the National Authority, including loans and debt settlements.
8. Supervise the implementation of the classification structure of the budget accounts in:

- a) Ministries, public institutions, and special funds.
- b) Monthly, quarterly and annual reports of the Treasury which cover the General Budget and the accounts of special funds.
- c) Accounts of the financial assets and debts of the National Authority.
- d) Registering the guarantees and other obligations of the National Authority connected therewith.

Article 42

The allocated appropriations in the *General Budget Law* shall be disbursed in accordance with general or special financial orders and pursuant to financial transfers issued by the Minister.

Article 43

The competent minister shall have the right to disburse funds from the appropriations of his ministry allocated thereto by the *General Budget Law* as set forth in Article 42 above. He may delegate these powers in writing to any senior employee of his ministry upon written notice to the Minister of Finance.

Article 44

It shall be prohibited to make any disbursement on expenditure for which no allocations were appropriated in the *General Budget Law*; it shall be prohibited to utilise the allocations for purposes other than those approved.

Article 45

Ministries and public institutions shall distribute funds to the expenditure units on the basis of the allocations made thereto. The expenditure obligations shall be determined within the permitted cash ceilings with respect to the agreements that establish the agreed provision of commodities and services which require long term obligations.

Article 46

Each ministry and public institution shall provide the Ministry and the Budget Department with a detailed statement of the actual monthly expenditure from its approved appropriations, in accordance with the forms prepared by the Ministry, as well as the financial position of the revenues, grants and actual collections within a period no later than the end of the first week of the following month.

Article 47

1. The Minister shall be responsible for controlling the accounts of the ministries and public institutions and their respective financial transactions. He shall guarantee that the ministries and public institutions abide by the provisions of the law in their financial activities and accounting. The competent minister or the official in charge of the public institution shall be responsible for the enforcement of the provisions of this law in relation to his ministry or institution.
2. The financial employee shall be responsible for performing the financial activities pertaining to his department including expenditures, liabilities,

levying, retaining and recording of public funds in accordance with general accounting principles.

3. All internal auditors in ministries and public institutions shall be technically attached to the Ministry.

Article 48

The Ministry shall, upon the entry into force of the *General Budget Law*, inform each ministry and public institution of their approved appropriations. Each ministry and public institution shall inform the attached expenditure units of the appropriations made thereto pursuant to the *General Budget Law*. The expenditure units shall be responsible for implementing the budget in accordance with the approved appropriations.

Article 49

The Minister may appoint financial auditors in ministries and public institutions in order to provide advice and to supervise the implementation of the General Budget and the compliance with the financial standards and rules. In the event of a disagreement between the auditor and the financial manager of the ministry or public institution, the matter shall be brought before the Minister for decision.

Article 50

Ministries and public institutions shall have no right to re-allocate budget appropriations from one expenditure item to another in their budgets, except pursuant to legislation that regulates the re-allocation between sub-items and with the approval of the authorising authority.

Article 51

Bylaws shall determine the form, content and periods of reports regarding the implementation of the General Budget which are to be submitted by ministries, public institutions and special funds. The Treasury Department shall, on the basis of such reports, prepare a monthly summary report on the progress of the budget implementation.

Article 52

The Ministry shall prepare a report at the end of every quarter which details and analyses the position of the General Budget. The report shall include financial developments, trends of revenues and expenditures compared with projections, interpretation of significant deviations, analysis of the cash flow, and the impact of deviations on the general financial position of the National Authority. The report shall review the proposed measures for maintaining or regaining the financial balance. The Minister shall submit each such report to each member of the Council of Ministers and to the Legislative Council.

Article 53

Non-utilised appropriations and cash balances in the accounts of ministries and public institutions on the 31st of December of each fiscal year shall be cancelled.

Any unpaid liability shall be listed within the budget of the following year and shall have priority.

Article 54

After the 31st of December of each fiscal year, realised revenues shall be counted as collections for the next fiscal year.

Part V. Management of Debts and Assets

Article 55

The annual General Budget shall determine the maximum limits of the National Authority for new borrowing and overdrafts from local banks. It shall formulate specific provisions for the payment of interest and repayment of principal debts which are to be made during the fiscal year against the gross debt.

Article 56

The Ministry shall be the sole body authorised to sign loan agreements for ministries and public institutions pursuant to the law and the bylaws in force. No other party may perform such action. The Ministry shall manage and follow up on the governmental debt.

Article 57

Ministries and public institutions may not borrow or utilise loans for purposes other than those for which the borrowing was allocated, except with the prior approval of the Council of Ministers and upon the recommendation of the Minister.

Article 58

Decisions of the Ministry concerning the conditions of borrowings or guarantees of transactions shall be published in the *Official Gazette*. The contractual conditions of the debt may not be amended unilaterally.

Article 59

Ministries and public institutions shall allocate sufficient appropriations in their budget proposals to meet the governmental debt burden. This shall include instalments and interest payable on borrowed amounts and part of the governmental debt, as well as the differences resulting from the change of exchange rates, the re-evaluation of governmental debt, and re-scheduling of the debt settlement.

Article 60

The Ministry shall study the financial position of any party wishing to borrow under the guarantee of the National Authority to ensure its capability of meeting the obligations.

Article 61

The Minister shall be the authorised signatory on behalf of the National Authority on all borrowing agreements.

Article 62

Any party obtaining a loan under the guarantee of the National Authority shall submit periodic quarterly reports to the Ministry on its financial position and closing accounts.

Part VI. Budget Accounting and Auditing

Article 63

The Ministry shall formulate a system for internal financial auditing to ensure the economical use of resources and the commitment of each ministry and public institution and their administrative units to expenditures in accordance with the financial legislation. The Ministry shall have the authority to inspect the accounting records, revenues and expenditures of each ministry, public institution and special fund at any time.

Article 64

The Ministry shall issue a bylaw for the closing accounts of the ministries, public institutions and special funds. The ministries, public institutions and special funds shall, pursuant to such bylaw, prepare final statements of the revenues and expenditures within their jurisdiction and submit them to the Ministry.

Article 65

The Ministry shall prepare preliminary unified accounts for general transactions and submit them to the Council of Ministers within six (6) months from the closing of the fiscal year. The accounts shall show, inter alia, the opening and closing balances for the unified fund and each special fund, as well as in detail the financial activities performed to meet the financial deficit, if any, and the net general local and foreign debt. The accounts shall include all loans granted during the year and the obligations resulting therefrom.

Article 66

The Ministry shall, on the basis of the preliminary accounts set forth in Article 65, prepare the draft closing account, submit it to the Council of Ministers for approval, and refer it to the Legislative Council within one (1) month from the end of the fiscal year. It shall submit a copy of the draft to the Bureau of Financial and Administrative Control.

Part VII. Concluding Provisions

Article 67

The Ministry shall draft such bylaws as may be necessary for the enforcement of this law. Such bylaws shall be promulgated through a decree of the Council of Ministers and be published in the *Official Gazette*.

Article 68

Until the establishment of the Bureau of Financial and Administrative Control, its functions shall be performed by the General Control Authority.

Article 69

The *Law of the Organisation of the General Budget No. 39 of 1962* in force in the Governorates of the West Bank and every provision that contradicts the provisions of this law are hereby repealed.

Article 70

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 the date of its publication in the *Official Gazette*.

Issued in the city of Gaza on 3 August, 1998 AD, corresponding to 10 Rabi II 1419 AH.

Yasser Arafat

**Chairman of the Executive Committee of Palestine Liberation Organisation
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:	One (1) more than fifty (50%) percent 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' is hereby established. It shall have a special budget within the General Budget of the National Authority and shall enjoy independent juridical 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 to ensure good performance and good use of authority and to detect irregularities.
3. Ensure the conformity of financial and administrative activities with the laws, 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 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 with 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 to the Legislative Council a replacement for the Chairman of the Bureau within a period not to exceed 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. Be Palestinian.
2. Be an experienced and specialised person.
3. Be attested for his integrity and good reputation.
4. Be at least forty (40) years of age.
5. Not have been convicted by a competent court of any 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 shall also provide the President of the National Authority, the Legislative Council and the Council of Ministers with all data, information, studies or research papers which they may request, as well as conduct all other functions to which he may be assigned by any of them. Each such annual report shall be published in the *Official Gazette*.

Article 9

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

Article 10

1. The Chairman of the Bureau shall serve one (1) non-renewable term of seven (7) years.
2. The Chairman of the Bureau may not be deposed for any reason whatsoever except by decision of 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 as approved by the Legislative Council; they shall be published in the *Official Gazette*.

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 of the functions which they perform with regard to 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 cooperate fully and completely with all requests of the Bureau.

Chapter II. Formation of the Bureau

Article 13

1. The Bureau shall consist of the Chairman of the Bureau, the Deputy-Chairman, the Director-General, and a number of directors, consultants, experts, inspectors, technicians, and employees in accordance with the organisational structure and the list of functions approved by the Legislative Council.

2. The Chairman of the Bureau shall have the rank of a minister, and the Deputy-Chairman shall have the rank of a deputy-minister.

Article 14

The position of the Chairman of the Bureau shall be deemed vacant in any of the following cases:

1. Death.
2. Resignation.
3. Deposition.

Article 15

1. If the position of the Chairman of the Bureau becomes vacant, the President of the National Authority shall appoint a replacement in his place within a period not to exceed one (1) month from the date of vacancy, pursuant to the provisions of this law.
2. The Deputy-Chairman shall perform the duties of the Chairman of the Bureau during the period of time set forth under paragraph 1 above until a new Chairman of the Bureau is duly appointed.

Article 16

The Chairman of the Bureau shall appoint the executive directors, inspectors, consultants, experts, technicians and employees of the Bureau pursuant to the provisions of this law and the *Law of Civil Service*.

Article 17

The Chairman of the Bureau, the Deputy-Chairman and the Director-General, during their tenure, may not:

1. Assume any other function.
2. Purchase or rent property belonging to the National Authority or a public juridical person even in an indirect manner or by means of an auction or lease, or sell to the National Authority any properties or make bargains thereof.
3. Take part in obligations concluded by the National Authority, public institutions or bodies.
4. Combine their function at the Bureau with the membership on the board of directors of any governmental or non-governmental company, institution or body.

Article 18

Necessary departments and administrative sections shall be established at the Bureau for the management of its financial, administrative and legal affairs, as well as for monitoring, studies, research, development, and planning required for the performance of its duties, in accordance with the instructions which the Chairman of the Bureau shall issue.

Article 19

The Bureau may seek assistance from specialised persons and experts regarding matters and issues presented to it and regarding the examination and expression of opinion which require special qualifications and expertise. Financial remunerations shall be awarded in return for their services pursuant to the relevant bylaws.

Article 20

The Chairman of the Bureau may establish temporary committees for control, inspection, investigation, examination and fact-finding under an inspector, as well as authorise them to perform particular duties that fall within the duties and powers of the Bureau. Such committees shall submit the results of their work to the Chairman of the Bureau.

Article 21

Nobody may be appointed to the position of an inspector at the Bureau or delegated to perform his functions unless he holds a first university degree in his field of specialisation.

Article 22

The Deputy-Chairman shall exercise the duties and responsibilities of the Chairman of the Bureau in his absence, along with all functions which the Deputy-Chairman is authorised to perform pursuant to the provisions of this law.

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 is exercised in the best manner and at the least possible costs. In implementing the above, the Bureau shall perform the following in accordance with 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.
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 to ensure their competence and accuracy in the implementation of their functions.

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 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, but not limited to, 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 by virtue of their functions.
10. Reveal contraventions by persons other than public employees that aim to violate the smooth performance of the public service.
11. Discuss citizen 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. With regard to 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 in the laws and regulations in force.
13. With regard to public expenditures, the Bureau shall be responsible for:
 - d) Auditing expenditures to ensure that they are disbursed for the purposes for which they are appropriated and that disbursement is made pursuant to the laws and regulations in force.
 - e) Auditing instruments and documents relating to disbursements to ensure that they are correct and that their value is identical to what is documented in the registers.
 - f) Ensuring that the issuing of disbursement orders is made in due form and by the competent authorities.
 - g) 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. With regard to 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 all 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 each issue, case or report 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 such issue falls within the scope of the duties and powers of the Bureau, including, but not limited to, the investigation of administrative and financial contraventions which 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 the Bureau's duties and submit to it all information which it demands. The Bureau may also investigate reports submitted to it and ask employees for clarification about the reasons for delays 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, but not limited to, 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, contraventions, 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, to take such measures as it may deem necessary.

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 damages the procedures of the 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 subject 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 Forces, the Police, 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 licensed to use or manage a public facility.
10. Local bodies and those alike.
11. The provisions of this law shall apply to those parties not explicitly mentioned herein, who 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 deviations, and 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 no later than six (6) months before the end of the fiscal year. The accounts shall show *inter alia* the opening and closing balances of the unified fund and each special fund, along with details of financial operations conducted to correct the financial deficit, if available, and the net general local and foreign debt. In addition, the accounts shall state the loans given during the fiscal year and the resulting liabilities.

Article 34

On the basis of the preliminary accounts set forth in 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 the Bureau's 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 to exceed two (2) weeks from the date of their occurrence.

Article 36

Each commissioner of disbursement in a financial unit, as well as all other parties subject to the control of the Bureau, must notify the Bureau of each incident of embezzlement, theft, dissipation, damage, fire or negligence and those alike on the day on which each is discovered. They must also provide the Bureau with the decision issued with regard to each such incident immediately upon release of such decision, 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 such project, in addition to all modifications during the implementation of each such project.

Article 38

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

Article 39

The parties set forth under paragraphs 7 and 8 of Article 31 above 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

First. Financial 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, but not limited to, the applicable financial and accounting regulations.
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 and tenders as 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, but not limited to, papers, data, decisions, protocols of sessions, and documents or which the Bureau is entitled to examine or view pursuant to the provisions of the law.

Second. Administrative Contraventions

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, delaying the response without acceptable excuse beyond the dates set forth in this law, or 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 with regard to a contravention.
4. Failure in administrative work or in the management of a public facility.
5. Poor performance or negligence in the performance of a function.
6. Contravention of relevant decisions or instructions issued by the Bureau.

Article 42: Disciplinary Penalties

1. Pursuant to the provisions of the law, an employee who commits a financial or administrative contravention, knowingly contributes to committing it, or knowingly facilitates its occurrence, conceals its perpetrators or fails to report them, 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 disbursed in an illegal manner.
3. Each 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 after 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 the 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, or both, 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

To be appointed as an employee of the Bureau, every person shall meet the following requirements:

1. Be Palestinian.
2. Be a competent and specialised person.
3. Be attested for his integrity and good reputation.
4. Not have been 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 the behest of any governmental or non-governmental party.

Article 47

Persons so authorised by the Chairman of the Bureau shall have the capacity of the Judicial Police with regard to 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. Such 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 after 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. No such information, data and documents may be shown to or reviewed by a third party except for the Judiciary. This prohibition applies to every action 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 defense. The decision of the Chairman of the Bureau thereon shall be in writing, justified, and based upon the formation of an investigation committee.

Article 53

The provisions of the *Law of Civil Service* shall apply to the employees of the Bureau with regard to matters not regulated in this law.

Article 54

1. The Chairman of the Bureau and the Deputy-Chairman shall swear the following legal oath before the President of the National Authority and the Legislative Council:

'Thereby swear by the Almighty God to perform my work in a sincere and trustworthy manner and to serve my homeland in honour and not to contravene the laws and regulations of the National Authority.'

2. Employees of the Bureau shall also swear the above legal oath before the Chairman of the Bureau.

Article 55

The Chairman of the Bureau shall submit a declaration of his financial liabilities and those of his spouse and minor children. He shall declare to the High Court all that they own, including, but not limited to, real estate, movable property, stocks, bonds and cash money inside of Palestine and abroad, as well as the debts which they may owe. The High Court shall set forth the arrangements necessary to keep such information confidential. Such information shall remain confidential and may not be viewed except by permission of the High Court if necessary.

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, which shall be established pursuant to the provisions of this law.

Article 57

Other laws of the National Authority shall apply to the duties and other matters that fall within the capacities of the Bureau and that 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* are hereby repealed. In addition, each provision, if any, that contradicts the provisions of this law is hereby 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 within its sphere of jurisdiction, shall implement the provisions of this law, which shall enter into force thirty (30) days after the date of its publication in the *Official Gazette*.

Issued in the city of Ramallah on 27 December, 2004 AD, corresponding to 15 Al-Qi' da 1425 AH.

Rawhi Fattouh

President 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.
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, 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 availment 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 juridical 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 Legislative Council.
4. Members of the Judicial Authority and the Public Prosecution.
5. Heads of organisations and directors of departments in the Security Forces and the Police.
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 Forces and the Police.
10. Employees, officers, and members of bodies which receive their budgets or any support from the General Budget.
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 juridical personality and administrative and financial independence, and it shall be allotted a special budget within the General Budget.
2. The President of the National Authority shall appoint the Chairman of the Commission upon the nomination of the Council of Ministers, and the Legislative Council shall approve his appointment with an 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. Be Palestinian descending from Palestinian parents and grandparents and not hold any other nationality.
2. Be competent and qualified.
3. Be known for his integrity and good reputation.
4. Be at least forty (40) years of age.
5. Not have been 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. Be Palestinian.
2. Be competent and qualified.
3. Be known for his integrity and good reputation.
4. Not have been convicted by a competent court of any financial crime or any crime violating honour or trust.

Article 6

1. The Chairman of the Commission shall serve for seven (7) non-renewable years.
2. The Chairman may not be deposed 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 perform in the performance of their duties.

Article 8

The Commission shall be competent to:

1. Collect all declarations of financial assets and to request any information or clarification relating thereto.
2. Examine the financial assets of the persons subject to the provisions of this law.
3. 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 to:

1. Request information and clarification and obtain papers and documents or copies thereof from relevant parties, including, but not limited to, those which are confidential.
2. Seek assistance from police officers or any other competent authority. All competent authorities must perform whatever the Commission may request them to do.

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 of their possessions, including, but not limited to, real estate, movable property, shares, bonds and cash money inside and outside of Palestine, as well as the debts which they owe. Each such declaration shall be kept sealed and confidential with the High Court of Justice and may not be viewed except by permission of that Court upon litigation and within the limits of the law.

2. The President of the National Authority may not purchase, rent, sell, grant or offer any other thing belonging to the State or any public juridical person, or 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 as President of the National Authority.

Article 12

1. If the Chairman of the Commission or the Attorney-General suspects the President of the National Authority of an illegal gain, the Chairman or the Attorney-General shall submit an initial request to the Legislative Council and the Constitutional Court to challenge the legal capacity of the President of the National 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 accusation has been resolved. The Attorney-General shall assume the procedures of the 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, President of the National Authority shall be removed from his position, without prejudice to other penalties pursuant to the law.

Article 13

1. The President of the 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 the Prime Minister's 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 without pay upon the issuance 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 the investigation. Such litigation that may result from the accusation shall take place before the competent court. The provisions and rules set forth in the *Penal Law* and the *Law of Penal Procedure* shall apply.

3. The aforementioned provisions shall be applicable to the deputies-ministers, assistant-minister 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 such member's 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 without pay upon the suspension of immunity, and the Attorney-General shall assume the procedures of the investigation and accusation. The resulting 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 paragraphs 1, 2, 3 and 4 of Article 2 above, which apply to 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, but not limited to, the movable and immovable properties which each of them 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 received within two (2) months prior to 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 in the above paragraph, the source of every increase in his financial assets.
 - c) In addition to the declarations set forth above, each 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 paragraphs 1, 2, 3 and 4 of Article 2 above, which apply to 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 declarations, which the High Court must permit 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 with respect to the Prime Minister, to the Prime Minister with respect to ministers, to the Legislative Council with respect to the President of the National Authority, the Speaker and the members of the Legislative Council, and to the High Judicial Council with respect to 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 promptly notify the Commission thereof.
2. Compliance with paragraph 1 above shall not result in any disciplinary procedures against the public employee 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 the matter 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, if time has elapsed on such crime, or if it is extinguished in accordance with the common right.
- 3.

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. The Commission shall be entitled to review the books of the person and his documents and seek necessary information from official and unofficial departments, as well as assistance for such procedures from such experts as it deems appropriate.

Article 25

Any person who obtains 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 proven to be in his financial assets and to have been obtained by means of the illegal gain.
3. Payment of a fine that is equal to the value of the illegal gain.

Article 26

1. Extinguishment 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 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 with uncovering the crime and its perpetrators, the penalty shall be reduced to imprisonment and 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 the equivalent in legal tender, for each month of delay, starting on the date he becomes 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 the 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 imprisonment for a period of not less than six (6) months, a fine between one-hundred (100) and one-thousand (1000) Jordanian Dinars or its equivalent in legal tender, or both.

Article 31

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

Article 32

The penalties set forth under this law shall not preclude a more severe 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

Every provision contradicting the provisions of this law is hereby repealed.

Article 36

Each competent authority shall, within its sphere of jurisdiction, implement the provisions of this law, which shall enter into force thirty (30) days after the date of its publication in the *Official Gazette*.

Issued in the city of Ramallah on 8 January, 2005, corresponding to 27 Al Qi'dah 1425 AH.

Rawhi Fattouh
President of the Palestinian National Authority

Bylaw of the Palestinian Legislative Council 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 of the Palestinian National Authority.

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 Legislative Council and to regulate its activities, including the election of its organs, its decision-making process and its legislative procedures, as a first step toward 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, and the freedom of opposition and constructive criticism. It shall also guarantee comprehensive cooperation between the Legislative 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.
President of the National Authority:	The President of the Palestinian National Authority.
Speaker:	The Speaker (Ra'ees) of the Legislative Council.
Council of Ministers:	The Council of Ministers of the National Authority.

Office of the Legislative Council:	The Office of the Presidency of the Legislative Council.
Member:	Any elected member of the Legislative Council.
Constitution:	The <i>Basic Law</i> of the National Authority for the interim period.
Secretariat:	The Secretary-General and his assistant staff.
Absolute Majority:	One (1) more than fifty (50%) percent of the members of the Legislative Council present during a vote.
Absolute Majority of the Legislative Council:	One (1) more than fifty (50%) percent of all members of the Legislative Council.
Relative Majority:	The majority of voters regardless of the number of present members of the Legislative Council.
Two-thirds majority:	The majority of at least two-thirds (2/3) of the members of the Legislative Council.

Part II.

Chapter I. The Initial Session

Article 2

- a) The President of the National Authority shall convene the session of the first ordinary term of the Legislative Council for the beginning of the second week following the publication of the official results of the legislative elections. He shall open the session and address the Legislative Council in a general speech.
- b) The Legislative Council shall at its first session elect the Office of the Legislative Council. The position of the Temporary Speaker shall be filled by the oldest member. The respective secretarial work shall be performed by the youngest member. If, for any reason, either of them cannot perform his duties, he shall be replaced by the next oldest or youngest member. Their duties shall end with the election of the Office of the Legislative Council.
- c) No discussion in the Legislative Council shall be held before the election of the Office of the Legislative Council.

Article 3

Each member shall individually swear the Oath of Office before the Legislative Council at the first session as follows:

'I swear by the Almighty God to be loyal to the nation of Palestine, to defend the rights and interests of the people and the nation, to respect the Constitution and to fulfill my duties to the best of my ability. God shall hereby be witness upon what I say.'

Chapter II. Election and Functions of the Office of the Legislative Council

Article 4

The Office of the Legislative Council shall consist of the Speaker, two Deputy-Speakers, and the Secretary-General. They shall be elected by the Legislative Council by secret ballot during its first session. The Office of the Legislative Council shall perform its functions until the beginning of the next period of sessions of the Legislative Council. Vacancies shall be filled by election pursuant to Articles 8, 9 and 10 of this bylaw.

Chapter III. Parliamentary Blocs

Article 5

Members of the Legislative Council with common goals or interests may assemble or organise themselves in parliamentary blocs, provided that their number is no fewer than five (5%) percent of the total number of members.

Article 6

No member of the Legislative Council shall be part of more than one parliamentary bloc.

Article 7

Each parliamentary bloc shall have the right to issue its own internal bylaws, provided that no such internal bylaw may contradict the provisions of this bylaw and the law.

Chapter IV. Election of the Office of the Legislative Council

Article 8: Election of the Speaker

The Temporary Office of the Legislative Council shall, with the approval of the Legislative Council, select three members of the Legislative Council, who are not candidates, to help the Temporary Office with the counting and sorting of votes. Each member of the Legislative Council shall be given a paper on which he shall write the name of the candidate whom he chooses for Speaker. The Temporary Speaker shall call up each member one by one to cast his vote in person. The candidate who receives the absolute majority of votes shall be elected. If no candidate receives the absolute majority of votes, the Legislative Council shall proceed to a second round of voting between the two candidates who received the highest number of votes in the first round. The candidate who receives a relative majority of votes shall be elected. A tie shall be resolved by lot. The Temporary Speaker shall announce the result of the election of the Speaker.

Article 9: Election of the two Deputy-Speakers and the Secretary-General

The two Deputy-Speakers and the Secretary-General of the Legislative Council shall be elected by the same procedure as the Speaker. The Temporary Speaker shall then invite the elected Office of the Legislative Council to assume its responsibilities.

Article 10: Resignation from the Office of the Legislative Council

1. The Speaker or any of his Deputies or the Secretary-General shall have the right to submit their resignation from the Office of the Legislative Council.
2. Each resignation shall be submitted in writing to the Office of the Legislative Council.
3. The Office of the Legislative Council shall submit each resignation to the Legislative Council in the next session, which shall occur no later than two (2) weeks from the date of submitting the resignation.
4. A resignation can be withdrawn before its submission to the Legislative Council.
5. Vacancies in the Office of the Legislative Council shall be filled pursuant to the provisions of this bylaw.

Article 11

The Office of the Legislative Council shall authorise a General Secretariat headed by the Secretary-General to supervise all legal, administrative, financial and media affairs of the Legislative Council, as well as all matters related to international relations, public relations and protocol. It shall also be responsible for implementing the decisions of the Legislative Council and notify the concerned parties thereof, in addition to being responsible for keeping the minutes and records of the sessions.

Article 12

The Speaker shall represent the Legislative Council and speak on its behalf. He shall implement its decisions and observe the implementation of the Constitution and this bylaw. He shall be responsible for the security and the organisation of the Legislative Council. The Speaker shall open the sessions and preside over them, direct them, control them, and announce their end. The Speaker shall give the right to speak, shall determine the agenda of the Legislative Council, and authorise the Secretariat to publish the decisions of the Legislative Council. The Speaker shall ensure that the work of the Legislative Council progresses well and shall supervise all of its relations. The Speaker may participate in the discussions of the Legislative Council, but shall vacate his chair while doing so.

Article 13

If the Speaker is absent or participates in the discussions of the Legislative Council, his chair shall be taken by the First Deputy-Speaker. If the First Deputy-Speaker is also absent, the chair shall be taken by the Second Deputy-Speaker or in his absence by the oldest member of the Council.

Article 14

No member of the Office of the Legislative Council shall be eligible to be a minister or to hold any other governmental position.

Chapter V. Governmental and Ministerial Statement

Article 15

1. After the President of the National Authority selects the members of the Legislative Council of Ministers, a special session shall be held for a vote of confidence. The vote of confidence shall take place upon hearing and discussing the written ministerial declaration which specifies the programme and the policies of the Government.
2. If the Legislative Council votes by absolute majority against giving confidence to the Council of Ministers or any of its members, the President of the National Authority shall submit a replacement Council of Ministers in the next session, which shall occur no later than two (2) weeks from the date of the first session.
3. Upon any change in the membership of the Council of Ministers or the filling of a vacant position for any reason, the new minister shall appear before the Legislative Council in its next session for the vote of confidence.
4. No minister may assume his responsibilities before the vote of confidence.

Part III.

Chapter I. Sessions of the Council

Article 16

The Legislative Council shall convene its ordinary annual session in two periods upon the call of the President of the National Authority. Each period shall last for four (4) months. The first period shall begin during the first week of March, and the second shall begin during the first week of September. Upon the request of the Council of Ministers or one-fourth (1/4) of the members of the Legislative Council, the Speaker shall call the Legislative Council to convene in an extraordinary session. If the Speaker does not call for such a session, it shall be deemed convened at the time and place specified in the request of its members or the Council of Ministers.

Article 17

1. The Legislative Council shall meet in public every two (2) weeks on Mondays, Tuesdays, Wednesdays, and Thursdays, unless the Legislative Council decides otherwise.
2. Sessions of committees shall take place in the weeks prior to the sessions of the Legislative Council.

Article 18: Legality of the Session of the Legislative Council

The quorum for the opening of a session of the Legislative Council shall be the absolute majority of the Legislative Council. Decisions shall be made by absolute majority, unless provided otherwise. If a session does not have a quorum at its scheduled beginning, the Speaker shall delay the beginning of the session for thirty (30) minutes. If the session remains without a quorum, the Speaker shall adjourn it and announce the date and time of the next session, which shall be no later than one (1) week from that date.

Article 19: Draft Agenda

The Secretary-General shall distribute the decisions and minutes of the previous session of the Legislative Council at least forty-eight (48) hours prior to the next session.

Article 20

1. The Speaker shall present the agenda of the session for discussion and approval.
2. The decisions and minutes of the previous session, as well as the agenda, shall be valid as long as no member objects to them.
3. The Legislative Council may not consider any subject that is not on the agenda of the session, except upon the request of the President of the National Authority or the Speaker or the written request of a minimum of ten (10) members. Unless provided otherwise in this bylaw, the Legislative Council shall decide to include new subjects on the agenda by relative majority upon one speech in favour and one against including it. Such speeches shall not exceed five (5) minutes in duration.

Article 21: Termination of Sessions

The Speaker, upon the approval of the Legislative Council, shall announce the interruption or adjournment of the session and the date and time of the next session. The Speaker may call the Legislative Council to meet before the agreed date and time in the case of urgency or upon the request of the Council of Ministers.

Article 22: Extraordinary Sessions

The Legislative Council may convene an extraordinary (emergency) session upon the request of the President of the National Authority or upon the written request of one-fourth (1/4) of the members of the Legislative Council. If the Speaker fails to call a duly requested extraordinary session, the Legislative Council shall be deemed convened at the time and place required.

Chapter II. Minutes of Sessions

Article 23

Minutes shall be recorded for each session of the Legislative Council. They shall include the discussions held, the issues debated, and the decisions made by the Legislative Council.

Article 24

Upon the approval of the minutes of a session, the Speaker and the Secretary-General shall sign them. The minutes shall be kept in the files of the Legislative Council, and the Legislative Council may publish a summary in a special publication.

Chapter III. Secret Sessions

Article 25

The Legislative Council may, in exceptional cases, be called to meet in secret session, upon the request of the President of the National Authority, the Speaker or one-fourth (1/4) of the members of the Legislative Council. The Legislative Council shall decide whether to meet in secret session, following a debate in which no more than two speakers in favour and no more than two speakers against shall be heard.

Article 26

1. Upon convening a secret session, unauthorised persons shall leave the hall and terrace of the Legislative Council. No person except the members of the Legislative Council may be present when the Legislative Council meets in secret session, except with the permission of the Legislative Council.
2. No civil servant of the Legislative Council may attend the session when it meets in secret session, except by permission of the Speaker.
3. When the justification for the Legislative Council to meet in secret session ends, the Speaker shall propose that the secret session end. Upon the approval of the absolute majority of the Legislative Council, the Speaker shall reopen the session to the public.

Article 27

The Secretary-General shall take the minutes when the Legislative Council convenes in secret session, which minutes shall be kept by the Secretariat. Access to such minutes shall be restricted to members of the Legislative Council, unless the absolute majority of the Legislative Council decides to publish such minutes or any part thereof.

Article 28

The Legislative Council may call a special session for inviting any personality or guest to address the Legislative Council. There shall be no other item on the agenda of any such session.

Chapter IV. Speaking Order in Sessions

Article 29

Nobody may speak unless he requests to speak and until called to do so by the Speaker. The Speaker may deny a request to speak only pursuant to the provisions of this bylaw. In case of disagreement, the Speaker shall put the question to the Legislative Council, which shall take a vote by relative majority without discussion.

Article 30

The Secretary-General shall record the requests to speak as per the order and sequence in which he receives them. The request to speak upon a subject selected for discussion by a committee shall not be accepted until the respective report of the committee is submitted.

Article 31

No member may speak on any issue more than twice, once during the general discussion and once during the discussion of proposals and draft decisions.

Article 32

The Speaker shall give right to speak in accordance with the order in which the members request it. The member who is called to speak may waive his right in favor of another member. In case of disagreement, the right to speak shall be given to a member seeking an amendment to a proposal under discussion, to an opponent of such proposal and to a supporter of such proposal.

Article 33

The Speaker may give any minister the right to speak about a subject within the competence of his ministry.

Article 34

The right to speak shall always be given in the following cases:

1. To request that the provisions of the constitutional order or of this bylaw be respected.
2. To propose postponements.
3. To correct any claimed facts.
4. To reply to a statement which concerns the person asking to speak.
5. To call for abstaining from discussion.
6. To propose that the discussion on a subject under debate be postponed until the Legislative Council discusses another related subject. Any such request shall take priority over the main subject under discussion, and discussion on the main subject shall cease until the Legislative Council acts upon the request. The right to speak in such cases shall not be given until the speaking member finishes his statement, except in cases related to respect for the provisions of the constitutional order or this bylaw or to correct claimed facts.

Article 35

No member may use inappropriate language or incite against public order.

Article 36

If a member does not comply with the provisions of Article 35, the Speaker may call him by his name, draw his attention and request him to maintain order. The Speaker may decide that the member shall no longer speak. If the member challenges any such decision, the Speaker shall refer the matter to the Legislative Council, which shall decide on it without discussion.

Article 37

No member may interrupt the speech of another member or issue comments upon it. Notwithstanding the provisions of Article 34, only the Speaker may request a member to comply with the provisions of this bylaw at any time during his speech.

Article 38

No speaker may repeat a point he made or that was already made by another member or go beyond the subject submitted for discussion. Only the Speaker may draw the attention of the member speaking and inform him that his point is sufficiently clear and requires no further explanation.

Article 39

The Legislative Council by relative majority may discipline a member who fails to comply with this bylaw or with a decision of the Legislative Council forbidding him to speak by imposing any of the following penalties:

1. Preventing the member from speaking for the remainder of the session.
2. Instructing the member to leave the session hall and abstain from the remainder of the session.
3. Excluding the member from sessions of the Legislative Council for a period not to exceed two (2) weeks. The decision of the Legislative Council shall be made during the same session, after listening to the member in question or his representative.

Article 40

If a member refuses to comply with a decision of the Legislative Council, the Speaker may adopt all measures necessary to implement the decision, including the interruption of the session, in which event, the penalty of exclusion from session imposed upon the member shall be doubled.

Article 41

In the case of disorder, the Speaker may announce his intention to interrupt a session and may do so for a period of up to thirty (30) minutes. If order is not restored upon the reconvening of the session, the Speaker may adjourn the session and announce the date and time for the next session.

Chapter V. Withdrawal of Membership

Article 42

Membership shall be withdrawn in the following cases:

1. Death.
2. A final judgement by a competent court on a crime or misdemeanour violating honour or trust.

Article 43

Any proposal under paragraph 2 of Article 42 to deprive a person of membership shall be signed by ten (10) members of the Legislative Council and submitted to the Speaker. The Speaker shall notify the member concerned and shall bring the question before the Legislative Council at its first subsequent session.

Article 44

1. The Legislative Council shall refer any proposal in Article 43 to the Legal Committee, which shall discuss it at the Legal Committee's next session. The Legislative Council shall, unless it decides otherwise, suspend consideration of the proposal in the same session.
2. The member concerned shall have the right to defend himself before the Legal Committee and before the Legislative Council.

Article 45

If the report of the Legal Committee recommends deprivation of membership, the Legislative Council shall, upon the request of the member concerned or upon a vote of the Legislative Council, postpone the decision to a further session.

Article 46

The member subject to a proposal for the deprivation of membership may attend the session and participate in the debate on such proposal, but he shall leave the session while the Legislative Council votes upon it.

Article 47

The Legislative Council shall decide on a proposal for the deprivation of membership in secret vote by two-thirds (2/3) majority.

Part IV.

Chapter I. Committees of the Legislative Council

Article 48

1. The Legislative Council shall establish the following permanent committees, which shall discuss and report on all proposals referred to them by the Legislative Council or by the Speaker:

- a) Jerusalem Committee.
 - b) Land and Settlement Resistance Committee.
 - c) Refugees Affairs Committee (Refugees, Expatriates, Displaced).
 - d) Political Committee (Negotiations, Arab and international relations).
 - e) Legal Committee (*Basic Law*, laws and the Judiciary).
 - f) Budget and Financial Affairs Committee.
 - g) Committee for Economic Affairs (Industry, commerce, housing, investments, supply, tourism and planning).
 - h) Interior Committee (Interior, security and local governance).
 - i) Education and Social Affairs Committee (Education, culture, media, religious affairs, historic sites, social affairs, health, work and labor, prisoners, martyrs, injured, war veterans, children, youth, and women).
 - j) Natural Resources and Energy Committee (Water, agriculture, rural areas, environment, energy, animal resources and fishing).
 - k) Committee for the Oversight of Human Rights and Public Freedoms.
2. The Legislative Council shall form a special committee called the 'Legislative Council's Affairs' Committee,' which shall comprise the Office of the Legislative Council in addition to some members.
 3. The Legislative Council may form other ad hoc-committees to fulfill temporary or permanent purposes and specific objectives.
 4. The Legislative Council shall determine at the beginning of each ordinary term the number of members in each permanent committee to ensure that the committees perform their work in an effective manner.

Article 49: Selection of Committee Members

1. The selection of the members of the committees shall be conducted in the first term of the Legislative Council. A member may submit a request to be appointed to any committee. The Office of the Legislative Council shall coordinate and consult with all applicants, after which the Speaker shall submit to the Legislative Council a final list of appointments for approval.
2. Upon proposal of the Office of the Legislative Council, the Legislative Council may change the composition of any committee at the beginning of the period of sessions of each year.

Article 50

Each member of the Legislative Council shall be a member of a committee. No member of the Legislative Committee may be a member of more than two committees.

Article 51

1. No minister may sit in any committee or be a member of the Office of the Legislative Council.
2. No member of the Office of the Legislative Council may sit in any of the committees set forth in Article 48 of this bylaw.

Article 52

1. Each committee shall elect a Chairman and a Secretary from among its members. In the absence of either, the remaining members of the committee shall elect a temporary replacement.
2. The Chairman and the Secretary of each committee shall be presented to the Legislative Council for approval, which approval shall require a relative majority.

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 their 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: Reports of Committees

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.

Part V.

Chapter I. Draft Laws and Proposals

First: Draft Laws and Proposals Submitted by the Council Of Ministers

Article 65

1. The Council of Ministers shall submit the text of a draft law or a proposal to the Speaker, accompanied by an explanatory memorandum. The Speaker shall refer each such draft law to the competent committee, which shall give its opinion in no later than two (2) weeks from the date of referral.
2. A copy of the draft law shall be distributed to all members of the Legislative Council at least three (3) days prior to the session of its first discussion in the Legislative Council.
3. Upon hearing the report of the committee, the Legislative Council shall begin a general discussion of the principles of the draft law before voting on its acceptance or rejection, to complete all necessary procedures. The Legislative Council may decide to begin the general discussion without awaiting the report of the competent committee.
4. Upon the general discussion of the draft law, the Legislative Council shall put it to vote for acceptance. If the Legislative Council votes not to accept the draft law, it shall be deemed not considered. If the Legislative Council votes to accept the draft law, the Council shall refer it to the competent committee to make the appropriate amendments in view of the general discussion.
5. If the Legislative Council votes to accept the draft law, the Speaker shall refer the draft law to the Legal Committee to express its required legal opinion.

Article 66

The Council of Ministers may request to withdraw any draft law it has submitted to the Legislative Council, provided that the Legislative Council has not voted on the acceptance of such draft law.

Second: Draft Laws and Proposals Submitted by Members of the Legislative Council or by Committees

Article 67

Any member or members of the Legislative Council or any of its committees may submit a proposal for a new law or for amending or repealing an existing law. Each such proposal shall be referred to the competent committee for its review and opinion. The report of the competent committee shall include a description of the general principles and an explanatory memorandum. The Legislative Council shall hear the report of the committee. If the Legislative Council accepts

the proposal, it shall be forwarded to the Legal Committee, which will transform it into a full draft law. Once prepared, the full draft law shall be submitted again to the Legislative Council during the same or the following period of sessions.

Article 68: Legislation Procedure

1. Each draft law submitted to the Legislative Council shall be discussed in two separate readings as follows:
 - a) In the first reading, the articles shall be discussed one by one, at the conclusion of which the Legislative Council shall vote on the articles one by one and then on the draft law in its entirety.
 - b) The second reading shall occur not less than one (1) month after the date of approval at the first reading and shall be limited to discussing the proposed amendments and the voting thereon. Another vote shall take place for the final amended articles.
2. A third reading, limited to discussing proposed amendments, shall occur only upon the written request of the Council of Ministers or of one-fourth (1/4) of the members of the Legislative Council, provided that the request is submitted before referring the proposal to the President of the National Authority for promulgation.

Article 69

Draft laws shall be approved by absolute majority unless determined otherwise.

Article 70

Upon approval of the draft law at the third reading or within two (2) weeks from its approval at the second reading, the Speaker shall forward it to the President of the National Authority for promulgation and publication in the *Official Gazette*.

Article 71: Enactment of Laws

1. The President of the National Authority shall promulgate the laws approved by the Legislative Council within one (1) month of his receipt of them. If he objects to a draft law, the President may refer the draft law back to the Legislative Council with his observations and the reasons for his objection within the same period. Otherwise, the law shall be deemed promulgated and be published in the *Official Gazette*.
2. If the President of the National Authority returns a draft law to the Legislative Council pursuant to the provisions under the preceding paragraph, the Legislative Council shall discuss the law again. If the Lmembers.
3. Upon receiving the proposal for amendment, the Speaker shall inform the Legislative Council and refer the proposal to the Legal Committee for its review and opinion.
4. Upon the return of the proposal by the Legal Committee to the Legislative Council, the Legislative Council shall hear the report of the Legal Committee and decide by relative majority to accept or reject the proposal. If the Legislative Council disapproves the proposal, it shall be rejected. If the Legislative

Council approves the proposal, it shall be discussed pursuant to Article 68 of this bylaw.

5. Any amendment or revision of the *Basic Law* shall require the approval of two-thirds (2/3) of the members of the Legislative Council.

Article 74: Budget Draft Law

1. The Council of Ministers shall submit the *Draft General Budget Law* to the Legislative Council not less than two (2) months prior to the beginning of the next fiscal year.
2. The Legislative Council shall refer the *Draft General Budget Law* to the Budget and Financial Affairs Committee to study it and to submit that committee's detailed report and recommendations to the Legislative Council.
3. The Legislative Council shall convene a special session to discuss the *Draft General Budget Law* in view of the report and recommendations of the Budget and Financial Affairs Committee and shall, within one (1) month of its receipt, either approve the budget with the amendments prior to the beginning of the new fiscal year or send it back to the Council of Ministers accompanied by the Legislative Council's comments. The Council of Ministers shall, within a period not to exceed two (2) weeks from the date of receipt, introduce the required amendments and resubmit the budget to the Legislative Council for approval.
4. The voting of the Legislative Council on the budget shall be title by title.
5. Transfer of funds between the various budget titles shall not be permitted unless it is agreed upon by the Legislative Council and the Executive.
6. If the annual budget is not approved by the beginning of the new fiscal year, expenditures shall continue on the basis of a monthly allocation of one-twelfth (1/12) of the budget of the previous fiscal year, for each month within a period not to exceed three (3) months.

Chapter II. Inquiries and Interpellations

Article 75

1. A member of the Legislative Council shall have the right to address inquiries and interpellations to ministers to inquire about any subject of interest to the member, to verify the occurrence of an event, or to clarify procedures that were taken or should be taken to deal with any subject.
2. The inquiry or interpellation shall be clear, specific and without any comments.

Article 76: Conditions for Inquiries

An inquiry shall be submitted in writing to the Speaker, who shall refer it to the respective minister and put it on the agenda of the next session, provided that the next session is not less than one (1) week from the date on which the inquiry was submitted to the minister. The Legislative Council shall assign the first half hour of the session for consideration of inquiries, unless it decides otherwise.

Article 77

The minister shall answer the inquiry addressed to him and included on the agenda, but may ask to postpone his answer to another session assigned by the Legislative Council. In case of urgency, the minister shall have the right to ask for leave to answer an inquiry addressed to him in the first session after his receipt of the inquiry, even if it is not on the agenda. The minister shall inform the Speaker about the inquiry, and it shall be indicated in the minutes of that session.

Article 78

The member who submitted an inquiry may ask only once that the minister for clarification and to comment on the answer.

Article 79

The provisions relating to inquiries shall not apply to questions made orally by members to ministers in the course of a discussion in the Legislative Council.

Article 80: Conditions and Procedures of Interpellations

1. An interpellation shall be submitted in writing to the Speaker, who shall assign a date to read and discuss it as soon as possible. The date of the discussion of an interpellation shall be decided upon hearing the answer of the minister. The discussions shall not exceed ten (10) days.
2. Interpellations shall have priority over all issues on the agenda except inquiries.
3. Any member may ask the minister to inform him about any documents related to the interpellation before the Legislative Council. Such a request shall be submitted in writing to the Office of the Legislative Council.
4. The member submitting the interpellation shall explain it to the Legislative Council. Upon the reply of the minister, other members may participate in the discussion. If the member submitting the interpellation is not satisfied with the answer of the minister, he may explain his reasons. He or any other member may submit a request to withdraw confidence from the Council of Ministers or the individual minister pursuant to the provisions of the Constitution.
5. A member submitting an interpellation may withdraw it, in which event it shall not be discussed, except upon the request of five (5) or more members of the Legislative Council.

Chapter III. Urgency Procedure

Article 81

The Legislative Council may decide to adopt urgency procedure to deal with any subject before it, including motions of confidence or non-confidence, motions of reprimand, or criticisms concerning the Executive or any minister. The Legislative Council shall decide in the following cases without discussion:

1. Upon the substantiated request in writing by five (5) members.

2. Upon the request of the Council of Ministers.
3. Upon the request of the competent committee.

Article 82

The Legislative Council and its committees shall deal with subjects under urgency procedure before any other issue. No time limits shall apply. The Legislative Council may decide to discuss the subject during the same session, in which event the competent committee shall report to the Legislative Council immediately, orally or in writing.

Article 83

Subjects discussed by the Legislative Council under urgency procedure may be discussed again under the circumstances set forth in this bylaw. They shall not be subject to the otherwise relevant time limits.

Article 84

1. If the subject discussed under urgency procedure is a draft law, the Legislative Council shall refer it to the competent committee, which shall first determine whether the draft law shall be discussed and secondly shall examine the content of the draft law. The committee shall report to the Legislative Council on both matters. The subject shall then be submitted to the Legislative Council, which shall decide on the discussion of the proposal. If the Legislative Council decides in favour of discussing the draft law, the Legislative Council shall proceed to discuss the draft law.
2. If necessary, the Legislative Council may by decision of absolute majority decide to discuss a draft law without prior reference to the competent committee.

Article 85

Subjects that the Legislative Council declines to discuss under urgency procedure may be submitted again, but no sooner than one (1) month from the date that the Legislative Council declined to discuss the matter under urgency procedure. However, the Legislative Council may submit a question again in less than one (1) month by decision of absolute majority.

Chapter IV. Close of Discussion

Article 86

The discussion of any subject before the Legislative Council shall be closed upon the decision of the Legislative Council, provided that at least two supporters and two opponents of the proposal speak and in the following cases:

1. a) Upon proposal of the Speaker if he believes that there is no need for further discussion.
- b) Upon the request of at least five (5) members.

2. A competent minister shall always be given the right to reply to the discussion. Only one supporter and one opponent of the proposal to close the discussion shall speak, each for a period not to exceed five (5) minutes. Priority shall be given to the member who requested to speak on the original subject. After this, the Legislative Council shall vote on whether to close or to continue the discussion on the subject. If the Legislative Council approves the proposal, it shall proceed to decide on the original subject.

Article 87

No member may request to speak after the close of the discussion and before voting, except to decide on the form of the proposal to be voted upon.

Chapter V. Vote of the Legislative Council

Article 88

Only the Speaker may put a subject to vote.

Article 89

1. Decisions of the Legislative Council shall be made by absolute majority. In the event of a tie, the vote shall be retaken only once. If the tie is not resolved, the Speaker shall have a casting vote.
2. The provisions under paragraph 1 shall not apply where this bylaw determines otherwise.

Article 90

If the subject submitted for discussion contains several questions, any member may request, with the agreement of the Speaker, for the subject to be divided. Each part will then be voted upon separately.

Article 91

An abstaining member may explain his reasons for doing so after the vote and before the announcement of the result of the vote.

Article 92

Abstentions shall not be counted with votes in favor or with votes against. If the total of the votes in favor and the votes against is less than the quorum, the vote shall be postponed to a further session. In the second session, decisions shall be made by relative majority.

Article 93

1. Before any vote, the required quorum for the subject submitted for decision shall be verified.
2. Upon the beginning of the vote, nobody may interrupt the voting, unless to clarify the procedure of the vote.

3. If the vote concerns the *Basic Law*, it shall be taken by calling up the members by their names and in high voice.
4. Except in the case under paragraph 3, any vote shall be taken by show of hands, by standing and sitting, or by secret vote if a relative majority decides so.

Article 94

The Speaker shall announce decisions of the Legislative Council as per the result of the voting. No discussion may take place on a subject voted upon, unless the absolute majority demands so or this bylaw determines otherwise.

Part V.

Chapter I. Immunity of Members

Article 95

1. Members may not be questioned in civil or criminal proceedings due to opinions they express, facts they mention, their voting in Legislative Council sessions or committee meetings, or because of any action they perform outside of the Legislative Council in the course of performing their parliamentary duties.
2. No member shall be interfered with in any manner, nor shall any search be made of the possessions of a member, his home, place of residence, motor vehicle, office, or any real estate or movable property belonging to the member, throughout the period of immunity.
3. No member shall be required during the period of membership, or subsequently, to testify on any subject regarding Legislative Council-related actions, statements, or information obtained as the result of his membership in the Legislative Council, unless the member voluntarily agrees to do so and has the approval of the Legislative Council.
4. No criminal measures shall be taken against any member, unless he is found in the immediate commission of a crime. The Legislative Council shall be notified immediately about measures taken against a member, so that the Legislative Council may decide upon its proper course of action. The Office of the Legislative Council shall assume this responsibility if the Legislative Council is not in session.
5. A member shall not relinquish parliamentary immunity without prior approval of the Legislative Council. The decision shall be taken by the absolute majority of the Legislative Council. Immunity shall not lapse upon the end of the membership in the Legislative Council, in the limits prevailing during the period of membership.

Article 96

1. A request to deprive a member of immunity shall be submitted in writing to the Speaker by the Attorney-General, accompanied by a memorandum

including the details of the alleged crime, its place and date, and the required proof of criminal proceedings.

2. The Speaker shall refer each such request to the Legal Committee and inform the Legislative Council about each such request.
3. The Legal Committee shall study each such request and submit a report to the Legislative Council, which shall decide whether to deprive a member of immunity by two-thirds (2/3) majority.
4. A member deprived of immunity and not arrested shall have the right to attend sessions of the Legislative Council and the committees and to participate in discussions and votes.

Article 97

No member shall appear before the civil courts on the days of Legislative Council sessions, whether as plaintiff, defendant, or witness.

Article 98

Members of the Legislative Council may not combine their membership in the Legislative Council with positions in the Executive, with the exception of the position of minister.

Article 99: Rights and Duties of Members

First: Rights

A member shall have the following rights:

1. Parliamentary immunity as set forth in Articles 95, 96 and 97 of this Chapter.
2. A monthly remuneration determined by decision of the Legislative Council.
3. A work allowance for every session of the Legislative Council and the committees determined by decision of the Legislative Council.
4. Without prejudice to any other provisions adopted in this regard, a member shall be exempted from paying taxes for one vehicle only. The Legislative Council shall pay the insurance, licensing fees, and maintenance of the vehicle for the duration of his membership.
5. A member or his heirs shall receive a monthly annuity of seventy-five (75%) percent of his remuneration, beginning directly upon the end of his membership. It shall be prohibited to combine such annuity with any salary or pension disbursed from the General Treasury.
6. A member and his wife shall each receive a permanent diplomatic passport.

Second: Duties and Impedimenta

Pursuant to the provisions of this bylaw and the law, a member shall have the following duties:

1. Regular attendance at each session of the Legislative Council and the committees of which he is a member.
2. Not to use information obtained in the capacity of his membership for any purpose other than parliamentary work.

3. Not to buy or rent any state property, or to let, sell or barter to the State any of his funds or property, or to enter in any contractual relation with the State as concessionary, supplier or contractor, unless the contract is done pursuant to the laws or regulations in force. Under no circumstances may he use his position to obtain special and unjustified privileges.
4. Not to represent the Government or negotiate on its behalf in exchange for any payment.
5. Not to act as an agent in a case in which the National Authority is a litigant.

Chapter II. Complaints and Petitions

Article 100

Every Palestinian shall have the right to file with the Legislative Council complaints and petitions concerning public affairs. Each such complaint or petition shall be signed by the petitioner and shall include his name, profession and full address. If the complaint or 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 or petition 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 be 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 each complaint and petition and shall recommend in a report to the Office of the Legislative Council whether each should be sent to the Council of Ministers or the competent committee or should be rejected.

Article 103

The Legislative Council may ask ministers to clarify any complaint or petition referred to it.

Article 104

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

Chapter III. Absence of Members and Permissions

Article 105

No member of the Legislative Council may be absent without informing the Speaker and giving a reason. No member may be absent for more than three (3) consecutive sessions without the permission of the Speaker. If necessary, the Speaker may give a member a one (1) month leave. The Speaker shall inform the Legislative Council about each such leave.

Article 106

1. A member who is absent from the sessions of the Council or its committees, or is absent for a period exceeding the granted leave, shall be deemed to have renounced his allowances for the period of his absence, and the Speaker may exhort the member. The Legislative Council may, upon the proposal of the Speaker, reprimand such member.
2. If a member of a committee is absent without permission or justified reason for three (3) consecutive or seven (7) non-consecutive sessions during the same period of sessions, he shall be deemed to have resigned from the committee. The Secretary of the committee shall inform the Speaker of each such occurrence.

Chapter IV. Maintaining Order in the Council

Article 107

1. The Legislative Council shall be responsible for maintaining order and security on its premises. For these purposes, a special police force for the Legislative Council shall be established, pursuant to regulations determined by the Legislative Council. The Speaker shall oversee the execution of the above.
2. No Security Forces or Police shall enter the premises of the Legislative Council, unless by decision of the Speaker.

Article 108

No person may enter the chamber of the Legislative Council for any reason while it is in session, with the exception of its members, staff and employees.

Article 109

Persons who are permitted to observe sessions of the Legislative Council and cause disturbances or breach the order shall be asked to leave the session. If a person is asked to leave, but refuses to do so, the Speaker may order that he be removed from the session and appropriate measures be taken against him.

Chapter V. Resignation

Article 110

A member wishing to resign shall submit his unconditional resignation to the Speaker. The Speaker shall submit such resignation to the Legislative Council no sooner than two (2) weeks after its receipt or at the first session to be convened after its receipt, whichever occurs first. Resignations shall not be deemed final until presented to the Legislative Council, which shall decide on the vacancy of the position of the resigning member.

Article 111

A member who has resigned may withdraw such resignation in writing to the Speaker before it is presented to the Legislative Council.

Article 112

The Speaker shall inform the Council of Ministers of each vacancy in the electoral constituencies so that each vacancy may be filled pursuant to the *Elections Law* of the President of the National Authority and the members of the Legislative Council.

Chapter VI. General Provisions

Article 113

If the Legislative Council is to form a representative delegation, the Office of the Legislative Council shall determine the number of members, select them, and present their names to the Legislative Council for approval. If the Legislative 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 over it. Otherwise, the Legislative Council shall appoint the president of the delegation.

Article 114

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

Article 115

This bylaw shall enter into force upon its approval and shall be published in the *Official Gazette*. All other related legislation or regulations previously in force in Palestine are hereby repealed.

2. EXECUTIVE DECISIONS

Presidential Decree No. 12 of 2002 Concerning the Attachment of the Police, the Preventive Security, and the Civil Defence to the Ministry of the Interior

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

Having reviewed the *Civil Defence Law No. 3 of 1998*,
Having reviewed the *Presidential Decree No. 4 of 2002 Concerning the Amendment of
Presidential Decree No. 2 of 1998 Concerning the Formation of the Council of Ministers*,
In accomplishment of the public interest, and
Based upon the powers bestowed upon me,

I hereby promulgate the following decree:

Article 1

1. The Police Forces, the Preventive Security, and the Civil Defence, including all of their agencies and departments, shall be attached to the Ministry of the Interior.
2. All funds, properties and equipment belonging to the Police Forces, the Preventive Security, and the Civil Defence shall be attached to the Ministry of the Interior and shall devolve thereto.

Article 2

Every provision which contradicts the provisions of this decree is hereby repealed.

Article 3

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

Issued in the city of Ramallah on 27 June, 2002 AD.

**Yasser Arafat
Chairman of the Executive Committee of the Palestine Liberation Organisation
President the Palestinian National Authority**

Decision No. 24 of 2002

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

In accomplishment of the public interest,
In light of the appointment of a Minister of the Interior, and
Based upon the powers bestowed upon me,

I hereby promulgate the following decision:

Article 1

The Minister of the Interior shall be added to the membership of the Higher Security Council, in accordance with the approved formation.

Article 2

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

Issued in the city of Ramallah on 27 June, 2002 AD.

**Yasser Arafat
Chairman of the Palestine Liberation Organisation
President of the Palestinian National Authority**

Decision of the Council of Ministers No. 100 of 2004 Concerning the Formation of a Standing Ministerial Committee on Security Affairs

The Council of Ministers,

Having reviewed the *Bylaw of the Council of Ministers*, particularly Article 25 thereof,

Having reviewed the Prime Minister's presentation, and

Based upon the approval of the Council of Ministers under No. 1/35 during its session in the city of Ramallah on 3 August, 2004,

hereby decides the following:

Article 1

A 'Standing Ministerial Committee on Security Affairs' shall be composed of the Minister of the Interior (as rapporteur), as well as the Minister of Negotiations Affairs, the Minister of Agriculture, the Minister of Communications and Information Technology, the Minister of Public Works and Housing, the Minister of the Youth and Sports, and the Secretary-General of the Council of Ministers.

Article 2

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

Issued in the city of Ramallah on 3 August, 2004 AD, corresponding to 17 Jumad Akhar 1425 AH.

Ahmed Qurei'
Chairman of the Council of Ministers

Presidential Decree No. 26 of 2005 Concerning the Re-Formation of the National Security Council

**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,
Based upon the powers bestowed upon me and
In accomplishment of the public interest,

I hereby promulgate the following decree:

Article 1

a) The National Security Council shall be formed again as follows:

1.	Mahmoud 'Abbas	President of the Palestinian National Authority	as Chairman
2.	Ahmed Qurei'	Chairman of the Council of Ministers	as Deputy-Chairman
3.	Saeb 'Ureiqat	Head of the Negotiations Department of the Palestine Liberation Organisation	as Member
4.	Al-Tayyeb Abdul-Raheem	Secretary-General of the Presidency	as Member
5.	Nassr Yousef	Minister of the Interior and National Security	as Member
6.	Mohammed Dahlan	Minister of Civilian Affairs	as Member
7.	Salam Fayyad	Minister of Finance	as Member
8.	Nasser Al-Qudwah	Minister of Foreign Affairs	as Member
9.	Ahmed Mohammed Shanyourah	Head of the General Intelligence	as Member
10.	Jibreel Al-Rajoub	The President's Advisor on National Security	as Rapporteur

- b) The President may, as occasion may require, call any of the heads of the other security agencies or their representatives to attend the meetings of the National Security Council.

Article 2

The National Security Council shall be responsible for the following:

1. Drafting security policies and plans and defining the mechanisms of their implementation and their issuing by decision of the President.
2. Defining the security responsibilities of the National Authority in accordance with the requirements of the political, economic and social circumstances, and supervising their implementation.
3. Liaising between the political function and the security function and ensuring that security contributes to the accomplishment of political, economic and social goals.
4. Putting forward the necessary plans for the protection of the security of the homeland and the citizens and supervising their implementation.
5. Approving formations, appointments, transfers and promotions which contribute to the implementation of security policies and plans.
6. Approving security agreements and supervising their execution.
7. Approving the budgets and accounts pertaining to security and the mechanisms of their disbursement.
8. Directing supervision over security coordination with local, regional and international parties.

Article 3

The President shall determine the duties of the members of the National Security Council.

Article 4

The President may, in his discretion or based upon the request of one-third (1/3) of the members of the National Security Council, call any official in the National Authority to attend the meetings of the National Security Council and take part in its discussions.

Article 5

The National Security Council shall be entitled to form specialised subcommittees if necessary.

Article 6

The National Security Council shall issue its bylaw and the rules and regulations necessary for the execution of its duties.

Article 7

All previous decrees pertaining to the National Security Council are hereby repealed.

Article 8

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

Issued in the city of Ramallah 28 October, 2005 AD, corresponding to 25 Ramadan 1426 AH.

Mahmoud Abbas

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

Presidential Decree No. 2 of 2006 Concerning the Security Committee of the Governorate

**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, and
In accomplishment of the public interest,

I hereby promulgate the following decree:

Article 1

The purpose of this decree is to form the Security Committee of the Governorate under the chairmanship of the Governor and the membership of the commanders of the National Security Council and the Police, as well as the two directors of the security agencies in the Governorate.

Article 2

The members of the Security Committee of the Governorate shall submit daily reports to the Governor about the progress of security and security issues in the Governorate.

Article 3

The Security Committee of the Governorate shall convene on a weekly basis and, as occasion may require, on the request of the Governor.

Article 4

The Security Committee of the Governorate shall implement the central decisions issued in the security field and shall put forward the field plans for the enforcement of law and order.

Article 5

The Security Committee of the Governorate shall submit its reports and proposals to the President of the National Authority.

Article 6

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

Issued in the city of Ramallah on 5 January, 2006 AD, corresponding to 5 Thu al Hijja 1426 AH.

Mahmoud Abbas

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

Decision No. () of 2007*

The Chairman of the Executive Committee of the Palestine Liberation Organisation, The President of the Palestinian National Authority, The Commander-in-Chief of the Palestinian Forces,

Having reviewed Article 39 of the *Basic Law* amended in 2003,
Having reviewed the *Presidential Decision No. 84 of 1994 Concerning the Establishment of the Palestinian National Security Council*,
Based upon the powers bestowed upon me,
and In accomplishment of the public interest,

I hereby promulgate the following decision:

Article 1

Mr. Mohammed Yousef Dahlan shall be appointed as Advisor to the President of the National Authority on the affairs of national security and as Secretary of the National Security Council.

Article 2: Duties of the National Security Advisor/Secretary

1. Translate the policies and directives approved by the President into executive programmes and follow up with their implementation.
2. Submit to the National Security Council for approval recommendations and proposals regarding operational strategies and plans, as well as the organisational structures and budgets of the security agencies.
3. Develop the programmes and plans pertaining to the restructuring of the security agencies and follow up with their implementation, along with all agencies, and submit regular reports on the level of performance to the President.
4. Regulate, develop, and supervise the international relations related to issues of national security.

Article 3

The National Security Advisor/Secretary of the National Security Council shall attend meetings of the Executive Committee of the Palestine Liberation Organisation by virtue of the position so as to the follow up with relevant issues.

Article 4

All previous relevant decrees are hereby repealed.

* Before this decision could be published in the *Official Gazette*, political developments on the ground had changed. The decree was however implemented in reality between its date of issuance and 23 June, 2007, when the National Security Council was dissolved by presidential decree.

Article 5

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

Issued in the city of Ramallah on March 2, 2007.

Mahmoud Abbas

Chairman of the Executive Committee of the Palestine Liberation Organisation

President the Palestinian National Authority

Commander-in-Chief of the Palestinian Forces

Presidential Decree No. () of 2007 Concerning the Re-Formation of the National Security Council*

**The Chairman of the Executive Committee of the Palestine Liberation Organisation,
The President of the Palestinian National Authority,
The Commander-in-Chief of the Palestinian Forces,**

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

I hereby promulgate the following decree:

Article 1

a) The National Security Council shall be formed again as follows:

1. Mr. Mahmoud 'Abbas, President of the Palestinian National Authority	as Chairman
2. The Prime Minister	as Deputy-Chairman
3. The Minister of Foreign Affairs	as Member
4. The Minister of the Interior	as Member
5. The Minister of Finance	as Member
6. The Minister of Justice	as Member
7. The Chairman of the Negotiations Affairs Department	as Member
8. The Commander-General of the National Security Forces	as Member
9. The Head of the General Intelligence Agency	as Member
10. The President's Advisor on National Security Affairs	as Member

b) The President may call any security official or any other person who is associated with the duties of the National Security Council to attend its meetings to discuss specified issues pertaining to national security.

* Before this decree could be published in the *Official Gazette*, political developments on the ground had changed. The decree was however implemented in reality between its date of issuance and 23 June, 2007, when the National Security Council was dissolved by presidential decree.

Article 2

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

Issued in the city of Ramallah on 8 April, 2007 AD.

Mahmoud Abbas

Chairman of the Executive Committee of the Palestine Liberation Organisation

President the Palestinian National Authority

Commander-in-Chief of the Palestinian Forces

Decision No. () of 2007*

**The Chairman of the Executive Committee of the Palestine Liberation Organisation,
The President of the Palestinian National Authority,
The Commander-in-Chief of the Palestinian Forces,**

Having reviewed the *Amended Basic Law of 2003* and its Amendments,
Having reviewed *Law of the Service in the Palestinian Security Forces No. (8) of 2005*,
Based upon the powers bestowed upon me, and
In accomplishment of the public interest,

I hereby promulgate the following decision:

Article 1

The continuation of the assignment of direct supervision over the National Security Forces to the Minister of the Interior, in addition to the Internal Security Forces which are affiliated with the Ministry of the Interior.

Article 2

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

Issued in the city of Ramallah on 6 December 2007 AD.

**Mahmoud Abbas
Chairman of the Executive Committee of the Palestine Liberation Organisation
President the Palestinian National Authority
Commander-in-Chief of the Palestinian Forces**

* At the time of the finalisation of this collection, the decision had not yet been published in the *Official Gazette*.

III. The Legislative Framework of the PNA Security Forces

A. Administrative and Financial Management

1. LAWS

Law of Insurance and Pensions of the Palestinian Security Forces No. 16 of 2004

The President of the Palestinian National Authority,

Having reviewed the *Amended Basic Law*,
Having reviewed the *Law of Insurances and Pensions promulgated in the Decree Law No. 8 of 1964* and its Amendments,
Having reviewed the *Decision of the Chairman of the Palestine Liberation Organisation No. 6 of 1974*, which includes the *Law of the Pensions of the Officers of the Palestine Liberation Army*,
Having reviewed the *Decision of the Chairman of the Palestine Liberation Organisation No. 7 of 1974*, which includes the *Law of the Pensions of the Non-commissioned Officers and Soldiers of the Palestine Liberation Army*, and
Based upon approval of the Legislative Council during its session of 22 December, 2004,

I hereby promulgate the following law:

Chapter I. Definitions

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:

Supreme Commander:	The Supreme Commander of the Palestinian security forces and the Palestine National Liberation Army.
Commander-General:	The Commander-General of the Palestine National Liberation Army.
Army:	The Palestine National Liberation Army.
Security Forces:	The Palestinian Security Forces inside Palestine.

Fund:	The Fund of Insurance and Pensions.
Primary Beneficiary:	The officers, non-commissioned officers and members of personnel of the Security Forces and the Army.
Entitled Person:	The heir who shall be entitled to a share of his testator's (the primary beneficiary) monthly pension after his death.
Contingent Beneficiary:	The person who shall be entitled to an insurance benefit, which is paid in the event of the death of the primary beneficiary during service.
Salary:	The basic salary to which the increment of the nature of work, the regular increment and the increment of the high cost of living are added.
Pension:	The amount which shall be paid pursuant to the provisions of this law to the primary beneficiary or the entitled person on a monthly basis.
Age and Duration:	To be counted in accordance with the solar calendar. When calculating the age in the absence of the date of birth, such date shall be considered the 1 st of July of the same year. When a birth certificate is not available, the age shall be estimated by the Medical Committee.
Previous Laws and Regulations:	<ul style="list-style-type: none"> • The <i>Law No. 8 of 1964 Concerning the Fund of Insurance and Pensions under the Administration of the Governor-General of the Gaza Strip.</i> • <i>Decision of the Chairman of the Palestine Liberation Organisation No. 6 of 1974, which includes the Law of the Pensions of the Officers of the Palestine Liberation Army.</i> • <i>Decision of the Chairman of the Palestine Liberation Organisation No. 7 of 1974, which includes the Law of the Pensions of the Non-commissioned Officers and Soldiers of the Palestine Liberation Army.</i>
Martyr:	Any officer, non-commissioned officer or member of personnel of the Palestinian security forces who is injured during military training or operations or during the performance of his national duty.

Missing:	Any officer, non-commissioned officer or member of personnel of the Palestinian security forces whose death cannot be verified. The missing shall be deemed a martyr after a period of three (3) years from the date of his going missing.
Insurance:	The financial amount which the Fund pays to the primary beneficiary or the entitled person pursuant to the provisions of this law.
Regulation of Retirement:	The <i>Law of Insurance and Pensions</i> or any other law, bylaw or regulation of retirement.

Chapter II. Persons Subject to the Provisions of this Law

Article 2

The following categories shall benefit from the provisions of this law:

1. Officers, non-commissioned officers and members of personnel of the security forces.
2. Civil employees who work in the security forces.
3. Beneficiaries from the provisions under the *Law No. 8 of 1964* from the date of the benefit until the date of the end of their service or the end of their contribution payments. These are:
 - a) Officers, non-commissioned officers and members of personnel of the security forces.
 - b) Civil employees who work in the security forces.
4. Officers, non-commissioned officers, members of personnel and civil employees of the security forces who worked for the Palestine Liberation Army.
5. Officers, non-commissioned officers and members of personnel of the Palestine Liberation Army who benefit from the provisions under the *Law No. 8 of 1964 Concerning the Fund of Insurance and Pensions under the Administration of the Governor-General of the Gaza Strip in Cairo pursuant to the decision of the Minister of War of the Arab Republic of Egypt of 1974*, from the date of the benefit until the end of their service or the end of their payments of contributions.

Article 3

Any primary beneficiary set forth under paragraphs 3, 4 and 5 of the preceding Article who receives his pension pursuant to previous laws and regulations shall have the following options:

1. Be treated pursuant to the provisions of this law on the condition that he pays his due contributions pursuant to the laws, bylaws and regulations in force.
2. If he is not willing to pay the contributions set forth under paragraph 1 of this Article, he may be treated pursuant to the provisions of this law as of the date of his enlistment in the security forces.

Chapter III. Periods of Service for Pension and Admission to Retirement

Article 4

The following periods of service shall count for the pension and the admission to retirement:

1. Periods of service under this law.
2. Periods of service preceding the enforcement of this law spent under the National Authority.
3. Periods of service admissible for retirement pursuant to any previous law of retirement, on the condition of the payment of pension contributions and returns.
4. Periods of service spent with the Palestine Liberation Army, on the condition of the payment of pension contributions and returns.
5. Periods of military service spent with the factions of the Palestine Liberation Organisation, on the condition of the payment of pension contributions and returns.
6. Periods of previous service of freedom fighters who returned to the homeland, in accordance with the periods upon which their return was determined or in accordance with their rank, on the condition of the payment of pension contributions and returns.
7. Periods of service spent by a primary beneficiary in prison, provided that the government pays his pension contributions and returns in full, which shall be counted on the basis of the period of service counted for the full pension.
8. Periods of service spent by a primary beneficiary on a paid or unpaid official mission, secondment or leave, on the condition of the payment of pension contributions and returns in accordance with the provisions of this law.
9. If a primary beneficiary was paid any remuneration to which he was entitled during a previous period, he must return the amounts paid to him to the Fund of Insurance and Pension in order that such previous periods are included. They shall be counted in accordance with the last salary earned by the primary beneficiary.

Article 5

The following periods of service shall not count for the pension:

1. Periods of service spent by a primary beneficiary before he reaches eighteen (18) years of age.
2. Periods of service after the age of retirement in a manner that does not contradict the provisions of this law.
3. Unpaid periods of imprisonment or suspension from work for criminal reasons.
4. Periods of service which are not settled in financial terms with the primary beneficiary, taking into consideration the provisions under paragraph 2 of Article 3.

Article 6

1. The Government and the employing authorities shall pay into the Fund pension contributions and returns of primary beneficiaries for periods of service preceding the enforcement of this law, pursuant to the provisions of this law.
2. In addition, they shall pay pension contributions and returns for the periods of service set forth in Article 4.

Chapter IV. Medical Committees

Article 7

The following medical committees shall be formed at the command level of the security forces:

1. The Military Medical Committee.
2. The High Military Medical Committee.

Article 8

The Military Medical Committee shall be formed by decision of the Director-General of the Security Forces and upon the recommendation of the Director of the Military Medical Services. The Military Medical Committee shall consist of three (3) military physicians of various specialisations. The most senior physician on the Military Medical Committee shall be its Head, provided that his rank is not below that of Lieutenant-Colonel. The Military Medical Committee may seek assistance from specialists in accordance with the medical case in question.

Article 9

The Military Medical Committee shall be responsible for determining the following:

1. Physical fitness for military service and the criteria for officers, non-commissioned officers and members of personnel of the security forces.
2. Types of injury or illness.
3. Types of disability and their degree.
4. Cause of injury or death resulting from accidents during or because of service.
5. The age of a primary beneficiary if the official birth certificate is not available.

Article 10

Injury, martyrdom or death resulting from military operations shall be confirmed by a report of the commander of the primary beneficiary's unit. The report shall include the location, time and circumstances surrounding the injury or death and be approved by the commander of the region or the organisation. If injury leads to the end of service due to physical unfitness, this shall be confirmed by a decision of the Military Medical Committee.

Article 11

The primary beneficiary shall be notified of the decisions of the Military Medical Committee. He shall have the right to appeal such decisions before the High Military Medical Committee within thirty (30) days from the date of his receipt of notification.

Article 12

The decisions of the Military Medical Committee shall be confirmed by a decision of the Director-General of the Security Forces. Upon confirmation and the expiration of the period of appeal, they shall be final.

Article 13

If the Military Medical Committee is unavailable, injured or ill, members of the security forces shall be referred to the Central Civil Medical Commission, which shall examine their health conditions and fitness for service, as well as the type of disability and its degree. The report of the Central Civil Medical Commission shall be confirmed by a decision of the Director-General of the Security Forces, which shall be final.

Article 14

The High Military Medical Committee shall be formed by a decision of the Commander-General to include the following:

1. A representative of the Commission of Organisation and Administration.
2. A representative of the Commission of Insurance and Pensions.
3. Three military physicians not involved in the case referred to it, provided that one of them is a specialist therein. The most senior physician shall be the head of the Committee, provided that his rank is not below that of Lieutenant-Colonel.

Article 15

The High Military Medical Committee shall be responsible for the following:

1. Examining the decisions of the Military Medical Committees referred to it by the Director-General of the Security Forces to determine the type and degree of the disability of a person entitled to a pension, insurance benefit or compensation, or any other decision referred to it.
2. Summoning the respective person and consulting with specialised experts.

Article 16

Upon confirmation by the Director-General of the Security Forces, the decision of High Military Medical Committee shall be final and may not be appealed.

Article 17

An order by the Director-General of the Security Forces shall regulate rules and criteria for the physical fitness of officers, non-commissioned officers and members of personnel, all related matters, the duties and procedures of the Military Medical

Committees, the confirmation procedures regarding their decisions and everything that is related to their work.

Chapter V. Entitlement to Insurance Benefits

Article 18

Insurance benefits for primary beneficiaries or persons entitled on their behalf shall be due in the following cases:

1. Death of the primary beneficiary before he reaches the age of retirement. In this case, the insurance benefit shall be paid to the legal heirs. If there are no legal heirs, the insurance benefit shall be paid to individuals appointed by the primary beneficiary.
2. End of service of the primary beneficiary before he reaches the age of retirement due to full disability to work. If the disability is partial, the primary beneficiary shall be entitled to half of the amount of the insurance benefit. Entitlement to insurance benefits shall be conditional upon a decision by the Military Medical Committee confirming the end of service of the primary beneficiary. The insurance benefit shall not be paid for purposely self-inflicted injuries.

Article 19

Insurance benefits shall not be made in the absence of an official age certificate of the primary beneficiary or an age estimate by the Military Medical Committee. The official age certificate must be submitted to the Commission of Organisation and Administration. If such document is not available, the primary beneficiary shall be referred to the Military Medical Committee for an estimate of age within three (3) months from the date of the enforcement of this law. If such a referral does not occur, the responsible officials shall be liable to disciplinary measures under this law. The decision of the Military Medical Committee shall be final even if a birth certificate or any other official document is submitted at a later stage. For the estimate of age, the Military Medical Committee shall take into account the date of birth on the primary beneficiary's personal identity card or passport.

Article 20

Insurance benefits shall be a percentage of the annual salary in conformity with the age. The insurance benefit shall be assessed on the basis of the last monthly salary of the primary beneficiary. In calculating his age, fractions of a year shall be counted as a full year.

Article 21

Primary beneficiaries whose services end due to physical unfitness resulting from an accident during service or because of it shall be awarded a financial compensation pursuant to the applicable Regulation of Retirement and the degree of the disability decided by the High Military Medical Committee.

Chapter VI. Pensions and Remunerations

Article 22

1. To enforce this law, the Commander-General, based upon the recommendation of the Committee of Officers, may retire on pension any officer who has completed the age set forth below, provided that he has spent no less than twenty (20) years in service:
 - Brigadier-General or above 55 years
 - Colonel 50 years
 - Lieutenant Colonel 48 years
 - Major 45 years
2. The Director-General of Public Security, based upon the recommendation of the Commission of Organisation and Administration, may retire on pension any non-commissioned officer or member of personnel who has completed the age set forth below, provided that he has spent no less than twenty (20) years in service:
 - Honour Officer 50 years
 - Adjutant 48 years
 - First Sergeant 46 years
 - Private/Sergeant 44 years

Article 23

The primary beneficiary shall be entitled to a pension upon the end of his service in the following cases:

1. If the period admissible for retirement is at least twenty (20) years.
2. In the case of reaching the age of retirement, if the period counted for the pension is fifteen (15) years or more.
3. In the case of the end of service due to dismissal by decision of the Commander-General or due to dispense of service if the period counted for the pension is fifteen (15) years or more.

Article 24

1. The pension shall be assessed on the basis of the last monthly salary of the primary beneficiary within the period of his service admissible for retirement.
2. If the table of salaries differs at any time from that which was applicable at the time of end of the service of the primary beneficiary, the pension shall be assessed on the basis of the new table of salaries as of the month in which it changed, whichever is better for the primary beneficiary.

Article 25

The pension shall be assessed as one (1) out of thirty-five (35) portions of the last monthly salary for each year of service.

Article 26

The maximum monthly pension shall not exceed eighty (80%) percent of the last monthly salary.

Article 27

In the event of the end of service resulting from physical unfitness or death, the pension shall be due regardless of the period of service. The pension shall be assessed on the basis of a minimum of forty (40%) percent of the last monthly salary or on the basis of the actual period of the primary beneficiary in service to which three (3) years shall be added. The pension shall be the greater of the two, provided that the added period does not exceed the period remaining for the primary beneficiary to reach the age of retirement.

Article 28

In the event of the end of service resulting from death or physical unfitness due to an accident during service or because of it, the pension shall be assessed on the basis of eighty (80%) percent of the last monthly salary regardless of the period of service. An accident occurring to the primary beneficiary during his travel to or return from work shall be considered an accident occurring during or because of service, on the condition that the primary beneficiary or, in the event of death, the administrator of his estate submits a comprehensive and detailed report on the circumstances of the accident. The report shall include the confirmation of the end of service by the commander of the region or organisation, the decision by the competent Military Medical Committee, and an investigation report by the Military Prosecution.

Article 29

In addition to the pension due pursuant to the provisions of this law, the following payments shall be made:

1. A personal increment for the primary beneficiary of ten (10%) percent of the amount of the pension during his lifetime.
2. A family increment for the primary beneficiary in accordance with the family increment applied to those primary beneficiaries in service.

Article 30

Persons entitled to a pension in the event of physical disability pursuant to the provisions of this law shall be subject to medical examination by the Military Medical Committee on a date set by the same. A pension shall be paid for the month which was set for medical examination and the following month. Thereafter, the pension shall only be paid if the state of disability continues. The entitlement shall be confirmed once the Military Medical Committee confirms the permanence of the physical disability.

Article 31

In the event of resignation from service, the pension shall be reduced by varying percentages in accordance with the relevant table attached to the Regulation of

Retirement. Once the beneficiary reaches sixty (60) years of age, the full amount of the pension shall be paid without reduction.

Article 32

1. If the service of the primary beneficiary ends before the period of service reaches the duration which would entitle him to a pension pursuant to the provisions of this law, he shall be entitled to a remuneration of service on the basis of fifteen (15%) percent of the last annual salary for each year of service. No remunerations shall be due if the period of service is less than three (3) years, except for persons reaching the age of retirement.
2. If the primary beneficiary ends his service before the end of three (3) years for any reason other than resignation or disciplinary dismissal without receiving any other payment pursuant to this law, he shall be entitled to remuneration assessed on the basis of ten (10%) percent of his last annual salary for each year of service.

Article 33

In assessing pensions, remunerations, insurance benefits or any other payments pursuant to this law, salary increases to which the primary beneficiary is entitled shall enter in the assessment of his last salary, even if they were not paid.

Article 34

In counting the period of service admissible for retirement, fractions of a month shall count as a full month.

Article 35

If the primary beneficiary or any other beneficiary dies, the entitled persons on his behalf shall have the right to receive a pension pursuant to the provisions of this law. The pensions shall be paid from the beginning of the month during which the death occurs, unless the beneficiary had received it in advance and died prior to the beginning of the month. In such a case, the pension shall be paid to the persons entitled on his behalf as of the beginning of the month following the date of death.

Article 36

The persons entitled to a pension pursuant to the provisions of this law shall be:

1. The widow or widows of the primary beneficiary or another entitled person.
2. His children and those whom he supports from among his brothers and who are younger than twenty-one (21) years of age at the time of his death.
3. His children and those whom he supports from among his brothers, who are older than twenty-one (21) years of age at the time of his death and who are enrolled in a university or institution of higher education, until they reach twenty-six years (26) of age or their education is completed, whichever occurs first. In such case, payments shall continue until the end of the month of October of the year during which the studies end. Pension payments shall continue to students who reach twenty-six years (26) of age within the

academic year until the end of the month of June of that year. Upon the end of the entitlement of students, the pension shall be assessed again regarding the remaining entitled persons who were present at the time of death of the primary beneficiary.

4. His children and those whom he supports from among his brothers, who are older than twenty-one (21) years of age at the time of his death and who are suffering from a physical disability which prevents them from earning a living. At the time of the claim, the degree of the disability shall be confirmed by a decision of the Military Medical Committee.
5. The widowed, divorced and unmarried from among his daughters and sisters. The brothers and sisters at the time of the death may not have a private income that equals or exceeds the amount of their pension claim. If the private income of each of his brothers and sisters is less than what each is entitled to, a pension shall be allocated and paid to each such brother or sister. An alimony shall not be deemed an income.
6. The parents. For the entitlement of the mother to be valid, she shall not be married to a man other than the father of the dead.

Article 37

1. The pension of the widow shall end upon her remarriage. Her pension claim shall be reinstated if she is divorced or widowed within a period of ten (10) years from the date of her remarriage.
2. The widow may not receive both the pension of her first husband and the pension of her last husband. In such case, the higher pension shall be granted to her.

Article 38

If a husband was prevented from working by a physical disability at the time of his wife's death, he shall be entitled to the legally defined amount upon his wife's death. The degree of the disability shall be confirmed by a decision of the Military Medical Committee. The husband's private income at the time of his wife's death may not exceed or equal the amount of his pension claim. If the private income is less than his pension claim, a pension in the amount of the difference shall be granted to him. In such case, the remainder of the wife's pension claim shall be distributed to the contingent beneficiaries in accordance with the amounts to which they would be entitled if the marriage had not existed.

Article 39

Pension payments to persons entitled on behalf of the primary beneficiary or another entitled person shall end once such persons become employed in any work and/or their income equals or exceeds the pension. If the income is less than their due pension, the difference shall be paid to them. Their claim to the payment of the pension shall be reinstated fully or partly to the extent that such income fully or partly discontinues.

Article 40

In the event of the suspension or end of the pension, the pension due for the month during which the suspension or end occurs shall be the pension of a full month. If the pension of an entitled person is distributed to contingent beneficiaries, the pension shall be assessed again from the beginning of the month following the date of the claim.

Article 41

A pension and an income, or two pensions, may be combined in the following cases:

1. If the two pensions are due on behalf of parents subject to the provisions of this law or any other law, provided that they do not exceed eighty (80%) percent of the higher of the two pensions.
2. If the two pensions are due for the widow in her capacity as a primary beneficiary and an entitled person on behalf of her husband, or if she receives her pension on behalf of her husband and her income, provided that they do not exceed eighty (80%) percent of her salary.
3. The entitled person shall have the right to combine his pension and his work or professional income if such work is temporary or provisional and if he is older than the age of retirement.

Chapter VII. Entitlements of the Missing

Article 42

If a primary beneficiary or another entitled person is missing, a monthly allowance equal to his monthly salary or pension shall be paid to his family or the persons entitled on his behalf. On the assumption of his death, payments shall be made as of the beginning of the month during which he went missing until such time as he appears or his death is proven in reality or *ipso facto*. For assessing the claims under the provisions of this law, the date of the end of service of the missing person shall be deemed to occur on the fourth anniversary of the date that he went missing or the date on which his death is proven in reality or *ipso facto*, whichever occurs first. The Financial Department shall continue the payment of salaries and in-kind payments to missing primary beneficiaries. The Fund of Insurance and Pensions shall pay the pensions and other entitlements of entitled persons pursuant to the provisions of this law.

Chapter VIII. Expiration of Pension Claims

Article 43

1. A member of the security forces who enters the service of any other state during his service without the approval of the Commander-General shall lose his pension claims.
2. A member of the security forces who enters the service of any other state after his end of service without the approval of the Commander-General shall lose his pension claims.

Article 44

A member of the security forces shall lose his pension claims, whether during service or after his retirement, if he is convicted by the competent Military Court of espionage or any other criminal offence that violates the security of the homeland.

Article 45

The primary beneficiary or the entitled person may not be deprived of the pension, remuneration or any other entitlement awarded to him under the provisions of this law except by a disciplinary action issued within three (3) months, except for the cases set forth in Articles 43 and 44.

Article 46

With reference to the provisions of Articles 43 and 44, the family of the primary beneficiary shall in all cases receive its monthly share of the pension on the assumption of the non-existence of the primary beneficiary, unless a contrary decision is issued thereof by the competent Military Court or the Commander-General based upon the recommendation of the Committee of Officers.

Article 47

Requests for the payment of pension claims, including pensions, remunerations, insurance benefits and any other entitlement, shall be submitted to the Fund within a period of three (3) years from the date of issuing the decision on the primary beneficiary's end of service, or from the death of the entitled person, or from the date of the due entitlement of the payment, whichever occurs first; otherwise the claim shall expire. Claiming any of the above payments shall equal claiming the remainder of all payments due from the Fund. The aforementioned period shall end for all entitled persons if any one of them appears on the scheduled date.

Article 48

Pension claims which the primary or contingent beneficiary does not assert within a period of five (5) years from the date of the notification of the assessment of the pension or from the date of the last payment shall expire.

Article 49

All pension claims and returns which are not paid under the provisions of this law shall return as revenues to the Fund.

Chapter IX. Reinstatement to Service

Article 50

If an entitled person is reinstated to service by any of the authorities which implement the provisions of this law after its enforcement, his pension shall be halted for the duration of his return to service.

Article 51

If an entitled person is reinstated to service and takes over functions the occupant of which benefits from the provisions of this law, the period of his service, whether consecutive or separate, shall be taken into account for the assessment of his pension, whichever is better for him.

Article 52

1. If a member of the security forces is reinstated to service following the enforcement of this law, but is not yet entitled to a pension, he may have this period of service counted, fully or partly, on the condition that:
 - a) He claims a pension within a period of one (1) year from the date of his reinstatement. He must return the amounts which he paid during his service, fully or partly, in accordance with his salary and age upon payment under the provisions of the law.
 - b) The primary beneficiary was subject to the provisions of this law during his former service. If his service ended without remuneration, such period shall be counted without the payment of any amounts thereof.
2. Upon the end of service of the primary beneficiary in the future, his pension for the two periods of service shall be assessed pursuant to the provisions of this law, whether as consecutive or separate, whichever is better for him. If he is not entitled to a pension, a remuneration of service shall be paid to him for the total of the two periods on the basis of his last salary, with the remaining installments being deducted from his remuneration or a remuneration for the period of his new service to which the total of installments that he paid for the period of his former service shall be added with the prescribed interest rate until the date of the end of service.

Chapter X. Grants and Additional Reimbursements

Article 53

1. In the event of the primary beneficiary's death, the payment of the net monthly salary to which he is entitled on the assumption that he is not dead shall continue without deduction of his due installments for the month of death, as well as the two (2) following months, on the scheduled dates. The payment shall be made to the widow if present. If there is more than one widow, the payment shall be divided amongst them equally.
2. In the event of the presence of minor sons or unmarried daughters from a woman other than the widow, they shall be entitled to what their mother was entitled to if she had not died or been divorced, pursuant to the provisions of this law. The claim shall be paid to the legal guardian if available. If not available, it shall be paid to the trustee.
3. In all cases, the payment may not exceed the salary of three (3) months. If the primary beneficiary has paid in advance the salary of the month during which the death took place, only the salary of the following two (2) months shall

be paid. The Central Financial Department and not the Fund shall continue grants which are paid under the provisions of this Article.

Article 54

In the event of the death of the entitled person, the Commission of Insurance and Pensions shall continue to pay the net monthly salary which was paid to him on the assumption that he is not dead pursuant to the provisions under the preceding Article. The Fund shall cover this.

Article 55

The Central Financial Department shall pay the funeral expenses of every primary beneficiary who dies during service. Such expenses shall be assessed on the basis of the salary of three (3) months. The General Commission of the Fund shall also cover the funeral expenses of a primary beneficiary on the basis of the pension of three (3) months. Such expenses shall be immediately reimbursed to the person who made them, whether it was the widow of the primary beneficiary, the widow of the entitled person, the most legally senior person in his family, or any other person.

Article 56

If the primary beneficiary's period of actual service exceeds the period of service that is admissible for retirement - twenty-eight (28) years - pursuant to the provisions of this law, or if the amount of the pension exceeds the maximum limit provided in this law, a remuneration of service shall be paid for the excessive period, the amount of which remuneration shall equal twenty (20%) percent of the annual salary for each year of excessive service.

Article 57

The service of primary beneficiaries under the provisions of this law shall end at sixty (60) years of age. A primary beneficiary may stay in service or be reinstated after retirement by a decision of the Commander-General based upon the recommendation of the Committee of Officers, provided that the period of his reinstatement is limited to five (5) years. Such period shall be a period of service admissible for retirement.

Chapter XI. Replacement of Pensions

Article 58)

Within two (2) years after the end of service, any entitled person may request either to have his pension paid in full or to replace a share of his claim thereto, provided that the replaced share does not exceed one-quarter (1/4) of the pension. The amount of the replacement shall be defined in accordance with the tables attached to the Regulation of Retirement and the age and health condition of the entitled person.

Article 59

The person requesting the replacement shall be referred to the Military Medical Committee for examination and health assessment. The request shall not be accepted unless his health condition is 'good' or 'medium'. In the latter case, the Military Medical Committee shall add to the age of the requesting person a number of years in accordance with his health condition.

Article (60

The types of replacement listed in the tables attached to the Regulation of Retirement, whether lifelong, for ten (10) years or for twenty (20) years, shall be determined in accordance with the expressed preference of the entitled person. The replacement shall become effective as of the date on which the amount of the replacement was agreed upon. From the paid pension, a sum equal to the replaced pension shall be deducted.

Article 61

Persons who are entitled on behalf of an entitled person whose pension is partly replaced shall have their claim assessed on the assumption that the entitled person does not replace anything, unless the entitled person requests a reimbursement from another party pursuant to other laws.

Article 62

Persons who are entitled on behalf of an entitled person may not replace their pensions.

Article 63

The replacement of a pension shall take place only once for each entitled person.

Article 64

The enforcement of the provisions of replacement shall be suspended for a period of five (5) years from the date of the enforcement of this law.

Article 65

Upon the expiration of the period referred to in Article 64, the entitled persons included under the period of suspension may replace their pensions, under the condition of the period set forth in Article 58 above.

Chapter XII. Loans

Article 66

The Fund may lend money to primary beneficiaries whose period of service exceeds three (3) years, for the duration of this service and within the credit limits and at the interest rate determined by the Board of Directors. The interest rate

shall not exceed three (3%) percent of the loan. The payment and satisfaction of the loans shall be within the following limits:

1. The salary of three (3) months for those whose period of service is from three (3) to five (5) years, to be paid within one (1) year.
2. The salary of four (4) months for those whose period of service is from five (5) to ten (10) years, to be paid within eighteen (18) months.
3. The salary of six (6) months for those whose period of service is from ten (10) to fifteen (15) years, to be paid within twenty-four (24) months.
4. The salary of eight (8) months for those whose period of service is over fifteen (15) years, to be paid within twenty-four (24) months.

Each loan shall be conditional upon the timely payment by the borrower of the loan and interest before the end of the service of the primary beneficiary.

Article 67

No new loan may be granted before the full satisfaction of the outstanding loan.

Article 68

If the service of the primary beneficiary ends for any reason prior to the full satisfaction of the loan and its interest, the remaining balance shall be deducted from the entitled remuneration, pension or insurance benefit which is due in case of death or dismissal from service because of disability to work or from any other entitlement.

Article 69

The remaining balance may not be deducted from the pension which is due for the heirs, except within the limits of one-quarter (1/4). If there are no other entitlements from which the balance can be deducted, the Fund shall deduct it from the revenues of the investment of its properties.

Article 70

The enforcement of the provisions pertaining to loans shall be suspended for a period of five (5) years from the date of the enforcement of this law.

Chapter XIII. General, Transitional and Concluding Provisions

Article 71

The Fund of Insurance and Pensions shall pay only those pensions and remunerations which are settled pursuant to the provisions of this law. The General Treasury shall pay what is granted in excess pursuant to special laws or decisions.

Article 72

Pursuant to the provisions of this law, the Fund of Insurance and Pensions shall pay on a provisional basis the share of the pension or remuneration which is undisputed until the final settlement is completed.

Article 73

Neither the Fund nor the concerned person may alter the amount of an insurance benefit, pension or remuneration upon the lapse of three (3) years from the date of the final notification of the assessment of the pension or from the date of the payment, except when resettling the amount of an insurance benefit, pension or remuneration through judicial decisions to the benefit of the concerned person and to correct material errors that occur during the settlement. In addition, the amount of an insurance benefit, pension or remuneration may not be altered through administrative decisions or other settlements after the end of service if such an alteration would reduce the salaries taken as the basis for assessing the insurance benefit, pension or remuneration.

Article 74

Pension contributions and returns, remunerations, pensions and all other payments set forth under this law shall be excluded from the basis for the tax assessment of salaries, with the exception of a legal provision which prescribes stamp fees. Forms, documents, certificates and publications, as well as all papers and applications pertaining to this law, shall be exempted from such fees.

Article 75

Pursuant to the provisions of this law, a bylaw shall determine the procedures for the payment of insurance benefits, pensions, remunerations, and all other expenses.

Article 76

The capital of replacements, remunerations, pensions, insurance benefits, grants, funeral expenses, and all other payments made pursuant to the provisions of this law shall be exempt from all taxes, charges and returns. Such exemption shall be also be valid regarding all payments to entitled persons and entitled heirs on behalf of primary beneficiaries or entitled persons.

Article 77

The General Commission of the Fund shall have the right to obtain the contributions by primary beneficiaries to the Fund, entitled persons or contingent beneficiaries from their salary, pensions, remunerations, insurance benefits or any other payments within the limits of one-quarter (1/4). Payments by the Fund may be made in instalments to primary beneficiaries in service or entitled persons in any manner which the Board of Directors deems fit.

Article 78

The immovable and movable properties of the Fund, as well as all its investments, shall be exempt from all taxes, fees and returns which the governmental authority or any other public authority may otherwise impose.

Article 79

Pursuant to the provisions of this law, the properties of the Fund shall be public properties; they may not be possessed, a real right may not be gained thereupon, and no seizure may be made thereupon.

Article 80

Pursuant to the provisions of this law, amounts which are due the Fund shall have the privilege over all properties of the debtor.

Article 81

Pursuant to the provisions of this law, any employee whom the Chairman of the Board of Directors or the Director-General of the Fund designates shall have the right to review and examine the registers, documents and books related to the enforcement of the provisions of this law. The employees of the relevant authorities must give the designated employees access to all data and registers which are required to be examined.

Article 82

The Chairman of the Board of Directors may refer to a disciplinary trial any employee assigned with the enforcement of this law or the decisions pertaining thereto, who refrains from their enforcement or neglects the duties thereunder. The Chairman of the Board of Directors may appeal the result of any investigation of an employee by a competent authority and refer him to a disciplinary trial, provided that such referral is made within two (2) months from the date of the notification of the authority of the result. In all cases, the employee shall cover the amounts which were not paid to the Fund due to his refusal or negligence along with an interest rate of three (3%) percent per annum from the due date. He shall also pay the aforementioned interest for the amounts which were not paid to the Fund on the deadlines set forth in this law. The Chairman of the Board of Directors shall have the right to waive the interest payments.

Article 83

Without prejudice to a severer penalty set forth by the *Penal Law* or the *Military Code in force in the Palestinian Security Forces*, anyone who in bad faith gives incorrect data or refrains from providing the necessary data required under this law or its bylaw and whose actions result in obtaining illegal payments from the Fund shall be liable to imprisonment for a period not to exceed three (3) months or a fine not to exceed five-hundred (500) Jordanian Dinars or the equivalent in legal tender or both.

Article 84

1. The contributions by each person subject to this law shall be the amount of ten (10%) percent of each such person's salary.
2. The contributions by parties responsible for the payment of salaries to the persons subject to this law shall be the amount of twelve and a half (12.5%) percent thereof.

Article 85

1. To enforce this law, pensions, remunerations, insurance benefits or any other payments shall be assessed in accordance with the following table of salaries until the approval of a law that regulates the military service and the salaries of military personnel:

Military Rank	Basic Salary	Increment of the Nature of Work
Major-General	4020	70%
Brigadier-General	3620	60%
Colonel	3320	50%
Lieutenant-Colonel	2820	40%
Major	2570	30%
Captain	2290	25%
First Lieutenant	2090	25%
Lieutenant	1960	20%
First Adjutant	1830	15%
Adjutant	1700	10%
First Sergeant	1570	10%
Sergeant	1490	10%
Corporal	1410	10%
Private	1330	10%

2. For the purposes of this law:
 - a) The regular increment shall be one and a quarter (1.25%) percent of the basic salary for all ranks stated in the table for each year of service.
 - b) The increment of the cost of living shall be assessed by the competent authorities in accordance with the bases of assessment applicable in the National Authority.

Article 86

The provisions of this law shall apply to military personnel older than forty-five (45) years of age at the time of the enforcement of the law.

Article 87

For the purpose of the enforcement of the provisions of this law, the provisions of the tables attached to the Regulation of Retirement shall be valid.

Article 88

The Council of Ministers shall issue a decision concerning the enforcement of this law.

Article 89

Every provision that contradicts the provisions of this law is hereby repealed.

Article 90

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

Issued in the city of Gaza on 28 December, 2004, corresponding to 16 Al-Qi'dah 1425 AH.

**Rawhi Fattouh
President the Palestinian National Authority**

***Law No. 16 of 2005 Concerning the Amendment of
Some of the Provisions of the Law of Insurance
and Pensions of the Palestinian Security Forces
No. 16 of 2004***

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

Having reviewed the *Amended Basic Law*,

Having reviewed the *Law of Insurance and Pensions of the Palestinian Security Forces No. 16 of 2004*, and

Based upon the approval of the Legislative Council during its session of 21 September, 2005,

I hereby promulgate the following law:

Article 1

1. A new paragraph 6 shall be added to Article 4 of the *Law of Insurance and Pensions of the Palestinian Security Forces No. (16) of 2004*, the provision of which shall be as follows:
 6. Periods of service spent in the Jordanian army with regard to those who joined the Palestinian revolution, but to whom the Jordanian army did not pay pensions or remunerations for the expiration of service, on the condition of the payment of pension contributions and returns.
2. Paragraphs 6 to 9 in Article 4 of the *Law of Insurance and Pensions* mentioned above shall become paragraphs 7 to 10.

Article 2

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

Issued in the city of Ramallah on 23 October, 2005 AD, corresponding to 20 Ramadan 1426 AH.

**Mahmoud Abbas
Chairman of the Palestine Liberation Organisation
President the Palestinian National Authority**

*Law of Public Retirement No. 7 of 2005**

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

Having reviewed the *Amended Basic Law*,
Having reviewed the *Law of Insurance and Salaries No. 8 of 1964* and its Amendments in force in the Governorates of Gaza,
Having reviewed the *Law of Civil Retirement No. 34 of 1959* in force in the Governorates of the West Bank,
Having reviewed the *Law of Insurance and Pensions of the Palestinian Security Forces No. 16 of 2004*,
Having reviewed the *Law of Civil Service No. 4 of 1998* and its Amendments,
Having reviewed the draft law submitted by the Council of Ministers, and
Based upon the approval of the Legislative Council during its session of 7 April 2005,

I hereby promulgate the following law:

Part I. Definitions and the Scope of the 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:

National Authority:	The Palestinian National Authority.
President:	The President of the National Authority.
Government:	The Council of Ministers of the National Authority.
Prime Minister;	The Head of the Government.
(...)	(...)
Treasury:	The Treasury of the National Authority.
Employee:	Any person who is appointed by decision of a competent authority to occupy a function included in the regulation of the structures of civil or military functions under the budget of a governmental department, whatever be the nature of such function or its name, or any other employee subject to the <i>Law of Public Retirement</i> pursuant to laws and bylaws.

* This collection only contains the parts of the law relevant to security sector governance.

Governmental Department:	Any ministry, department, public institution, authority, commission, or other party whose budget is part of the General Budget of the National Authority or attached thereto.
Pensioner:	Any employee who is retired pursuant to the provisions of the law.
Subscriber:	Any employee who subscribes to the system of public retirement and to whom the provisions of this law apply.
(...)	(...)
Beneficiary:	Any person who receives retirement benefits following the enforcement of this law, which includes the pensioner and those entitled to a pension pursuant to the provisions of this law.
Salary:	The monthly amount which an employee earns and from which the contributions are deducted, including the basic salary and the fixed increments (which is the increment of the nature of work), periodic increments and the increment of the cost of living.
Subscriber's Contribution:	The sum which is deducted from the salary of an employee on a monthly basis pursuant to the provisions of this law.
Government's Contribution:	The monthly sum which is paid by the Treasury of the National Authority for the benefit of an employee.
Obligatory Contribution:	A sum or percentage of the salary which an employee must pay as his contribution for the benefit of the basic salary account. The Government shall deduct and deliver the percentage to the Commission.
Optional Contribution:	A sum or percentage of the salary which an employee requests the Government to deduct from his salary in an optional manner. It shall be transferred to his account.
Retirement Returns:	Interest and profits due from the investments of any sum belonging to the basic retirement system and the designated sums in the account of an employee.
Retirement Pension:	The due monthly sum, the amount of a one-time payment or a combination thereof, paid to public sector employees or any other category included in the provisions of this law.

Retirement of Successors:	The amount of the retirement pension which the successors of a deceased employee receive pursuant to the provisions of this law.
Age of Early Retirement:	Any age less than the age of compulsory retirement, which allows an employee to retire on pension, receive a retirement pension, and benefit from other retirement contributions, shares, returns and benefits, pursuant to the law.
(...)	(...)
(...)	(...)
Entitled Persons:	Persons who are entitled to benefit from the basic retirement pension and the funds accumulated in the optional account of a retired employee.
Investments:	The sums which the Commission instructs investment experts (the investment manager or managers) to invest for the benefit of an employee on his behalf in the domains and places determined pursuant to the provisions of this law and its bylaws.
Years of Retirement Service:	The period of service that is admitted for retirement pursuant to the provisions of this law, the due financial amounts of which were paid in full to the Commission.
Commission:	'The Palestinian Retirement Commission,' which shall be established pursuant to the provisions of this law.
Accounts:	The accounts of previous retirement systems pursuant to the <i>Law No. 34 of 1959</i> and the <i>Law No. 8 of 1964</i> , in addition to the accounts of the new systems, which are the 'Defined Benefit System' and 'Defined Contribution System', pursuant to the provisions of this law.
(...)	(...)
(...)	(...)
Public Directorate of Salaries:	The authorised department at the Ministry of Finance which prepares and pays the salaries of public sector employees.
Military Financial Administration:	The financial administration which implements the budget of the military sector, including the preparation and payment of the salaries of military officers.
(...)	(...)

(...)	(...)
Other Systems:	Any retirement system other than the system set forth in this law.
(...)	(...)
(...)	(...)
Record of Consumer Prices:	The record of prices assessed and published by the Palestinian Central Bureau of Statistics.
Defined Benefits:	The returns which are previously identified and guaranteed to be granted to the employees included in this law by the Commission, pursuant to the provisions of this law.
Defined Benefit System:	The retirement system in which a pensioner has the right to receive a retirement pension or remuneration that is determined and assessed on the basis of his salary and years of service, pursuant to the provisions of this law.
Defined Contributions:	The defined percentage of the salary which an employee under the provisions of this law pays on a monthly basis as a contribution, which is registered in his account at the Commission.
Defined Contribution System:	The retirement system in which an employee under the provisions of this law chooses to contribute a determined amount of his salary, so that the pensioner obtains such amount in full upon retirement, in addition to the contribution of the Government and the retirement returns.
(...)	(...)
(...)	(...)
Public Sector:	The public sector includes the employees of the civil sector and Palestinian security officers, as well as the employees of the Palestine Liberation Organisation who assume responsibilities abroad and whose salaries are paid from the budget of the National Authority, provided that they do not subscribe to other governmental retirement systems.

Article 2

The provisions of this law shall apply to all public sector employees, employees of local bodies and non-governmental and civil society organisations subscribing

to the retirement system in accordance with its provisions, which shall provide retirement benefits in the following cases:

1. Retirement on pension.
2. Infirmity or disability to work.
3. Death.

Part II.

Chapter I. Establishment of the Commission and its Duties

Article 3

1. Pursuant to the provisions of this law, a commission called the 'Palestinian Retirement Commission' shall be established. It shall enjoy juridical personality, financial and administrative independence, and legal eligibility, so as to commence all acts and practices which are necessary for the achievement of its purposes, including the possession of movable and immovable properties that are necessary for the progress of its work, and to exercise its activity pursuant to the provisions of the law.
2. The main office of the Commission shall be in the city of Jerusalem. The Commission shall have the right to open branch offices in other Governorates.
3. The Commission shall enjoy exemptions and facilities granted to ministries and governmental departments, as well as all other exemptions granted pursuant to the law.

Article 4

The funds of the Commission shall be from the following resources:

1. Subscriptions deducted on a monthly basis from the salaries of the beneficiaries under the provisions of this law.
2. Contributions delivered by parties responsible for the salaries of the beneficiaries.
3. Yields of investments of the Commission.
4. Other resources resulting from the activity of the Commission.

Duties of the Commission

Article 5

The Commission shall perform the following duties:

1. Regulate, manage, and supervise the retirement system pursuant to the provisions of this law.
2. Ensure that assets are invested in a manner that safeguards capital and guarantees the achievement of the highest possible return, taking into consideration factors which may affect the funding of the Commission, its

capacities and its ability to meet financial needs and requirements, pursuant to a regulation to be issued in this regard.

3. Exercise all tasks assigned to it with the highest professional responsibility in due form.

Article 6

The Commission and its departments shall be prohibited from exercising any acts, powers or activities that do not conform to the objectives of the Commission. It shall also be prohibited from any borrowings in order to fund its operational budget.

Article 7

The running budget of the Commission shall be funded by the subscribers' contributions, provided that such contributions do not exceed two (2%) percent of the subscriptions during each fiscal year. The Commission shall be obliged to obtain the approval of the Legislative Council in advance in such cases of compelling necessity and if the running budget requires that such percentage be exceeded.

Chapter II. Subscribers

Article 8

1. The following categories shall benefit from the provisions of this law:
 - a) Civil employees and Palestinian security officers, who earn their salaries from the General Budget.
 - b) Employees of the Palestine Liberation Organisation, who assume responsibilities abroad and whose salaries are paid from the General Budget, provided that they do not subscribe to other governmental retirement systems.
 - c) Employees of local bodies and public institutions, which explicitly require employees to subscribe to the retirement system pursuant to the provisions of this law.
2. Non-governmental civil society institutions may include their employees in this law. A bylaw thereof shall be issued by the Council of Ministers.

Article 9

The following categories shall not benefit from the provisions of this law:

1. Public sector employees, who are older than forty-five (45) years of age on the date of the enforcement of this law. Those employees shall continue their financial contributions and obtain their retirement benefits pursuant to the laws to which they are subject.
2. Subscribers who are appointed or transferred to work in an institution or commission whose employees are not subject to the provisions of this law.

Article 10

Any subscriber to this system may subscribe to other non-governmental retirement systems.

Chapter III. Accounts

Article 11

The retirement system shall be comprised of:

1. The Defined Benefit System.
2. The Defined Contribution System.

Article 12

The Commission shall establish the following accounts:

1. A special account for the entitlements and contributions of subscribers to the previous retirement system under the *Law No. 8 of 1964* (the ten (10%) percent system).
2. A special account for the entitlements and contributions of officers, non-commissioned officers, and members of personnel of the Palestinian Security Forces pursuant to the *Law of Insurance and Salaries of the Palestinian Security Forces No. 16 of 2004*.
3. A special account for the entitlements and contributions of subscribers to the previous retirement system under the *Law of Civil Retirement No. 34 of 1959* (the two (2%) percent system).
4. A special account for the purposes of the 'Defined Benefit System' set forth under this law.
5. A special account for the purposes of the 'Defined Contribution System' set forth under this law.

Chapter IV. Tax Transaction

Article 13

1. The investment revenues of the Commission and retirement pensions shall be exempt from income tax.
2. The contributions of the subscriber shall be subject to income tax.

Article 14

The Commission shall collect its funds pursuant to the laws and regulations concerning the collection of public funds.

Part III. The System of Public Sector Employees

Chapter I. Contributions

Article 15

The percentage of the compulsory contribution shall be equal for all beneficiaries.

Article 16

The salary shall be the basis for the assessment of the percentage of the contribution of the subscriber, the Government or any other party which is responsible for the salaries of the employees.

Article 17

1. The compulsory contribution by the Government to the Defined Benefit System shall be nine (9%) percent of the salary.
2. The compulsory contribution by the subscriber to the Defined Benefit System shall be seven (7%) percent of the salary.

Article 18

The compulsory contribution by the Government to the Defined Contribution System shall be three (3%) percent and the compulsory contribution by the subscriber shall be three (3%) percent of the salary. The subscriber shall be entitled to contribute any other additional percentages, provided that no such contributions will incur any additional financial obligations on the part of the Government.

(...)

Chapter IV. The Benefits

Article 25

1. The subscriber shall have the right to obtain retirement benefits in the Defined Benefit System in accordance with the following:
 - a) An infirmity pension to be assessed on the basis of two (2%) percent for each year of service from the average salary of the last three (3) years of service counted for retirement.
 - b) The subscriber shall have the right to obtain a physical disability pension at an average of two (2%) percent for each year of service from the average salary of the last three (3) years of service. The years of service counted for retirement shall be the number of the actual years up to the date of injury or disability, to which half of the remaining years up to the age of compulsory retirement shall be added, provided that the number of years of service counted for retirement does not exceed thirty-five (35) years.

2. If three (3) years of service are not available for assessing the average salary, benefits shall be assessed on the basis of the average salary for the actual years of service.
3. In case of death, successors shall receive the same amount of retirement pension which the deceased would have earned if he had retired on pension before his death. If the subscriber dies during actual service, the retirement pension shall be assessed in accordance with the bases approved for the assessment of the salary of physical disability set forth under paragraph 1, clause (b). The retirement pension and insurance sum shall be distributed to entitled successors in accordance with Table 2 in Article 34.
4. In addition to the benefits set forth under paragraph 1, the subscriber shall, in case of death or physical unfitness due to a permanent disability resulting from a work injury or accident during work or due thereto, be entitled to obtain an insurance sum through the Commission that is equal to the percentage of the annual salary based upon age in accordance with Table 1:

Table 1
Percentages of Insurance Sums

Age up to age	Percentage of the insurance sum %	Age up to age	Percentage of the insurance sum %
25	267	43	147
26	260	44	140
27	253	45	133
28	247	46	127
29	240	47	120
30	233	48	113
31	227	49	107
32	220	50	100
33	213	51	93
34	207	52	87
35	200	53	80
36	193	54	73
37	187	55	67
38	180	56	60
39	173	57	53
40	167	58	47
41	160	59	40
42	153	60	33

Note: For the determination of the age, the fractions of a year shall be deemed a full year.

5. The successor shares of the retirement pension shall be paid as follows:
 - a) To the widow, widows or daughters if they are married.
 - b) If any dependent sons, daughters or siblings reach twenty-one (21) years of age without being enrolled in universities or twenty-six (26) years of age if any enrolls in a university or higher institute.
6. Benefits shall be modified by decision of the Council of Ministers at least once every three (3) years in accordance with the increase or decrease in the average record of the consumer prices in the National Authority within such period.

Article 26

The Defined Contribution System:

1. The subscriber, as he reaches the age of compulsory retirement, shall be entitled to the whole sum accumulated in his name in the special account set forth under paragraph 5 of Article 12, including the share of the employee, the share of the Government, and the pension returns. He shall have the right to choose between one of the following options:
 - a) The whole sum as one payment upon retirement.
 - b) A monthly sum throughout his lifetime or as per a timetable to be agreed upon.
 - c) A combination of the options set forth under (a) and (b) above.
2. In the event of disability, the subscriber shall be able to withdraw the whole sum as one payment.
3. If the subscriber dies, the beneficiaries or entitled persons shall receive the whole sum as one payment, which shall be paid in accordance with the Table 1 in Article 34 less the total amount of payments, if any, already paid to the subscriber in his lifetime.

Chapter V. Eligibility to Benefit from a Retirement Pension

Article 27

Eligibility to benefit from the pension of compulsory retirement shall be determined as follows:

1. The compulsory age for retirement shall be sixty (60) years, provided that fifteen (15) years of service admissible for retirement are available with all due contributions being paid.
2. Subscribers who complete twenty (20) years of service admissible for retirement and who reach fifty-five (55) years of age shall receive an infirmity retirement pension.

3. The minimum amount of years of contribution to receive an infirmity retirement pension shall be twenty-five (25) years of service admissible for retirement. Eligible subscribers must reach fifty (50) years of age.
4. Subscribers who complete twenty (20) years of service admissible for retirement and who reach fifty (50) years of age may receive an infirmity retirement pension if they worked in the following functions:
 - a) Officers of the Security Forces.
 - b) Laboratories and X-ray centers.
 - c) Employees of oil and gas drillings.
 - d) Miners.
5. If a subscriber reaches sixty (60) years of age and is not eligible for a retirement pension, he shall obtain his contribution together with simple interest as one payment in the year during which he reaches sixty (60) years of age.

Article 28

In case of resignation, the retirement pension entitlements shall be paid as follows:

1. Defined Benefit System:
 - a) If an employee resigns before he becomes entitled to a retirement pension, it shall be possible, with the agreement of the employee, to transfer all years of service counted for his account and for which financial contributions are paid in accordance with the effective Defined Benefit System to a new substitute benefit system, to which the employee may subscribe, or to any similar system in force in the private sector.
 - b) If funding is not available for the former employee, the Commission shall return the whole contribution of the employee, to which interest shall be added, on the date closest to the death of the employee, his disability or his reaching the age of compulsory retirement.
 - c) If a former employee rejoins service, previous years of service which were not transferred to the substitute retirement system shall be counted as if interruption had not taken place.
 - d) Without prejudice to paragraph (a), a subscriber who resigns from service and has three (3) years of service or less may request the payment of his whole contribution in the Defined Benefit System, provided that the subscriber pays the contributions, all at once or per monthly payments to be agreed upon, and provided further that he returned to service within five (5) years from receiving the return of contribution. When the subscriber withdraws his contribution, the contribution of the Government shall be deemed irregular revenues for the Commission.
2. Defined Contribution System:
 - a) If an employee resigns before he becomes entitled to a retirement pension, it may be possible, with the agreement of the employee, to transfer his account balance in the Defined Contribution System to any subsequent substitute system to which the employee may subscribe.

- b) Before such transfer, the former employee shall have the right to keep all entitlements of the amount accumulated in the account and the right to continue to control the investment of it.
- c) If an employee does not transfer the account balance to a subsequent substitute system, the Commission shall pay him the sum in the event of death, disability or reaching the age of compulsory retirement. The amount of the transferred benefits shall include the account balance on the date of resignation, in addition to all obligations and returns resulting from the account.
- d) The Commission shall have the right to close the account of a resigning employee and to distribute the balance in the case of death, as set forth in the regulations and instructions.
- e) The provisions of this Article shall apply to persons resigning from work in an optional or obligatory manner.

Article 29: Eligibility to Benefit from a Disability Retirement Pension

Eligibility to obtain a retirement pension in case of a permanent partial or full physical disability shall be determined by a specialised medical committee appointed by the Commission, provided that the employee:

- 1. Is younger than sixty (60) years of age.
- 2. Is ineligible to receive an infirmity or early retirement pension.
- 3. Had his physical disability confirmed by a specialised medical committee appointed by the Commission, provided that his condition is to be examined again in accordance with the decision of the medical committee.

(...)

Article 31: Eligibility to Benefit from a Successor Retirement Pension

- 1. Successors shall be entitled to receive the successors' retirement pension if the deceased was receiving a retirement pension at the time of death or if he was eligible to receive a retirement pension in accordance with the Defined Benefit System pursuant to the provisions of this law.
- 2. If the number of successors changes, the retirement pension shall be assessed again prospectively and distributed to the successors in order to preserve equal shares for the entitled successors in accordance with Table 2 in Article 34.

Article 32

The entitled successors shall be the following:

- 1. The widow or widows of the subscriber.
- 2. Children and siblings younger than twenty-one (21) years of age supported by the subscriber prior to his death.
- 3. Children and siblings younger than twenty-one (21) years of age or younger than twenty-six (26) years of age if pursuing their higher education, supported by the subscriber prior to his death.

4. Children and siblings supported by the subscriber prior to his death and who are unable to earn a living by virtue of physical reasons. A medical committee appointed by the Commission shall determine whether their health condition impedes them from working.
5. Unmarried, divorced or widowed female daughters and siblings.
6. The parents of the subscriber.
7. The husband of the female subscriber, if he was at the time of her death unable to earn a living in physical terms or unable to support himself in accordance with the report of a medical committee appointed by the Commission.

Article 33

Additional conditions to benefit from the successors' retirement pension:

1. The payment of the retirement pension to the widow shall cease upon her remarriage. Her entitlement to the retirement pension shall be recovered if she is thereafter divorced or widowed for the first time within ten (10) years from the date of her remarriage. If the share of the widow was paid to the children of the pensioner or the parents, only the remaining part of her retirement pension shall be returned to her without redemption.
2. The widow may not combine the retirement pension from her first husband and the retirement pension from her last husband. In such case, the higher retirement pension shall be paid to her.
3. Upon the death of the subscriber, there shall be no income of the partner's brothers, daughters and sisters or their income shall be less than the amount of their entitlement. For such purpose, the maintenance that is paid for the daughters and sisters shall not be deemed an income. The beneficiary must prove that he does not receive an income or that his income is less than the amount of his entitlements by means of a testimony from the concerned party which supports his declaration. If a private income is available, the amount of that income shall be deducted from the retirement entitlement. The retirement entitlement shall be assessed again on an annual basis in light of changes taking place regarding the income, whether increasing or decreasing.
4. In order to obtain the successors' retirement pension, the entitlement of the mother shall be conditional upon her not being married to any person other than the father of the deceased.
5. The pension of the daughters and sisters shall be halted upon their marriage. The daughter or sister shall be granted the retirement pension to which she was entitled if she is divorced or widowed within a period not to exceed ten (10) years from the date of marriage or from the date of the death of the beneficiary or pensioner, whichever first occurs, without prejudice to the rights of the remaining entitled persons.
6. The husband, upon the death of his wife, shall be entitled to the share which is determined in Table 2 in Article 34, if he was at the time of her death suffering from a physical disability prohibiting him from earning a living. The state of his disability shall be proven by a decision of a medical committee appointed by the Commission. At the time of death, he shall not have a

private income which is equal to or exceeds the amount of his entitlement to the retirement pension. If the income is less than the amount to which he is entitled, a retirement pension shall be paid to him in the amount of the difference. In such case, the remainder of the retirement pension due to the wife shall be distributed to the beneficiaries within the limits set forth in the aforementioned table without the presence of the husband.

Article 34

The retirement pension shall be distributed to the successors in accordance with the following table:

Table 2
Due Shares in the Retirement Pension

Case Number	Entitled Persons	Widows	Children	Parents	Siblings
1	Entitled widow or widower or spouse and more than one son	Half	Half	—	—
2	Entitled widow or widows or spouse and one son and parents	Half	One-third	One-sixth for each one of them	—
3	Entitled widow or widows or spouse and one son	Half	One-third	—	—
4	Entitled widow or widows or spouse or more than one child and parents	One-third	Half	One-sixth for each one of them	—
5	Widow or widows or entitled spouse and parents without presence of children	Half	—	One-sixth for each one of them	—
6	More than one child and parents without presence of an entitled widow or spouse	—	Three-quarters	One-sixth for each one of them	—

7	One child and parents without presence of an entitled widow or spouse	—	Half	One-third for each one of them	—
8	Parents without presence of an entitled widow or spouse	—	—	One-third for each one of them	—
9	A brother or sister without presence of an entitled widow or spouse with no children nor parents	—	—	—	One-sixth
10	More than one brother or sister without presence an entitled widow or spouse with no children or parents	—	—	—	One-third in equal proportion

Article 35

1. In the event of marriage or death of a widow upon her entitlement to a retirement pension, her share shall devolve to the children of the pensioner who receive retirement pensions at the time of her marriage or death. Her share shall be distributed among them in an equal manner, provided that the total of their entitlements does not exceed the rates detailed in Case No. 6 or Case No. 7 in Table 2 above. This provision shall apply to the entitled husband in case of his death.
2. If the amount granted to the parents in Case No. 4 in Table 2 above is lower than one-sixth (1/6) as a result of an income, the remainder shall be returned to the widow.
3. Upon the death of one of the parents in Case No. 4 in Table 2 above, his share shall devolve to the widow. If she is deceased or married, such share shall devolve to the children, provided that the total of their entitlements does not exceed the rates detailed in Case No. 6 or Case No. 7 in Table 2 above.
4. The entitlement of the brothers and sisters to a retirement pension shall be proven by the support of the testator during his lifetime.

Article 36: Eligibility to Benefit from Early Retirement Pension

1. Civil employees included in the law may receive an early retirement pension following approval by the Commission, the completion of fifteen (15) years of service counted for retirement, and reaching fifty-five (55) years of age. In such case, the retirement pension in accordance with the Defined Benefit System shall decrease by four (4%) percent for each year or portion thereof until reaching the age of compulsory retirement, sixty (60) years.

2. The Security Forces included in the law may receive an undiminished early retirement pension following approval by the Commission, the completion of fifteen (15) years of service counted for retirement and reaching fifty (50) years of age.
3. If an officer of the Security Forces wishes to work in another sector subject to the Defined Benefit System, all years of military service shall be transferred to the new sector and counted for retirement.
4. If an officer of the Security Forces does not become a member of a new retirement system, the Commission must return all of the sums which accumulated for him, in addition to the investment revenues, as per the status of the military officer and the provisions of the law.
5. If an officer of the Security Forces resigns from his function, his account balance in the Defined Contribution System shall be transferred to the new Defined Contribution System to which he subscribes.
6. If an officer of the Security Forces does not subscribe to another retirement system of the Defined Contribution System, the Commission shall pay to him the account balance in accordance with his status and pursuant to the provisions of the law.

(...)

Part VII. General and Transitional Provisions

Chapter I. Special Arrangements for Officials of the Palestine Liberation Organisation

Article 110

Years of occupancy of private sector employees and officers in the Security Forces who served in the bodies belonging to the Palestine Liberation Organisation and its accredited factions, in addition to the years of imprisonment of prisoners released from the occupation prisons, shall be counted as follows:

1. If an employee is younger than forty-five (45) years of age, previous years of occupancy or imprisonment shall be counted for the benefit of the new retirement law, provided that the National Authority transfers the due entitlements, including the share of the employee and the Government, for such years to the Commission. The entitlements shall be registered in the account of the employee at the Commission.
2. If an employee is older than forty-five (45) years of age while he is a member in the previous retirement system pursuant to the *Law No. 34 of 1959*, previous years of occupancy or imprisonment shall be counted for the benefit of the law. The National Authority shall transfer the due entitlements, including the share of the employee and the Government, as one payment for the benefit of such system.

3. If an employee is older than forty-five (45) years of age while he is a member in the previous retirement system pursuant to the *Law No. 8 of 1964*, previous years of occupancy or imprisonment shall be counted for the benefit of such system. The National Authority shall transfer the due entitlements, including the share of the employee and the Government, as one payment for the benefit of such system. This shall include civilians and officers in the Security Forces.
4. If an employee is older than forty-five (45) years while he is a member in the previous retirement system pursuant to the *Law of Insurance and Pensions of the Palestinian Security Forces of 2004*, years of occupancy or imprisonment shall be counted for the benefit of such system. The National Authority shall transfer the due entitlements, including the share of the employee and the Government, as one payment for the benefit of such system. This shall include civilians and officers in the Security Forces.
5. The Palestinian National Fund, the Commission of Organisation and Administration or the Military Financial Administration, based upon their official registers, shall adopt the number of occupant years of service in the Palestine Liberation Organisation and its accredited factions. The Government shall pay the full amount of cash compensation for all years of such adopted service. Other official sources may be used in order to determine the number of years of occupant work as per a regulation issued by the Council of Ministers.
6. If an employee receives a retirement pension from another source or if the information stated in the registers regarding the duration of service or compensation paid thereof is incomplete, the contributions of the Government for the years of such service in the Palestine Liberation Organisation and its accredited factions shall be modified so as to conform to the developed procedures and provisions pursuant to the regulations issued by the Council of Ministers.

Article 111

Pensioners who worked in an occupant manner in the Palestine Liberation Organisation and its accredited factions shall have the right to choose the method of the settlement of their entitlements to retirement pension in accordance with any of the following alternatives:

1. Receive a retirement pension in accordance with the retirement system to which they subscribed upon retirement.
2. Receive a financial remuneration in accordance with the system of the Palestinian National Fund to be paid once upon the retirement of the employee, in which case, neither the employee nor the beneficiaries may claim retirement pensions.
3. Financial loans which they received on the account of remunerations and which were paid by the National Fund or by the Ministry of Finance shall be deducted from such entitlements and from the retirement pensions, pursuant to a bylaw to be issued in this regard.

Chapter II. Transitional Arrangements

Article 112

So as not to contradict relevant laws (1959, 1964, and 2004), entitlements to retirement pension of civil employees and officers in the Security Forces shall not be violated by current retirement systems following the enforcement of the provisions of this law.

(...)

Article 114

The service of public sector employees who are older than sixty (60) years of age shall terminate within one hundred-twenty (120) days from the date the enforcement of this law, provided that their retirement pension entitlements are settled.

Article 115

The competent authorities shall transfer the entitled benefits of employees younger than forty-five (45) years of age to their accounts as per the current retirement system, pursuant to the previous laws, within a period not to exceed two (2) years from the date of the enforcement of this law. The conditions and data of transfer shall be as follows:

1. The amount of the financial entitlements transferred to the employee from the former system shall be registered in his account.
2. The years of contribution shall be registered on the date of implementation at a ratio of one to one (1:1) in the retirement system for the benefit of the subscriber and at an average of two (2%) percent of the monthly salary on the day of transfer for each adopted year.
3. The Commission must approve every transfer.

Chapter III. General Provisions

Article 116

The provisions of this law shall not apply to the President of the National Authority, the Prime Minister and the members of the Council of Ministers, and the Speaker and members of the Legislative Council.

Article 117

The Council of Ministers may retire any employee for considerations of public interest if the employee has completed fifteen (15) years of service admissible for retirement without deduction of his obligatory entitlements. Nothing within this Article shall prohibit the employee from obtaining compensation as per agreement with the employer and within the provisions of the law.

Article 118

The provisions of this law shall be enforced regarding all cases of retirement as of the date of its enforcement.

Article 120

Public sector employees, whose services terminated or are being terminated due to their reaching sixty (60) years of age, but who did not complete an official service that is counted for retirement (fifteen (15) years), shall be paid a basic retirement pension by the Treasury of the National Authority pursuant to a bylaw to be issued by the Council of Ministers, if they do not have any other income. If such income or support is available, only the difference between the amount of the basic retirement pension and the monthly salary shall be paid.

Article 121

With the exception of public sector employees, the Treasury of the National Authority shall pay a basic retirement pension in the amount of one-hundred (100) Dollars on a monthly basis for each person who has reached sixty (60) years of age and does not have any other income or source of support. If such income in an amount of less than one-hundred (100) Dollars is available, only the difference shall be paid.

Article 124

The Council of Ministers shall issue the bylaws and decisions necessary for the enforcement of the provisions of this law.

Article 125

Every provision which contradicts the provisions of this law is hereby repealed.

Article 126

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

Issued in the city of Ramallah on 26 April, 2005 AD, corresponding to 17 Rabi' Al-Awwal 1426 AH.

Mahmoud Abbas

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

Law of Service in the Palestinian Security Forces No. 8 of 2005

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

Having reviewed the *Amended Basic Law*,
Based upon the approval of the Legislative Council during its session of 11 May, 2005, and in the name of the Arab Palestinian People,

I hereby promulgate the following law:

Section I. Service of Officers

Part I.

First. 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:	The President of the National Authority.
Council of Ministers:	The Council of Ministers of the National Authority.
Prime Minister:	The Chairman of the Council of Ministers.
Security Forces:	The Palestinian Security Forces.
Supreme Commander:	The President of the National Authority in his capacity as the Supreme Commander of the Security Forces.
Competent Ministry:	The Ministry of National Security, the Ministry of the Interior or the Head of General Intelligence, as required.
Competent Minister:	The Minister of National Security, the Minister of the Interior or the Head of General Intelligence, as required.

Commander-in-Chief:	The Commander-in-Chief of the National Security Forces and the Palestine National Liberation Army.
Medical Committee:	The specialised medical committee established pursuant to the provisions of this law.
Committee of Officers:	The Committee of Officers for the Security Forces established pursuant to the provisions of this law.
Soldier:	Any officer, non-commissioned officer or individual in the Security Forces.
Salary:	The basic salary to which the increment of the nature of work, regular increments and the increment of the cost of living shall be added.
Record of consumer prices:	The record of consumer prices issued by the Palestinian Central Bureau of Statistics, which is used for assessing the cost of living.
Military service:	The service in the Security Forces pursuant to the provisions of this law.
Active service:	Any active service spent in the military service.
Additional period of service:	All periods of active service spent outside the central areas of forces; their place and duration shall be determined by decision of the competent minister.
Missing service:	Any periods of service to be deducted from the period of active service pursuant to the provisions of this law.
Military rank:	A rank granted to a soldier upon the commencement of his appointment or to which he is promoted, pursuant to the provisions of this law.
Promotion:	The hierarchy of promotion of a soldier from one rank to a higher rank pursuant to the provisions of this law.
Demotion of the rank:	The degradation of a soldier to a rank lower than the one which he holds pursuant to the provisions of this law.
Removal of the rank:	The deprivation of a soldier of the rank which he holds and his degradation to the rank of a soldier pursuant to the provisions of this law.
Dismissal from military service:	A dismissal from military service pursuant to a decision issued by a Military Court.
Register:	The General Register of Seniority.

Article 2

The provisions of this law shall apply to officers, non-commissioned officers and personnel working in the Security Forces.

Second. Security Forces

Article 3

The security forces shall be comprised of:

1. The National Security Forces and the Palestine National Liberation Army.
2. The Internal Security Forces.
3. The General Intelligence.

Any other force or forces which are existent or to be established shall be part of one of the above three forces.

Article 4

1. In cases of utmost necessity and for a temporary period, the following may be summoned to service in the security forces:
 - a) Officers whose services expired for non-disciplinary reasons.
 - b) Those assigned by special orders.
2. The bylaw of this law shall regulate the recalling to service.
3. The wearing of the military uniform for civilians or civilian entities may be allowed pursuant to the rules and regulations of the bylaw of this law.

Article 5

Officers in the Security Forces shall be appointed from among the following categories:

1. Graduates of Palestinian military colleges and institutes, as well as graduates of other military colleges and institutes which are legally recognised.
2. Specialised persons holding first university degrees from a Palestinian university or their equivalents from a legally recognised university, who join scheduled military courses.
3. Graduates of technical institutes who hold secondary school certificates and who join scheduled military courses.

Article 6

The military ranks of officers in the Security Forces shall be as follows:

1. Lieutenant.
2. First Lieutenant.
3. Captain.
4. Major.
5. Lieutenant-Colonel.
6. Colonel.
7. Brigadier-General.
8. Major-General.

9. Lieutenant-General.

Article 7

The National Security Forces are a regular military body which performs its functions and commences its jurisdictions under the leadership of the Minister of National Security and under the command of the Commander-in-Chief, who shall issue the decisions necessary for the administration of its work and the regulation of all of its affairs, pursuant to the provisions of the law and the bylaws issued therewith.

Article 8

1. The Commander-in-Chief shall be appointed by decision of the President.
2. The appointment of the Commander-in-Chief shall last for three (3) years, which may be extended for one (1) year only.

Article 9

Appointment in the following functions shall be pursuant to a decision of the Minister of National Security and upon the nomination by the Commander-in-Chief, based upon the recommendation of the Committee of Officers:

1. Heads of units and directors of directorates.
2. Commanders of military areas.
3. Military attachés.

Article 10

The Internal Security Forces are a regular security body which performs its functions and commences its jurisdictions under the leadership of the Minister of the Interior and under the command of the Director-General of Internal Security, who shall issue the decisions necessary for the administration of its work and the regulation of all its affairs.

Article 11

1. The Director-General of Internal Security shall be appointed by decision of the President and upon nomination of the Council of Ministers.
2. The appointment of the Director-General of Internal Security shall last for three (3) years, which may be extended for one (1) year only.

Article 12

Appointment in the following functions shall be pursuant to a decision of the Minister of the Interior and upon the nomination by the Director-General of Internal Security, based upon the recommendation of the Committee of Officers:

1. The Director-General of the Police and his Deputy.
2. The Director-General of the Preventive Security and his Deputy.
3. The Director-General of Civil Defence and his Deputy.
4. The heads of units and directors of directorates.

Article 13

The General Intelligence is an independent regular security body, which is affiliated with the President and which performs its functions and commences its jurisdictions under the leadership of its Head and under his command, who shall also issue the decisions necessary for the administration of its work and the regulation of all of its affairs.

Article 14

1. The Head of the General Intelligence shall be appointed the President.
2. The appointment of the Head of the General Intelligence shall last for three (3) years, which may be extended for one (1) year only.

Article 15

1. The Deputy of the Head of the General Intelligence shall be appointed by the President and upon the nomination of the Head of the General Intelligence.
2. The appointment in the function of a director of a department in the General Intelligence shall be by its Head.

Article 16

Pursuant to the provisions of this law, an administration, which shall be called the 'Administration of Officers' Affairs for the Security Forces', shall be established. Its director shall be appointed by the President.

Part II. The Committee of Officers

Article 17

Pursuant to the provisions of this law, a committee, which shall be called the 'Committee of Officers for the Security Forces', shall be established and comprise the following:

a)	Commander-in-Chief	as Head.
b)	Deputy of the Head of the General Intelligence	as Member.
c)	Director-General of Internal Security	as Member.
d)	Director of the Administration of Officers' Affairs	as Member.
e)	Director-General of the Police	as Member.
f)	Director-General of the Preventive Security	as Member.
g)	Director-General of the Civil Defence	as Member.
h)	Commissioner-General of National Guidance	as Member.
i)	Two members to be appointed by the President.	

Article 18

A subcommittee of officers shall be established in the National Security Forces, Internal Security Forces and General Intelligence each. It shall submit its recommendations to the Committee of Officers.

Article 19

The Committee of Officers shall be authorised to hear all matters and issues pertaining to the affairs of officers, particularly the following:

1. Commencement of the appointment of officers in the Security Forces.
2. Promotion.
3. Transfer to provisional retirement or termination of service and acceptance of resignation.
4. Dispensing with service.
5. Re-enlistment in the Security Forces or transfers therefrom.
6. Recommendations to grant officers decorations, badges and medals.
7. Selection of members of military missions from among candidates nominated thereto.
8. Licensing of officers in secondment or educational leaves pursuant to the relevant rules and regulations.
9. Determination and redemption of seniority.
10. Appointment of officers to command positions and staff and other main functions.
11. Appointment of officers ranking Brigadier-General and Colonel in various functions.
12. Delegation of officers of various ranks outside of their units.
13. Transfer of officers from one force to another within the Security Forces.
14. Selection of officers recommended for studying at the Staff College or for any other studies.
15. Recalling of officers whose services have expired, reserve officers and assigned persons for active service, in addition to their promotions or the deletion of their names from the Register of the Security Forces.

Article 20

1. The Committee of Officers shall convene under the presidency of its Head. It shall hold its meetings once every six (6) months upon the invitation of its Head. The meeting shall be valid with the attendance of two-thirds (2/3) of its members, its discussions shall be confidential, and its decisions shall be issued by the absolute majority of its members. Its decisions shall not become effective except upon approval of the President.
2. If a matter concerning one of its members is raised before the Committee, the member may not attend the meeting during which the matter is discussed.
3. The decisions of the Committee of Officers may not be promulgated before they are approved and published in the Military Report. Such publication shall be deemed a legal promulgation.

Article 21

The Committee of Officers may summon any competent commander for the discussion of a matter or issue concerning an officer under his command in order to receive information about him.

Article 22

1. The Committee of Officers may not dispense with the service of any officer or transfer him to provisional retirement in a disciplinary manner, except after notifying him of the charge against him and confronting him no sooner than fifteen (15) days thereafter to hear his defence. The Committee of Officers may grant him an appointed period of time to submit his defence in writing and may issue a decision in his absence if he fails without justified excuse to appear before it upon its request. Once an officer qualifies for promotion, the aforementioned measures shall apply to him. The Committee may postpone his promotion for reasons which it shall make clear in its decision, provided that it adjudicates the case of the officer within three (3) months from the date of the postponement. An officer may request to appear before the Committee of Officers upon his petition to be reinstated to service or upon the discussion of his missing seniority for matters concerning subjects falling within its jurisdiction.
2. The Committee of Officers shall issue its justified decisions concerning officers in the light of the reports kept in their files, other official papers and personal information of the members.

Part III.

Chapter I. Commencement of Appointment, Seniority and Appraisal Reports

First. Commencement of Appointment

Article 23

The appointment of an officer in the Security Forces shall commence in the rank of Lieutenant under probation for a period of one (1) year, at the end of which he shall be treated in one of the following manners:

1. Be appointed to service as Lieutenant if he is recommended to be assigned.
2. Be granted a period of one (1) more year under probation, during which the officer shall serve in a unit other than his first one in the same force in which he is appointed and at the end of which period, he may be appointed to service in his original seniority.
3. Be dismissed from his service.

Article 24

1. With the exception of the provisions under the preceding Article, the appointment of an officer may commence:

- a) In the rank of First Lieutenant if he falls under paragraph 2 of Article 5.
 - b) In a rank higher than the rank of First Lieutenant, if he has special qualifications which are not available in the Security Forces in which he is to be appointed, as occasion may require.
2. The appointment of the officers mentioned under the preceding paragraph shall be for a period of one (1) year under probation, at the end of which they shall be treated pursuant to the provisions under the preceding Article.
 3. The bylaw of this law shall determine the qualifications required from officers who are included under paragraph 1 of this Article.

Second. Seniority

Article 25

A 'General Register of Seniority' for all acting officers in the security forces shall be established in the Administration of Officers' Affairs.

Article 26

1. Seniority in rank shall begin with the date of appointment therein or promotion thereto. If the decision of appointment or promotion includes more than one officer in one rank, seniority shall be in accordance with the previous rank.
2. Seniority shall begin with the appointment of the officer in accordance with the order of graduation if he is a graduate of a military college and or an institute, and in accordance with the order of graduation from the scheduled training course if he falls under paragraph 2 of Article 5.

Article 27

1. An officer who was transferred from the Security Forces, resigned from military service, or had his services terminated for non-disciplinary reasons shall have his name deleted from the Register.
2. An officer falling under the preceding paragraph may be reinstated if his last two annual appraisal reports in his last position are marked at least as 'good'. A period not to exceed three (3) years from the transfer of an officer, resignation or termination of service shall be required for the restitution of his appointment, in which event, he shall be appointed in his former seniority. If it is decided to reinstate him to the service following the lapse of the period set forth in the preceding clause, the interruption of his service shall be deemed a missing period.

Third. Appraisal Reports

Article 28

1. The branch of administration of each security force shall allocate two files for each officer in the Security Forces, the first one of which shall be the service file, and the second shall be the confidential file. All papers and information

related to the officer's service shall be kept in the service file, while confidential reports and other information of a confidential nature shall be kept in the second file in the manner set forth in the bylaw of this law.

2. A service file and a confidential file for all officers of the Security Forces, including all the information mentioned under the preceding paragraph, shall be established in the Administration of Officers' Affairs.

Article 29

1. Officers shall be subject to a system of appraisal reports in the following manner:
 - a) An appraisal and appointment report every six (6) months for officers appointed under probation.
 - b) An appraisal report each year for appointed officers, ranking from Lieutenant to Major-General.
 - c) A brief appraisal report for officers who were assigned with special missions inside or outside of Palestine.
2. The Committee of Officers may issue special appraisal reports, such as reports of recommendation of service, reports recommending eligibility for command, and reports recommending the awarding of decorations, badges and medals and the like.
3. Under exceptional circumstances, a special appraisal report may be written about an officer by his direct commander upon the request of the Commander-in-Chief, the Director-General of Internal Security or the Head of the General Intelligence, as occasion may require, if the officer is not suitable for service for any reason whatsoever.
4. That an officer is under interrogation or trial shall be referenced in the annual appraisal report. The allegations against him shall bear no effect upon the writing of the report, unless he is convicted.

Article 30

An officer who receives an unsatisfactory annual appraisal report shall be notified of the content of such report if the Committee of Officers approves of the report. He shall have the right to present his response to the unsatisfactory annual appraisal report before the Committee within fifteen (15) days from the date of his notification. The Committee shall adjudicate his complaint, and its decision in this regard shall be final.

Article 31

If an officer receives an unsatisfactory appraisal report, in which it is mentioned that the officer is not eligible for his current function, for another function, or for promotion, such an unsatisfactory appraisal report shall be raised before the Committee of Officers. The bylaw of this law shall determine the procedures to be followed in such cases.

Chapter II. Promotion

First. General Rules of Promotion

Article 32

Promotion from the rank of Lieutenant up to the rank of Lieutenant-Colonel shall be by general seniority, provided that the following conditions of eligibility are fulfilled:

1. Annual appraisal reports shall be with an evaluation of at least 'good', and the information stated in the confidential file shall be satisfactory.
2. Completion of the periods of time scheduled for each rank for the service in field units.
3. Completion of the obligatory educational courses or obtaining such academic qualifications as the Committee of Officers determines.
4. Completion of the minimum time-limit for service in each rank.

In all cases, the approval of the Committee of Officers shall be required for filling vacant ranks in the organisational structure. The bylaw of this law shall determine the conditions of qualification set forth under paragraph 3 of this Article.

Article 33

Promotion to the rank of Colonel, Brigadier-General and Major-General shall be by selection from among the officers fulfilling the conditions of eligibility in the manner determined in the bylaw of this law.

Article 34

Promotion to the rank of Lieutenant-General shall be by absolute selection from among the Major-Generals who serve in the Security Forces.

Article 35

1. An officer may be exceptionally promoted to the next rank without complying with the general seniority or the minimum time-limit for promotion if he performs exceptional glorious acts on the battlefield or in the service of the Security Forces.
2. The promotion of an officer to two original ranks within one (1) year shall be prohibited. The period of the year shall be counted from the date of the first promotion.

Second. Promotion from One Rank to Another

Section One. Officers Graduating from Military Colleges and Institutes

Article 36

Promotion of officers to ranks directly above theirs shall take place once they complete the periods of active service set forth under the following paragraphs, taking into consideration the conditions set forth in Articles 32 and 33:

1. At least three (3) years for promotion from the rank of Lieutenant to the rank of First Lieutenant.
2. At least four (4) years for promotion from the rank of First Lieutenant to the rank of Captain.
3. At least four (4) years for promotion from the rank of Captain to the rank of Major.
4. At least five (5) years for promotion from the rank of Major to the rank of Lieutenant-Colonel.
5. At least five (5) years for promotion from the rank of Lieutenant-Colonel to the rank of Colonel.
6. At least five (5) years for promotion from the rank of Colonel to the rank of Brigadier-General.
7. At least four (4) years for promotion from the rank of Brigadier-General to the rank of Major-General.
8. At least three (3) years for promotion from the rank of Major-General to the rank of Lieutenant-General.

Officers mentioned under paragraph 2 of Article 5 and whose names are included in the Register of General Seniority, together with the graduates of military colleges, may be promoted to the rank of First Lieutenant or Captain without adherence to the condition of the period, once they become eligible for promotion.

Article 37

If an officer in the rank of First Lieutenant and in the rank of Captain did not obtain, upon the advent of his turn in promotion, satisfactory appraisal reports, but fulfilled all other conditions of promotion, he shall be treated in either of the following manners:

1. Be promoted while having his attention drawn.
2. Be left in the rank for a period not to exceed one (1) year, during which period one or more special reports about him shall be submitted. If he becomes eligible for promotion, he shall be promoted and appointed in his original seniority upon his promotion. If he remains ineligible for promotion, he shall remain in his position for a maximum of one (1) additional year, during which one or more special reports about him shall be submitted. If he becomes eligible for promotion, he shall be promoted, and his seniority shall be determined as

of the date of his promotion. If he remains ineligible for promotion, however, his service shall be terminated. His name may then be included on the reserve list.

Article 38

With reference to the conditions set forth in Articles 32, 33 and 36, the promotion of a Lieutenant-Colonel, Colonel, and Brigadier-General to his next rank shall be by selection of the most qualified officers from among those recommended for promotion and whose names were included in the list of the nominees for promotion. The competent minister shall issue a decision, in which he shall determine the conditions of the inclusion of names of officers in the lists of nominees for promotion. It shall be recommended to include the names of officers in the list of nominees for promotion to their next rank at least three (3) months prior to the promotion.

Officers in the rank of Lieutenant-Colonel, Colonel, and Brigadier-General shall be divided into three sections:

Section One: Officers who completed their qualification and who were not recommended for promotion shall have their names included in the aforementioned list.

Section Two: Officers who did not complete their qualification, but who were recommended for promotion upon the completion of their qualification. Such officers shall be notified of the necessity to complete their qualification. If one (1) year lapses following the date of their notification thereof, they shall be treated in the following manner:

1. If they were eligible for promotion, they shall be recommended as such and their names shall be included in the list of nominees for promotion. They shall be appointed in their original seniority in the list.
2. If they remain ineligible for promotion, they shall not be recommended for such.

Section Three: Officers who are not recommended for promotion.

Article 39

If a fully qualified Lieutenant-Colonel is due to be promoted but is not selected or reaches the age of the termination of service in his previous rank, his service shall be terminated with the rank of Colonel by the force of the law. The Committee of Officers may transfer him to the list of officers under Section Two of the preceding Article in his original rank, if the officer so wishes. If promotion is due for a Lieutenant-Colonel who was not recommended for promotion or reached the age of the termination of service in his previous rank, his service shall be terminated with the rank of Lieutenant-Colonel by the force of the law.

Article 40

If a fully qualified Colonel is due to be promoted but is not selected or reaches the age of the termination of service in his previous rank, his service shall be terminated with the rank of Brigadier-General by the force of the law. The Committee of Officers may transfer him to the list of officers under Section Two of Article 38 in his original rank, if the officer so wishes. If promotion is due for a Colonel who was not recommended for promotion or reached the age of the termination of service in his previous rank, his service shall be terminated with the rank of Colonel by the force of the law.

Article 41

If a fully qualified Brigadier-General is due to be promoted but is not selected or reaches the age of the termination of service in his previous rank, his service shall be terminated with the rank of Major-General by the force of the law. The Committee of Officers may transfer him to the list of officers under Section Two of Article 38 in his original rank, if the officer so wishes. If promotion is due for a Brigadier-General who was not recommended for promotion or reached the age of the termination of service in his previous rank, his service shall be terminated with the rank of Brigadier-General by the force of the law.

Article 42

The duration of service of a Brigadier-General shall last for three (3) years, after which his service shall be terminated. His service may be extended for up to four (4) more years, unless he reaches the age of the termination of service before that.

Section II. Specialised Officers Holding University Degrees

Article 43

The provisions of Articles 36 to 42 shall apply to officers referred to under paragraph 2 of Article 5, provided that the minimum time-limit for the promotion to the rank of First Lieutenant or, for those fully qualified, to the rank of Captain shall be at least two (2) years for physicians.

Section III. Technical Officers

Article 44

The appointment to the rank of a Technical Lieutenant shall be by selection from among outstanding Technical First Adjutants pursuant to the rules and regulations to be determined by decision of the competent minister.

Article 45

The promotion of a Technical Lieutenant to the rank of Technical First Lieutenant shall occur at least three (3) years after beginning service in the first rank, provided that he completed his qualification and spent the probation period successfully.

Article 46

With reference to the provisions of Article 32, the promotion of technical officers to the rank directly above theirs shall take place once they complete the following periods of active service:

1. At least five (5) years in the rank of First Lieutenant to be promoted to the rank of Captain.
 2. At least six (6) years in the rank of Captain to be promoted to the rank of Major.
- The bylaw of this law shall determine the detailed conditions of eligibility for promotion.

Article 47

If the minimum time-limit scheduled for promotion for the ranks set forth under the preceding Article lapses and the officer is not eligible for promotion upon the advent of his turn, the provisions of Article 37 shall apply.

Article 48

Officers who are not graduates of military colleges may be promoted to the next rank, each in accordance with the academic qualification obtained prior to joining the Security Forces. Thereupon, those with secondary school certificates or their equivalents, graduates of schools of mechanical military industries or technical schools, vocational training centres and industrial secondary schools may be promoted to the rank of Major. Those qualified from among them may be promoted to the rank of Lieutenant-Colonel by selection in accordance with the circumstances and conditions which the bylaw of this law shall determine. In addition, they may be promoted to the rank of Lieutenant-Colonel by selection from among those obtaining a university degree during service that conforms to their specialisation.

Third. Special Types of Promotion

Article 49

In addition to the system of promotion to the original ranks set forth under the preceding Articles, promotion to a higher rank may be done in a local or provisional manner, provided that half of the period scheduled for the higher rank set forth in Article 36 has expired.

Article 50

A system of local promotion may be followed if the circumstances of military service and the filling of vacancies require that the minimum time-limit decided

for service in each rank is not to be abided by. In all other respects, all rules and regulations pertaining to promotion to original ranks shall apply. An officer holding a local rank shall be entitled to all military privileges of the corresponding original rank, provided that he earns the highest salary and the recompenses of his original rank.

Article 51

An officer may be granted a provisional rank that is higher than his original one, if he is appointed to a position outside of Palestine, and the conditions of his service so require. The provisional rank shall be removed as soon as he leaves such position. The conferral of the provisional rank shall not result in any financial privileges, and the duration of service under the provisional rank shall be counted within the period of the original service. Holders of provisional ranks shall not have priority to the corresponding original ranks regarding promotion.

Chapter III. Seniority in Command

Article 52

Seniority in command for officers of one rank in any of the security forces shall be in accordance with the following order:

1. The active officer or the officer who is recalled to active service following the termination of his service.
2. The reserve officer.
3. The technical officer.
4. The assigned officer.
5. The honour officer.

Article 53

1. Officers with original ranks shall have seniority over officers with corresponding local or provisional ranks.
2. Seniority among officers with local or provisional ranks shall be per seniority in their original ranks, not as per the date of their promotion to local ranks or the granting of provisional ranks.

Chapter IV. Appointment, Delegation, Assignment, Transfer, Secondment and Scholarships

First. Appointment, Delegation, and Assignment

Article 54

Appointment shall mean that an officer occupies a senior function. The bylaw of this law shall determine the functions that are occupied by means of appointment.

Article 55

1. Delegation means that an officer serves outside the units of the force in which he is appointed for a period not to exceed three (3) years.
2. Delegation may be extended for one (1) year only by a justified decision of the Committee of Officers and upon the approval of the competent minister.
3. Delegation outside the Security Forces shall become effective for officers of all ranks by decision of the Committee of Officers and upon the approval of the competent minister.
4. If an officer is transferred from one delegation to another, the duration of delegation shall be counted for him from the date of his first delegation.

Article 56

1. Assignment means that an officer serves for emergency circumstances outside of his unit, but inside the force in which he is appointed, for a period not to exceed one (1) year, in which event, the officer shall be under the authority of his original unit.
2. Assignment shall become effective by decision of the competent commander.

Article 57

If assignment changes to delegation, the duration of the previous assignment shall be deemed the original duration of the delegation. Assignment shall enter into duration when such assignment is in a function occupied by means of delegation.

Article 58

Delegations shall be conducted only during the months of July, August, and September of each year, with the exception of expedient cases which require delegation at other times.

Article 59

1. An officer may be delegated to occupy a function to which a rank higher than his is allocated.
2. An officer who was not previously delegated shall be preferred to be delegated. He may not be delegated until at least two (2) years after the date of the expiration of his last delegation.

Article 60

The delegation of an officer must be terminated prior to the determined duration in any of the following cases:

1. If he fails in the compulsory qualification courses.
2. If an unsatisfactory appraisal report is written about him, which is approved by the Committee of Officers.
3. If a disciplinary penalty is imposed upon him.

Second. Transfer, Secondment, and Scholarships

Article 61

An officer shall not be transferred from his unit except upon utmost necessity. An officer in the rank of Lieutenant-Colonel or lower may not be transferred from one unit to another within the same force in which he serves, except in the following cases:

1. Appointment in functions of command or in the staff of forces and areas.
2. Appointment in technical or administrative functions.
3. Settlement of the salary of a unit in any of the Security Forces, following general promotions therein.
4. Qualification to assume a position of command in any of the Security Forces.

Article 62

An officer may not choose to serve in a particular unit within the force in which he serves. He shall be appointed in accordance with the requirements of the service. For compelling reasons, however, an officer may submit a written application to transfer him from his unit to another if he is physically fit for service in the other unit.

Article 63

1. An officer in the rank of Colonel or higher shall be transferred by decision of the Committee of Officers.
2. An officer in the rank of Lieutenant-Colonel or lower shall be transferred pursuant to the rules and regulations set forth by the competent ministry.
3. Transferences shall be conducted only during the months of July, August and September of each year, with the exception of the expedient cases which require transfer at other times.

Article 64

An officer may be transferred from one unit to another within the same force if the public interest thus requires. Such transfer shall be by decision of the competent commander and upon the approval of the competent minister.

Article 65

1. An officer may be seconded to governments and civil, local, foreign and international bodies. The approval of the officer in writing shall be required for the secondment. The bylaw of this law shall determine the circumstances and conditions of secondment.
2. An officer may not be seconded for a period exceeding three (3) years unless the secondment is outside of Palestine, whereby it may be extended for one (1) more year only.
3. The duration of the secondment shall be a period of active service in the Security Forces.

In all cases, the secondment shall become effective by decision of the Committee of Officers and upon the approval of the competent minister.

Article 66

The competent minister may, based upon a proposal of the Committee of Officers, delegate an officer on a scholarship outside of Palestine for a period which he determines. The duration of the scholarship shall be deemed active service in a manner not contradicting paragraph 2 of Article 27.

Chapter V. Salaries and Increments of Officers

Article 67

1. Salaries of officers shall be determined in accordance with the scale of salaries set forth in the table attached to this law.
2. The salary as is determined in paragraph 1 shall be the basis for assessing the pension.

Article 68

Categories of increments, allowances, and deductions shall be determined by a regulation in accordance with the following:

First: Increments and Allowances:

1. A social increment for the spouse and children.
2. An increment of specialisation.
3. An increment of command.
4. An increment of territory.
5. An increment of risk.
6. An allowance of transportation from the place of residence to the place of work.

The bylaw of this law shall determine the rules and regulations of their payment.

Second: Deductions:

1. The premium of insurance and pensions pursuant to the *Law of Public Retirement*.
2. The premium of health insurance pursuant to the *Regulation Concerning Health Insurance* in force in the National Authority.
3. The income tax pursuant to the law.
4. Any other deductions determined by law.

Article 69

The increment of specialisation and the increment of command may not be combined. The higher of the two increments shall be paid.

Article 70

1. The salary shall commence to be paid to an officer from the date of his appointment under probation.
2. An officer shall be entitled to the first fixed sum of the rank to which he is appointed or to which he is promoted. In addition, he shall be entitled each year to the periodic increments of his original rank, starting from the date of his appointment or promotion, as occasion may require.

Article 71

If an officer is promoted to a local rank, he shall be entitled to the last fixed sum of his original rank and the relevant increments starting from the date of his promotion. He shall not be entitled to the periodic increments starting from such date.

Article 72

1. The social increment shall be paid to an officer for his unemployed spouse, sons and daughters as determined under the bylaw of this law.
2. The social increment shall continue to be paid to any of the children mentioned under the preceding paragraph in the following cases:
 - a) If any son is pursuing his studies in an acknowledged educational institution, until he completes his studies or reaches twenty-five (25) years of age, whichever occurs first.
 - b) If any son is physically disabled or became disabled at a percentage of disability that the competent Medical Committee shall determine.
 - c) If any daughter is divorced or widowed and not employed in the civil or military service.
3. If the wife of an officer is an employee in the civil or military service, the social increment shall be paid to the officer's children only.

Article 73

The social increment for the wife and children shall commence to be paid as of the date of marriage and the date of birth. The payment for deceased children or a deceased or divorced spouse shall be halted.

Article 74

The bylaw of this law shall determine a system of incentives for officers who perform distinguished services and acts, conduct research that helps to improve work methods and raise the competency of performance, or obtain an excellent appraisal at work.

Article 75

1. An officer shall be entitled to the expenses that he may incur during the performance of his function or the performance of tasks to which he is officially assigned under the circumstances and conditions which the bylaw of this law shall determine.

2. A soldier shall be entitled to a movement and transportation allowance under the circumstances and conditions which the bylaw of this law shall determine.
3. A soldier shall be entitled to a transportation allowance for him, his family, and his belongings in the following cases:
 - a) Upon his first appointment to military service.
 - b) Upon transfer from one area to another.
 - c) Upon the expiration of his service for reasons other than those set forth under paragraphs 5 and 6 of Article 121.

Chapter VI. Leaves of Officers

Article 76

Approved leaves pursuant to the law shall be as follows:

1. Ordinary leave.
2. Compassionate leave.
3. Commander's leave.
4. Sick leave.
5. One-time furlough for Hajj, the pilgrimage to the Holy City of Mecca in Saudi Arabia.
6. Maternity and delivery leave.
7. Exceptional leave.
8. Unpaid leave.

Article 77

1. Each Gregorian year an officer shall be entitled to a full-pay ordinary leave for a period of thirty (30) days; holidays of feasts and official occasions shall not enter into the calculation of the leave, with the exception of the weekly holiday.
2. The ordinary leave of an officer shall be pursuant to the instructions set forth by his command.
3. Spending the ordinary leave outside of Palestine shall be upon the prior approval of the competent minister.
4. The ordinary leave may not be linked to vacations, feasts, and official occasions.

Article 78

Ordinary leave may be reduced, postponed, or terminated for compelling reasons required by the interest of work. In such cases, the balance of the ordinary leave due during one (1) year shall be added to the ordinary leave due in the next year, provided that the total amount of ordinary leave in any one (1) year shall not exceed forty-five (45) days.

Article 79

1. An officer shall be entitled to a full-pay compassionate leave for a period not to exceed ten (10) days per year upon an urgent cause due to which it shall be excusable to obtain any other leave.
2. The period of compassionate leave may not exceed two (2) consecutive days on one occasion or three (3) consecutive days if it is due to the death of a relative of kinship or affinity up to the fourth degree.
3. An officer must notify his command of the reasons for compassionate leave immediately following his return to the service.
4. In all cases, entitlement to the period of compassionate leave shall terminate by the lapse of the year in which it is scheduled.

Article 80

If an officer does not have a balance of his ordinary leave, the direct commander may grant him a full-pay leave for a period not to exceed six (6) days per year. Such leave may not be granted for more than three (3) consecutive days on any one occasion. It may also be granted in the case of the suspension of ordinary leaves.

Article 81

An officer shall be entitled once during the period of his service to a full-pay furlough to perform the religious duty of pilgrimage (Hajj) to the Holy City of Mecca in Saudi Arabia for a period of thirty (30) days.

Article 82

A female officer shall be granted a full-pay maternity leave for a period of ten (10) weeks.

Article 83

The competent minister may grant an officer who consumed his ordinary leave an exceptional leave when necessary for a period not to exceed fifteen (15) days during any one year. Such shall be full-pay leave.

Article 84

An officer who spends three (3) years or more in service shall be entitled to a sick leave that is to be granted by decision within the following limits:

1. An officer shall be granted a sick leave for recovering after a stay in hospital based upon the decision of the Military Medical Committee for a period not to exceed fifteen (15) days. The sick leave may be granted for a longer period, provided that its duration in any one year does not exceed one hundred-twenty (120) days. Such year shall be counted starting from the first sick leave which the officer is granted, whether it was due to one sickness or several over successive periods of time. If an officer consumed the periods of treatment that is legally allowable pursuant to the bylaw of this law – whether he was at hospital or on the sick list – and was expected to be fully cured, he shall be transferred to provisional retirement on health grounds until the Military

Medical Committee determines his physical fitness to return to active service. If his condition is incurable, his service shall be terminated by decision of the Military Medical Committee stating his physical unfitness.

2. The competent minister may extend the period of sick leave to another unpaid period of one hundred and twenty (120) days if an officer suffers from a sickness which requires longer treatment, in accordance with the decision of the Military Medical Committee.
3. An officer shall have the right to transfer the sick leave into an ordinary leave if his balance so allows.
4. A sick officer must notify the ministry in which he serves of his sickness within twenty-four (24) hours from the commencement of his absence from service, unless such is excusable due to compelling reasons, which the bylaw of this law shall determine.
5. A sick officer may obtain a sick leave for a period not to exceed three (3) days upon the decision of a physician affiliated with the Ministry of Health in areas where no branches of the Military Medical Service are available. Such a sick leave may be extended for a period not to exceed three (3) more days based upon a medical report by a specialised physician affiliated with the Ministry of Health or the Military Medical Service.
6. Notwithstanding the provisions of sick leave set forth under the preceding paragraphs, a sick officer who suffers from a chronic disease, the definition of which shall be determined by the Minister of Health, shall be granted, based upon the approval of the specialised Military Medical Committee, an exceptional paid leave until he is cured or his condition stabilises in a manner which enables him to return to service. If his disability is proven to be permanent, his service shall be terminated due to physical unfitness.
7. The Commission of Organisation and Administration shall set forth the rules and regulations concerning the obtaining of sick leave for officers in cooperation with the Ministry of Health.
8. If a sick officer wishes to terminate his leave and return to service, he must obtain the approval of the Military Medical Committee.
9. Malingering of an officer proven by the Military Medical Committee shall be a violation of the duties of service.

Article 85

If the sick officer is outside of Palestine, his sick leave shall be approved by a medical committee to be established upon the discretion of the Military Attaché at the Embassy in the state in which the officer is present or by the Ambassador in a state in which no Military Attaché is available.

Article 86

The competent minister may grant an officer an unpaid leave to pursue his studies based upon his request in a manner not contradicting the interest of service, for those who have spent a period of six (6) years in service and upon the approval of the Committee of Officers. Such leave shall be granted for a period of one (1) year

that shall be renewable on an annual basis for three (3) years or until he completes his studies, whichever is less, in accordance with the circumstances and conditions which the bylaw of this law shall determine, without prejudice to the provisions pertaining to insurance and pensions.

Article 87

1. An officer who was granted an unpaid leave shall not be entitled to any increment or promotion during the period of his leave. The duration of such leave may not be counted in the seniority of his rank with regard to promotions and increments, without prejudice to the provisions pertaining to insurance and salaries.
2. The unpaid leave may be terminated upon the decision of the competent minister or upon the request of the officer himself. In the latter case, he may not be granted an unpaid leave again.
3. As the duration of the unpaid leave expires, the officer must return to service. If he does not return to service, his service shall be terminated and his name deleted from the Register of the Security Forces.

Chapter VII. Duties of Officers and Prohibited Activities

Article 88

1. Upon the commencement of his appointment, an officer shall swear the *Oath of Sincerity and Allegiance to Palestine* in accordance with the following formula:

'I swear by the Almighty God to be loyal to the homeland and the people, to defend them and sacrifice my blood in their cause, to preserve my weapon and military honour, to preserve the laws and regulations and enforce them, to perform all of my functionary and national duties with honour, trustworthiness and sincerity, and to implement all of the orders issued to me. God shall hereby be witness upon what I say.'

2. The administering of the oath shall take place before the President or the person whom he delegates therefor. The officer shall sign the form of the 'Swearing of the Oath,' which shall be kept in his file of service.

Article 89

The public function in any of the Security Forces shall be an assignment to those performing it. It shall aim at the service of the homeland and citizens in implementation of the public interest pursuant to the laws, bylaws, decisions, and regulations. The officer must heed the provisions of this law and the bylaws, decisions, and regulations issued in pursuance thereof. The officer must also:

1. Perform the work assigned to him by himself in an accurate and trustworthy manner and allot the time of the official work for the performance of the duties of his function. He may be assigned to work at times other than the

official working hours, in addition to the allotted time, if the interest of work thus requires.

2. Cooperate with his colleagues in the performance of urgent duties that are necessary for the work progress and the implementation of the public service.
3. Execute the orders issued to him in an accurate and trustworthy manner within the limits of the laws, bylaws, and regulations in force. Each officer shall bear responsibility for the orders issued by him, and he shall be held responsible for the smooth progress of work within the limits of his jurisdiction.
4. Preserve the dignity of his function in accordance with public tradition and act in a manner conforming to the respect due thereto.

Article 90

During military service, the officer shall be prohibited from:

1. Expressing political opinions and working in politics or affiliating with parties, entities, associations or organisations with political objectives.
2. Participating in any demonstrations or disturbances.
3. Taking part in organising partisan meetings or electoral campaigns.
4. Holding meetings to criticise actions of the National Authority.
5. Revealing information or clarifications about subjects which are confidential due to their nature or as per special directive. Adherence to confidentiality shall be required even upon the expiration of service.
6. Keeping to himself any document, official paper or copy thereof, even if it pertains to work he was assigned to perform personally.
7. Contravening the procedures of private and public security with regard to which a decision shall be issued by the competent minister.
8. Appointing a person as mediator or accept 'favouritism' in any matter related to his function, or acting as an intermediary for a private dispute or another employee in any matter pertaining thereto.
9. Contacting any party who is not Palestinian, except pursuant to the instructions of the competent authorities.
10. Issuing statements to the media, except under an official authorisation by the competent minister.

Article 91

1. An officer may not perform acts for a third party with or without payment, even at times other than during official working hours. The bylaw of this law shall determine the rules and regulations concerning the acts which the officer may perform at times other than during official working hours in a manner that harms, clashes with, or contradicts the duties of the military service or its requirements.
2. An officer may assume, with salary or remuneration, the acts of custodianship, guardianship, or agency on behalf of absentees, or judicial assistance if the person under custodianship or guardianship, the absentee, or the person to whom a judicial assistant is appointed is linked to him by kinship or affinity up to the fourth degree.

3. An officer may assume, with salary or remuneration, custodianship over the properties in which he is a partner, an owner of interest, or which are owned by those to whom he is linked by kinship or affinity up to the fourth degree.
4. The officer must notify his command in all cases set forth under the two preceding paragraphs. The notification shall be kept in the officer's service file.

Article 92

An officer may not be married to a non-Arab spouse, except by special permission of the competent minister, and must obtain a prior license of marriage.

Article 93

An officer, either in person or by proxy, shall be prohibited from performing the following:

1. Purchase movable or immovable properties which are bid by administrative or judicial parties for sale at the department in which he performs his function, if such purchase is related thereto.
2. Practice commercial or industrial works of any kind whatsoever, particularly to have any interest in works, contracting works, or tenders linked to his function.
3. Rent land, buildings, or any other real estate with the intention to exploit them at the department in which he performs his function.
4. Take part in the incorporation of companies or in the membership of their boards of directors or in any other position therein, unless he is being delegated on behalf of the Security Forces.
5. Speculate in stock exchange markets.
6. Gamble in clubs or halls allocated for officers or in public places or cabarets.

Article 94

1. Any officer contravening the duties set forth under this law or in decisions issued by the competent minister, deviating from the requirements of duty in his function, or behaving or appearing in a manner that may infringe upon the dignity of his function, shall be punished in a disciplinary manner, without prejudice to further civil or criminal action, as occasion may require.
2. An officer shall not be exempted from a penalty based upon an order by his commander or manager, unless his violation is proven to have been the execution of an order issued to him by such commander or manager despite having brought the violation to the attention of his commander or manager. In such case, responsibility shall be borne by the issuer of the order alone.
3. An officer shall not be indicted on civil grounds except for his personal error.

Chapter VIII. Penalties

Article 95

The following penalties may be imposed upon officers:

1. Corrective penalties imposed by direct commanders and commands.

2. Disciplinary penalties imposed by the Committee of Officers.
3. Penalties imposed by the Military Courts pursuant to the provisions of the *Military Penal Law*.

Article 96

The following disciplinary penalties may be imposed upon an active officer:

1. Termination of delegation.
2. Leaving in the rank for a period not to exceed two (2) years.
3. Deprivation from the regular increment or the increment of command.
4. Transfer to provisional retirement.
5. Termination of service.

The Committee of Officers shall be authorised to impose any such penalty, provided that the competent minister approves them, with the exception of the termination of service, which shall require the approval of the President.

Article 97

1. Disciplinary penalties imposed upon officers shall extinguish with the expiration of the following periods:
 - a) Two (2) years in the case of the leaving in the rank.
 - b) Three (3) years with regard of the other penalties, with the exception of the penalties of the transfer to provisional retirement and termination of service.
2. Extinction shall become effective by decision of the Committee of Officers if the demeanour and action of the officer since the imposition of penalty are satisfactory, as shown in the annual appraisal reports, in his service file, and in the opinions which his superiors express about him.
3. Extinction of a penalty shall result in its being considered as if it had not occurred with regard to the future. An extinct penalty shall not affect the entitlements and recompenses resulting therefrom. The documents of the penalty, references to it, and all that is related to it shall be removed from the officer's service file.

Article 98

The Military Courts shall impose penalties pursuant to the law if the officer commits any of the following crimes:

1. Leaving a position, centre, or station or handing over any of them, or forcing, or inciting any commander or person to leave a position, centre, or station or to hand over any of them, taking into consideration that the duty of such commander or person is to defend it.
2. Leaving weapons, ammunition, or equipment to the enemy.
3. Corresponding with the enemy, treason, or waiving the flag of truce to the enemy by means of treason or cowardice.
4. Supplying the enemy with weapons, ammunition or supplies, or receiving an enemy or protecting him in an intentional manner whilst such enemy is not a prisoner.

5. Serving the enemy or assisting him in a voluntary manner after being taken prisoner.
6. Conducting an act by which the officer intends to obstruct the victory of the Security Forces wholly or any division thereof during his field service.
7. Misbehaving or tempting others to misbehave in front of the enemy in a manner by which cowardice is manifested.

Chapter IX. Decorations, Badges and Medals

First. General Provisions

Article 99

The awarding of military decorations, badges, and medals and the permission to bear Arab and foreign decorations shall be by order of the President.

Article 100

The awarding of military decorations, badges, and medals shall be to the appointees which the competent minister determines. They may be awarded at any time to officers who perform glorious acts. The award of military decorations, badges, and medals shall be an encouragement for others to follow the example of each honoree.

Article 101

Requests for decorations, badges, and medals shall be made in a confidential manner. Officers for whom they are requested may not be informed thereof.

Article 102

Requests for decorations, badges, and medals shall be presented to the Committee of Officers for examination, recommendation, and to choose whom it deems should receive them. Following the approval of the competent minister, the recommendation shall be sent to the President to be awarded.

Article 103

The bylaw of this law shall determine a system to award military decorations, badges, and medals and to regulate their handing over, bearing, ranking, deprivation, and all else that is related thereto.

Article 104

Military decorations, badges, and medals shall be identical to other drawings, specifications, and conditions which are to be determined by the President.

Article 105

1. Arab and foreign military decorations, badges, and medals and the signs pertaining thereto may not be borne prior to the announcement thereof in

the Military Report, with the exception of awards presented during official ceremonies attended by the President or his representative.

2. Foreign military decorations, badges, and medals, and the signs pertaining thereto shall be borne in accordance with the date of their awarding regardless of their grade or affiliation, provided that they precede decorations, badges, and medals of the Arab states and the remaining decorations of other states, regardless of the date of their awarding.

Article 106

Military decorations, badges, and medals and their certificates shall remain the property of the successors of the person to whom they were awarded, as a means of commemoration and preservation of their advantages, without any one them having the right to bear them.

Second. Ranking of Military Decorations, Badges, Medals and their Awarding

Article 107

Military decorations, badges, and medals shall be given the following names and ranking:

1. Decorations:
 - a) The Star of Honour.
 - b) The Star of Palestine.
 - c) The Star of Jerusalem.
2. Badges:
 - a) The Badge of Military Sacrifice, which shall be of three grades.
 - b) The Badge of Military Duty, which shall be of three grades.
 - c) The Badge of Military Training, which shall be of three grades.
3. Medals:
 - a) The Medal of Exceptional Promotion.
 - b) The Medal of Distinguished Service.
 - c) The Medal of the Wounded in War.
4. Memorial decorations, badges, and medals shall be established by a decision of the President as circumstances warrant. Such memorial decorations, badges, and medals shall be awarded to officers or members of the personnel of the Security Forces. They may also be awarded to personnel of Arab and foreign forces, provided that their bearers do not enjoy the material privileges set forth under this law.

Article 108

The Star of Honour shall be awarded to a soldier who has performed exceptional services or acts that indicate outstanding sacrifice and courage in a confrontation with the enemy. A soldier who is awarded this Star shall be entitled to a monthly remuneration to be determined by the bylaw of this law for the period of his service.

Article 109

The Star of Palestine shall be awarded to a soldier who has performed distinctive acts that designate sacrifice and courage on the battle field.

Article 110

The Star of Jerusalem shall be awarded to a soldier who has performed distinguished acts.

Article 111

The Badge of Military Sacrifice shall be awarded to a soldier who has performed an act that is characterised by courage. The designation of the grade of the badge shall be in accordance with the act for which it is awarded.

Article 112

The Badge of Military Duty shall be awarded to a soldier who has performed his duties in a devoted and sincere manner. The designation of the grade of the badge shall be in accordance with the act for which it is awarded.

Article 113

The Badge of Military Training shall be awarded to a soldier who has brought his unit to a high level of training or to a soldier who has been injured during or because of the training. The designation of the grade of the badge shall be in accordance with the extent of his performance.

Article 114

The Medal of Distinguished Service shall be awarded to a soldier who has spent a period of at least twenty (20) years in military service and who has performed his acts in a trustworthy and sincere manner.

Article 115

The Medal of the Wounded in War shall be awarded to a soldier who has been injured in the field or during the performance of his duty. It shall be proven that the injury was because of the acts of the enemy or the performance of the duty, based upon a report of the competent Military Medical Committee or a report by his direct commander. Each time an injury occurs, the number shall be inscribed on the Medal.

Third. Civilian Medals and Badges

Article 116

1. The bylaw of this law shall determine a system to award civilian decorations, badges, and medals and their handing over, bearing, ranking, deprivation, and all that is related thereto.
2. A soldier may be awarded civilian medals or badges in accordance with the manner in which military medal and badges are awarded.

Article 117

The ranking of military and civilian decorations, badges, and medals that are awarded shall be in the following manner:

1. The Star of Honour, the Star of Palestine, and the Star of Jerusalem before the civilian medals.
2. The military badges after the civilian medals and before the civilian badges.
3. The military medals after the civilian badges.

Chapter X. Transfer to Provisional Retirement

Article 118

1. An officer shall be transferred to provisional retirement in the following cases:
 - a) Physical unfitness for service.
 - b) A disciplinary decision against him.
 - c) Upon his request.
2. The transfer of an officer to provisional retirement based upon his request shall be for a period not to exceed one (1) year. The extension of the period of transfer to provisional retirement may be approved, provided that it does not exceed three (3) years. If the period of transfer to provisional retirement expires, but the officer does not return to service, he shall be deleted by the force of law from the Register of the Security Forces.

Article 119

1. An officer who is transferred to provisional retirement shall be entitled to four-fifths (4/5) of the salary which he earned for the last month prior to his transfer.
2. An officer who is transferred to provisional retirement shall remain subject to the provisions of this law and to all regulations of military discipline and appraisal, as though he were in active service.

Article 120

An officer who is transferred to provisional retirement may not wear the military uniform, except when he is officially called to the military authorities.

Chapter XI. Expiration of Service

Article 121

The service of an officer shall expire in any of the following cases:

1. Termination of service.
2. Dispensing with service.
3. Physical unfitness for service.
4. Resignation.
5. Dismissal from service.

6. A final judgement of conviction of a crime or misdemeanour violating honour or trust.
7. Death.

Article 122

An officer who has spent fifteen (15) years in service, including extra periods, may request that his service be terminated. Nonetheless, the competent minister, based upon the recommendation of the Committee of Officers, may keep the officer in service for a period not to exceed one (1) year, except in exceptional cases which are required by higher interest. The Committee of Officers may also terminate the service of an officer who has spent fifteen (15) years in service. Officers whose services are terminated in either case shall be entitled to a pension in accordance with their respective periods of service.

Article 123

An officer who requests that his service be terminated, who requests that he be transferred to provisional retirement, or who submits his resignation may not leave service before he is officially notified of the acceptance of his request.

Article 124

The service of an officer shall be terminated due to physical unfitness for military service. Physical unfitness shall be proven by a decision of the Military Medical Committee based upon the request of the competent minister or the officer. The service of an officer may not be terminated due to physical unfitness before his sick leave expires, unless he himself requests that his service be terminated and that he be transferred to provisional retirement.

Article 125

The resignation of an officer shall be in writing and void of any restriction or condition; otherwise it shall be deemed as if it never took place. The service of an officer shall not expire except by the decision issued to accept his request.

Article 126

If an officer submits a request for resignation, the command may reject or accept it. The lapse of sixty (60) days after its submission without reply shall be deemed a decision to reject it. However, if an officer is under interrogation or litigation, his resignation may be postponed until adjudication of the charge.

Article 127

If a resigning officer is reinstated to service, he shall be granted his original rank, and the provisions under paragraph 2 of Article 27 shall apply to him.

Article 128

The service of an officer shall expire in either of the following two cases:

1. If a competent Military Court issues a decision to dismiss him from military service.
2. If he is convicted of a crime set forth under the *Penal Law*, or an equivalent crime in special laws, or if he is sentenced to a penalty entailing deprivation of liberty in a crime violating honour or trust.

Article 129

The service of an officer who deceased during service shall expire and his name shall be deleted from the Register of the Security Forces starting from the day following the date of death.

Article 130

An officer whose service expired may not serve in Arab or foreign forces, except following three (3) years from the expiration of his service in the Security Forces and after obtaining a special permission from the competent minister and the approval of the President.

Article 131

1. An officer shall be paid his salary up to the day on which his service expires. If the expiration of service is based upon his request, he shall be entitled to his salary up to the date designated for the acceptance of the resignation.
2. If an officer is detained during his work, the officer may redeem the salary paid to him for the termination of his service if he was punished by dismissal from service or if his service terminated and he was retired on pension.

Section Two. Service of Non-Commissioned Officers and Personnel

Part IV.

Chapter I. General Provisions

Article 132

1. Military service shall be by voluntary enlistment, compulsory service, or reserve service, and it shall be regulated by the law.
2. Compulsory military service shall be regulated by the *Law of Compulsory Service*.
3. Military service by voluntary enlistment shall be regulated pursuant to the provisions of this law.

Article 133

The bylaw of this law shall determine the conditions of military service by voluntary enlistment and the renewal of its periods in accordance with the needs of the Security Forces.

Article 134

Service of the volunteer may be terminated if he no longer fulfills a condition of military service pursuant to the provisions of this law.

Article 135

The renewal of voluntary enlistment shall mean the approval to continue the service of the volunteer in the Security Forces pursuant to the provisions of this law.

Article 136

Former non-commissioned officers and personnel may be reinstated to military service or be recalled pursuant to the rules and regulations which the bylaw of this law shall determine.

Chapter II. Appointment and Promotion

Article 137

1. Appointment to military service by voluntary enlistment shall be pursuant to what is determined in the bylaw of this law.
2. Every non-commissioned officer or member of personnel, upon the commencement of his appointment to military service, shall be designated a service file. The bylaw of this law shall determine its form, the type of data to be recorded, the manner of collection, and the parties by whom the file shall be kept.
3. Military service by voluntary enlistment may not be less than five (5) years.

Article 138

The military ranks for non-commissioned officers and personnel shall be:

1. Soldier.
2. Corporal.
3. Sergeant.
4. First Sergeant.
5. Adjutant.
6. First Adjutant.

Article 139

Promotion of non-commissioned officers and personnel to ranks directly above theirs shall take place once they complete the following periods of active service, with the fulfillment of the other conditions set forth under this law:

1. At least three (3) years for promotion from the rank of Soldier to the rank of Corporal.
2. At least three (3) years for promotion from the rank of Corporal to the rank of Sergeant.
3. At least four (4) years for promotion from the rank of Sergeant to the rank of First Sergeant.
4. At least four (4) years for promotion from the rank of First Sergeant to the rank of Adjutant.
5. At least four (4) years for promotion from the rank of Adjutant to the rank of First Adjutant.
6. At least four (4) years for promotion from the rank of First Adjutant to the rank of Honour Adjutant.

Article 140

1. With reference to the provisions under the preceding Article, a non-commissioned officer or member of personnel who spent in his rank the designated period of active service, whose command recommended that he be promoted, and who passes the relevant examinations and educational courses shall be promoted pursuant to what the bylaw of this law determines, provided that the organisational structure in his position allows promotion.
2. If the conditions determining promotion set forth under the preceding paragraph are equal, the general and special tables of seniority shall be referred to and the most senior soldier shall be promoted.
3. The bylaw of this law shall determine the detailed conditions of promotion, the required qualifications, and the party or parties authorised to issue the orders of promotion.
4. A promotion shall enter into force starting from the date on which a decision thereof is issued. The non-commissioned officer or member of personnel shall be granted the first fixed sum of the rank to which he is promoted or an increment therefrom, whichever is larger.

Article 141

1. The rank with which students of educational institutions graduate shall be determined in the regulations of such institutions, provided that it does not transcend the rank of Sergeant for those holding secondary school certificates.
2. A Corporal from among the graduates of educational institutions may be promoted to the rank of Sergeant without adherence to the condition of the period, if he spent in his rank more than half of the designated period pursuant to the provisions of Article 139.

Article 142

1. The military rank of a non-commissioned officer or member of personnel who was demoted or whose rank was removed may be reinstated in accordance with the following conditions:

- a) He must have spent a period of at least one (1) year in active service starting from the date of the demotion. In contrast, a non-commissioned officer or member of personnel whose rank was removed must spend the period of active service which is designated for promotion to such rank from the date of its removal.
 - b) His command recommends that his rank be returned to him.
2. The seniority shall be determined starting from the date of the reinstatement. His seniority in the rank to which he is demoted shall be considered as starting from the date of demotion.

Article 143

A First Adjutant may be promoted to the rank of Honour Adjutant by selection from among the qualified First Adjutants, pursuant to the provisions of Article 139, provided that the following conditions are fulfilled:

- a) He passes a cultural examination the level of which shall be determined by the command of the force in which he serves. A First Adjutant holding a secondary education certificate or its equivalent shall be exempted from such examination.
- b) He appears before a competent committee to be determined by the bylaw of this law to ensure his psychological and physical well-being and his eligibility to be an officer.
- c) He is no older than forty-five (45) years of age upon his nomination for promotion.
- d) The organisational structure allows for promotion.
- e) The Committee of Officers approves the promotion.

Article 144

1. The promotion of honour officers to ranks directly above theirs shall take place once they spend in their ranks the periods of active service set forth under the next paragraph. In all cases, their promotion may not transcend the rank of Major. Nevertheless, some of them may be promoted to the rank of Honour Lieutenant-Colonel only, by selection from among those who hold a university degree conforming to their specialisation during service.
2. Periods of active service for the promotion of honour officers shall be as follows:
 - a) At least three (3) years for promotion from the rank of Honour Lieutenant to the rank of Honour First Lieutenant.
 - b) At least four (4) years for promotion from the rank of Honour First Lieutenant to the rank of Honour Captain.
 - c) At least four (4) years for promotion from the rank of Honour Captain to the rank of Honour Major.
 - d) At least five (5) years for promotion from the rank of Honour Major to the rank of Honour Lieutenant-Colonel.

Chapter III. Seniority in Command

Article 145

Seniority in command for non-commissioned officers and personnel of one rank in any of the Security Forces shall be in accordance with the following order:

1. Volunteers.
2. Conscripts.
3. Reserves.
4. Technicians.

Article 146

1. Seniority in command among non-commissioned officers holding one rank shall be in accordance with the seniority in the rank, and if they are equal, in seniority as per the date of voluntary enlistment. If they are equal in the date of voluntary enlistment, then as per order in the list of promotion.
2. Seniority in command for non-commissioned officers from among graduates of educational institutions shall be in accordance with the order of graduation among the personnel of the same course in the rank with which they graduated.

Article 147

General and special tables of seniority shall be developed for the various categories of non-commissioned officers and personnel who are active in the military service.

Chapter IV. Assignment and Transfer

Article 148

The bylaw of this law shall determine the circumstances and conditions of assignment and transfer of non-commissioned officers and personnel who are active in military service.

Chapter V. Secondment and Scholarships

Article 149

1. By decision of the competent minister, a non-commissioned officer or member of personnel may be seconded to governments and civil local, foreign and international bodies. The approval of the officer in writing shall be required for the secondment. The bylaw of this law shall determine the circumstances and conditions of secondment.
2. A non-commissioned officer or member of personnel may not be seconded for a period exceeding three (3) years unless the secondment is outside of Palestine, in which event it may be extended for one (1) year only.

3. The duration of secondment shall be a period of active service in the Security Forces.

Article 150

The competent minister may delegate a non-commissioned officer or member of personnel on a scholarship outside of Palestine within his specialisation for a period of two (2) years, which may be extended for one (1) year. The period of the scholarship shall be deemed active service if it is completed successfully.

Chapter VI. Salaries and Increments of Non-Commissioned Officers and Personnel

Article 151

1. Salaries of non-commissioned officers and personnel shall be determined in accordance with the scale of salaries set forth in the table attached to this law.
2. Increments of the nature of work, regular increments, and increments of the cost of living shall be complements of the basic salary that is assessed in the pension.
3. The Council of Ministers may submit a proposal to amend the scale of salaries from time to time to the Legislative Council for approval.

Article 152

Categories of increments, allowances, and deductions shall be determined by a bylaw in accordance with the following:

First: Increments and Allowances

1. A social increment for the spouse and children.
 2. An increment of specialisation.
 3. An increment of territory.
 4. An increment of risk.
 5. An allowance for transportation from the place of residence to the place of work.
- The bylaw of this law shall determine the rules and regulations of their payment.

Second: Deductions:

1. The premium of insurance and salaries pursuant to the *Law of Public Retirement*.
2. The premium of health insurance pursuant to the *Regulation Concerning Health Insurance* in force in the National Authority.
3. The income tax pursuant to the law.
4. Any other deductions determined by the law.

Article 153

1. The salary shall commence being paid to a non-commissioned officer and member of personnel from the date of his appointment.

2. A non-commissioned officer and a member of personnel shall be entitled to the first fixed sum of the rank to which he is appointed or to which he is promoted. In addition, he shall be entitled to periodic increments in his original rank each year, starting from the date of his appointment or promotion.

Article 154

1. The social increment shall be paid to a non-commissioned officer and member of personnel for his unemployed spouse, sons and daughters, pursuant to what the bylaw of this law determines.
2. The social increment shall continue to be paid for each of the children set forth under the preceding paragraph in the following cases:
 - a) If his son is pursuing his education in an acknowledged educational institution and until he completes his education or reaches twenty-five (25) years of age, whichever occurs first.
 - b) If his son is physically disabled or became disabled at a percentage of disability that the competent Military Medical Committee shall determine.
 - c) If his daughter is divorced or widowed and not employed in the civil or military service.
3. If the wife of a non-commissioned officer or member of personnel is employed in the civil or military service, the social increment shall be paid to the children of the non-commissioned officer or member of personnel only.

Article 155

The social increment for the wife and children shall commence to be paid as of the date of marriage and the date of birth respectively. Payment for deceased children and the deceased or divorced spouse shall be halted as of the date of death or the date that the divorce becomes final respectively.

Article 156

The bylaw of this law shall determine a system of incentives for non-commissioned officers and personnel who perform distinguished services or acts or conduct research that helps to improve work methods and raise the competency of performance, or who have obtained an excellent evaluation at work.

Article 157

1. A non-commissioned officer or member of personnel shall be entitled to the expenses that he incurs during the performance of his function or the tasks that he is officially assigned under the circumstances and conditions which the bylaw of this law shall determine.
2. A non-commissioned officer or member of personnel shall be entitled to a movement and transportation allowance under the circumstances and conditions which the bylaw of this law shall determine.
3. A non-commissioned officer or member of personnel shall be entitled to a transportation allowance for him, his family, and his belongings in the following cases:

- a) Upon his first appointment to military service.
- b) Upon transfer from one area to another.
- c) Upon the expiration of his service for reasons other than those set forth under paragraphs 4 and 5 of Article 179 below.

Chapter VII. Leaves of Non-Commissioned Officers and Personnel

Article 158

Approved leaves pursuant to the law shall be as follows:

1. Ordinary leave.
2. Compassionate leave.
3. Sick leave.
4. One-time furlough for Hajj (pilgrimage to the Holy City of Mecca in Saudi Arabia).
5. Maternity and delivery leave.
6. Exceptional leave.

Article 159

A non-commissioned officer or member of personnel shall be entitled to a full-pay annual ordinary leave; holidays of feasts and official occasions shall not enter into the calculation of the leave with the exception of the weekly holiday:

1. Fifteen days (15) during the first year following the lapse of six (6) months from the date of his appointment.
2. Twenty-one (21) days for a Sergeant, Corporal, and soldier who have completed one (1) year or more in active service from the date of his appointment.
3. Thirty days (30) for a First Adjutant and Adjutant who have completed one (1) year or more in active service from the date of his promotion.

Article 160

Ordinary leave may be reduced, postponed or terminated for compelling reasons required by the interest of work. In such cases, the balance of the due ordinary leave during one (1) year shall be added to the due ordinary leave in the next year, provided that their total in one year does not exceed thirty (30) days.

Article 161

1. A non-commissioned officer and member of personnel shall be entitled to a full-pay compassionate leave for a period not to exceed six (6) days per year upon an urgent cause due to which it shall be excusable to obtain any other leave.
2. The period of the compassionate leave may not exceed two (2) consecutive days on one occasion or three (3) consecutive days if it is due to the death of a relative of kinship or affinity up to the fourth degree.
3. In all cases, entitlement to the period of the compassionate leave shall terminate upon the lapse of the year in which it is scheduled.

Article 162

A non-commissioned officer and member of personnel shall be entitled once during the period of his service to a full-pay furlough to perform the religious duty of Hajj, the pilgrimage to the Holy City of Mecca in Saudi Arabia, for a period of thirty (30) days.

Article 163

A female non-commissioned officer or member of personnel shall be granted a full-pay maternity leave for a period of ten (10) weeks.

Article 164

The Commander-in-Chief or his equivalent in the other forces may grant a non-commissioned officer or member of personnel who consumed his ordinary leave an exceptional leave for a period of not to exceed ten (10) days during one year, as occasion may require. Such shall be a full-pay leave.

Article 165

A non-commissioned officer or member of personnel who spends three (3) years or more in service shall be entitled to a sick leave to be granted by a decision within the following limits:

1. A non-commissioned officer and member of personnel shall be granted a sick leave for recovering after a stay in hospital based upon the decision of the Military Medical Committee for a period not to exceed fifteen (15) days. The sick leave shall be granted for a longer period, provided that its duration in one (1) year does not exceed one hundred-twenty (120) days. Such year shall be counted starting from the first sick leave which the non-commissioned officer or member of personnel is granted, whether it was due to one sickness or several over successive periods of time. If the non-commissioned officer or member of personnel has consumed the periods of treatment that are legally allowable pursuant to the bylaw of this law, whether at hospital or on the sick list, and was expected to be fully cured, he shall be transferred to provisional retirement on health grounds until the Military Medical Committee determines his physical fitness for return to active service. If his condition is incurable, his service shall be terminated by decision of the Military Medical Committee stating his physical unfitness.
2. The Commander-in-Chief or his equivalent in the other forces may extend the period of sick leave to another unpaid six (6) months if a non-commissioned officer or member of the personnel suffers from a sickness which requires longer treatment, in accordance with the decision of the Military Medical Committee.
3. A non-commissioned officer or member of personnel shall have the right to request that the sick leave be transferred into an ordinary leave if his balance so allows.
4. A sick non-commissioned officer or member of personnel must notify the ministry in which he serves of his sickness within twenty-four (24) hours of

his absence from service, unless such was excusable due to compelling reasons which the bylaw of this law shall determine.

5. A sick non-commissioned officer or member of personnel may obtain a sick leave for a period not to exceed three (3) days upon the decision of a physician affiliated with the Ministry of Health in areas where no branches of the Military Medical Service are available. It may be extended for a period not to exceed three (3) more days based upon a medical report by a specialised physician affiliated with the Ministry of Health or the Military Medical Services.
6. Notwithstanding the provisions of sick leave set forth under the preceding paragraphs, a sick non-commissioned officer or member of personnel who suffers from a chronic disease, the definition of which shall be issued by the Minister of Health, shall be granted, based upon the approval of the specialised Military Medical Committee, an exceptional paid leave until he is cured or his condition stabilises in a manner which enables him to return to service. If his disability is proven to be permanent, his service shall be terminated due to physical unfitness.
7. The Commission of Organisation and Administration shall set forth the rules and regulations concerning the obtaining of sick leave for non-commissioned officers or members of personnel in cooperation with the Ministry of Health.
8. If a sick non-commissioned officer or member of personnel wishes to terminate his leave and return to the service, he must obtain the approval of the Military Medical Committee.
9. Malingering by a non-commissioned officer or member of personnel proven by the Military Medical Committee shall be a violation of the duties of service.

Article 166

If the sick non-commissioned officer or member of personnel is outside of Palestine, his sick leave shall be approved by a Military Medical Committee to be established upon the discretion of the Military Attaché at the Embassy in the state where the non-commissioned officer or member of personnel is present or by the Ambassador in a state in which no Military Attaché is available.

Chapter VIII. Duties of Non-Commissioned Officers and Personnel and Prohibited Activities

Article 167

1. Upon the commencement of his appointment, a non-commissioned officer or member of personnel shall swear the *Oath of Sincerity and Allegiance to Palestine* in accordance with the following formula:

'I swear by the Almighty God to be loyal to the homeland and the people, to defend them and sacrifice my blood in their cause, to preserve my weapon and military honour, to preserve the laws and regulations and enforce them, to perform all of my functionary

and national duties in honour, trustworthiness and sincerity, and to implement all of the orders issued to me. God shall hereby be witness upon what I say.'

2. The administering of the oath shall take place before the competent minister or the person whom he delegates therefor. The non-commissioned officer or member of personnel shall sign the form of the 'Swearing of the Oath' which shall be kept in his service file.
- 3.

Article 168

The public function in any of the Security Forces shall be an assignment to those performing it. It shall aim at the service of the homeland and citizens in implementation of the public interest pursuant to the laws, bylaws, decisions and regulations. The non-commissioned officer or member of personnel must heed the provisions of this law and the bylaws, decisions, and regulations issued pursuant thereto. The non-commissioned officer or member of personnel must also:

1. Perform the work assigned to him by himself in an accurate and trustworthy manner and allot the time of the official work for the performance of the duties of his function. He may be assigned to work at times other than the official working hours in addition to the allotted time if the interest of work thus requires.
2. Cooperate with his colleagues in the performance of urgent duties that are necessary for the work progress and the implementation of the public service.
3. Execute the orders issued to him in an accurate and trustworthy manner within the limits of the laws, bylaws, and regulations in force. Each non-commissioned officer shall bear responsibility for the orders issued by him and shall be held responsible for the smooth progress of work within the limits of his jurisdiction.
4. Preserve the dignity of his function in accordance with public tradition and act in his behaviour in a manner conforming to the respect due thereto.

Article 169

During military service, the non-commissioned officer or member of personnel shall be prohibited from:

1. Expressing political opinions and working in politics or affiliating with parties, entities, associations or organisations with political objectives.
2. Participating in any demonstration or disturbances.
3. Taking part in organising partisan meetings or electoral campaigns.
4. Holding meetings to criticise actions of the National Authority.
5. Revealing information or clarifications about subjects which are confidential due to their nature or as per special directive. Adherence to confidentiality shall be required even upon the expiration of service.
6. Keeping to himself any document, official paper or copy thereof, even if it pertains to a work he was assigned to perform personally.
7. Contravening the procedures of private and public security regarding which a decision shall be issued by the competent minister.

8. Appointing a person as mediator, accepting favouritism in any matter related to his function, or acting as an intermediary for a private dispute or another employee in any matter pertaining thereto.
9. Contacting any party who is not Palestinian, except pursuant to the instructions issued by the competent authorities.
10. Issuing statements to the media, except under an official authorisation by the competent minister.

Article 170

1. A non-commissioned officer and member of personnel may not perform acts for a third party with or without payment, even during other than official working hours. The bylaw of this law shall determine the rules and regulations concerning the acts which the non-commissioned officer and member of personnel may perform during other than the official working hours in a manner that harms, clashes with, or contradicts the duties of the military service or its requirements.
2. A non-commissioned officer or member of personnel may assume, with salary or remuneration, the acts of custodianship, guardianship or agency on behalf of absentees or judicial assistance if the person under custodianship or guardianship, the absentee or the person to whom a judicial assistant is appointed is linked to him by kinship or affinity up to the fourth degree.
3. A non-commissioned officer or member of personnel may assume, with salary or remuneration, custodianship over the properties in which he is a partner or an owner of interest or which are owned by those to whom he is linked by kinship or affinity up to the fourth degree.
4. In all cases set forth under the two preceding paragraphs, the non-commissioned officer or member of personnel must notify his command thereof. The notification shall be kept in his service file.

Article 171

A non-commissioned officer or member of personnel may not be married to a non-Arab spouse unless a special permission of the competent minister, and he must obtain a prior license of marriage.

Article 172

A non-commissioned officer or member of personnel, either in person or by proxy, shall be prohibited from performing the following:

1. Purchase movable or immovable properties which are bid by administrative or judicial parties for sale at the department in which he performs his function if such purchase is related thereto.
2. Practice commercial or industrial works of any kind whatsoever, particularly to have any interest in works, contracting works or tenders linked to his function.
3. Rent land or buildings or any other real estate with the intention to exploit them at the department in which he performs his function.

4. Take part in the incorporation of companies or in the membership of their boards of directors, or in any other position therein, unless he is delegated on behalf of the Security Forces.
5. Speculate in stock exchange markets.
6. Gamble in clubs or halls allocated for non-commissioned officers or personnel or in public places or cabarets.

Article 173

1. Any non-commissioned officer or member of personnel contravening the duties set forth in this law or in the decisions issued by the competent minister, deviating from the requirements of the duty of his function, or behaving or appearing in a manner that may infringe the dignity of the function shall be punished in a disciplinary manner, without prejudice to further civil or criminal action, as occasion may require.
2. A non-commissioned officer or member of personnel shall not be exempt from a penalty based upon an order by his commander or manager, unless his violation is proven to have been the execution of an order issued to him by such commander or manager, despite having brought the violation to the attention of the commander or manager. In such case, responsibility shall be borne by the issuer of the order alone.
3. A non-commissioned officer or member of personnel shall not be indicted on civil grounds except for his personal error.

Chapter IX. Penalties

Article 174

The following penalties may be imposed upon non-commissioned officers and personnel:

1. Corrective penalties imposed by direct commanders and commands.
2. Penalties imposed by the Military Courts pursuant to the provisions of the *Military Penal Law*.

Article 175

The non-commissioned officer or member of personnel who is punished in a corrective manner by imprisonment shall have the days of his imprisonment deducted from his salary.

Article 176

The bylaw of this law shall determine the counting of the periods of absence for non-commissioned officers and personnel that precede desertion from the military service and the procedures adopted.

Article 177

1. Corrective penalties imposed upon non-commissioned officers or personnel shall extinguish pursuant to the rules and regulations which the bylaw of this law shall determine.
2. Extinction of the corrective penalty shall result in it being considered as if it had not occurred with regard to the future and shall not affect the entitlements and recompenses resulting therefrom. The documents of the penalty, any reference to it, and all that is related to it shall be removed from the service file.

Chapter X. Decorations, Badges and Medals

Article 178

1. The awarding of decorations, badges, and medals to non-commissioned officers or personnel and the permission to bear Arab and foreign decorations shall be pursuant to the provisions of the Articles of CHAPTER IX under PART THREE.
2. Requests for the awarding of military badges and medals to non-commissioned officers or personnel shall be presented to the Commission of Organisation and Administration to examine them and recommend them to those whom it deems to be deserving. They shall be sent, upon the approval of the competent minister, to the President, who will order which awards are to be conferred.

Chapter XII. Expiration of Service

Article 179

The service of a non-commissioned officer or member of personnel shall expire in each of the following cases:

1. Termination of the contract of voluntary enlistment.
2. Dispensing with service.
3. Physical unfitness for service.
4. Dismissal from service.
5. A final judgement of conviction of a crime or misdemeanour violating honour or trust.
6. Death.

Article 180

1. The service of a non-commissioned officer or member of personnel shall expire upon the completion of the period of his voluntary enlistment in military service and his lack of desire to renew it or due to the non-approval of the Commission of Organisation and Administration to renew it. In both cases, the expiration of service shall enter into force from the day following the completion of the period of voluntary enlistment, except in a state of emergency, in which event the non-commissioned officer or member of personnel may be kept in military service for the duration of such state, and

such shall be a period of active service and shall enter in the assessment of salaries or remuneration.

2. A non-commissioned officer, who has spent fifteen (15) years in service, including extra periods, may request that his service be terminated.
3. The service of a non-commissioned officer or member of personnel shall expire when he reaches forty-six (46) years of age, with the exception of an Adjutant or First Adjutant, whose service shall expire when he reaches fifty-one (51) years of age.
4. Non-commissioned officers and personnel whose service has expired may be kept for a period not to exceed one (1) year pursuant to the provisions of the preceding paragraph. Such shall be a period of active service and shall enter in the assessment of salaries or remuneration.

Article 181

1. The service of a non-commissioned officer shall be dispensed with in the following cases:
 - a) If he was a student in an educational institution and did not complete the stages of study in accordance with the conditions of his voluntary enlistment.
 - b) Lack of technical or military qualification for military service, based upon a decision of a competent committee, the formation of which the bylaw of this law shall determine.
 - c) For reasons pertaining to security or public interest.
2. The bylaw of this law shall determine the party which is entitled to decide whether to dispense with military service based upon the reasons set forth under the preceding paragraph.

Article 182

The service of a non-commissioned officer or member of personnel shall not be dispensed with except upon questioning by an interrogation committee to be established for such purpose by the competent minister. Such a committee may recommend that he remain in service or dispense with his service. In the latter case, a decision regarding the dispensing with his service shall be issued.

Article 183

The service of a non-commissioned officer or member of personnel shall be terminated due to physical unfitness for military service. Physical unfitness shall be proven by a decision of the Military Medical Committee, based upon the request of the competent ministry or the non-commissioned officer or member of personnel. The service of the non-commissioned officer or member of personnel may not be terminated due to physical unfitness before his sick leave expires, unless he himself requests that his service be terminated and that he be transferred to provisional retirement.

Section Three. General and Transitional Provisions

Chapter I. General Provisions

Article 184

A decision shall be issued by the President to determine the signs of the ranks and the uniforms for security personnel, in addition to the military decorations, badges, and medals, based upon a proposal by a special committee to be established for such purpose by the President.

Article 185

The President may promote a soldier to the next rank without adhering to the condition of the period, if the soldier performed exceptional, glorious deeds during his duties or in the service of the Security Forces, by nomination of the competent minister and based upon the recommendation of the Committee of Officers or the competent parties pursuant to the provisions of this law.

Article 186

A soldier may not marry a foreign spouse, except upon obtaining a special permission therefor. The bylaw of this law shall determine the obtaining of such permission and its conditions.

Article 187

The commencement of military service shall be from the date of joining a military college or military institute, joining the Forces of the Palestinian Revolution, or voluntary enlistment therein pursuant to the provisions of this law.

Article 188

1. An invention made by a soldier during or due to the performance of his function shall be the property of the security force in which he serves in the following cases:
 - a) If the invention is a result of official experiments.
 - b) If the invention is within the scope of the duties of his function.
 - c) If the invention has a link to military or security affairs.
2. Notwithstanding the provision under the preceding paragraph, a soldier shall be entitled to fair compensation if the invention is valid for financial use.

Article 189

Officers other than those graduating from military colleges and institutes may be promoted to their next ranks, each in accordance with the academic qualification he obtained before joining the service, in the following manner:

1. Those holding secondary school certificates or equivalents of vocational certificates may be promoted up to the rank of Honour Major. Those qualified from among them may be promoted to the rank of Honour Lieutenant-

Colonel by selection, in accordance with the conditions of which a decision shall be issued by the competent minister. They may also be promoted to the rank of Honour Lieutenant-Colonel by selection from among those who hold a university degree during the service that fits their specialisation.

2. Those holding a certificate of a preparatory school, a diploma of an industrial school or their equivalent may be promoted up to the rank of Honour Captain.
3. Those obtaining lower educational qualifications or who did not obtain an educational qualification may not be promoted to a rank higher than Honour First Lieutenant.

Article 190

If a soldier is transferred to any civil function, his name shall be deleted from the Register of the Security Forces, and he shall not be reinstated to service if three (3) years lapse after the deletion of his name. If it is decided that he be reinstated to service prior to the lapse of such period, he shall be included on the table of seniority in accordance with his original seniority.

Article 191

If a soldier is transferred to a civil function, he shall be transferred to the next grade in which the salary allocated for his military rank shall enter in its fixed sum. His seniority therein shall be counted from the date of obtaining the first fixed sum. If he earned a salary and increments, the total of which is less than what he earned in service, the difference shall be paid to him personally until he is promoted or included in the increments. The bylaw of this law shall determine the number of increments which are counted for the soldier upon his transfer.

Article 192

Officers whose services were terminated for non-disciplinary reasons and who possess special experience in the Security Forces may be recalled. In such case, the officer who is recalled may be granted a monthly remuneration equal to the difference between the salary and increments without deductions of an active officer of the same rank and his salary. The recalling shall be by decision of the President based upon the request of the competent minister.

Article 193

By decision of the competent minister, a soldier may be kept in service following the expiration of the period of his service for a period not to exceed one (1) month to deliver what is in his possession. He shall be paid for the period of delivery a recompensation that is equal to his last salary.

Article 194

The *Law of Military Procedures* shall determine the types of military crimes, the penalties designated thereto, the jurisdiction of the Military Courts to hear and adjudicate them, the corrective crimes and the penalties designated thereto, and

the jurisdiction of commanders to hear and adjudicate them, in addition to the proceedings adopted in such regard.

Article 195

1. If a soldier is detained by judicial order, he shall receive half of his salary, to which the social increment shall be added, for the period of his detention, until the charge against him is adjudicated.
2. If a judgement convicting the soldier is not issued, the deducted amount of his salary shall be repaid to him for the period of detention.
3. If the soldier is sentenced to imprisonment for a period not exceeding three (3) years, he shall continue to earn half of his basic salary, to which the social increment shall be added, for the period of the sentence.
4. A soldier who is kept in service upon the serving of his sentence shall be entitled to his salary from the date of his release.
5. A detained soldier, who is released temporarily and is assigned to work, shall continue to earn his salary for the period during which he is released. If he is released temporarily, however, and is not assigned to work, he shall be treated pursuant to the provisions under paragraph 1 of this Article.
6. The competent minister may keep a soldier in military service if he is referred to the Judiciary until his case is adjudicated in a final manner. During such period, he shall be treated pursuant to the provisions under the preceding paragraph.

Article 196

Periods of missing service shall be deducted from periods of active service and shall not enter in the counting of seniority and promotion or the assessment of remuneration. Periods of missing service shall include the following:

1. A period of sentence served in prison in execution of a judicial judgement issued by a regular court.
2. A period of desertion from military service.
3. A period of illegitimate absence from work exceeding five (5) consecutive days.
4. A period of imprisonment, if the innocence of the prisoner is not proven in accordance with the definitions of the bylaw of this law.
5. A period of sick leave, if the sickness was due to a crime of which a soldier is convicted or due to the self-infliction of injuries or diseases.

Article 197

Periods of enforcement of corrective penalties shall not be deemed periods of missing service and shall enter into the counting of the active service.

Article 198

1. Officers shall be subject to the provisions of the *Law of Military Procedures* concerning acts related to the command of a regular force. Non-commissioned officers and personnel shall be subject to the aforementioned law in all that is related to their service.

2. The bylaw of this law shall determine the parties who may issue decisions regulating the establishment of military prisons for officers, non-commissioned officers, or personnel of the security forces.

Article 199

The competent ministry may keep in a special account funds accruing from penalties of discount and suspension from work imposed upon security personnel, in addition to salaries deprived during the periods of suspension from work and amounts deducted for days of absence without permission and periods of imprisonment. Such funds shall be used for social, cultural, and sports purposes in accordance with the conditions which the bylaw of this law shall determine.

Article 200

The bylaw of this law shall determine the rules and regulations for fining a soldier for the mismanagement of funds and the destruction or loss of equipment, as well as the manner of their deduction from the Register of the Security Forces, in addition to the party which incurs them.

Article 201

Salaries of soldiers may not be seized in return for their debts, except by a judicial order.

Article 202

A soldier, who is dismissed from military service, shall have his military rank removed. In contrast, the demotion of officers whose service is dispensed with for disciplinary reasons shall become effective by decision of the Committee of Officers and approval of the President. The bylaw of this law shall determine the procedures for the demotion of ranks.

Article 203

The bylaw of this law shall determine the manner of demotion and removal of military ranks.

Article 204

1. In all cases of termination of service, with the exception of death a soldier, shall be given, based upon his request, a certificate stating his period of military service and each reason for the termination of service.
2. The bylaw of this law shall determine the form of the certificate of military service, the manner of its conferral, the substitution of a lost copy, and all other matters related thereto.

Article 205

The National Authority shall secure the clothing, sheltering, arming, preparing and burying of security personnel at its own expense. The bylaw of this law shall determine all matters related thereto.

Article 206

The bylaw of this law shall determine the establishment of educational institutions and their entry requirements, including the age limits of students, ranks, salaries, and recompenses during service.

Article 207

The bylaw of this law shall determine the treatment of missing security personnel and prisoners and the payment of their salaries and recompenses.

Article 208

The bylaw of this law shall determine the feeding of security personnel, in addition to the feeding of male and female nurses during their vigil.

Article 209

A soldier and a member of his family, whom he is legally assigned to support, shall be entitled to medical treatment free of charge at military and governmental hospitals and institutions.

Article 210

A soldier and the persons whom he is legally assigned to support must be treated outside of Palestine at the expense of the National Authority if treatment inside Palestine is impossible, provided that such is done on the basis of a report of the Military Medical Committee.

Article 211

A soldier, who is residing outside of Palestine by virtue of his function or those delegated on an official mission, shall be treated at the expense of the National Authority, provided that a report by a physician supports the necessity of treatment and its correct conduct is confirmed by offices of the Authority in the place of treatment. If these are not available, the approval of an official health reference shall be sufficient.

Article 212

1. Artificial limbs and supplementary artificial equipment shall be provided and replaced for soldiers that are injured during or because of service for their lifetime at the expense of the National Authority.
2. Artificial limbs shall be provided for soldiers injured by a cause other than service once at the expense of the National Authority.

Article 213

1. A soldier whose service expires for any reason whatsoever while he is sick at a military hospital shall remain at the hospital in a civilian capacity. His treatment shall continue to be free of charge until he is cured. He shall not be granted any salary or recompense starting from the date on which his service expires through the period that he spends at the hospital thereafter.
2. A soldier who is injured due to a special mission and whose service expires shall be excepted if he was:

- a) Under treatment, whereby he shall continue to be in service until he is cured. Thereafter, his service shall be terminated. His salaries, recompenses, and increments shall be paid to him throughout the period of his treatment.
 - b) Present in a professional rehabilitation centre, whereby he shall continue to be in service until he completes his treatment. His salaries, recompenses and increments shall be paid to him throughout the period of his treatment.
 - c) Infected with tuberculosis or a malignant tumor, whereby he shall continue to be in service and be under treatment for a period not to exceed two (2) years. His due salaries, recompenses and increments shall be paid to him.
3. The provisions of clauses (a) and (b) under the preceding paragraph shall apply to a soldier who is injured during or due to service.

Article 214

The competent ministry may employ a sufficient number of civilian workers in the security force affiliated with it. They shall be subject to the provisions of the *Law of Civil Service* concerning all that is related to their employment until the expiration of their service.

Chapter II. Transitional Provisions

Article 215

1. Situations of officers transferred to the reserve shall be settled for promotion and retirement by counting half of the period of their stay in the reserve as a period of active service.
2. Officers recalled from the reserve to service shall have their situations settled pursuant to the provisions under the preceding paragraph of this Article.
3. For released prisoners who are recruited into the Security Forces, periods of imprisonment shall be counted as periods of active service for the settlement of their situations in relation to retirement, pursuant to a special regulation that shall be issued.
4. Situations of security personnel who reach the age of the retirement on pension shall be settled pursuant to the provisions of this law.

Article 216

Security personnel, after whose appointment or promotion a period exceeding one (1) year has lapsed without obtaining regular increments for reasons other than disciplinary ones or annual appraisal reports, shall be entitled, upon the enforcement of this law, to an increment from the date on which one (1) year lapsed, without being paid the difference for the periods preceding the enforcement of this law. Then they shall be entitled to the next regular increment pursuant to the provisions of this law.

Article 217

Regular increments may not be paid to officers except within the limits of the period set forth in the attached Table No. 1. Officers who are included in the provisions of Articles 38, 39, 40 and 41 shall be excepted, whereby the regular increment shall continue to be paid for a period of two (2) years, in addition to the period of time set forth in the aforementioned Table.

Article 218

In a manner not contradicting the provisions of this law, the provisions of the *Law of Civil Service* and the *Law of Social Insurances* in force shall apply to officers, non-commissioned, and personnel of the Security Forces upon the enforcement of this law.

Article 219

The Council of Ministers shall issue the bylaw of this law.

Article 220

In a manner not contradicting the provisions of this law, decisions, regulations, and instructions issued concerning military affairs of the Security Forces shall remain valid until the issuance of decisions, regulations, and instructions for the enforcement of its provisions.

Article 221

Every provision which contradicts the provisions of this law is hereby repealed.

Article 222

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

Issued in the city of Ramallah on 4 June, 2005 AD, corresponding to 27 Rabi' Thani 1426 AH.

Mahmoud Abbas

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

Table of Salaries and Increments

Military Rank	Minimum Duration of Stay in the Rank	Basic Salary	Increment of the Nature of Work
Lieutenant-General	-	4420	80%
Major-General	3	4020	70%
Brigadier-General	4	3620	60%
Colonel	5	3320	50%
Lieutenant-Colonel	5	2820	40%
Major	5	2570	30%
Captain	4	2290	25%
First Lieutenant	4	2090	25%
Lieutenant	3	1960	20%
First Adjutant	4	1830	15%
Adjutant	4	1700	15%
First Sergeant	4	1570	15%
Sergeant	4	1490	15%
Corporal	3	1410	15%
Soldier	3	1330	15%

* The regular increment shall be at the rate of one and a quarter (1.25%) percent of the basic salary for each of the ranks mentioned in the Table per each year of service.

The increment of the cost of living shall be assessed in accordance with the basics applicable in the National Authority and standard consumer prices and by decision of the Council of Ministers, based upon the recommendation of the competent authorities in due form.

2. EXECUTIVE DECISIONS

Decision No. 1 of 2006 Concerning the Prohibition of the Exceptional Promotions in Military Functions

**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, and
In accomplishment of the public interest,

I hereby decide the following:

Article 1

The suspension of all exceptional promotions in military functions and their restriction to the promotions pursuant to the law.

Article 2

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

**Issued in the city of Ramallah on 19 January, 2006 AD, corresponding to 19 Thu
al Hijjah 1426 AH.**

**Mahmoud Abbas
Chairman of the Executive Committee of the Palestine Liberation Organisation
President of the Palestinian National Authority**

Decision No. 2 of 2006 Concerning the Prohibition of Replacement in the Military Appointments

**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, and
In accomplishment of the public interest,

I hereby decide the following:

Article 1

The replacement of military officials, whose service expired for any reason whatsoever, with new officials in military functions shall be absolutely prohibited, except with the approval of the Minister of Finance.

Article 2

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

Issued in the city of Ramallah on 19 January, 2006 AD, corresponding to 19 Thu al Hijjah 1426 AH.

**Mahmoud Abbas
Chairman of the Executive Committee of the Palestine Liberation Organisation
President of the Palestinian National Authority**

Decision No. 3 of 2006 Concerning the Prohibition of the Transfer of Officials between the Civil and Military Service

**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, and
In accomplishment of the public interest,

I hereby decide the following:

Article 1

The transfer of officials of the Security Forces to ministries and governmental departments shall be absolutely prohibited.

Article 2

The transfer of officials of ministries and governmental departments to the Security Forces shall be absolutely prohibited.

Article 3

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

Issued in the city of Ramallah on 19 January, 2006 AD, corresponding to 19 Thu al Hijjah 1426 AH.

**Mahmoud Abbas
Chairman of the Executive Committee of the Palestine Liberation Organisation
President of the Palestinian National Authority**

Decision No. 4 of 2006 Concerning the Codification of the Privileges of Military Retirees

**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, and
In accomplishment of the public interest,

I hereby decide the following:

Article 1

The withdrawal of all privileges awarded to military retirees in contravention of the provisions of the law. Nothing shall remain with the military retirees, including escorts, governmental vehicles, weapons, wireless communication devices and sundries, from which they benefited in virtue of their functions, with the exception of those excluded by decision of the Commander-in-Chief of the Armed Forces.

Article 2

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

**Issued in the city of Ramallah on 19 January, 2006 AD, corresponding to 19 Thu
al Hijjah 1426 AH.**

Mahmoud Abbas

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

Decision No. 285 of 2006 Concerning the Formation of the Committee of Officers of the Palestinian Security Forces

**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,
Having reviewed the *Law of Service in the Palestinian Security Forces No. 8 of 2005*,
particularly Article 17 thereof,
Based upon the powers bestowed upon me, and
In accomplishment of the public interest,

I hereby decide the following:

Article 1

The Committee of Officers of the Palestinian Security Forces shall be formed of the persons whose names are listed below:

1.	Acting Commander-in-Chief of the National Security Forces / Major-General Suleiman Hillis	as Chairman
2.	Deputy-Head of the General Intelligence / Major-General Tawfiq at-Tirawi	as Member
3.	Director-General of the Internal Security / Brigadier-General Rashid Abu Shbak	as Member
4.	Director of the Administration of Officers' Affairs / Brigadier-General Mohammed Yousef	as Member
5.	Director-General of the Police / Brigadier-General Ala' Husni	as Member
6.	Director-General of the Preventive Security / Brigadier-General Ziyad Habb ar-Reeh	as Member
7.	Director-General of the Civil Defence / Brigadier-General Ibrahim 'Ityani	as Member
8.	Commissioner-General of the National Guidance / Brigadier-General Mazen 'Izz ad Din	as Member

9.	Commander of the National Security Forces / Staff Brigadier-General Nidhal al-'Assouli	as Member
10.	Director of Training in the Northern Governorates / Brigadier-General Younes al-'Aass.	as Member

Article 2

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

Issued in the city of Ramallah 11 May, 2006 AD, corresponding to 13 Rabee' al Akhar 1427 AH.

Mahmoud Abbas

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

Decision of the Council of Ministers No. 76 of 2006 Concerning the Public Commission for the Retirement of Military Personnel

The Council of Ministers,

Having reviewed the *Law of Public Retirement No. 7 of 2005*,
Having reviewed what the Permanent Economic Ministerial Committee presented,
Having reviewed the minutes of the meeting of the Permanent Economic Ministerial Committee No. 7, which convened on 10 July, 2006, and
Based upon what the Council of Ministers approved in its session, which convened in the city of Gaza under No. 8/16/10 on 18 July, 2006,

hereby decides the following:

Article 1

The activation of the Public Commission for the Retirement of the Military Personnel.

Article 2

The calling of the Public Commission for the Retirement of Military Personnel to convene and to find the appropriate solutions and means to lift the financial burden of the Ministry of Finance and refer it to the Public Commission for the Retirement of Military Personnel.

Article 3

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

Issued in the city of Gaza on 18 July, 2006 AD, corresponding to 22 Jumada al Akhira 1427 AH.

Isma'il Haniya
Chairman of the Council of Ministers

B. Organisational Structures and Functions

1. LAWS

Law No. 3 of 1995

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

Based upon the powers bestowed upon me, and
In accomplishment of the public interest,

I hereby promulgate the following law:

Article 1

A new department affiliated with the Directorate-General of the Police shall be established and called the 'Traffic Department'.

Article 2

1. The Traffic Department shall be responsible for the issuing of temporary traffic permits for vehicles which may not be licensed, each of which temporary traffic permits shall be for a period of three (3) months, in return for a fee, the amount of which shall be three-hundred (300) Israeli Shekels.
2. The temporary permit shall not grant its bearer the right to licence the vehicle at the Licensing Authority or to sell it to a third party.

Article 3

Any vehicle that does not bear official papers from the Licensing Authority or the Traffic Department shall be seized as of 25 March, 1995.

Article 4

Without prejudice to a severer penalty set forth by another law, any person who contravenes the conditions of the granting of the temporary traffic permit shall be punished with imprisonment for a period of three (3) months or a fine of five-thousand (5000) Israeli Shekels, or both.

Article 5

Every provision that contradicts the provisions of this law is hereby repealed.

Article 6

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

Issued in the city of Gaza on 13 February, 1995 AD, corresponding to 14 Ramadan 1415 AH.

**Yasser Arafat
Chairman of the Palestine Liberation Organisation
President of the Palestinian National Authority**

Civil Defence Law No. 3 of 1998

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

Having reviewed the *Civil Defence Law No. 12 of 1956* in force in the Governorates of the West Bank,

Having reviewed the *Civil Defence Law No. 17 of 1962* in force in the Governorates of the Gaza Strip,

Having reviewed the draft law submitted by the Council of Ministers, and

Based upon approval of the Legislative Council,

I hereby promulgate the following law:

Article 1: Definitions

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

Ministry:	The Ministry of Interior.
Minister:	The Minister of Interior.
Council:	The Higher Civil Defence Council.
Directorate:	The Directorate-General of Civil Defence.
Director-General:	The Director-General of Civil Defence.
Chairman:	The Chairman of the Higher Civil Defence Council.
Natural Catastrophes:	Exceptional situations resulting from the powers of nature.
Emergency Case:	An imminent hazard which threatens or impedes the normal functioning of the public authorities.

Article 2

The Civil Defence shall perform all measures necessary to protect civilians and their property, secure the safety of all types of communications, guarantee the regular functioning of public authorities, and protect public and private buildings, installations and institutions from risks of air raids and other war operations, as well as risks of natural catastrophes, fire, maritime rescue and all other risks.

Article 3

The Directorate-General shall be attached to the Ministry.

Article 4

The management of the Directorate shall be assumed by a Director-General, who shall be responsible to the Minister for all technical, financial, and administrative aspects of the Civil Defence and shall directly supervise, within the limits of the laws and bylaws in force, the implementation of the orders, decisions, and instructions of the Minister and the Higher Civil Defence Council.

Article 5

The Directorate-General of Civil Defence shall perform the following functions:

1. All functions of the Civil Defence, including, but not limited to, the preparation of projects and work plans, the supervision of their implementation, the procurement of all necessary tools and supplies, as well as research into the most modern methods of civil defence and public relations.
2. Take all necessary measures, with the competent authorities, to face natural catastrophes and emergency cases in the situations decided by the President of the National Authority.
3. Educate the citizens on civil defence activities, cooperate with other public authorities with regard thereto, and distribute leaflets and information relating to its activities in times of peace and war.

Article 6

The Directorate shall, for the purpose of the enforcement of the provisions of this law, perform the following functions in coordination with the competent authorities:

1. Organise alarm procedures for air raids.
2. Supervise the organisation of cooperation between towns and villages in civil defence procedures and set up civil rapid intervention battalions for emergency support to afflicted areas.
3. Organise procedures for extinguishing fire.
4. Set up and prepare a Civil Defence Operations Room.
5. Organise procedures for detecting unexploded bombs and mines and their removal.
6. Establish light restrictions in order to prevent damages occurring due to air raids.
7. Store equipment, medicines, and desinfectants necessary for civil defence activities.
8. Establish detection teams for atomic radiation, toxic substances, and germs.
9. Build trenches and public shelters, as well as prepare shelters which pertain to buildings and installations.
10. Participate in the preparation of casualty stations appropriate to receive those injured from air raids and natural catastrophes.
11. Prepare rescue teams, debris removal teams, and air raid and fire controller teams.
12. Educate and train civilians on civil defence procedures by various means.
13. Organise and regulate the conditions of transporting and storing hazardous chemicals on the roads of the territories of the National Authority.

Article 7: Higher Civil Defence Council

A Higher Civil Defence Council shall be established in the following manner:

1.	The Minister of Interior	as Chairman.
2.	The Director-General of the Directorate-General of Civil Defence	as Member.
3.	The Director-General of the Ministry of Social Affairs	as Member.
4.	The Director-General of the Ministry of Public Works	as Member.
5.	The Director-General of the Ministry of Health	as Member.
6.	The Director-General of the Ministry of Local Government	as Member.
7.	The Director-General of the Ministry of Education	as Member.
8.	The Director-General of the Ministry of Finance	as Member.
9.	The Director-General of the Ministry of Communications	as Member.
10.	The Director-General of the Ministry of Planning and International Cooperation	as Member.
11.	The Director-General of Industrial Security at the Ministry of Industry	as Member.
12.	The Director-General of National Security	as Member.
13.	The Director-General of the Ministry of Transportation	as Member.
14.	The Director-General of the Ministry of Housing	as Member.
15.	The Director-General of the Police	as Member.

Article 8

As occasion may require, the Council shall summon experts to attend its meetings, although such experts shall have no right to vote.

Article 9

In ordinary times, the quorum for the meetings of the Higher Civil Defence Council shall be the attendance of the majority (half plus one of the members of the Council), provided that the Minister or whomever he may appoint is among them. In emergency situations, the Minister or whomever he may appoint shall determine the quorum, depending upon the number of members who attend.

Article 10

The decisions of the Higher Civil Defence Council shall be made by the majority of those present. In the case of a tie, the Chairman shall have the casting vote.

Article 11

The Council shall ordinarily convene at least once every three (3) months. It may convene in exceptional cases upon invitation of the Minister or whomever he may appoint, or upon the request of one-third (1/3) of the members of the Council.

Article 12

Pursuant to the provisions of this law, the Council shall perform the following functions:

1. Formulate the general policy of the Civil Defence.
2. Devise and approve operational plans for the Civil Defence.
3. Follow up on the implementation of the policies and plans of the Civil Defence.
4. Take all necessary measures for dealing with contingencies.

Article 13

A Local Committee for Civil Defence shall be formed in every Governorate in the following manner:

1. The Governor or whomever he may appoint as Chairman.
2. The Chairmen of the Municipality and Local Councils, as well as the Camp Committees, in the Governorate as Members.
3. The Director of Civil Defence in the Governorate as Member.
4. A physician appointed by the Ministry of Health as Member.
5. Not more than five (5) members of the public to be appointed by the Governor as Members.
6. A representative of the Directorate of Police in the Governorate as Member.

Article 14

The Local Committee shall be competent to implement the policies and plans of the Civil Defence relating to the Governorate, as well as to study the means necessary for its best possible implementation. It shall perform the following functions:

1. Supervise the establishment and formation of air raid observers, fire, emergency, first aid and rescue teams.
2. Make the necessary arrangements to train these teams in civil defence functions in accordance with the plans and procedures issued by the Council.
3. Provide local education on civil defence procedures, distribute leaflets and information provided for this purpose, and recruit volunteers for the various civil defence teams.
4. Devise and develop the necessary procedures for civil defence activities.
5. Coordinate with other Governorates in the event of natural catastrophes.

Article 15

The Local Committees shall hold ordinary meetings at least once every three (3) months. The Local Committee may convene at any time in exceptional manner upon invitation of the Governor or upon the request of one-third (1/3) of its members. The quorum for meetings shall be the majority of the members, provided that the Chairman of the Local Committee is among them. Decisions shall be made by the majority of those present. In the case of a tie, the Chairman shall have the casting vote. The decisions of the Local Committee shall be presented to the Higher Civil Defence Council.

Article 16

Notwithstanding the provisions of this law, the Minister shall have the following authorities:

1. Issue decisions and orders concerning the procedures taken by the Civil Defence Committees.
2. Issue decisions and orders concerning measures to be taken by proprietors of educational and physical training facilities, public meeting places, hospitals, cinemas, recreation facilities, and public trade and industry facilities which require special protection in view of the nature of the work therein or their utilisation.
3. Issue, as occasion may require, orders to seize temporarily real estate and buildings required for setting up public shelters, hospitals, and general emergency centers, as well as facilities for all other civil defence activities. The owner of such shall be paid an equitable compensation for the damage that may be sustained.
4. Set up teams of civilians from among the employees of the National Authority and others for civil defence training in their free time and for participating in civil defence activities and facing natural catastrophes, as set forth under of the law.
5. Approve the conduct of drills and exercises on civil defence activities to ensure the efficiency of civil defence procedures and preparations.

Article 17

An annual financial appropriation shall be allocated to the municipal and local councils through the Civil Defence Committees, so as to enable them to implement the precautionary measures delegated to them. This appropriation shall be determined annually by a decision of the Minister in the light of the recommendations of the Civil Defence Committees.

Article 18

The owners of real estate and buildings referred to under paragraph 2 of Article 16 of this law shall implement, at their own expense and at the time set for them, the activities delegated to such real estate and buildings for civil defence purposes.

Article 19

Pursuant to the provisions of Articles 16 and 17 of this law, the Directorate shall deal with the expenses of the actions and measures necessary for civil defence activities.

Article 20

If the owners of real estate and buildings or occupants thereof do not implement the measures and activities delegated to them for civil defence purposes, the Directorate-General of Civil Defence shall implement the measures and activities at the owners' expense, and the expenses thereof shall be collected in the manner in which the public funds are collected.

Article 21

A building license issued under any law or regulation relating to urban and building planning must include provisions to the effect that the licensee implements the requirements of civil defence and prepares special places which are fit for shelters when necessary.

Article 22

The Higher Civil Defence Council shall issue instructions concerning the conditions and specifications required in public shelters and other civil defence facilities set forth under the preceding Article. The licenses issued by the competent authorities shall include a statement of such specifications and conditions.

Article 23

The employees of the Ministry of Interior and others who are delegated by the Minister shall have the capacity of the Judicial Police to enforce the provisions of this law and to execute decisions thereof. They shall have the right of access to any place in order to verify the implementation of the measures set forth under this law or the decisions issued pursuant to it.

Article 24

Civil servants, physicians, pharmacists and male and female nurses who are working in public facilities or institutions, as well as workers in the food industry or in trade or transport, shall be prohibited, in the event of general mobilisation, from leaving the places where they perform their duties, except upon prior permission by the competent authorities. The Minister may prohibit the leave of any other group of employees whose activities are necessary for the stability and functioning of public life.

Article 25

It shall be prohibited to remove a machine, a sign or change its place, or render the same unusable for civil defence purposes. The violator shall be administratively obligated to reinstate the object to its original condition, in addition to any other penalty set forth by the law.

Article 26

In the case of emergency, the Minister may take the following additional measures for civil defence purposes:

1. Seize all means of transportation, tools, spare parts, as well as all their supplies, and restrict the sale and movement thereof, as well as the movement of their drivers.
2. Seize various types of inflammable materials and restrict their disposal and methods of storage.
3. Commission any qualified personnel to take part in civil defence activities. If their profession is a free one, they may be required to hand over their work equipment to the civil defence authorities.

4. Delegate any governmental employee to perform functions relating to civil defence purposes for the necessary period of time.
5. Commission any ministry, municipality or national corporation to delegate an employee to act as a liaison officer between his department and the Directorate-General of Civil Defence for the purpose of coordinating the work as soon as possible.
6. Seize resources of water and electricity, related equipment and supplies, and order the officials in charge of their management and their employees to manage them efficiently.
7. Seize food and all other resources necessary for the stability and functioning of public life, as well as restrict the distribution and methods of storage of such resources.
8. Issue other decisions for the purpose of civil defence.

Article 27

The Higher Civil Defence Council may amend or cancel any decision issued by any Civil Defence Committee.

Article 28

Any person violating the provisions of this law shall be punished by a fine not to exceed five-hundred (500) Jordanian Dinars or the equivalent in legal tender, or by imprisonment for a period not to exceed six (6) months, or both, without prejudice to the provisions of the *Penal Law*.

Article 29

The provisions of the *Civil Defence Law No. 12 of 1959* in force in the Governorates of the West Bank, the *Civil Defence Law No. 17 of 1962* in force in the Governorates of the Gaza Strip, and all laws contradicting the provisions of this law are hereby repealed.

Article 30

The Minister of Interior shall issue the necessary decisions for the enforcement of the provisions of this law upon the proposal of the Higher Civil Defence Council.

Article 31

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 the date of its publication in the *Official Gazette*.

Issued on 28 May, 1998 AD, corresponding to 2 Safar 1419 AH.

Yasser Arafat

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

General Intelligence Law No. 17 of 2005

**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,
Having reviewed the *Law of Civil Service No. 4 of 1998* and its Amendments,
Having reviewed the *Law of Insurance and Pensions of the Palestinian Security Forces No. 16 of 2004* and its Amendments,
Having reviewed the *Law of Public Retirement No. 7 of 2005*,
Having reviewed the *Law of Service in the Palestinian Security Forces No. 8 of 2005*,
Based upon approval of the Legislative Council during its session of 21 September, 2005,
Based upon the powers bestowed upon me, and
In the name of the Arab Palestinian People,

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:	The President of the Palestinian National Authority.
Intelligence:	The Palestinian General Intelligence.
Head of Intelligence:	The Head of the Palestinian General Intelligence.
Member:	Any officer, non-commissioned officer, or member of personnel appointed in the Intelligence.

Article 2

The Intelligence shall be a regular security agency subordinate to the President. It shall perform its functions and commence its jurisdictions pursuant to the provisions of the law under the presidency and command of its Head, who shall issue the decisions necessary for the management of its work and the regulation of all of its affairs.

Article 3

The Intelligence shall consist of a Head, a Deputy, and a sufficient number of officers and individuals expedient to carry out the work in accordance with the organisational structure to be issued by the President. The provisions of this law shall apply to all members thereof.

Article 4

1. The Head of Intelligence shall be appointed by the President in the rank of a minister.
2. The duration of the appointment of the Head of Intelligence shall last for three (3) years. It may be extended for one (1) year only.

Article 5

The Head of Intelligence shall be the authority competent to enforce the provisions of this law and defining the jurisdictions of the units in the light of the bylaw. He may delegate some of his authority to whomever he deems fit from among the officers.

Article 6

1. The Deputy-Head of Intelligence shall be appointed by the President and upon the nomination of the Head of Intelligence.
2. The appointment in the function of a director of a department at the Intelligence shall be made by the Head of Intelligence and upon the nomination of the Committee of Officers.
3. The directors of departments shall be part of the executive command of the Intelligence and fully responsible for the implementation of the duties assigned to them.

Article 7

1. The Head of Intelligence shall assume the authority of supervising the activities of the Intelligence and its members. He may establish necessary committees and issue decisions and orders required for the regulation of the progress of work and the ensurement of good performance.
2. The Head of Intelligence shall be accountable to the President or the person whom he may authorise to maintain the confidentiality of the work of the Intelligence, the information and the means of accessing it, and its sources. Investigations or information of the Intelligence may not be viewed, except by a special permission of the President or the person whom he may authorise.
3. The Head of Intelligence shall notify the President or the person whom he may authorise of all matters of significant or urgent nature.

Chapter II. The Duties of the Intelligence

Article 8

1. The Intelligence shall be officially assigned to exercise security activities and duties beyond the geographical boundaries of Palestine.
2. The Intelligence shall exercise specific security duties within the geographical boundaries of the State of Palestine to complete the measures and activities commenced beyond those boundaries.

Article 9

The Intelligence shall perform the following:

1. Take the measures necessary to prevent acts that may endanger the security and safety of Palestine and expedient measures against their perpetrators pursuant to the provisions of the law.
2. Reveal external dangers which may jeopardise the Palestinian national security in the fields of espionage, collusion and sabotage, and any other acts which may threaten the unity, security, independence, and resources of the homeland.
3. Jointly cooperate with similar agencies of friendly states to fight all acts which may threaten the joint peace and security or any fields of external security, upon the condition of reciprocal treatment.

Article 10

The acts upon which the provisions under the preceding Article are applicable shall be:

1. Communicating with a foreign state in order to perform a hostile act against Palestine.
2. Joining the service of a foreign army which is in a state of war with Palestine.
3. Delivering or helping to deliver a secret of the defence of Palestine in the military, political, economic or social domain to a foreign state.
4. Any intentional act which may result in the death, a critical physical injury, or loss of freedom of any of the:
 - a) Monarchs and Presidents of States and their spouses or their ascendants or descendants.
 - b) The heirs to the throne or deputies of the Presidents of States or Prime Ministers or ministers.
 - c) Persons who are in charge of public responsibilities or those occupying public positions, if such acts are directed toward them in their capacities.
 - d) Ambassadors or diplomats who are accredited with the State of Palestine.
5. The purposeful sabotage or damage of public or private properties for public purposes which belong to or are subject to the authorities of a state connected with Palestine by diplomatic or friendly relations.

6. The manufacturing, possession or acquisition of weapons, explosives or any detrimental materials with the intention to perpetrate any of the aforementioned acts in any state.
7. Any act of violence or threat, whatever its motives or purposes, which occurs in the implementation of an individual or collective criminal plot aimed at creating fear among the people or intimidating them by harming them or putting their life, freedoms or security in danger, or by causing damage to the environment or to any facilities or public properties, or occupying or seizing control of them, or forfeiting land, or subjecting a national resource to danger.

Article 11

Pursuant to the provisions of the law, the Intelligence shall have the right to collate information in the jurisdictions which the law approves and to request it from the agencies of the National Authority and others without objection. The Head of Intelligence may request from the Attorney-General pursuant to the law the right to bring about legal decisions to prevent foreign nationals from travelling from or to Palestine and, for reasons of national security, to prevent citizens from travelling. Furthermore, the Intelligence shall have, in the cause of the commencement of its jurisdictions set forth under this law, the authority of oversight and investigation through various technical and professional means pursuant to the law.

Article 12

The Intelligence, in the cause of the commencement of its jurisdiction set forth under this law, shall have the capacity of the Judicial Police.

Article 13

The Intelligence must heed the rights and guarantees set forth in the Palestinian laws and the rules of the international law in this domain.

Article 14

Pursuant to the provisions of the law, the Intelligence shall conduct preliminary investigations into incidents ascribed to the detained person; exercise oversight; search; investigate and inspect; may request the attachment of properties and the detention of individuals; may summon and interrogate individuals and hear their statements; and may request data, information and documents from any person or keep them and take such actions as it deems necessary in their regard pursuant to the law.

Article 15

1. If the detained person is a foreign national, he must be assisted to contact the closest representative of the state to which he is a subject.
2. The Intelligence may notify any other state of interest if it deems appropriate for the fact of such measure and the circumstances which required it to be taken.

Article 16

In a manner not contradicting the provisions of this law, the treaties pertaining to the extradition of defendants in crimes subject to extradition between the National Authority and any other state must be abided by.

Chapter III. The Budget

Article 17

1. Pursuant to the provisions of the law, the Intelligence shall have its own independent budget, which shall be included as one figure within the General Budget of the State. The Intelligence shall manage its own budget and expend from it under the supervision of the President.
2. The Legislative Council shall form an ad hoc-committee of three (3) members that shall assume the discussion and approval of the budget of the Intelligence, as part of the approval of the General Budget.
3. A financial controller shall be appointed in the Intelligence by the President and upon the nomination of the Head of Intelligence. The financial controller shall be responsible for reviewing the items of expenditure, have direct supervision over the auditing of accounts, and ensure that they are sound.

Article 18

1. The Head of Intelligence shall be responsible for preparing the Intelligence's annual budget and submitting it to the President for approval.
2. The Head of Intelligence shall issue the decisions which include the bases and procedures pertaining to the implementation of the items of the budget for the purposes designated thereto. He shall have the power to disburse confidential expenditures in the manner which he decides without abiding by the bylaws and decisions applicable to other governmental agencies. All the items and procedures related thereto shall be deemed confidential.

Article 19

The Head of Intelligence shall prepare a regulation for purchases which shall conform to the nature of the function of the Intelligence, which regulation is subject to approval by the President. The Head of Intelligence shall have the full power to enforce it.

Chapter IV. The Committees

Article 20

The Head of Intelligence may establish committees in accordance with the requirements of the work. The decision of establishment shall determine the duties, powers and restrictions of the function of a committee, provided that the function of a committee does not conflict with the duties of administrations and units already in existence. Committees of investigation which are established for specific purposes shall be excepted therefrom.

Article 21

Pursuant to the provisions of the *Law of Service in the Palestinian Security Forces* and by decision of the Head of Intelligence, a subcommittee of officers shall be established in the Intelligence.

Article 22

The committee shall exercise its jurisdictions over all members of the Intelligence. It may also include in its meetings persons from whom it deems fit to seek assistance.

Chapter V. The Obligations of the Members and Prohibited Acts

Article 23

The Head of Intelligence, his Deputy or any of the members may not bear witness before the courts, even following their retirement from work, with regard to information which came to their knowledge during the performance of their work, but which was not disseminated in a legal manner and which the National Authority did not allow to be disseminated. The permission of the competent authority shall be given to the Head of Intelligence and his Deputy by the President. Other members shall thus be given by the Head of Intelligence.

Article 24

1. The members must abide by the provisions of this law and its bylaw. They must also abide by the bylaws and regulations operating inside and outside of the Intelligence.
2. A manual for the members which regulates their demeanour and ethics is to be issued.

Article 25

In addition to prohibitions set forth under the *Law of Service in the Palestinian Security Forces*, the members shall be prohibited from the following:

1. Combining work at the Intelligence with any other work, unless the interest of the work so requires and by decision of the Head of Intelligence.
2. Negligence or failure due to which a right of the State may be lost.
3. Revealing any data pertaining to the matters of work to the media, whether during the service or thereafter, except through a person authorised thereof.
4. Performing any political or media activity.
5. Affiliating with associations, institutions or clubs, unless the interest of the work thus requires and by decision of the Head of Intelligence.
6. Exploiting the function in order to achieve personal goals.
7. Keeping for themselves any official documents, even if they pertained to activities to which they were assigned.

8. Contravening the security measures of which a decision is issued by the competent authority.
9. Concealing errors and contraventions by their colleagues at work.
10. Communicating or establishing special relationships with foreign nationals or members of embassies and missions accredited at the State, unless the interest of the work so requires and by decision of the Head of Intelligence.

Chapter VI. Appointments

Article 26

The following shall be required from a person to be appointed in the Intelligence:

1. Be of Palestinian nationality and Palestinian parents.
2. Not be previously convicted of a crime or misdemeanour violating honour or trust.
3. Be physically fit for service.
4. Not be married to a non-Arab.
5. Be between eighteen (18) and thirty (30) years of age.
6. Not have been dismissed from former service by a disciplinary decision.
7. Be of good conduct and repute.
8. Hold the academic qualifications required for the function.
9. Pass the examinations necessary to occupy the function.

Article 27

1. Any person who is appointed as an officer in the Intelligence shall swear the *Oath of Allegiance* in accordance with the following formula:

'I swear by the Almighty God to be sincere to the homeland and the people, to defend them and sacrifice my soul in their cause, to preserve my weapon and military honour, to respect the laws and regulations and enforce them, to safeguard the secrets of my career, and to perform all of my functional and national obligations in honour, trustworthiness and sincerity. God shall hereby be witness upon what I say.'

2. The swearing of the oath by the Head of Intelligence and his Deputy shall be before the President.
3. The swearing of the oath shall be before the Head of Intelligence or the person whom he delegates therefor. The officer shall sign the form of the 'Swearing of the Oath' which shall be kept in the service file.

Article 28

Assistance may be sought from experienced retirees who were previously members of the Intelligence for the performance of particular functions by special work contracts for a period of one (1) year that shall be renewable for three (3) years in return for a fixed remuneration.

Chapter VII. Confidentiality and Discipline

Article 29

Every member of the Intelligence shall be subject to the security directives, restrictions, and measures issued by the Head of Intelligence.

Article 30

Information regarding the regulation of the Intelligence and its activities, functions, documents, headquarters and properties and the data of its members shall be a secret of national security, the revealing of which is prohibited. Such shall apply to any member of the Intelligence and those working by special contracts, even following the expiration of their service.

Article 31

Any person who deviates from the requirements of the functional obligation, or commits any of the prohibited acts set forth under this law and its bylaw, or appears in a manner that violates the dignity of the function and its requirements shall be punished pursuant to the *Penal Law* in force.

Article 32

In cases other than *flagrante delicto*, the competent authorities may not detain a member or interrogate him except following notification of the Head of Intelligence.

Chapter VIII. Concluding Provisions

Article 33

The Legislative Council, through its ad hoc-committees, shall have the right to hold the Head of Intelligence accountable.

Article 34

1. Pursuant to the provisions of this law, a security academy shall be established to prepare, train and qualify the members of the Intelligence.
2. The Head of Intelligence shall assume the supervision over the curricula and courses and shall appoint trainers and instructors in accordance with the interest and achievement of the goals.

Article 35

In a manner not contradicting the provisions of this law, the provisions of the *Law of Service in the Palestinian Security Forces* shall apply to the members regarding appointment, seniority, promotion, delegation, assignment, transfer, secondment, scholarships, salaries, leaves, obligations, prohibited acts, penalties, decorations, badges, and medals, transfer to provisional retirement, expiration of service, and any other matter of which a relevant provision is not mentioned in this law.

Article 36

The Head of Intelligence shall draft the bylaw of this law and the regulations necessary for the function of the Intelligence, which shall be issued by decision of the President.

Article 37

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

Issued in the city of Ramallah on 26 October, 2005 AD, corresponding to 23 Ramadan 1426 AH.

Mahmoud Abbas

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

Decree Law No. () of 2007 Concerning the Preventive Security*

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

In reference of the provisions of the *Amended Basic Law of 2003* and its Amendments,

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

Based upon the recommendation of the Council of Ministers of October 29, 2007,

Based upon the powers bestowed upon me, and

In accomplishment of the public interest,

I hereby promulgate the following decree law:

Article 1: Definitions

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

Authority:	The Palestinian National Authority.
President:	The President of the Palestinian National Authority.
Competent Ministry:	The Ministry of the Interior.
Minister:	The Minister of the Interior.
Directorate-General of the Preventive Security:	The agency of the Preventive Security.
Director-General:	The Director-General of the Directorate-General of the Preventive Security.
Individual:	Any officer, non-commissioned officer or member of personnel appointed in the Preventive Security.

Article 2

1. The agency of the Preventive Security is a regular security directorate-general within the Internal Security Forces which is affiliated with the competent Ministry and works in the field of security.
2. The permanent headquarters of the Directorate-General shall be in the city of Jerusalem. It shall have two temporary headquarters in the cities of Ramallah and Gaza. It may also establish sub-directorates in the other cities.

* At the time of the finalisation of this collection, the decree had not yet been published in the *Official Gazette*.

Article 3

The provisions of this law shall apply to all employees at the Directorate-General of the Preventive Security. The Council of Ministers shall approve the organisational structure thereof.

Article 4

1. The Director-General and his Deputy shall be appointed by the President of the National Authority, based upon the decision of the competent Minister, the nomination of the Director-General of Internal Security and the recommendation of the Committee of Officers. The Director-General and his Deputy shall swear the legal oath before the President before they commence their functions.
2. The tenure of the Director shall be four (4) years. It may be extended for one (1) additional year by decision of the President.

Article 5

1. The Director-General shall supervise the functions of the Directorate-General of the Preventive Security and its employees, as well as the formation of all necessary work committees. The Director-General may delegate some of his capacities to his Deputy.
2. The Director-General shall be accountable to the competent Minister and the Director-General of Internal Security in his function, including preserving the confidentiality of the Directorate-General of the Preventive Security and its activities.

Article 6: Duties of the Preventive Security

In a manner that does not contradict the laws in force, the Directorate-General of the Preventive Security shall have the following responsibilities:

1. Working to protect the Palestinian internal security.
2. Following up on crimes which threaten the internal security of the National Authority and/or those imposed thereon, as well as working towards their prevention.
3. Uncovering crimes which target governmental departments and public bodies and institutions, as well as the employees thereat.

Article 7: Capacity of the Judicial Police

The officers and non-commissioned officers of the Preventive Security, in the cause of the commencement of its jurisdiction set forth under this law, shall have the capacity of the Judicial Police.

Article 8: Observation of Rights

The Directorate-General of the Preventive Security must respect the rights, freedoms and guarantees set forth in the Palestinian law, as well as international charters and treaties.

Article 9: Detention Centres

The competent Minister shall define the established detention centres of the Preventive Security in coordination with the Director-General. He shall notify the Minister of Justice and the Attorney-General of their status and of any changes introduced in their regard. Such centres shall be legal detention centres.

Article 10: Confidentiality

1. Investigations and information of the Directorate-General of the Preventive Security may not be viewed, except by special permission of the competent Minister or in execution of a judicial judgement.
2. The information, activities and documents pertaining to the work of the Preventive Security shall be confidential and may not be disclosed.

Article 11

1. The assistants to the Director-General and the directors of departments in the Preventive Security shall be appointed by the competent Minister based upon the nomination of the Director-General and approval of the Director-General of the Internal Security.
2. All individuals in the Preventive Security shall be subject to security directives, controls and procedures issued by the Director-General.

Article 12

The competent Minister shall submit a report on the performance of the Directorate-General of the Preventive Security to the President of the National Authority and the Prime Minister every three (3) months.

Article 13

The Council of Ministers shall issue the bylaws necessary for the enforcement of the provisions of this decree law.

Article 14

All provisions that contradict the provisions of this law are hereby repealed.

Article 15

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

Article 16

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

Issued in the city of Ramallah on November 20, 2007 AD, corresponding to Thu Al-Qi'da 10, 1428 AH.

Mahmoud Abbas

Chairman of the Executive Committee of the Palestine Liberation Organisation

President the Palestinian National Authority

2. EXECUTIVE DECISIONS

Decision of the Council of Ministers No. 130 of 2004 Concerning Security Arrangements

The Council of Ministers,

Having reviewed the *Amended Basic Law*,

Having reviewed the decisions of the National Security Council during its session convened in the city of Ramallah on 25 January, 2004, with regard to security arrangements in order to maintain public order and enforce the rule of law, inasmuch as it is an approach to end the state of chaos as well as a step on the path to meet the obligations of the National Authority toward our people, and

Based upon what the Council of Ministers approved under No. 2/10 during its session in the city of Ramallah on 26 January, 2004, under the presidency of the President and with participation of the members of the National Security Council,

hereby decides the following:

Article 1

The structure of the security agencies shall be approved and their efforts unified in accordance with the following:

1. A Central Operations Room shall be established in the West Bank and another in the Gaza Strip. An officer with a high rank from the National Security Forces shall be responsible for the management of each room.
2. Each Central Operations Room shall include all security agencies, which shall work in coordination as one team in each Central Operations Room. The mission of each Central Operations Room shall be to control the security situation, enforce the rule of law, follow up on and oversee the field implementation of the security measures in the various Governorates of the homeland, implement the decisions issued by the Command, and issue the necessary directives in this regard to all competent authorities in all Governorates.
3. The National Security Council under the presidency of President Yasser Arafat and with participation of the Prime Minister as the Deputy-Chairman of the National Security Council shall assume the supervision over such operations and follow up with their implementation.
4. All matters pertaining to administrative and financial issues, as well as the payment of salaries to the members of the security agencies, shall be regulated and adjusted again.

5. Changes and transfers of commanders and officers of the security agencies shall be conducted in accordance with the requirements of the supreme national interest.
6. The members of the security agencies shall be trained, and such agencies shall be developed so as to be able to perform their duties to the best possible extent.

Article 2

A subsidiary operations room shall be established in each Governorate, in the selfsame formation determined for the Central Operations Rooms. The Governor shall be the rapporteur for the subsidiary operations room in each Governorate.

Article 3

The deployment of the Police Forces in official uniforms, along with their equipment and weapons, shall begin immediately; the enforcement of the rule of law, the maintenance of public order, the protection of internal security, and the end of all forms of chaos, armed demonstrations, and violations of the law shall also begin immediately. The necessary measures shall be taken to prevent any infringement that may contradict the obligations of the Palestine Liberation Organisation and the National Authority.

Article 4

Any person who contravenes or obstructs these security arrangements shall be subject to legal accountability. All contraventions and offences shall be referred to the Judiciary.

Article 5

The Ministry of Finance shall provide the budgets necessary to secure the needs of the security agencies so as to enable them to implement the decisions of the National Security Council.

Article 6

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

Issued in the city of Ramallah on 26 January, 2004 AD, corresponding to 4 Thu al Hijja 1424 AH.

Ahmed Qurei'
Chairman of the Council of Ministers

Decision of the Council of Ministers No. 99 of 2005 Concerning the Establishment of a Judicial Police Force

The Council of Ministers,

Having reviewed the *Amended Basic Law of 2003*,
Having reviewed the recommendations of the Steering Committee for the
Development of the Judiciary and Justice on 25 and 26 June, 2005, and
Based upon what the Council of Ministers approved under No. 16/21/9 during its
session in Gaza on 12 July, 2005,

hereby decides the following:

Article 1

A special force to be called the 'Judicial Police' shall be established in the Directorate of the Police and report to the Director of the Police.

Article 2

The Minister of Interior and National Security shall assign the Director of the Police and those whom he deems fit to follow up with and examine the material and human needs necessary for the establishment of such a force, as well as determine its duties and structure, in coordination with the Steering Committee for the Development of the Judiciary and Justice, taking into consideration the recommendations originating from the workshop held in the city of Jericho on the Judiciary and Security on 25 and 26 June, 2005, as follows:

1. A Judicial Police Department that reports to the Director of the Police shall be established and developed. Its function shall be:
 - a) To implement the final decisions of the courts, as well as the decisions of the Public Prosecution.
 - b) To protect the buildings housing the courts, judges, the Public Prosecution, and the officials therein.
 - c) To transport and protect persons held in custody and convicts.
 - d) To draft the summons issued by the courts to witnesses and accused to attend sessions.
 - e) To make legal notifications.
2. Such a force shall include members specialised in dealing with incidents, as well as female members, for the enforcement of the law in the searching of women held in custody and female convicts.
3. The relation between the Departments of Procedure at the courts and the Judicial Police shall be restricted to the Departments of Procedure exclusively. The Police shall provide the protection necessary for them during the

performance of their duties.

4. The Judicial Police may not be assigned to any duties beyond the scope of their responsibilities.
5. Such a force may implement and issue subpoenas in a timely manner and deliver them within a sufficient period prior to their referral to the Police.
6. Such a force shall abide by the rules and regulations pertaining to control and damage pursuant to the provisions of the law.

Article 3

The Minister of the Interior and National Security shall submit the final proposal on the formation of the Judicial Police within two (2) months from the date of this decision.

Article 4

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

Issued in the city of Ramallah on 12 July, 2005 AD, corresponding to 6 Jumad Akhar 1426 AH.

Ahmed Qurei'
Chairman of the Council of Ministers

Presidential Decree No. 16 of 2006 Concerning the Regulation of the Public Administration of the Crossing Points and Borders

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

In accomplishment of the public interest, and
Based upon the powers bestowed upon me,

I hereby promulgate the following decree:

Article 1

The Public Administration of the Crossing Points and Borders shall be an administration that is administratively and financially independent. It shall be responsible for the services of the borders, including the border points and crossings, in security, financial, administrative, and commercial terms. It shall be closely related to the General Intelligence and other security agencies. It shall report directly to the President of the Palestinian National Authority.

Article 2

The Public Administration of the Crossing Points and Borders shall exercise the following duties:

1. Enforce the laws, rules, regulations and standards issued by the various ministries and governmental institutions in relation to the crossings and border points.
2. Manage the flow of goods and individuals at all crossings, border points and ports pursuant to the law.
3. Ensure the enforcement of the laws, rules and regulations which prohibit the entry or exit of persons and goods at the crossings and border points.
4. Collect the due taxes, customs and fees, deliver them to the Ministry of Finance, and enforce the relevant laws and international agreements in force.
5. Set forth procedure manuals to be implemented at all border points for the entry and exit of commercial commodities and individuals with reference to the policies of the concerned ministries in order to implement them in a unified manner at the crossings points and borders.

Article 3

The Director-General of the Public Administration of the Crossing Points and Borders shall be appointed by the President of the Palestinian National Authority.

Article 4

- a) The Director-General of the Public Administration of the Crossing Points and Borders shall have the following authorities:
1. Supervise the administration of the crossings points and borders.
 2. Ensure the correct enforcement of the laws, presidential decrees and decisions and respect the relevant international agreements.
 3. Put forward an organisational and developmental structure for the administration of the crossings points and borders and submit it to the President of the Palestinian National Authority for approval.
 4. Appoint employees working in the administration of crossing points, recommend their appointment pursuant to the provisions of the *Law of Civil Service*, and take all legal measures pertaining to them.
 5. Put forward the detailed duties concerning the liaison with the competent ministries and governmental institutions.
 6. Issue the bylaws and regulations required for the regulation of the affairs of the Administration of the Crossing Points and Borders.
 7. Define the developmental needs on the level of infrastructure, modern equipment and tools, and the security requirements.
 8. Define the needs required from international parties, especially in the field of technical expertise.
 9. Define a framework for the work system and mechanisms for the Administration in general and submit them to the President of the Palestinian National Authority for approval.
 10. Prepare the annual draft budget for the Administration and submit it to the President of the Palestinian National Authority for approval.
 11. Prepare an annual report about the function of the Administration of the Crossing Points and Borders upon request and submit it to the President of the Palestinian National Authority.
- b) The Director-General of the Public Administration of the Crossing Points and Borders may delegate some of his powers to officials of higher rankings at the Administration of Crossing Points and Borders.

Article 5

Every provision that contradicts the provisions of this decree is hereby repealed.

Article 6

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

Issued in the city of Ramallah on 18 March, 2006 AD.

Mahmoud Abbas

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

Decision No. 298 of 2006

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

Having reviewed the *Basic Law 2003* and its Amendments,
Having reviewed the *Law of Service in the Palestinian Security Forces No. 8 of 2005*,
In accomplishment of the public interest, and
Based upon the powers bestowed upon me,

I hereby promulgate the following decision:

Article 1

The Naval Force in the Northern Governorates, including all of its officers, members, capabilities and equipment, shall be attached to the General Intelligence Organisation.

Article 2

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

Issued in the city of Ramallah on 11 May, 2006 AD, corresponding to 13 Rabi' al Akhar 1427 AH.

**Mahmoud Abbas
Chairman of the Executive Committee of the Palestine Liberation Organisation
President the Palestinian National Authority**

Decision No. () of 2007*

**The Chairman of the Executive Committee of the Palestine Liberation Organisation,
The President of the Palestinian National Authority,
The Commander-in-Chief of the Palestinian Forces,**

Having reviewed the *Amended Basic Law of 2003* and its Amendments,
Having reviewed Law of Service in the Palestinian Security Forces No. (8) of 2005,
Based upon the powers bestowed upon me, and
In accomplishment of the public interest,

I hereby promulgate the following decision:

Article 1

The Presidential Security Forces (the Force 17) shall be merged into the Special Presidential Guard and National Security Forces.

Article 2

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

Issued in the city of Ramallah on 6 December, 2007 AD.

**Mahmoud Abbas
Chairman of the Executive Committee of the Palestine Liberation Organisation
President the Palestinian National Authority
Commander-in-Chief of the Palestinian Forces**

* At the time of the finalisation of this collection, the decision had not yet been published in the *Official Gazette*.

Decision No. 4 of 2007 Concerning the Promulgation of the Regulation on Supplies and Purchases of the Palestinian General Intelligence

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

Having reviewed the *General Intelligence Law No. 17 of 2005*, particularly Article 19 thereof,

Based upon what the Head of the Palestinian General Intelligence prepared,

Based upon the powers bestowed upon me, and

In accomplishment of the public interest,

I hereby promulgate the following regulation:

Article 1: Definitions

The following terms and expressions mentioned under this regulation shall have the meanings specified hereunder, unless the context provides otherwise:

President:	The President of the Palestinian National Authority.
Intelligence:	The Palestinian General Intelligence.
Head of Intelligence:	The Head of the Palestinian General Intelligence.
Director of the Unit:	The Director of the Unit of Supplies and Purchases at the Intelligence.
Accountant:	Any official who is assigned to receive, preserve and spend the funds of the Intelligence, or any official who assumes a financial or monetary responsibility that arises from his performance of financial, accounting or administrative functions at the Intelligence, or that is associated with his duties thereat.
Bank:	The bank which is accredited by the Intelligence in accordance with the provisions of this regulation.
Committee:	The Committee of Tenders and Purchases at the Intelligence.

Supplies:	The movable properties belonging to the Intelligence and which require insurance and maintenance thereof, including books, documents, files, warehouses, furniture, materials, vehicles, office equipment, computers, weapons, ammunition, etc.
Maintenance and services:	<ul style="list-style-type: none"> • The maintenance of the buildings of the Intelligence. • The maintenance of the equipment and tools of the Intelligence. • Any constructional or structural works or other services which the Intelligence needs for the implementation of its functions and the achievement of its objectives in accordance with the decisions of the Head of Intelligence.

Article 2

The Director of the Unit at the Intelligence shall be vested with the following responsibilities: To provide supplies through communication with external and internal sources for the procurement of supplies, perform the works required for the Intelligence, as well as supervise, deliver, examine, audit, register and store them in their warehouses, insure and coordinate them, secure their maintenance, inventory, distribution, and monitor the disposition thereof.

Article 3

First:

The Head of Intelligence shall be entitled to agree to the purchasing of supplies, the total price of which does not exceed one thousand (1,000) US Dollars or the equivalent in legal tender, as well as the implementation of works, the costs of which do not exceed such amount in the manner which he deems fit.

Second:

1. On an annual basis, the Head of Intelligence shall form a 'Committee on Purchases and Tenders' to be composed of:

1. The Director of the Unit	as Chairman
2. The Accountant	as Member
3. A representative of the Department/Relevant Division	as Member
4. A representative of the Technical (Engineering) Department	as Member

2. The Committee on Purchases and Tenders shall assume the following specialisations:

- a) Purchase supplies, the price of which is between one hundred (100) and five hundred (\$500) US Dollars or the equivalent in legal tender, as well as implement works, the costs of which do not exceed five hundred (\$500) US Dollars.
- b) Purchase supplies, the value of which exceeds five hundred (\$500) US Dollars and is less than two thousand and five hundred (\$2,500) US Dollars or the equivalent in legal tender, and implement the works, the costs of which are within such amount via a request for price quotations in the manner which the Committee deems fit.
- c) Purchase supplies, the value of which exceeds two thousand five hundred (\$2,500) US Dollars or the equivalent in legal tender, and implement the works, the costs of which exceed such amount via tenders through the announcement in local newspapers.
- d) The Director of the Unit shall keep registers, records and files pertinent to tenders; complete all relevant transactions; verify the correctness of the announcements and tender forms, as well as their duration and attachments; and ensure the publication of the announcements in newspapers prior to the opening of auctions.

Article 4

A person authorised by the Head of Intelligence from among the officials of the Intelligence shall be entitled to purchase supplies, the price of which does not exceed five hundred (\$500) US Dollars or the equivalent in legal tender in the manner that he deems appropriate, in accordance with the directives which the Head of Intelligence may issue in this regard.

Article 5

Supplies shall be procured and works be implemented under general conditions which the Committee shall put forward for such purposes. It shall also coordinate the manner of payments, receipt, delivery, entry, extension of the duration, fines, guaranties, and all else that is relevant in this regard.

Article 6

The Committee shall announce the invitation for tenders of supplies and works no fewer than fifteen (15) days before the date of the tender. Such period may be reduced to seven (7) days as circumstances may require. The announcement shall appear in at least two daily newspapers and, if the Chairman of the Committee on Purchases and Tenders deems necessary, in any other means of announcement, whether internal or external, provided that the announcement states the nature of the required supplies, the deadline for the submission of bids, the date of the opening of the bids, the amount of insurances, and such other conditions or information which the Committee on Purchases and Tenders deems appropriate.

Article 7

The bids shall be deposited at the Intelligence in sealed envelopes on which the number of the invitation for the tender, the subject of the tender, and the name of the bidder shall be stated. Any participant in the tender may withdraw his bid by a memorandum deposited in the tender box prior to the deadline allotted for the opening of the tender.

Article 8

The participant shall attach a bank guaranty or a certified cheque in an amount of not less than five (5%) percent of the value of the tender or in proportion to the value provided in the tender (the preliminary insurance) for good implementation. Any bid which is not supported by such insurances shall not be considered.

Article 9

Upon the expiration of the allotted period for the submission of bids, the tenders shall be opened in the presence of at least three (3) members of the Committee on Purchases and Tenders. Each submitted bid shall be read and signed by the present members. A conclusion of such bids shall be drawn up, in which the name of the bidder, the amount of the insurance, and such other information which the Committee deems appropriate and expedient shall be stated. Participants in the tender may attend such session.

Article 10

The Committee on Purchases and Tenders may not examine a tender if there are fewer than three (3) submitted bids. In such a case, the bids shall be returned without being opened, and the tender shall be announced once again. The Committee may view the tender and take the appropriate decision thereon regardless of the number of bids submitted following the second announcement.

Article 11

1. With reference to the other paragraphs under this Article, the quotation with the lowest price shall be admitted, provided that such a price is suitable and that the Committee on Purchases and Tenders is convinced of the competence and propriety of its applicant. If the prices, conditions, specifications and delivery dates among the bids received are equal and the Committee does not find a reason for preference, the awarding shall be conducted on an equal basis among the bidders. If this is impossible, the awarding shall be given to one of them by means of a lot in the presence of the bidders.
2. The Committee on Purchases and Tenders shall be entitled not to award the tender to the bidder offering the lowest price, provided that it includes in the decision the reasons therefor.
3. If the Committee on Purchases and Tenders finds that the prices submitted are high and do not conform to the estimations set forth for the supplies or works, it shall be entitled to take any of the following procedures:

- a) Negotiate with the bidder of the lowest price to lower further the price offered.
 - b) Cancel the tender and negotiate with those who took part in it, as well as with others, to obtain a lower price and give a concession on the supplies or works in accordance with it.
 - c) Re-invite for the tender.
4. The Committee on Purchases and Tenders shall announce the decision of each award on the designated board at the Intelligence at least two (2) days prior to its certification. The bidders shall have the right to challenge the decision. If the viewpoint of the challenging bidder is not considered, the Committee shall state the relevant reasons in a memorandum to be attached to the decision upon its referral for certification.

Article 12

The Committee on Purchases and Tenders may elect not to open the tender on the allotted deadline and postpone it for a period of time not to exceed one (1) week, provided that it states in its decision the reasons for each postponement.

Article 13

Bids that are not signed by their applicants or by their proxies, as well as those submitted after the allotted deadline, shall not be admitted.

Article 14

No official at the Intelligence may take part in any tender Intelligence. In addition, he may not purchase any supplies or be given a concession to any work pertinent thereto.

Article 15

1. Upon the awarding of the tender, the submitted samples shall be kept, along with the admitted tender, by the Director of the Unit. The other samples are to be returned to their owners.
2. The Director of the Unit shall keep the insurance submitted by the bidder to whom the tender is awarded. The other insurances shall be returned to their owners against their signatures. This shall be conducted following the certification of the awarding decision.
3. Following the certification of the awarding decision, the person to whom the tender is awarded shall be notified of the decision against his signature on the designated notification form no later than one (1) week from the date of certification.

Article 16

If the bidder to whom the tender is awarded abstains from signing or implementing the tender or is tardy in delivering the supplies or performing the works or any part thereof on the prescribed deadline, or infringes any condition of the tender, or if it has been proven to the Committee on Purchases and Tenders that the bidder

has delivered supplies to the Intelligence or rendered services or works that do not conform to the specifications of the tender, the Committee may take any or all of the following actions, upon the approval of the Head of Intelligence and without need to issue a notice or warning:

1. Seize the insurances and register them as revenues for the account of the Intelligence.
2. Purchase the supplies from the market at the current price or perform the works in the manner which it deems to be proper and include in the tender the spread of the price and costs or award the tender to the person who follows him in the price if he accepts and incurs the spread of the price or costs on the declining bidder, in addition to obliging the bidder to compensate the Intelligence for any damage or impairment that may result from his declining.
3. Deprive the bidder from taking part in the tenders of the Intelligence.

Article 17

No supplies may be purchased, works be performed, or commitments be made regarding any expenditures for which appropriations on the annual budget of the Intelligence are not earmarked.

Article 18

The Committee on Purchases and Tenders shall be entitled to invite for tenders to periodic procurement of supplies or implementation of particular works within a limited period of time. The provisions under this regulation shall be applicable to such tenders.

Article 19

If the purchasing of supplies from local markets is impossible, or it is established that the interest of the Intelligence requires that they not be purchased from such markets, they may be purchased from external markets based upon the recommendation of the Committee on Purchases and Tenders in accordance with the following provisions and powers:

1. By the decision of the Head of Intelligence and through a committee of two (2) Intelligence officials, if the value of the supplies to be purchased is less than five thousand (\$5,000) US Dollars or the equivalent in legal tender.
2. By the decision of the Head of Intelligence and through a committee of at least three (3) Intelligence officials, if the value of the supplies to be purchased exceeds five thousand (\$5,000) US Dollars.

Article 20

The Director of the Unit shall keep the necessary registers, records, and cards in accordance with the most up-to-date methods adopted in the administration of supplies and the regulation of warehouses.

Article 21

The supplies shall be entered into the warehouses of the Intelligence and brought out in pursuance of inventory forms to be signed by the relevant persons.

Article 22

Scratches, erasing, or crossing through the data in books, registers, requests, or documents relating to the supplies is not allowed. The necessary modification shall be conducted using red ink and signed by the person who conducts it, in addition to the signature of the person who delivers and receives the supplies on the register of which the error occurred.

Article 23

1. Supplies exceeding the need of the Intelligence or those which are invalid may be sold by the Committee on Purchases and Tenders upon the decision of the Head of Intelligence and based upon the recommendation of the Director of the Unit, provided that the sale is conducted in a public auction, unless the Committee finds by a justified decision that the interest of the Intelligence necessitates that another method be used in selling such supplies and materials. The price shall be recorded in the accounts of the Intelligence under Miscellaneous Receipts.
2. Invalid and un-salable supplies or those missing, the original value of which does not exceed five hundred (\$500) US Dollars or the equivalent in legal tender, shall be damaged and their value crossed by the decision of the Head of Intelligence and based upon the recommendation of the Director of the Unit. If the original value of the supplies exceeds five hundred (\$500) US Dollars or the equivalent in legal tender, an approval from the President must be obtained.
3. The process of damaging shall be conducted by a committee to be formed by the Head of Intelligence.
4. Supplies may not be damaged except when their selling is impossible or an interest to damage them exists.

Article 24

An annual inventory of the warehouses shall be conducted by a committee to be appointed by the Head of Intelligence for this purpose. He shall also be entitled to establish an ad-hoc committee to conduct the inventory whenever he deems necessary.

Article 25

The Head of Intelligence may seek assistance from experts and specialists so as to offer advice and consultation on any of the functions of the committees working on tenders and purchases.

Article 26: General Provisions

The Head of Intelligence shall issue forth the instructions and decisions necessary for the implementation of this regulation.

Article 27

Every provision that contradicts the provisions of this regulation is hereby repealed.

Article 28

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

Issued in the city of Ramallah on 15 January, 2007 AD, corresponding to 26 Thu al Hijja 1427 AH.

Mahmoud Abbas

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

Decision No. 5 of 2007 Concerning the Promulgation of the Financial Regulation of the Palestinian General Intelligence

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

Having reviewed the *General Intelligence Law No. 17 of 2005*, particularly Article 36 thereof,

Based upon what the Head of the Palestinian General Intelligence prepared, and
Based upon the powers bestowed upon me,

I hereby promulgate the following regulation:

Article 1: Definitions

The following terms and expressions mentioned under this regulation shall have the meanings specified hereunder, unless the context provides otherwise:

President:	The President of the Palestinian National Authority.
Intelligence:	The Palestinian General Intelligence.
Head of Intelligence:	The Head of the Palestinian General Intelligence.
Officer of Financial Affairs:	The person who is in charge of the financial affairs at the Palestinian General Intelligence.

Article 2

1. The Head of Intelligence shall be answerable to the President in his capacity as the paymaster. He may authorise officials at the Intelligence, each according to his specialisation, to exercise a portion of such power in accordance with the provisions of this Regulation and as circumstances may require.

The Head of Intelligence shall in particular assume the following duties:

- a) Take the measures necessary for the smooth running of the financial management of the Intelligence and implement the prescribed financial rules and regulations.
 - b) The optimum economic use of the resources of the Intelligence.
2. The financial officials shall be responsible for enforcing the provisions of this regulation, as well as the decisions and instructions issued by the Head of Intelligence in implementing such provisions.

3. The detailed capacities of the financial officers at the Intelligence and the manner of exercising such capacities shall be determined in instructions to be issued by the Head of Intelligence.

Article 3

1. The budget shall be the financial programme of the Intelligence to achieve the goals specified in the framework of the General Plan, which the Head of Intelligence shall determine.
2. Following the approval of the budget, it shall be deemed to be effective for a period of one (1) fiscal year. It shall commence on the 1st of January and expire on the 31st of December of the same year.
3. The revenues and expenses of the budget shall be estimated in American Dollars or their equivalent in legal tender.

Article 4

All the funds appropriated for the Intelligence shall be deposited in accounts belonging to the Intelligence according to the type of currency.

Article 5

1. The budget shall be prepared on the basis of the typical classification of the aspects of the activity of the Intelligence, taking into consideration the sorting on the basis of chapters, items, programmes, and projects as described in the Annex.
2. The budget shall be divided into particular chapters, items, programmes, and projects in accordance with their consistent purposes. Annexes, explanatory notes, a summary statement of the total budget and net expenditures, as well as other detailed statements which the Head of Intelligence deems necessary and expedient, shall be attached thereto.
3. Some appropriations may be included in the budget in gross terms without adherence to the divisions set forth under paragraph (1) above, for special considerations of undisclosed (secret) expenditures to be decided by the Head of Intelligence.

Article 6

1. The Head of Intelligence shall issue a circular that includes the bases and principles by which the departments, sections, directorates, and other parties at the Intelligence must abide upon the developing of preliminary estimates for their budget in the light of the goals required to be accomplished.
2. The departments, sections, and directorates at the Intelligence shall develop the preliminary estimates for their expenses, taking into account the actual results of the implementation of the previous budget and on the basis of the plan set forth for accomplishing the required goals.
3. The Officer of Financial Affairs shall prepare the draft budget of the Intelligence after studying the estimates presented to him by the various departments, sections, and directorates and coordinating between them in the form of a

unified draft budget in accordance with the classification set forth under paragraph 2 of Article 5 above, to be supported by all data necessary to justify each required appropriation.

4. The draft budget of the ensuing year shall be sent to the Head of Intelligence at least three (3) months prior to the end of the present year, including explanatory notes and analytical studies of the expense figures comparing them to the figures of the previous period and the actual expenditure therefrom.
5. The Head of Intelligence shall present to the President the draft budget of the new fiscal year for approval in accordance with what he deems fit in a special session prior to the expiration of the fiscal year.

Article 7

If the *Draft General Budget Law* is not approved until the beginning of the new fiscal year, work shall be conducted in accordance with the budget of the previous fiscal year within the limits of the appropriations included therein, without taking into consideration the new appropriations until the *Draft General Budget Law* of the new fiscal year is approved. In such event, disbursement shall take place from the general or special reserve within the limits of one (1) out of twelve (12) portions of such appropriations on a monthly basis. The amounts disbursed from the general or special reserve shall be reinstated thereto following the approval of the budget.

Article 8

The budget of the Intelligence shall be financed through the allocations which are appropriated thereto in the General Budget of the State.

Article 9

1. A general account shall be opened for revenues and expenses.
2. No particular revenue may be allocated for a specific use, except pursuant to the provisions of this regulation or in cases in which a decision is issued by the Head of Intelligence and upon the approval of the President. In such event, an account shall be opened for each revenue. Appropriations shall also be allocated thereto, to which the rules in force shall be apply.

Article 10

1. By the decision of the Head of Intelligence, funds, the resources of which are to be allocated for certain uses, may be established in accordance with the special regulations that apply to such funds, to be accredited by the Head of Intelligence.
2. The management of special accounts and funds shall be subject to the financial rules adopted in the general account. The accounts and funds of the undisclosed (secret) expenditure shall be excluded therefrom.
3. The management of the accounts and funds of the undisclosed (secret) expenditure shall be subject to the immediate responsibility of the Head of Intelligence.

Article 11

1. Appropriations may not be transferred from one chapter to another, nor may the appropriations allocated for any of these be exceeded, except upon the agreement of the Head of Intelligence and the approval of the President.
2. The Head of Intelligence may exchange items, programmes, and projects within a single chapter, provided that they do not exceed twenty-five (25%) percent of the appropriations originally prescribed for the same item and that this does not lead to exceeding the total amount of the budget or deviating from the general framework of the decided work plan and its objectives, as circumstances may require.
3. Disbursement from the chapter on the undisclosed (secret) expenses shall be conducted by the decision of the Head of Intelligence.

Article 12

Loans may not be concluded in the name of the Intelligence, nor a commitment be made to obligations that result in expenditure for a period of time exceeding the term of the budget, except upon agreement of the Head of Intelligence and the approval of the President.

Article 13

All departments, sections, and directorates must consult with the Officer of Financial Affairs on the procedures which may result in a financial obligation prior to the approval of such procedures by the Head of Intelligence.

Article 14

1. With the exception of the provision in paragraph 2 below, the implementation of the appropriations listed on the budget for salaries, indemnities, remunerations, and public expenses, as well as those which were not disbursed until the end of the fiscal year, shall be annulled. Any unpaid liability shall be included in the budget of the new fiscal year and have priority in disbursement.
2. The appropriations of the programmes and projects which were not disbursed until the end of the fiscal year shall supplement the account of trusts for disbursement to complement the implementation of such programmes and projects.

Article 15

1. The Officer of Financial Affairs and subordinate officials shall be answerable to the Head of Intelligence regarding the accounts of the Intelligence, its financial transactions, and the relevant registers. They must also preserve the funds of the Intelligence. The Officer of Financial Affairs shall select the accounting method which suits the function of the Intelligence and present it to the Head of Intelligence for approval.
2. To accomplish the goals set forth in paragraph 1 above, the Officer of Financial Affairs shall implement the following tasks:
 - a) Design receipt and disbursement vouchers in a manner that is consistent with the nature of the activity of Intelligence and in the recognised

accounting and financial rules and in conformity with the financial and legal aspects.

- b) Regulate the accounting registers and records in a manner such that the creditorship, indebtedness, and assets can be extracted, and the trial balance, financial statements and reports, subsidiary budgets and balance sheets are in an accurate, recognised accounting form.
- c) Present all accounts with the necessary facilities for the financial controller of the Intelligence.
- d) Determine the necessity to issue the balance sheet, including all of its attachments, on the allotted time.
- e) Maintain the form and content of any document or book except as otherwise directed by the Head of Intelligence.
- f) Develop monthly, quarterly, and closing accounting statements and data in conformity with the instructions of the Head of Intelligence and in accordance with the work requirements.
- g) Develop annual estimate budgets, have them approved by the Head of Intelligence, and prepare them for presentation to the President.
- h) Prepare a quarterly balance sheet and its attachments to be ready no later than two (2) weeks before the end of each quarter of each year, including proposals and observations, all of which shall be submitted to the Head of the Intelligence.
- i) Supervise all financial affairs, as well as the officials working at the Financial Department and those subordinate thereto at the directorates, and issue applied instructions necessary for the smooth progress of work.
- j) Take precautions, measures, and monitoring methods necessary to protect the Intelligence funds, financial registers, and properties to prevent manipulation, embezzlement and negligence.
- k) Present the balance sheet to the financial controller within the first quarter of the ensuing year.
- l) Perform all financial functions delegated to him by the Head of Intelligence in a manner that does not contravene the provisions of this regulation.

Article 16

1. The Accountant shall be subject to the instructions prescribed to him by the competent parties. Thereupon, he shall perform the following tasks:
 - a) Perform accounting functions, in terms of registration, posting, and extracting of the trial balance, as well as developing subsidiary budgets and balance sheets as he may be requested, in a timely manner and based upon the accounting methods and techniques known to and certified by the Intelligence.
 - b) Ensure that all registers and instruments are real and that all payable amounts are consistent with the instructions of the Intelligence and complete from legal and accounting points of view.
2. The Accountant shall be deemed to be entrusted with all financial instruments and cash funds in his possession and must:

- a) Submit a legal guarantee to the Legal Advisor of the Intelligence, which establishes his responsibility for such trust.
- b) Comply with the instructions issued to him by the competent parties in relation to his function, whether with regard to the books, disbursement vouchers, receipt vouchers, and all other information requested from him.
- c) Maintain a serial copy of the numbers of all receipt vouchers and disbursement vouchers. He must also submit them for review whenever he is thus requested.
- d) Assume the processes of receipt and disbursement on the basis of approved receipts and disbursement vouchers. In addition, he shall be responsible and accountable for all differences or spreads resulting from his mistake, which such differences and spreads, if any, shall be obtained from him through appropriate legal methods.
- e) Assume the auditing of receipt and disbursement transactions and report all errors therein, whether a decrease or increase, which he may observe to the financial officer in order to take the proper decision and action in this regard.

Article 17

1. No amount of the Intelligence funds may be disbursed except in pursuance of a receipt voucher on the designated form and signed by the Officer of Financial Affairs, in addition to the signature of the party at the Intelligence which is competent of issuing the disbursement order.
2. The Accountant shall draw up the disbursement voucher, including adequate details and data, as well as the chapter and item under the budget according to which the amount is to be disbursed. The voucher shall be registered on the expenses register. Each disbursement voucher shall be supported with the documents establishing the validity of the disbursement, such as orders, purchase orders, contracts, et cetera, in accordance with the instructions issued in this regard. It shall also include a permission form to cash the cheque, which form is issued by the Officer of Financial Affairs.
3. The disbursement vouchers and cheques shall be examined before they are paid by the Officer of Financial Affairs, the Accountant, and each person bearing a relation to the issuance of such voucher. Each voucher and cheque shall be signed so as to state the legality of its disbursement as well as its consistency with the financial regulations in force at the Intelligence and under the responsibility of each one of them.
4. Under supervision and signature of the Officer of Financial Affairs, the competent official shall sign beside each modification that is made to the disbursement voucher and the documents attached thereto with red ink.
5. The value of the voucher shall be paid to the entitled person or his legal attorney against a signature on the receipt of the amount, after verifying his identity, recording it on the voucher, and writing his name on the designated place. It shall also be stamped along with the documents and

proofs attached thereto with a stamp that entails the date of payment and the word 'paid'.

Article 18

If any of the used documents, whether at the Finance Department, Treasury, or at any other party, is invalidated, the following steps shall be followed:

1. A reverse instrument shall be prepared of the transactions which need to be annulled.
2. The official in charge of the reversion of the instrument or any other register shall submit a report to the Officer of Financial Affairs, in which the office must state the reasons behind the reversion of the instrument. The Officer of Financial Affairs shall decide what he deems fit in this regard.
3. The instrument shall be handled in the same manner as the un-annulled instrument in terms of the place of its existence. It may not be damaged or disposed of. It shall be kept in the designated file and its place according to the serial numbers of the instrument.

Article 19

The Treasurer and the Accountant shall each keep a day book for the Treasury. These day books shall be matched on a daily basis so as to ensure that the disbursements, receipts, and balances are correct.

Article 20

1. Intelligence funds shall be deposited at the banks accredited by the Head of Intelligence.
2. The Head of Intelligence shall notify the banks accredited under paragraph 1 above of the names of persons authorised to sign cheques and payment orders issued by the Intelligence.

Article 21

The funds of the Intelligence may not be used after being received or before being deposited at the accredited banks for any reason whatsoever.

Article 22

1. The Treasurer shall deposit in the bank on a daily basis all funds received by the Treasury. He may keep in the Treasury a sum not to exceed ten-thousand (\$10,000) US Dollars or the equivalent in legal tender for contingent and urgent expenditures.
2. As an exception to the provisions in paragraph 1 above, the Treasurer may keep a sum that exceeds ten thousand (\$10,000) US Dollars or the equivalent in legal tender if the surplus amount has been accrued to the Treasury after 02:30 post meridian and was impossible to be deposited in the bank due to the termination of the working hours, provided that he thus reports to the Officer of Financial Affairs. He shall obtain the written approval of the Officer of Financial Affairs to keep the surplus amount in the Treasury.

Article 23

The Head of Intelligence may agree to furnish financial advances for the following purposes:

1. For travel and accommodation for an official at the Intelligence, who is delegated to an official mission, provided that it is reimbursed as soon as the mission terminates and the delegated official returns.
2. For a training course, which shall be disbursed on the account of the salaries, increments, and allowances to which the delegated official is entitled pursuant to the provisions of this regulation and the instructions issued in pursuance thereto.
3. Temporarily for purchases that shall be paid immediately after the completion of purchases.
4. For the expenses of a training course or an activity prescribed on the Intelligence budget, which shall be reimbursed as soon as the course or activity terminates.
5. The Head of Intelligence shall issue instructions that determine the amounts of financial advances, as well as the executive procedures pertinent thereto.
6. The advance beneficiary shall be personally responsible for any irregularity or reduction in the advance in his possession. He shall also keep a register of his disbursements from the advance. The Officer of Financial Affairs must oversee the movement of each such advance and ensure that it has been used for the specified expenditures.

Article 24

The Head of Intelligence may agree to issue a temporary advance for expenses on purchases, provided that the advance beneficiary proves through adopted methods the manner of disbursement from such advance pursuant to the regulations of disbursement approved by the Intelligence. The advances shall be paid at the designated time following the deduction of the amount of all purchases therefrom. The remainder shall be returned to the Treasury through recognised accounting methods.

Article 25

Expenses at the Intelligence shall be divided as per their nature into the following types:

1. The expenses which are justified by default and which do not need a request for prior agreement for their disbursement. The competent officials shall allow them. This type of expenses shall include expenses arising from the enforcement of the regulations in force at the Intelligence and those which are based upon the decisions of the Head of Intelligence.
2. The expenses which need the submission of a request therefor in combination with the approval of the competent party in conformity with the regulations in force at the Intelligence. The procedures of the request, as well as the agreement thereto, shall be conducted in conformity with the adopted forms and in accordance with the prescribed administrative rules.

3. The expenses which do not fall under paragraphs 1 and 2 above shall be deemed expenses for which a request for approval must be submitted. The request shall be submitted to the Head of Intelligence in his capacity as the paymaster or to the person whom he delegates to make the appropriate decision with regard thereto.
4. The Head of Intelligence shall issue instructions that include the details of expenses that fall under paragraphs 1 and 2 above.
5. The Head of Intelligence shall issue instructions that include details on the undisclosed (secret) expenses. He shall have full power to expend thereon without compliance with the regulations, bylaws, and directives in force at the Intelligence, insofar as all items and procedures relating thereto are confidential.

Article 26

The salaries of officials with contracts shall be paid within the period from the last working day of each month up to the fifth day of the following month. The Head of Intelligence may agree to the payment of salaries to an Intelligence official within the last third of the working month if the date of the payment of his salary falls within the period of his annual or sick leave or during his presence outside of his workplace on an official mission. A salary shall be paid to an official with a contract at the Intelligence in person or by transfer to such official's bank account based upon his request. It may also be paid to the person who bears a written authorisation from the official to receive it.

Article 27

Per diem work and allowances of travel shall be paid to Intelligence officials who are delegated on official missions pursuant to the bylaw approved by the Head of Intelligence.

Article 28

1. Every official who is in possession of papers or documents with a financial value must keep them in a special metal box at the Intelligence. If untenable, they shall be kept in a safe place to be chosen by the official on his own responsibility.
2. All officials are prohibited from keeping in any safe designed for the keeping of the funds of the Intelligence any funds belonging to a third party.

Article 29

Every official who causes a financial or material loss to the Intelligence as a result of an error or negligence shall bear the responsibility for each error each official makes. The Intelligence shall also be entitled to take all administrative and legal measures which safeguard the compensation for the losses.

Article 30

All financial registers, instruments, and records shall be subject to the internal auditing by the competent persons at the Intelligence, as well as to the external

auditing by the financial controller appointed by the President. Every Official of Financial Affairs must submit all which is in his possession to the certified auditors at the Intelligence and provide them with such detailed information which they may request and not refrain from the implementation of any request in this regard.

Article 31

The keys to metal boxes (safes) shall be kept as follows:

1. The original keys shall be in the possession of the official in charge of the box. These shall be officially handed to him by the Officer of Financial Affairs, and he shall sign so as to indicate that he has received them. They shall remain in his possession, and he must return them immediately upon the termination of his services for any reason whatsoever and by the official means to the Officer of Financial Affairs.
2. The reserve keys shall be kept by the Officer of Financial Affairs in a sealed envelop on which the numbers of keys and safes shall be registered.
3. The official in charge of keeping the keys shall inform the Head of Intelligence or the Officer of Financial Affairs about the missing of any key that was in his possession, along with a report in which he makes clear the circumstances and manner by which he lost the key.
4. No official may keep more than one key for each box. When an official leaves his work for any reason, he must hand the key over to the Officer of Financial Affairs.
5. Minutes shall be drawn up on the inventory of the trust if the official bearing the keys of boxes and safes is on an official mission or on a leave of any type whatsoever, in which the status of such trust is to be stated. The official replacing him at work shall receive it.

Article 32

The Officer of Financial Affairs shall be responsible for keeping the following registers:

1. Revenues register.
2. Expenses register.
3. Box register.
4. Salaries register.
5. Advances register.
6. Register of receipts, cheques, and records.
7. Register of programmes, courses, and seminars.
8. Requisite journal.
9. Requisite ledgers.
10. All instruments, books, and registers that are deemed to be requisite for the completion of the work.

Article 33

The Officer of Financial Affairs shall keep a special register for each fiscal year, which special register is to be called the 'Register of Revenues and Expenses',

in which the phases of the implementation of the budget in reference to all revenues and expenses under the relevant titles, chapters, and articles shall be registered, provided that such register is regulated insofar as it shall be possible to view it at any time during the year in order to ensure the status of the budget.

Article 34

The Officer of Financial Affairs shall keep a register of the trust, in which the registers and forms that have been delivered to him by the competent parties shall be included, along with the details pertaining to their numbers. He may not use any register or form on which an error or missing information has occurred. He must also submit a report thereon to the Head of Intelligence, including any dispute regarding the missing information or error.

Article 35

The Head of Intelligence may cross any loss incurred by the Intelligence funds if it does not exceed five-hundred (\$500) US Dollars or the equivalent in legal tender during the fiscal year. If the loss exceeds that amount, he shall report the case to the President to take the appropriate action with regard thereto.

Article 36

1. Scratches, erasing, and crossing of any accounts, instruments, or registers shall be prohibited except as provided in Article 35 above. However, the required modification shall be conducted in accordance with accounting settlements or reverse entries.
2. In the event of embezzlement or a shortage of funds, registers, books or basic records of the Intelligence, the responsible official must inform the Head of Intelligence to conduct the necessary investigation.

Article 37

A Committee on Purchases and Tenders shall be formed by decision of the Head of Intelligence. It shall commence its duties in pursuance of the provisions under the *Regulation of Supplies and Purchases*.

Article 38: The Closing Account

1. The closing account shall be prepared for each year and shall include the resources and actual uses during that year, sorted in accordance with the various chapters, items, programmes and projects in implementation of the budget. It shall also include the financial status of the Intelligence at the end of the year.
2. The closing account of the year shall include: The revenues which have been appropriated for the Intelligence, as well as the expenses which were actually disbursed or those which were due for that year but have not been disbursed for some reason.

Article 39

The President of the National Authority shall be entitled to appoint a financial controller at the Intelligence based upon the recommendation of the Head of Intelligence to review the accounts of the Intelligence. The Financial Controller shall view the items of disbursement, as well as immediately supervise the auditing of the accounts and ensure that they are sound.

Article 40

1. The closing accounts shall be prepared and submitted to the Financial Controller within a period of three (3) months from the expiration of the year to which such accounts belong.
2. The Financial Controller shall be responsible for reviewing the closing accounts of the Intelligence and to submit a report thereon to the President within a period of three months (3) from the expiration of the year to which such accounts belong. A copy thereof shall be handed to the Head of Intelligence.

Article 41

1. The Head of Intelligence shall take the measures necessary for keeping accounting books, as well as submitting annual accounts, which shall included the following:
 - The expenses and revenues from all sources.
 - The status of prescribed appropriations.
 - The supplies and assets.
2. Disbursement shall take place on the basis of instruments and documents which establish that the services and commodities to be disbursed have actually been rendered or delivered and that their price has not been paid. The Head of Intelligence shall define in the *Regulation of Accounting* the documents supporting the disbursement, which must be enclosed with the disbursement orders of each type of expenditure.
3. The Head of Intelligence shall nominate the officials authorised of the expenditures, the arrangement of the financial liabilities of the Intelligence, the delivery of cash amounts, and the conduct of payments in the name of the Intelligence.

Article 42

The affairs of the accounting, purchases, warehouses, and other financial matters necessary for the progress of the Financial Department at the Intelligence shall be regulated in accordance with the prescribed regulations, as well as the instructions and decisions of the Head of Intelligence.

Article 43

An internal auditor shall be responsible for the internal control before and after each disbursement, as well as the review and auditing of the financial actions of the Intelligence, to ensure the following:

1. Smooth running of accounting operations and their adherence to the prescribed allocations and their goals, the financial provisions, and the instructions issued by the Head of Intelligence.
2. Facilitating the tasks of the Financial Controller.

Article 44

The Head of Intelligence shall issue the instructions and decisions necessary for the implementation of the provisions of this regulation.

Article 45

The implementation of the instructions and decisions in force prior to the approval of this regulation and which do not contradict its provisions shall continue until they are replaced by new instructions and decisions.

Article 46

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

Issued in the city of Ramallah on 15 January, 2007 AD, corresponding to 26 Thu al Hijja 1427 AH.

Mahmoud Abbas

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

Annex

Chapters and Items of the Intelligence General Budget

Chapter Number	Chapter	Item Number	Item
100	Salaries and wages	101	Basic salaries
		102	Contribution to health insurance
		103	Wages of extra work
		104	Remunerations
		105	Wages of temporary workers
		106	Remuneration of the termination of service
		107	Travel and missions
200	Service expenses	201	Rentals
		202	Water and electricity
		203	Detergents and taking care of offices
		204	Wages of cleaning
		205	Fuels
		206	Cash remunerations for non-workers
		207	Remunerations of legal, administrative technical and financial consultations
		208	Publication and information
		209	Insurance premiums
		210	Subscription to newspapers and journals
		211	Telephone calls and internet connection
		212	Wages of transportation and transportation means
		213	Hospitality and public relations
		214	Ammunition
		215	Miscellaneous

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300	Office expenses	301	Stationery
		302	Printed materials
		303	Office supplies
		304	Supplies of computers, networks etc.
400	Maintenance expenses	401	Maintenance of buildings
		402	Maintenance of water and electricity installations
		403	Maintenance of transportation means
		404	Maintenance of office equipment
		405	Maintenance of furniture
		406	Maintenance of weapons
500	Capital expenses	501	Furniture
		502	Office equipment
		503	Transportation means (vehicles)
		504	Buildings and installations
		505	Weapons
600	Expenses of training and technical courses, seminars and conferences	601	Training courses
		602	Seminars, symposiums and conferences
		603	Research papers, studies, manuals, brochures and publications
		604	Solitary training
		605	Consultations
		606	Technical meetings of the Intelligence
		607	Other meetings
		608	Previous liabilities and debts
		609	Other expenses
700	Undisclosed expenses		

IV. The Legislative Framework for Law and Order

1. LAWS

Firearms and Ammunition Law No. 2 of 1998

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

Having reviewed the *Firearms Ordinance No. 20 of 1922* and its Amendments in force in the Governorates of the Gaza Strip,
Having reviewed the *Firearms and Ammunition Law No. 34 of 1952* and its Amendments in force in the Governorates of the West Bank,
Having reviewed the draft law submitted by the Council of Ministers, and
Based upon the approval of the Legislative Council,

I hereby promulgate the following law:

Part I. Definitions

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.
Ministry:	The Ministry of the Interior.
Minister:	The Minister of the Interior.
Arm:	Any firearm regardless of its type, or any part or accessories of any firearm, excluding hunting guns, air guns, rifles that shoot a bullet or a missile by the pressing of a button, and firearms that are not kept for use except as antiques.

Part II. Acquiring and Ownership of Firearms and Ammunition

Article 2

It shall be prohibited to possess or carry any of the firearms enumerated in Table No. 1 and part 1 of Table No. 2 attached to this law without a license from the Ministry of the Interior.

Article 3

It shall be prohibited to possess or carry any of the firearms enumerated in part 2 of Table No. 2 attached to this law, sound mufflers or reducers, as well as telescopes mounted on firearms without a license from the Ministry of the Interior.

Article 4

The tables attached to this law may be amended by the decision of the Minister, either by addition or omission, except for the firearms enumerated in part 2 of Table No. 2, where amendments may include only additions.

Article 5

It shall be prohibited to issue ownership licenses or to acquire the firearms set forth in Article 2 of this law under any of the following categories:

1. A person younger than twenty-one (21) years of age.
2. A person convicted of a felony or sentenced to a term of imprisonment exceeding the period of one (1) year for a crime of assault, property, or honor, or a person sentenced to a term of imprisonment of less than one (1) year for any of these crimes.
3. A person sentenced to a term of imprisonment for a crime involving explosives, drug trafficking, theft, attempt to robbery, or hiding stolen objects.
4. A person convicted of a crime involving the use of arms, including the carrying of an arm when committing the crime, if such carrying is considered an aggravating circumstance.
5. A person placed under police surveillance.
6. A person proven to suffer from a mental or psychological illness.
7. A person who is not healthy enough to carry a weapon. Conditions for the proof of health shall be specified and approved by decision of the Minister.
8. A person who is not fully aware of the safety precautions that must be adopted in using arms. Such precautions shall be specified by a decision of the Minister.

In all cases, a granted license shall be revoked if any of the aforementioned terms becomes applicable to the licensed person.

Article 6

1. A person applying for a firearm license must prove the source from which he obtained his arm by:
 - a) Submitting a purchase receipt from a licensed dealer or a sale certificate specifying the description of the sold arm, the date of the purchase, and the name and address of the dealer.
 - b) Proving purchase of an arm from a licensed person and submitting the previous license.
 - c) Proving the import of an arm from abroad by submitting the import permit.
 - d) The cases to which paragraphs (a) to (c) apply shall be regulated by decision of the Minister.

- e) A license applicant shall submit to the competent authority a written declaration and guarantee to insure safe possession and use of such arm.

Article 7

A license shall be personal. It shall be prohibited to transfer the licensed firearm or its ammunition to another person. In case of the death of the licensee, the heirs must deposit the arm and ammunition at the nearest police station within one (1) week after the date of death.

Article 8

Firearm licenses shall be valid for one (1) calendar year and may be renewed for another year unless the license specifies a shorter period of renewal. The Minister or the person he delegates therefor may reject a license, shorten its period of validity, or restrict it as he sees fit; he may also reject, suspend or revoke such a license. In these cases, the Minister shall justify his decision.

Article 9

If a license holder, upon notification through a registered letter to renew the license within this period, does not apply for the renewal of the license one (1) month before it expires, he shall be punished by a fine of one-hundred (100) Jordanian Dinars or the equivalent in legal tender.

Article 10

In case of the withdrawal, repeal, or non-renewal of a firearm license, the holder thereof must deposit the arm and its ammunition with the nearest police station within forty-eight (48) hours from being notified of such decision. He may dispose of the arm and its ammunition by sale or transfer of ownership to another license holder within a period not to exceed six (6) months from the date of the decision. In this case, he must inform the licensing authority of the completion of such sale or transfer of ownership.

Article 11

It shall be prohibited to grant to any person a license to own or acquire more than one (1) piece of the firearms listed in Table No. 1 and part 1 of Table No. 2 attached to this law. A person holding a number of arms exceeding the permitted limits must deposit them with the nearest police station within one (1) month from the date of the enforcement of this law.

Article 12

The Minister of the Interior may, in the case of emergency, disruption of public order, or riots liable to disrupt public order, order the forfeiture of all firearms within one or several areas, for a specific period or until further notice. All license holders shall then deposit their arms and ammunition immediately with the nearest police station. They shall be given receipts to recollect their arms. A

person who handed in his arm or ammunition may recollect these items following the expiration of such periods.

Article 13

Any police commissioner or officer may ask a person acquiring a firearm to present the license issued for such arm and the quantity of ammunition held with it.

Article 14

1. It shall be prohibited to carry firearms in public areas, conferences, meetings, parties, or weddings.
2. It shall be prohibited to pretend the carrying of a firearm.

Article 15

A license shall be considered revoked in the following cases:

1. Loss of a firearm.
2. Use of a firearm in a manner prohibited by the law.
3. Death of the license holder.

Article 16

If the license is lost or damaged, the holder must immediately notify the licensing authority of such loss or damage. In this case, the licensing authority may issue a copy of the original license to the holder. Such a copy shall have the same validity and effect as the original license.

Part III. Manufacturing, Repairing, Importing, and Trading of Firearms and Ammunition

Article 17

It shall be prohibited to manufacture firearms or ammunition within the Palestinian Territories, except in facilities established and controlled by the National Authority. An arms manufacturer must have a valid license pursuant to this law.

Article 18

It shall be prohibited to manage a warehouse for arms or ammunition, to repair such items, to work in repairing arms or ammunition, or sell or own such items for sale, except upon obtaining a license for such business from the Minister.

Article 19

Import and export of arms and ammunition shall require a permit from the Minister specifying the point, date and destination of import or export, pursuant to the provisions of this law. In the case of a change of point, date or destination, a special permit must be obtained.

Article 20

No license shall be granted to a store for selling arms and ammunition unless the following terms are met:

- a) Location in areas specified by the licensing authority.
- b) Storage of arms and ammunition inside well-locked iron safes in the store.
- c) Abidance by the security measures requested by the licensing authority or the Directorate of Public Security.
- d) Third-party insurance for the store.

Article 21

A holder of a license for trading arms and ammunition must register all items deposited in or removed from his warehouse in a special register, of which a decision shall be issued by the Director-General of the Police.

Article 22

Every licensed arms and ammunition trader must submit every three (3) months a certified copy of his store records to the Director-General of the Police within his area. The Director-General of the Police may authorise a police officer in writing to request verification and take copies of the records and license at any time.

Article 23

It shall be allowed to transfer ammunition only from a licensed dealer to a licensed holder, provided that both licenses are valid.

Article 24

It shall be prohibited to ship arms and ammunition through domestic or overseas mail. Every shipment suspected to include arms or ammunition shall be opened in the presence of its owner, sender, or receiver by a special committee, and its contents shall be seized. The shipment shall then be transferred to the Director-General of the Police in the area, together with a detailed description of its contents.

Part IV. Sanctions

Article 25

Without prejudice to a severer penalty set forth by the law, penalties for violations shall be as follows:

1. A person who deliberately alters or falsifies a serial number or any other sign stamped on an arm in contravention of the provisions of this law, shall be liable to imprisonment for a period not to exceed three (3) months or a fine of three-hundred (300) Jordanian Dinars or the equivalent in legal tender, or both.
2. A person who acquires, carries or transports arms or ammunition without a license issued by the competent authorities shall be liable to imprisonment for

a period not to exceed six (6) months or a fine of five-hundred (500) Jordanian Dinars or the equivalent in legal tender, or both.

3. A person who sells or offers for sale an arm or ammunition in contravention of the provisions of this law shall be liable to imprisonment for a period not to exceed six (6) months or a fine of five-hundred (500) Jordanian Dinars or the equivalent in legal tender, or both.
4. A person who imports, exports, or trades arms or ammunition without a license by the competent authorities shall be liable to imprisonment for a period not to exceed one (1) year or a fine of one-thousand (1000) Jordanian Dinars or the equivalent in legal tender, or both.
5. A person who manufactures arms or ammunition without a license by the competent authorities shall be liable to imprisonment for a period not to exceed three (3) years or a fine of five-thousand (5000) Jordanian Dinars or the equivalent in legal tender, or both.

Article 26

Without prejudice to a severer penalty set forth by the law, a person violating the provisions of this law shall be liable to imprisonment for a period not to exceed six (6) months or a fine not to exceed five-hundred (500) Jordanian Dinars or the equivalent in legal tender, or both.

Part V. Concluding Provisions

Article 27

Any person in possession of an arm enumerated in part 2 of Table No. 2 attached to this law must deposit it with the nearest police station within one (1) month from the date of the enforcement of this law.

Article 28

The fees for licensing, acquiring or trading firearms or ammunition shall be determined in a bylaw issued by the Minister and approved by the Council of Ministers.

Article 29

For the purpose of this law, any person living in a house or an estate in which an arm was seized shall be considered as having acquired such arm or ammunition, unless it is proven otherwise.

Article 30

Each arm licenses shall specify the quantity of ammunition to be held by the license holder. It shall be prohibited to acquire a larger quantity without prior official permit. It shall be prohibited for any person to acquire ammunition, unless he is a licensed ammunition dealer.

Article 31

The provisions of this law regarding the carrying, acquiring, or owning of arms shall not apply to the arms of the National Authority that are delivered to the Security Forces, which are allowed to carry such arms under the law.

Article 32

The Minister of the Interior shall issue a regulation specifying all forms required pursuant to the provisions of this law.

Article 33

The *Firearms Ordinance No. 20 of 1922* and its Amendments, the *Firearms and Ammunition Law No. 34 of 1952*, as well as any other provision contradicting the provisions of this law are hereby repealed.

Article 34

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

Issued in the city of Gaza on 20 May, 1998 AD, corresponding to 20 Muharam 1419 AH.

Yasser Arafat

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

Table No. 1

Non-rifled firearms.

Firearms with smooth-bored barrels.

Table No. 2

Rifled firearms.

This type is subdivided into two sections:

Part One:

1. Pistols of all types.
2. Rifled rifles of all types.

Part Two:

Guns and machineguns.

Public Meetings Law No. 12 of 1998

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

Having reviewed the (*Ottoman*) *Public Meetings Law of 1327 AH* in force in the Governorates of the Gaza Strip,

Having reviewed the (*Jordanian*) *Public Meetings Law No. 60 of 1953* in force in the Governorates of the West Bank,

Based upon the draft submitted by the Minister of Interior, and

Based upon the approval of the Legislative Council during its session of 19 December, 1998,

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:

Ministry:	The Ministry of the Interior
Minister:	The Minister of the Interior
Governor:	The Governor of a Governorate
Director of Police:	The Director of Police of a Governorate
Public Meeting:	Any public meeting to which at least fifty (50) persons are invited in an open and public place, including public squares, open places, playgrounds, parks and the like.

Article 2

Citizens shall have the right to hold public meetings, gatherings, and processions, which shall not be infringed upon or restricted, except pursuant to the provisions of this law.

Article 3

Public meetings may be held, provided that a written notice to this effect is addressed to the Governor or Director of Police at least forty-eight (48) hours in advance in accordance with Article 4 below.

Article 4

A written notice signed by at least three (3) organisers of a meeting must be submitted. The notice shall specify the place and time where the meeting will be held and the purpose thereof.

1. If the written notice is submitted by a corporate body, the signature of its representative shall suffice.
2. Without prejudice to the right to hold a public meeting, the Governor or Director of Police may place restrictions on the duration of the meeting or route of the procession set forth in Article 3 for traffic regulation, provided that the organisers are informed in writing of these restrictions after a period not to exceed twenty-four (24) hours from the submission of the notice.
3. If the organising party does not receive any written reply as set forth under the preceding paragraph, the organising party may hold the public meeting at the fixed time in the manner stated in the notice.

Article 5

The competent parties, upon the request of the party which is organising the meeting, shall take all necessary precautionary measures, provided that such measures do not infringe upon the freedoms of the meeting participants and the process of the meeting.

Article 6

Without prejudice to a severer penalty set forth by the *Penal Law*, a person who violates the provisions of this law shall be liable to imprisonment for a period not to exceed two (2) months and a fine of fifty (50) Jordanian Dinars or the equivalent in legal tender.

Article 7

The Minister of Interior shall issue the bylaws and decisions required for the enforcement of the provisions of this law.

Article 8

The *(Ottoman) Public Meetings Law of 1327 AH* in force in the Governorates of the Gaza Strip, the *(Jordanian) Public Meetings Law No. 60 of 1953* in force in the Governorates of the West Bank, as well as any other provision contradicting the provisions of this law, are hereby repealed.

Article 9

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 the date of its publication in the *Official Gazette*.

Issued in the city of Gaza on 28 December, 1998 AD, corresponding to 9 Ramadhan 1419 AH.

Yasser Arafat

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

2. EXECUTIVE DECISIONS

Decision No. 26 of 1998

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

Having reviewed the *Firearms and Ammunitions Law No. 2 of 1998*, and
Based upon the powers bestowed upon me,

I hereby promulgate the following decision:

Article 1

The Directorate-General of the Licensing of Firearms and Ammunitions shall be a Department of the Police and shall be supervised by the Legal Department.

Article 2

The Director of the Police shall be invested with all the powers delegated to the Minister pursuant to the law.

Article 3

This decision shall enter into force as of its date.

Issued in the city of Gaza on 6 June, 1998.

**Yasser Arafat
Chairman of the Palestine Liberation Organisation
President of the Palestinian National Authority**

V. The Legislative Framework for the Judiciary

1. LAWS

Law of the Formation of Regular Courts No. 5 of 2001

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

Having reviewed the *Law of Courts No. 31 of 1940* in force in the Governorates of the Gaza Strip,
Having reviewed the *Law of Judicial Organisation No. 26 of 1952* in force in the Governorates of the West Bank,
Having reviewed the *Law of Magistrate Courts No. 45 of 1947* in force in the Governorates of the West Bank, and
Based upon the approval of the Legislative Council during its session of 17 May, 2000,

I hereby promulgate the following law:

Part I. General Provisions

Article 1

1. Courts of all levels shall be established pursuant to the provisions of the *Judicial Authority Law* and this law.
2. The scope of jurisdiction of the courts shall be determined by a decision of the Minister of Justice.

Article 2

1. The courts of Palestine shall consider and adjudicate all disputes and crimes, except those excluded by a special provision of the law. The authority of the Judiciary shall be exercised over all persons.
2. The rules of jurisdiction of the courts shall be determined by the law, and the courts shall exercise their jurisdiction pursuant to the law.

Article 3

1. Court sessions shall be open and public, unless the court decides *sua sponte* or upon the request of one of the litigants that proceedings shall be held *in camera* for reasons of morality or to maintain public order. In all cases, the pronouncement of the judgement shall be made in a public session.

2. The President of the Court shall be responsible for the organisation and orderly process of each session.

Article 4

Arabic shall be the official language used in the courts. The court shall hear the statements of non-Arabic speaking litigants or witnesses through a sworn interpreter.

Article 5

Judgements shall be issued and executed in the name of the Arab Palestinian people. Judgements shall specify the reasons upon which they are based.

Article 6

The President of the Court shall issue the decisions organising the internal administrative procedures of a court.

Article 7

The courts shall be organised as follows:

1. Magistrate Courts.
2. Courts of First Instance.
3. Courts of Appeal.
4. The High Court.

Part II. Magistrate Courts

Article 8

Within the circuit of jurisdiction of each Court of First Instance, one or more Magistrate Courts shall be established as necessary. They shall exercise their jurisdiction pursuant to the law.

Article 9

A Magistrate Court shall convene before a single judge, who shall exercise administrative control. In the event of a multiplicity of judges, this task shall be performed by the most senior judge.

Article 10

The High Judicial Council shall organise the work of the Magistrate Courts and divide them into specialised circuits of jurisdiction as necessary.

Article 11

The High Judicial Council shall issue a decision delegating one or more Magistrate Judges to rule on interlocutory matters; they shall be called 'Judges of Summary Matters' pursuant to the provisions of the *Law of Civil Procedure*.

Part III. Courts of First Instance

Article 12

Courts of First Instance shall be established at the seats of the Governorates as necessary.

Article 13

The Courts of First Instance shall consist of a President and an adequate number of judges.

Article 14

The Courts of First Instance shall convene before a panel of three (3) judges to be presided over by the most senior judge. A Court of First Instance shall convene before a single judge in the cases determined by the law.

Article 15

When sitting in the capacity of appeal, the Courts of First Instance shall consist of three (3) judges and consider appeals filed against judgements rendered by Magistrate Courts pursuant to the law.

Article 16

The Courts of First Instance may consider correctional cases lying outside of their jurisdiction by means of a decision issued by the President of the High Court upon the request of the Attorney-General.

Article 17

The High Judicial Council shall issue a decision delegating a First Instance Judge to consider interlocutory or summary matters; he shall be called the 'Judge of Summary Matters' pursuant to the provisions of the *Law of Civil Procedure*.

Part IV. Courts of Appeal

Article 18

Courts of Appeal shall be established in:

1. The capital, Jerusalem
2. Gaza
3. Ramallah.

Article 19

The Courts of Appeal shall consist of a President and an adequate number of judges.

Article 20

Each session of the Courts of Appeal shall convene before three (3) judges presided over by the most senior judge to hear criminal and civil actions appealed before them.

Article 21

The High Judicial Council shall organise the work of the Courts of Appeal and divide them into specialised circuits of jurisdiction.

Article 22

The Courts of Appeal shall be competent to review appeals filed before them against judgements and decisions rendered by the Courts of First Instance in their capacity as courts of initial jurisdiction.

Part V. The High Court

Article 23

The High Court shall consist of:

1. The Court of Cassation.
2. The High Court of Justice.

Article 24

1. The High Court of Justice shall consist of a President, one or more Vice-Presidents, and an adequate number of judges.
2. The permanent seat of the High Court shall be the capital, Jerusalem. It shall take a temporary seat in Gaza City and Ramallah as necessary.

Article 25

The High Court of Justice shall convene with the attendance of at least two-thirds (2/3) of its members upon the request of its President or one of its circuits of jurisdiction in the following cases:

1. To reverse a legal principle previously established by the Court or to remove a contradiction between legal principles.
2. If the case brought before it revolves around a new or complex legal point or if it involves a point of particular importance.

Article 26

1. A Technical Office shall be established at the High Court of Justice. It shall be headed by one of the judges of the High Court and assisted by a number of judges, retired judges, or senior lawyers appointed by the High Judicial Council for a period of two (2) years subject to renewal.
2. The Technical Office shall be provided with a sufficient number of employees.

Article 27

The Technical Office shall be responsible for the following:

1. Deriving and documenting the legal principles adopted by the High Court of Justice in its judgements, classifying them, and overseeing their publication upon their submission to the President of the High Court.

2. Conducting necessary research.
3. Any other matter requested by the President of the High Court.

Article 28

The High Judicial Council shall organise the work of the High Court of Justice and divide it into specialised circuits of jurisdiction.

Article 29

The Court of Cassation shall convene under the presidency of the President of the High Court of Justice and four (4) judges. In the absence of the President, the Court shall be presided over by the most senior Vice-President, then by the most senior judge on the panel.

Article 30

The Court of Cassation shall exercise jurisdiction over:

1. Appeals brought before it from Courts of Appeal in felony cases, civil cases, and personal status matters for non-Muslims.
2. Appeals brought before it from Courts of First Instance in their appellate capacity.
3. Matters related to changing the terms of reference of a case.
4. Any matter brought before it pursuant to the law.

Article 31

The procedures of appeal before the Court of Cassation shall be determined by the law.

Article 32

The High Court of Justice shall convene under the presidency of the President of the High Court and at least two (2) judges. In the absence of the President, the Court shall be presided over by the most senior Vice-President, then by the most senior judge on the panel.

Article 33

The High Court of Justice shall exercise jurisdiction over:

1. Disputes related to elections.
2. Requests aiming at the cancellation of final administrative regulations, decisions and decrees concerning persons or assets of public juridical persons, including professional syndicates.
3. Appeals for the release of persons who are illegally detained.
4. Disputes related to public employees concerning appointments, promotions, pay raises, salaries, transfers, retirements, disciplinary measures, layoffs, dismissals and all matters related to personnel affairs.
5. Refusal or negligence by the administrative authority to make a decision it is required to make pursuant to the provisions of the laws or bylaws in force.

6. All administrative disputes.
7. Matters which are not court cases, but merely injunctions or summons outside of the jurisdiction of any court and which must be adjudicated in the interest of justice.
8. All matters brought before it pursuant to the law.

Article 34

Appeals and disputes brought before the High Court of Justice by the persons or authorities set forth in Article 33 must be related to one or more of the following:

1. Jurisdiction.
2. Procedural errors.
3. Violations of laws or bylaws or mistakes in their enforcement or drafting.
4. An arbitrary or abusive use of authority pursuant to a law.

Part VI. Concluding Provisions

Article 35

The High Judicial Council may, from time to time and for a temporary period not to exceed six (6) months, appoint any judge of the Courts of:

1. Appeal, to sit as a judge in the Court of Cassation or any other appellate court.
2. First Instance, to sit as a judge in a Court of Appeal or any other Court of First Instance.
3. Magistrate, to sit as a judge in a Court of First Instance or in any other Magistrate Court.

Article 36

Each court shall have its own seals. Instructions shall be issued by the President of the Court to determine the type of such seals and the methods of utilising and preserving them.

Article 37

The High Court of Justice shall temporarily assume the functions assigned to the Administrative Courts and the Constitutional Court until such courts are established by the law, unless they are included under the jurisdiction of other judicial entities pursuant to the laws in force.

Article 38

The High Judicial Council shall issue the decisions necessary for the implementation of the provisions of this law by a date not later than one (1) year from the date of its enforcement.

Article 39

The *Law of Courts No. 31 of 1940* in force in the Governorates of the Gaza Strip, the *Law of Judicial Organisation No. 26 of 1952* in force in the Governorates of the

West Bank, and every provision contradicting the provisions of this law are hereby repealed.

Article 40

Without prejudice to the provisions of this law, the regulations and decisions issued pursuant to the laws referred to in Article 39 shall continue to apply until the High Judicial Council repeals, amends or replaces them.

Article 41

All cases now pending before the courts shall be referred to the competent court as designated by the provisions of this law, unless the case under review is reserved for final pleadings or for the rendition of the judgement.

Article 42

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 the date of its publication in the *Official Gazette*.

Issued in the city of Gaza on 12 May, 2001 AD, corresponding to 18 Safar 1422 AH.

Yasser Arafat

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

Law No. 2 of 2005 Concerning the Amendment of the Law of the Formation of Regular Courts No. 5 of 2001

The President of the Palestinian National Authority,

Having reviewed the *Amended Basic Law*,
Having reviewed the *Law of the Formation of Regular Courts No. 5 of 2001*, and
Based upon the approval of the Legislative Council during its session of 5 January, 2005,

I hereby promulgate the following law:

Article 1

Article 14 of the *Law of the Formation of Regular Courts No. 5 of 2001* shall be amended so as to become as follows:

1. The Court shall convene before a panel of three (3) judges to be presided over by the most senior judge in order to hear:
 - a) All concurrent crimes, misdemeanours, and all crimes connected thereto in an indivisible manner.
 - b) Civil and commercial actions, the values of which exceed one hundred-thousand (100.000) Jordanian Dinars or the equivalent in legal tender.
 - c) Cases brought before it in its appellate capacity.
2. The Court consisting of an individual judge shall hear:
 - a) All concurrent crimes, misdemeanours, and all crimes connected thereto in an indivisible manner and the penalty for which does not exceed five (5) years imprisonment.
 - b) Civil and commercial actions in a manner that does not contradict clause (a) under paragraph 1 above.

Article 2

Article 35 of the *Law of the Formation of Regular Courts No. 5 of 2001* shall be amended so as to become as follows:

The High Judicial Council may, from time to time and for a period not to exceed six (6) months that shall be renewable only once, appoint any judge of the Courts of:

1. Appeal, who fulfills the conditions of work at the High Court of Justice to sit as a judge in the High Court.

2. First Instance, who fulfills the conditions of work at a Court of Appeal to sit as judge in a Court of Appeal.
3. Magistrate, who fulfills the conditions of work at the Court of First Instance to sit as judge in a Court of First Instance.
4. Appeal, First Instance, or Magistrate to sit as judge in another court of the same level.

Article 3

Every provision contradicting the provisions of this law is hereby repealed.

Article 4

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 the date of its publication in the *Official Gazette*.

Issued in the city of Ramallah on 5 January, 2005 AD, corresponding to 24 Al Qi'dah 1425 AH.

**Rawhi Fattouh
President of the Palestinian National Authority**

Decree Law No. 5 of 2006
Concerning the Law Amending the Provisions of
the Law of the Formation of Regular
Courts of 2001

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

Having reviewed Article 43 of the *Amended Basic Law of 2003* and its Amendments,

Based upon the powers bestowed upon me, and

In accomplishment of the public interest,

I hereby promulgate the following decree law:

Article 1

This law shall be named the *Law Amending the Provisions of the Law of the Formation of Regular Courts of 2006*. It shall be read along with the *Law No. 5 of 2001*, referred to hereinafter as the Original Law, as one law.

Article 2

The provisions of Article 9 of the Original Law is hereby repealed and replaced with the following provision:

The Magistrate Court shall convene before a single judge called the Magistrate Judge.

Article 3

The provisions of Article 11 of the Original Law are hereby repealed.

Article 4

The provisions of Article 14 of the Original Law are hereby repealed and replaced with the following provisions:

The Court of First Instance shall convene in its capacity as a Court of First Instance and in its appellate capacity before a panel of three (3) judges to be presided over by the most senior judge. It shall convene before a single judge in the cases determined by the law.

Article 5

The provisions of Article 15 of the Original Law are hereby repealed.

Article 6

The provisions of Article 17 of the Original Law are hereby repealed.

Article 7

The provisions of Article 18 of the Original Law are hereby repealed and replaced with the following provisions:

1. Two Courts of Appeal shall be established in Jerusalem and Gaza. A President and a number of Deputies to the President and judges shall be appointed for them as necessary. The Court may hold its session in any place within the area of its territorial jurisdiction upon the approval of the President of the High Judicial Council.
2. The seat of the Jerusalem Court of Appeal shall be in the city of Jerusalem. It shall convene temporarily in the city of Ramallah. Its area of jurisdiction shall include the areas of jurisdiction of the Courts of First Instance in the Northern Governorates.
3. The seat of the Gaza Court of Appeals shall be in the city of Gaza. Its area of jurisdiction shall include the areas of jurisdiction of the Courts of First Instance in the Southern Governorates.
4. A Department of Appeals may be established on a permanent basis at one of the centres of the Courts of First Instance by decision of the President of the High Judicial Council following consultation with the General Assembly of the Court of Appeal.

Article 8

The provisions of Article 25 of the Original Law are hereby repealed and replaced with the following provisions:

The general panel of the High Court of Justice shall convene before eleven (11) judges under the presidency of the President of the Court or one of the Deputies to the President, upon the request of its President or one of its departments, in the following cases:

1. To reverse a legal principle previously established by the Court or to remove a contradiction between former principles.
2. If the case brought before it revolves around a new or complex legal point or if it involves a point of particular importance.

Article 9

1. A Technical Office for legal principles shall be established at the High Court. It shall consist of a head to be selected from among the judges of the High Court, as well as a sufficient number of members, judges of the Courts of Appeal, and the Presidents of the Courts of First Instance. The appointment of the head and the members shall be by decision of the President of the High Judicial Council for a period of one (1) renewable year upon the approval of the High Judicial Council.

2. The Technical Office shall be provided with a sufficient number of employees.

Article 10

The Technical Office shall be responsible for the following:

1. Deriving and documenting the legal principles adopted by the High Court in its judgements, classifying them and overseeing their publication upon their submission to the director of the department which issued them.
2. Issuing the collection of the legislative provisions and publications.
3. Preparing technical research.
4. Supervising the table of lawsuits at the Court and submitting similar and linked objections or those objections the adjudication of which requires the determination of a legal principle to the President of the Court in order to be examined by a Department.
5. Supervising the library.
6. All other matters requested by the President of the Court.

Article 11

Article 32 of the Original Law shall be amended so that what is stated therein becomes paragraphs 1 and 2 as added thereto with the following provision:

2. The Attorney-General and the members of the Public Prosecution shall represent the authorities, departments, entities, and institutions subordinate to the Palestinian National Authority before the High Court of Justice in the actions which it files or which are filed against it.

Article 12

The provisions of Article 35 of the Original Law are hereby repealed and replaced with the following provision:

1. Notwithstanding the provisions of any other law, the President of the High Judicial Council shall have the right to delegate when necessary any judge to a regular or special court, to assume functions of the Public Prosecution upon the request of the Attorney-General, or to perform the duties of inspection for a period not to exceed three (3) months a year.
2. Based upon the recommendation of the President of the Council, the High Judicial Council shall have the right to extend the delegation for a period of time, as occasion may require.
3. It shall be taken into account that, in the delegation, the function or work to which the judge is delegated is not of a lesser rank than his work or the work to which he is assigned.

Article 13

The provisions of Article 37 of the Original Law is hereby repealed and replaced with the following provisions:

The High Court shall temporarily assume the functions assigned to the High Constitutional Court until such court is established, unless they are within the jurisdiction of another judicial authority. Litigation shall be conducted before it pursuant to the provisions of its bylaw.

Article 14

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

Article 15

Every provision that contradicts the provisions of this decree law is hereby repealed.

Article 16

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

Issued in the city of Ramallah on 16 February, 2006 AD, corresponding to 17 Muharram 1427 AH.

Mahmoud Abbas

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

Judicial Authority Law No. 1 of 2002

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

Having reviewed the *Law on the Independence of the Judiciary No. 19 of 1955* in force in the Governorates of the West Bank,

Having reviewed the *Courts Ordinance No. 31 of 1940* in force in the Governorates of the Gaza Strip,

Having reviewed the *Law on the Formation of the Courts No. 26 of 1952* in force in the Governorates of the West Bank,

Having reviewed the *Civil Service Law No. 4 of 1998*,

Having reviewed the *Social Insurance and Retirement Law No. 8 of 1964*,

Having reviewed the *Order No. 473 of 1956 issued by the Administrative Governor-General concerning the Jurisdiction of the Public Prosecution* in force in the Governorates of the Gaza Strip,

Having reviewed the *Decree No. 286 of 1995 Concerning the Formation of the Consultation and Legislation Department at the Ministry of Justice*, and

Based upon the approval of the Legislative Council,

I hereby promulgate the following law:

Part I. General Principles and Provisions

Article 1

The Judicial Authority shall be independent. No other authority shall interfere with the Judiciary or judicial affairs.

Article 2

Judges shall be independent. They shall not be subject to any authority other than the law in the exercise of their judicial function.

Article 3

1. The Judicial Authority shall have its own budget, which shall appear as an independent title in the annual General Budget of the National Authority.
2. The High Judicial Council shall prepare the draft budget and transfer it to the Minister of Justice so that the latter may fulfill the legal requirements pursuant to the provisions of the *Law of the Organisation of the General Budget and Public Finances*.
3. The High Judicial Council shall supervise the implementation of the budget of the Judicial Authority.

4. The budget of the Judicial Authority shall be subject to the provisions of the annual *General Budget Law* of the National Authority.

Article 4

Arabic shall be the official language used in the courts. The court shall hear the statements of non-Arabic speaking litigants or witnesses through a sworn interpreter.

Article 5

Judgements shall be issued and executed in the name of the Arab Palestinian people. Judgements shall specify the reasons upon which they are based.

Part II. Courts

Chapter I. Types and Levels of Courts

Article 6

Courts in Palestine shall consist of the following:

First: *Shari'a* and Religious Courts, established by the law.

Second: A High Constitutional Court, established by the law.

Third: Regular courts, which consist of:

1. A High Court, which consists of:
 - a) The Court of Cassation.
 - b) The High Court of Justice.
2. Courts of Appeal.
3. Courts of First Instance.
4. Magistrate Courts.

Each court shall consider the cases brought before it pursuant to the law.

Article 7

The formation of courts and their circuits of jurisdiction shall be determined by the law.

Article 8

1. The High Court shall consist of a President, one or more Vice-Presidents, and a sufficient number of judges.
2. The permanent seat of the High Court shall be Jerusalem. The High Court shall take a temporary seat in Gaza and in Ramallah as necessary.

Article 9

1. A Technical Office shall be established at the High Court. It shall be headed by one of the judges of the High Court and assisted by a number of judges,

retired judges or senior lawyers appointed by the High Judicial Council for two (2) years subject to renewal.

2. The Technical Office shall be provided with a sufficient number of employees.

Article 10

The Technical Office shall be responsible for the following:

1. Deriving and documenting the legal principles adopted by the High Court in its judgements, classifying them and overseeing their publication upon their submission to the President of the High Court.
2. Conducting necessary research.
3. All other matters requested by the President of the High Court.

Article 11

1. The Courts of Appeal shall be established in Jerusalem, Ramallah, and Gaza.
2. Each Court of Appeal shall consist of a President and a sufficient number of judges.

Article 12

1. The seats of Courts of First Instance shall be in the capitals of the Governorates.
2. Each Court of First Instance shall consist of a President and a sufficient number of judges.
3. Courts of First Instance may convene anywhere outside of their circuit of jurisdiction, as necessary, upon the decision of the President of the High Court.

Article 13

1. Within the circuit of jurisdiction of each Court of First Instance, one or more Magistrate Courts shall be established as necessary. The Minister of Justice shall issue a decision determining their seats and circuits of jurisdiction.
2. Magistrate Courts may convene anywhere within their circuit of jurisdiction, as necessary, upon the decision of the President of the Court of First Instance.

Chapter II. Jurisdiction of the Courts

Article 14

Regular courts shall consider and adjudicate all disputes and crimes, except those excluded by a special provision of the law. The authority of the Judiciary shall be exercised over all persons.

Article 15

1. Court sessions shall be open and public, unless the court decides sua sponte or upon the request of one of the litigants that proceedings be held in camera for

reasons of morality or to maintain public order. In all cases, the pronouncement of the judgement shall be made in a public session.

2. The President of the Court shall be responsible for the organisation and orderly process of the session.

Part III. Judges

Chapter I. Appointment, Promotion and Seniority of Judges

Article 16

Any person appointed as a member of the Judiciary shall fulfill the following requirements:

1. Possess Palestinian nationality and enjoy full legal capacity.
2. Hold a license (BA degree) in law or Shari'a and law from a recognised university.
3. Not have been convicted by a court or a disciplinary council on a matter involving a breach of honor, even if he was rehabilitated since or covered by a general amnesty.
4. Be of good conduct and repute, as well as medically fit to assume the position.
5. Terminate membership in any party or political organisation upon his appointment.
6. Have good command of the Arabic language.

Article 17

The High Judicial Council shall develop a system to train and prepare judges before they assume their judicial functions.

Article 18

1. Judicial positions shall be filled pursuant to a decision of the President of the National Authority, based upon the nomination of the High Judicial Council and in the following manner:
 - a) Initially, by appointment.
 - b) By promotion based upon seniority, while taking competence into consideration.
 - c) By appointment through transfer from the Public Prosecution.
 - d) By secondment from a sister country.
2. A judge on secondment must satisfy all the criteria set forth in Article 16 of this law, except for the requirement of Palestinian nationality, provided that the judge on secondment is an Arab national.
3. Appointment or promotion shall become effective as of the date on which the decision is issued thereof.

Article 19

1. The following may be appointed as judges in Magistrate Courts and Courts of First Instance and Appeal or as members of the Public Prosecution:
 - a) Former judges and members of the Public Prosecution.
 - b) Lawyers.
 - c) Teaching staff of faculties of law and faculties of Shari'a and law.The High Judicial Council shall issue general guidelines regarding the length of experience required for appointment from each category set forth under paragraph 1 above and any other experience deemed comparable to a judicial function.
2. To be appointed as President of a Court of Appeal, one must have sat and worked for a period of not less than five (5) years on a panel of a Court of Appeal.

Article 20

1. A judge appointed to the High Court shall satisfy the following criteria: One must have worked for a period of not less than three (3) years as a judge in a Court of Appeal, for the equivalent time in the Public Prosecution, or for at least ten (10) years as a lawyer.
2. To be appointed as President or Vice-President of the High Court, one must have sat and worked for a period of not less than three (3) years in chambers of the High Court or for at least fifteen (15) years as a lawyer.

Article 21

1. Judges shall swear the oath, before assuming their duties for the first time, as follows:

'I swear by God, the Almighty, to judge among people fairly and to respect the Constitution and the law.'
2. The President of the High Court shall swear the oath before the President of the State. All other judges shall swear the oath before the High Judicial Council.

Chapter II. Transfer, Delegation and Secondment of Judges

Article 22

Judges may not be transferred, delegated, or seconded other than in the manner and cases determined by the law.

Article 23

1. Judges may not be transferred or delegated to perform non-judicial tasks against their will.

2. Transfer or delegation of judges shall be carried out pursuant to a decision by the High Judicial Council. The effective date of transfer or delegation shall be the date of the notification of the decision.
3. As an exception to the preceding two paragraphs, a judge may be temporarily delegated to perform judicial tasks other than his regular work, or in addition to it, or to perform other legal work if so required by the national interest, pursuant to a decision issued by the Minister of Justice and with the approval of the High Judicial Council.

Article 24

Pursuant to the provisions of this law, the High Judicial Council may:

1. Temporarily delegate to the High Court a judge from a Court of Appeal, who fulfills the qualifications for working in the High Court, for a period of six (6) months subject to renewal.
2. Delegate a judge from the Courts of Appeal or First Instance to work in another court of the same level for a period of six (6) months subject to renewal.

Article 25

If the position of President of a Court becomes vacant, or during the absence of a President of a Court, or due to an impediment preventing the exercise of his responsibilities, the most senior judge of the same court, followed by the next most senior judge, shall assume these responsibilities as necessary.

Article 26

1. A judge may be seconded to foreign governments or to international organisations pursuant to a decision of the President of the National Authority, based upon the nomination of the High Judicial Council.
2. The duration of the secondment may not exceed three (3) consecutive years, unless there is a compelling national interest. In order to be seconded, a judge must have spent the previous four (4) years working on a court panel and received favourable performance reports.

Article 27

Judges may not be removed from their offices except pursuant to the provisions set forth in this law.

Chapter III. Duties of Judges

Article 28

1. A judge may not engage in any commercial activity, nor may a judge engage in any activity that is not consistent with the independence and dignity of the Judiciary. The High Judicial Council may prohibit a judge from engaging in any work that it deems in conflict with the duties of the position and its sound performance.

2. A judge shall submit, upon appointment, a financial statement for himself, his spouse, and minor children, which details what they own in real estate, movable property, stocks, bonds, cash money, and debts, whether inside or outside of Palestine, to the President of the High Court, who shall make the necessary arrangements to keep it confidential. Such information shall remain confidential and may be accessed only with the permission of the High Court, as occasion may require.

Article 29

Judges shall be prohibited from:

1. Violating the confidentiality of deliberations or disclosing any confidential information which they obtain while performing their work.
2. Engaging in political activity.
3. Standing for election for the Presidency of the National Authority, the Legislative Council, local councils or political organisations, unless they have submitted their resignations and their resignation have been accepted.

Article 30

1. Judges related by blood kinship or kinship by marriage up to the second degree may not sit in the same circuit of jurisdiction.
2. Judges related to a member of the Public Prosecution, or a representative of a litigant, or related to a litigant by blood kinship or kinship by marriage up to the fourth degree, may not sit in cases involving such persons.
3. The law shall determine the provisions for recusing judges.

Article 31

1. A judge may not be absent or cease working without a valid excuse and without having notified the President of the Court in which the judge is sitting.
2. A judge shall be deemed to have resigned if he ceases working for fifteen (15) consecutive days without an excuse acceptable to the High Judicial Council, even if this occurs after the end of a period of leave, secondment, or delegation.

Chapter IV. Salaries and Allowances of Judges

Article 32

1. Salaries and allowances of judges of all ranks shall be set in accordance with Tables 1 and 2 attached to this law.
2. Allowances specified in the two attached tables shall not prejudice the administrative, social, transportation, and cost of living allowances provided to all governmental officials pursuant to the provisions of the *Law of Civil Service*.

Article 33

1. The resignation of a judge shall be deemed accepted two (2) weeks from the date of its submission to the President of the High Judicial Council. A decision

of acceptance shall be issued by the Minister of Justice as of the date of its submission.

2. The resignation of a judge shall not result in the loss of an entitlement to pension or remuneration.

Article 34

1. No person older than seventy (70) years of age shall be allowed to remain in the position of a judge or be appointed thereto.
2. The pension or remuneration of a judge shall be assessed on the basis of the last salary which the judge received.

Chapter V. Vacations

Article 35

1. There shall be a judicial vacation beginning annually in mid-July and ending at the end of August.
2. The annual leave of a judge shall not exceed, in any case, thirty-five (35) days.
3. During the judicial vacation, courts shall continue to hear urgent matters, the types of which shall be determined by the High Judicial Council.

Article 36

Judges and members of the Public Prosecution shall be entitled to sick leave pursuant to the *Law of Civil Service*.

Part IV. The High Judicial Council

Chapter I. Formation of the High Judicial Council

Article 37

1. Pursuant to the provisions of this law, a judicial council shall be established which shall be called the 'High Judicial Council'. It shall exercise its jurisdiction pursuant to the law.
2. The High Judicial Council shall consist of the following:
 - a) The President of the High Court as President.
 - b) The most senior Vice-President of the High Court as Vice-President.
 - c) The two (2) most senior judges of the High Court, selected by the High Court Assembly.
 - d) The Presidents of the Courts of Appeal in Jerusalem, Gaza and Ramallah.
 - e) The Attorney-General.
 - f) The Deputy-Minister of Justice.

Article 38

1. If the position of the President of the High Court becomes vacant, or during the absence of the President of the High Court, or due to an impediment preventing the exercise of his responsibilities, the presidency shall be filled by the most senior Vice-President of the High Court.-
2. The replacement for any of the Presidents of the Courts of Appeal shall be the next most senior judge in the respective court. The Deputy Attorney-General, then the most senior Head of a Prosecutors' District Office, shall replace the Attorney-General.
3. Each of the other members shall be replaced by the next most senior member of their respective offices, followed by the next senior.

Article 39

As determined by the law, the President of the High Judicial Council shall follow up on the implementation of its decisions. The President shall represent the High Judicial Council in contacts with others and before the Judiciary.

Article 40

1. The High Judicial Council shall meet at the seat of the High Court at least once every month.
2. The High Judicial Council shall meet whenever necessary, either upon the invitation of its President, upon the request of the Minister of Justice, or upon the request of three (3) of its members.
3. A meeting shall be considered convened with the attendance of at least seven (7) of its members, including the President or, in the absence of the President, the Vice-President. Decisions shall be issued by a majority of those present. In the case of a tie, the side which includes the President shall prevail.
4. Governmental and non-governmental organisations and agencies shall submit to the High Judicial Council upon request all information, documents, and papers that are related to its jurisdiction.

Article 41

The High Judicial Council shall issue bylaws pursuant to which it shall perform its responsibilities. It may establish one or more committees from among its members, to which it may delegate some of its responsibilities, except for those pertaining to appointment, promotion, and transfer.

Chapter II. Judicial Inspection

Article 42

1. A Department of Judicial Inspection shall be established and attached to the High Judicial Council. It shall consist of the Head of the Technical Office and a sufficient number of judges of the Courts of Appeal or members of the Public Prosecution of similar rank.

2. The High Judicial Council shall set forth regulations for the Department of Judicial Inspection, determining its responsibilities, the rules and procedures needed to perform its work, and the elements of the performance evaluation, including the results of training courses, and reasons for reversing, canceling, or amending decisions of judges.-
3. Performance shall be evaluated at one of the following grades: 'Excellent'; 'Very Good'; 'Good'; 'Average'; and 'Below Average'.

Article 43

Judges shall be inspected at least once every two (2) years, except for judges of the High Court. The inspection report shall be filed with the High Judicial Council within a maximum of one (1) month from the date of its completion. Judges shall be notified of all comments or other documents kept in their service files.

Chapter III. Grievances and Appealing Decisions

Article 44

1. The Director of the Department of Judicial Inspection shall notify judges whose performance was evaluated as 'Average' or 'Below Average' as soon as the Department completes its evaluation. Those notified shall have the right to appeal the evaluation within fifteen (15) days from the date of the notification.
2. The Director of the Department of Judicial Inspection shall notify those judges who were eligible for promotion but were not promoted for reasons unrelated to their performance reports. The notification shall specify the reasons for being passed over. Those notified shall have the right to appeal within the deadline set forth under paragraph 1 above.

Article 45

1. A grievance shall be filed in the form of a petition submitted to the Department of Judicial Inspection, which shall in turn submit the grievance to the High Judicial Council within five (5) days from its submission.
2. The High Judicial Council shall decide upon the grievance after having reviewed the documentation and having heard the statement of the aggrieved party. It shall issue its decision sufficiently in advance of making the judicial promotions. The concerned individual shall be notified of the decision by a registered letter, including a return receipt.

Article 46

1. The High Court, and no other court, shall have the sole jurisdiction to adjudicate cancellation, compensation, and suspension requests filed by judges against administrative decisions related to any of their affairs, as well as to adjudicate disputes related to salaries, pensions, and remunerations for them or their heirs.

2. Requests related to the matters set forth under the preceding paragraph shall be submitted with a petition, to be filed with the Clerk of the High Court, without the payment of any fee. These shall include the name of the petitioner, the subject of the request and related evidence.

Chapter IV. Disciplinary Inquiries of Judges

Article 47

1. The Minister of Justice shall have administrative supervision over all courts. The President of each court shall supervise the work of the judges and the progress of the work performed therein.
2. The President of each court shall warn a judge of any act that may constitute a violation of judicial duties or the requirements of the office. The warning may be made verbally or in writing. If the warning is in writing, the judge may object to it within fifteen (15) days from the date of the notification, pursuant to the procedures set forth in Article 45 of this law. In such a case, the court shall either reject the objection or rule that the warning is groundless and cancel it.
3. If the violation is repeated or continues after the warning is confirmed, a disciplinary action shall be filed.

Article 48

1. Disciplining judges at all levels shall be under the jurisdiction of a Disciplinary Council consisting of the two (2) most senior judges of the High Court and the most senior judge of each Court of Appeal who are not already members of the High Judicial Council. In the event of the absence or incapacity of a member, the absent person shall be replaced with the next most senior judge or those following in seniority in the respective court.
2. The Disciplinary Council shall be presided over by the most senior member of the High Court present. Decisions shall be issued with the absolute majority of the members.

Article 49

1. A disciplinary action shall be filed by the Attorney-General based upon the request of the Minister of Justice, the President of the High Court, or the President of the Court to which the judge belongs.
2. A disciplinary action shall only be initiated based upon a criminal investigation, following an investigation conducted by a judge of the High Court nominated by its President *sua sponte* for that purpose or upon the request of the Minister of Justice, the Attorney-General or the President of the Court to which the judge belongs. The judge delegated with the investigation shall have the power of a court regarding the authority to take testimony from witnesses.
3. In proceedings before the Disciplinary Council, the Public Prosecution shall be represented by the Attorney-General or any of his assistants.

Article 50

1. A disciplinary action shall be initiated by a petition that includes the charge or charges made after the investigation. The petition shall be filed with the secretariat of the Disciplinary Council.
2. If the Disciplinary Council deems it appropriate to proceed in the action, the judge shall be summoned to attend the trial. The summons shall include an adequate statement on the subject of the action and the evidence of impeachment. A copy of the action shall be delivered to the judge, upon request and without fees, at least one (1) week prior to the hearing.
3. The Disciplinary Council may order to suspend the judge from the commencement of the activities of his function until the trial is concluded. The Council may reconsider the decision of suspension at any time. The suspension of a judge shall not lead to the withholding of his salary during the period of suspension, unless the Disciplinary Council decides otherwise.

Article 51

The Disciplinary Council may seek whatever information it deems lacking in the investigation or delegate one of its members to do so. The Disciplinary Council or the member whom it delegates for investigation shall have the authority given to the courts with regard to the summoning of witnesses whom it deems necessary to hear their statements.

Article 52

1. Sessions of the disciplinary proceedings shall be held *in camera*, unless the impeached judge requests that they be made public.
2. The impeached judge shall appear in person before the Disciplinary Council. The impeached judge may submit a defense in writing and may appoint a judge or a lawyer for his defense. If he does not attend or delegate a person for the defense on his behalf, he shall be tried *in absentia*, upon verifying that the impeached judge was properly notified and served.

Article 53

The Disciplinary Council shall issue its decision on a disciplinary case following the hearing of the requests of the prosecution and the defense of the impeached judge. The decision in a disciplinary case must include substantiating grounds, which shall be read when the decision is pronounced *in camera*. The impeached judge and the Attorney-General shall each have the right to appeal the decision, pursuant to the procedures set forth in Article 45 of this law.

Article 54

A disciplinary action shall terminate upon the resignation or retirement of the judge. A disciplinary action shall have no effect upon a criminal or civil action arising from the same incident.

Article 55

1. The Council may impose the following disciplinary penalties:
 - a) Warning.
 - b) Reprimand.
 - c) Dismissal.
2. The High Judicial Council shall implement the disciplinary decision issued by the Disciplinary Council once it becomes final. If the decision is to dismiss the judge, the judge shall be considered on leave from the date the decision is issued until it becomes final.
3. Once finalised, a decision to dismiss a judge shall be implemented by a decree of the President of the National Authority. The dismissal shall become effective from the date on which the decision is issued.
4. A decision to dismiss a judge shall not affect entitlements to pension or remuneration, unless the decision determines otherwise.

Article 56

1. Apart from a case where a judge is apprehended in the immediate commission of a crime, a judge may not be arrested or detained without the special permission of the High Judicial Council.
2. If a judge is apprehended in the immediate commission of a crime, the Attorney-General shall, upon the arrest or detention of the judge, present the matter to the High Judicial Council within the next twenty-four (24) hours. The High Judicial Council shall decide, upon hearing the statement of the judge, either to release him on bail to detain him without bail, or to continue detention for a period to be determined by the High Judicial Council. The High Judicial Council shall have the right to extend such period.
3. The judge shall be detained and the punishment entailing deprivation of liberty shall be implemented in a location that is separate from those assigned to other prisoners.

Article 57

The High Judicial Council shall have jurisdiction to consider the detention of a judge and the renewal of his arrest, unless the case is heard before the competent criminal court, in which case the latter shall have jurisdiction over the case.

Article 58

The detention of a judge shall lead to an immediate suspension of his official duties for the period of detention. The High Judicial Council may, upon the request of the Minister of Justice or the judge in charge of the investigation, order the suspension of the judge's official duties for the period of the investigation of the crime attributed to the judge. In such cases, the provisions of Article 50 of this law shall apply.

Article 59

A criminal case shall not be filed against a judge without the permission of the High Judicial Council. The High Judicial Council may designate a court to hear the case irrespective of the circuit of jurisdiction determined by the law.

Part V. Public Prosecution

Chapter I. Composition of the Public Prosecution

Article 60

The Public Prosecution shall consist of the following:

1. The Attorney-General.
2. One or more Deputies to the Attorney-General.
3. Heads of Prosecutors' District Offices.
4. Prosecutors.
5. Deputy-Prosecutors.

Article 61

To be appointed a member of the Public Prosecution, one must satisfy the conditions and requirements set forth in Article 16 of this law.

Article 62

1. Upon soliciting the opinion of the concerned prosecutor, the Attorney-General shall draft a report on the work of the Deputy-Prosecutor, indicating the extent of his qualifications and his suitability for judicial work. The member in question shall be notified of the report.
2. This report, along with any written comments submitted by the member, shall be submitted to the Minister of Justice, who shall decide whether the member is suitable for appointment to the position of Prosecutor, or, if not, whether the member should be given a grace period, not to exceed one (1) year, for a reevaluation of his qualifications and suitability.

Article 63

1. The Attorney-General shall meet the conditions and requirements set forth in Article 16 of this law.
2. The Attorney-General shall be appointed by the President of the National Authority, based upon the nomination of the High Judicial Council. The duties and jurisdiction of the Attorney-General shall be determined by the law.

Article 64

1. Members of the Public Prosecution shall swear the oath before assuming their duties for the first time as follows:

'I swear by God, the Almighty, to respect the Constitution and the law and to perform my duties honestly and in good faith.'

2. The Attorney-General shall swear the oath before the President of the National Authority and in the presence of the Minister of Justice.
3. The other members of the Public Prosecution shall swear the oath before the Minister of Justice and in the presence of the Attorney-General.

Article 65

1. The designation of the work place for members of the Public Prosecution and transfer outside the circuit of jurisdiction of the court to which they are appointed shall be by decision of the Minister of Justice, based upon the recommendation of the Attorney-General. Transfer within the circuit of jurisdiction of the court or secondment outside of it shall be by decision of the Attorney-General, provided that the period of such secondment does not exceed six (6) months.
2. Except for the Attorney-General and the Deputy Attorney-General, the tenure of members of the Public Prosecution outside the circuits of jurisdiction of the court shall not exceed four (4) years from the time of meeting the requirements to work within a circuit.

Article 66

Members of the Public Prosecution shall report to their superiors in accordance with the sequence and hierarchy of their respective ranks.

Chapter II. Jurisdiction of the Public Prosecution

Article 67

The Public Prosecution shall exercise the jurisdiction and authority granted to it by the law. It shall have the right, alone and solely, to file and initiate criminal cases, unless the law determines otherwise.

Article 68

1. The Attorney-General, or any member of the Public Prosecution, shall perform the function of the Public Prosecution before the courts. Deputy-Prosecutors shall perform the work assigned to them under the supervision and responsibility of those members of the Public Prosecution assigned to train them.
2. If the position of the Attorney-General becomes vacant, or during the absence of the Attorney-General, or due to an impediment preventing the exercise of his responsibilities, the position shall be filled by the Deputy Attorney-General, with all of the powers that it entails, for a period not to exceed three (3) months.
3. In the case of the absence or incapacity of a member of the Public Prosecution, the Attorney-General shall appoint a replacement.

4. No one below the rank of a Head of Prosecutors' District Office shall perform public prosecution functions before the High Court.

Article 69

Judicial officers shall report to the Public Prosecution with respect to their work.

Article 70

The Attorney-General or those delegated by the Attorney-General, as well as judges of the courts, each in their circuit of jurisdiction, shall have access to all correctional and rehabilitation centers (prisons) at any time to inspect and to verify that the law is complied with therein and that court decisions and decisions of the Public Prosecution are implemented. Directors of such centers shall provide them with all information that they may request.

Chapter III. Duties of Members of the Public Prosecution

Article 71

The provisions of PART III, CHAPTER III, of this law, entitled 'Duties of Judges,' shall apply to members of the Public Prosecution.

Article 72

The provisions of PART IV, CHAPTER IV, of this law, entitled 'Disciplinary Inquiry of Judges,' shall apply to members of the Public Prosecution. Disciplinary action shall be instituted against them by the Attorney-General either *sua sponte* or upon the request of the Minister of Justice.

Chapter IV. Salaries and Allowances of Members of the Public Prosecution

Article 73

Salaries and allowances for members of the Public Prosecution shall be determined pursuant to Article 32 of this law.

Chapter V. Promotion and Seniority

Article 74

1. The seniority of the members of the Public Prosecution shall be determined in accordance with the rules determining the seniority of judges as set forth under paragraph 3 of Article 18 of this law.
2. The promotion of members of the Public Prosecution to higher positions shall be based upon seniority and competence pursuant to paragraph 3 of Article 42 of this law.

Part VI.

Chapter I. Judicial Auxiliaries

Article 75

Judicial auxiliaries shall include lawyers, experts, secretaries, clerks, summons servers and translators.

Article 76

The law shall regulate the practice of the legal profession.

Article 77

The law shall determine the expertise required to practice before the Judiciary and the Public Prosecution. The law shall determine the rights and duties of experts and the means for disciplining them.

Chapter II. Court Employees

Article 78

Each court shall be assigned a sufficient number of employees. The law shall determine their duties.

Article 79

Employees of courts shall be subject to the provisions of the *Law of Civil Service*.

Part VII. General and Transitional Provisions

Article 80

The High Judicial Council shall draft the bylaws necessary for the enforcement of the provisions of this law.

Article 81

1. The Transitional High Judicial Council shall be formed pursuant to a decision of the President of the National Authority and based upon the recommendation of the Minister of Justice. This shall take place within one (1) month from the publication of this law in the *Official Gazette*. The Transitional High Judicial Council shall consist of:
 - a) The President of the High Court as President.
 - b) Four (4) judges from the High Court.
 - c) The Attorney-General.
 - d) The Presidents of the Courts of Appeal in Gaza and Ramallah.
 - e) The Deputy-Minister of Justice.
2. The Transitional High Judicial Council shall assume the responsibilities of the High Judicial Council as set forth in this law, until the latter is formed within a

period not to exceed one (1) year from the publication of this law in the *Official Gazette*.

Article 82

The implementation of judicial decisions shall be binding. Refraining from implementing them or suspending them in any way shall be considered a crime to be punished by imprisonment or dismissal from the function if the accused is a public servant or assigned to public service. A person whose rights are violated by the improper suspension or non-implementation of a judicial decision shall have the right to file a case immediately before the competent court. The National Authority shall guarantee full indemnification.

Article 83

The High Court shall temporarily assume all functions assigned to the Administrative Courts and the Constitutional Court until such courts are established by law, unless they are included within the jurisdiction of other judicial entities pursuant to the laws in force.

Article 84

The following laws are hereby repealed:

1. The *Law on the Independence of the Judiciary No. 19 of 1955* in force in the Governorates of the West Bank.
2. The *Courts Ordinance No. 31 of 1940* in force in the Governorates of the Gaza Strip.
3. The *Order No. 473 of 1956 issued by the Administrative Governor-General concerning the Jurisdiction of Public Prosecution*, in force in the Governorates of the Gaza Strip.
4. Every provision which contradicts the provisions of this law.

Article 85

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

Issued in the city of Ramallah on 24 May, 2002 AD, corresponding to 2 Rabi' Awal 1423 AH.

Yasser Arafat

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

Annexes

Table No. 1

Table of Positions, Salaries and Allowances for Judges and Members of the Public Prosecution

Position	Basic Salary*	Allowance for the Nature of Work*	Periodical Annual Allowance*	Total Salary*
President of High Court	2,500	500	50	3,050
Vice-Presidents of High Court and Attorney-General	2,300	460	46	2,806
Judges of High Court and Deputy Attorney-General	2,300	460	46	2,806
Presidents of Courts of Appeal	1,900	380	38	2,318
Judges of Courts of Appeal	1,900	380	38	2,318
Presidents of Courts of First Instance	1,600	320	32	1,952
Judges of Courts of First Instance	1,600	320	32	1,952
Judges of Magistrate Courts	1,400	280	28	1,708
Heads of Prosecutors' District Offices	1,400	280	28	1,708
Prosecutors	1,250	250	26	1,526
Deputy-Prosecutors	1,200		24	1,224

* Note: The above figures are in U.S. Dollars until replaced by equivalent figures based upon the Palestinian Pound.

Table No. 2

Representation Allowances for Some Judicial Positions

Position	Amount*
President of High Court	500
Vice-President of High Court and Attorney-General	368

The Legislative Framework for the Judiciary

Presidents of Courts of Appeal	285
Presidents of Courts of First Instance	176
Head of Prosecutors' District Office	140
Prosecutor	62

* Note: The above figures are in U.S. Dollars until replaced by equivalent figures based upon the Palestinian Pound.

***Decree Law No. 2 of 2006 Concerning the
Amendment of the Judicial Authority Law
No. 1 of 2002***

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

Having reviewed Article 43 of the *Amended Basic Law of 2003* and its Amendments,
Having consulted with the High Judicial Council pursuant to the provisions of Article 100 of the *Basic Law*,
Based upon the powers bestowed upon me, and
In accomplishment of the public interest,

I hereby promulgate the following decree law:

Article 1

The following paragraph shall supplement the provisions of Article 16 of the Original Law as follows:

Notwithstanding what is set forth in any other piece of legislation, appointment to the position of a judge may not occur except following the verification of competence, good conduct and capacity of the candidate to the service in the Judiciary. The competition among applicants for vacant positions shall be conducted on the level of a judge at the Magistrate Court by means of a committee appointed by the High Judicial Council of three (3) judges from the High Court other than those who are members of the High Judicial Council. Vacant positions and appointments of the competition shall be announced by the President of the High Judicial Council at least one week (1) prior to its being held.

Article 2

Article 18 of the Original Law is hereby amended by repealing clause (b) under paragraph 1 and replacing it with the following provision:

- b) By promotion on the basis of competence while taking seniority into consideration.

Article 3

The provisions of Article 27 of the Original Law are hereby repealed and replaced by the following provisions:

- a) A judge may not be deposed or his services be dispensed with or his rank be demoted except by a decision of the High Judicial Council and the approval of the President of the National Authority.
- b) Upon their appointment, Magistrate judges shall be subject to a non-renewable probationary period of three (3) years, at the expiration of which the service of the judge may be terminated by decision of the High Judicial Council and the approval of the President of the National Authority.

Article 4

Article 28 of the Original Law is hereby amended by supplementing the following paragraph 3:

3. a) A judge must reside in the area in which the location of his work is situated.
- b) The President of the High Judicial Council may, under exceptional circumstances, allow a judge to reside in the location of the Court of First Instance to which he is affiliated or in another place that is near the location of his work.

Article 5

The following paragraphs shall supplement the provisions of Article 34 of the Original Law:

1. Notwithstanding what is set forth in any other piece of legislation, the High Judicial Council shall have the right, upon the recommendation of the President of the Council or the Attorney-General, to retire on pension any judge or member of the Public Prosecution who reaches the age of retirement set forth in the Law of Public Retirement.
2. The High Judicial Council shall have the right to transfer any judge or member of the Public Prosecution to provisional retirement for a period of five (5) years if he has not completed the period of service which is required for his retirement on pension. In such case, the judge or member of the Public Prosecution shall earn his full salary and increments. Upon the expiration of the period of the transfer to provisional retirement, he shall be retired on pension pursuant to the law.
3. A member of the Council may not attend the meeting of the Council which discusses his retirement on pension, transfer to provisional retirement, or termination of service.
4. The Law of Public Retirement shall refer to any law of retirement to which the judge may be subject, whether it is the Law of Public Retirement, the Law of Insurance and Pensions, or other law.

Article 6

The provisions of Article 35 of the Original Law are hereby repealed and replaced by the following provision:

The provisions of leaves set forth in the *Law of Civil Service* shall apply to judges and members of the Public Prosecution.

Article 7

Article 42 of the Original Law is hereby amended by repealing the provision under paragraph 1 and replacing it with the following provision:

A Department of Judicial Inspection shall be established and attached to the High Judicial Council. It shall be headed by a judge of the High Court who shall be appointed by the President of the National Authority and shall consist of a sufficient number of judges of the Courts of Appeal appointed by decision of the High Judicial Council.

Article 8

The provisions of Article 46 of the Original Law are hereby repealed and replaced with the following provisions:

1. The High Court of Justice shall have exclusive jurisdiction over requests by judges and members of the Public Prosecution regarding the annulment of final administrative decisions concerning their affairs, whether the request refers to a formal defect, a contravention of the laws and regulations, an error in their enforcement, or an abuse of authority.
2. In addition, the aforementioned Court shall have exclusive jurisdiction over requests for indemnity due to such decisions.
3. The aforementioned Court shall also have exclusive jurisdiction for the adjudication of disputes regarding the salaries, pensions, and remunerations of judges and members of the Public Prosecution or their heirs.
4. A person who was a member of the High Judicial Council may not sit for the adjudication of such matters if he took part in the decision due to which the request was submitted.
5. The requests mentioned under the preceding paragraphs shall be submitted in a petition to be deposited with the Clerk of the High Court of Justice without fees, including the names of the adversaries and the subject of the request. The petitioner shall deposit along with such petition as many copies thereof as the number of adversaries with the docket which supports his request.
6. The applicant shall commence all proceedings before the High Court of Justice by himself. He may present his defence in writing or delegate on his behalf a judge other than those of the High Court of Justice.
7. Within sixty (60) days from the date of the publication of the challenged decision or the notification of the concerned person or his knowledge thereof in an absolute manner, the request shall be submitted in the Official Gazette.
8. The action and adjudication shall be prepared in an expeditious manner. The judgements issued thereon shall be final and not challengeable by any means or before any other judicial authority.

Article 9

The provisions of Article 47 of the Original Law are hereby repealed and replaced with the following provisions:

1. The President of the High Judicial Council shall have the right to the administrative supervision over all judges. Such right shall be with the President of each court over its judges. For the purposes of this paragraph, Magistrate judges in the seats of the Courts of First Instance shall be deemed judges thereat.
2. The President of the High Judicial Council may spontaneously or based upon the recommendation of the President of the Court in charge notify a judge about any action of his that contravenes the obligations or requirements of his function. Such notification shall be kept in the confidential file of the judge.

Article 10

The provisions of Article 48 of the Original Law are hereby repealed and replaced with the following provisions:

1. The Disciplinary Council shall consist of a panel of at least three (3) judges from among the members of the High Judicial Council or other judges to be appointed by the Council. A Chairman shall be nominated from among them. The Council may appoint more than one panel.
2. The Disciplinary Council shall issue its decisions by consensus or by majority vote.

Article 11

The provisions of Article 49 of the Original Law are hereby repealed and replaced with the following provisions:

The disciplinary action shall be filed against a judge by the Attorney-General based upon the request of the President of the High Judicial Council and the decision of that Council. Such shall not prevent his chairing of the Disciplinary Council.

Article 12

The provisions of Article 50 of the Original Law are hereby repealed and replaced with the following provisions:

1. The disciplinary action shall be filed against a judge through a petition including the imputed impeachment or impeachments, as well as supporting evidence. It shall be submitted to the Disciplinary Council in order to issue a decision to call the judge to appear before it. The Disciplinary Council shall commence the proceedings within a period not to exceed fifteen (15) days from the date on which the petition was submitted.

2. The Disciplinary Council shall have the right to conduct the investigations which it deems appropriate, as well as delegate one of its members to do so. The Disciplinary Council or the member whom it delegates shall have the authority of the courts with regard to the summoning of witnesses to testify before it as it deems necessary and the requesting of other evidence.
3. If the Disciplinary Council deems it appropriate to proceed in the action regarding all impeachments or some of them, the judge shall be summoned to attend the trial, provided that the interval between the summons to attend and the appointment of the trial shall not be less than seven (7) days. The summons shall include an adequate statement on the subject of the action and the evidence of the impeachment.
4. Upon deciding to proceed in the action, the Disciplinary Council may suspend the judge from the activities of his function until the trial is concluded. The provisions of Article 58 shall apply.
5. If it appears to the Disciplinary Council that the contravention which is imputed to the judge and due to which he is referred to discipline entails a criminal offence, it must cease the procedures of discipline and refer the judge, along with the minutes of investigation and other papers and instruments relating to the contravention, to the Public Prosecution or to the competent court to proceed in the case pursuant to the provisions of the law. In this case, no disciplinary measure may be taken against the judge, and no measure that was taken may continue until the definitive judgement is issued on the complaint or the criminal action which was submitted.
6. The quittance of the judge from the complaint or action which was filed against him pursuant to the provisions of paragraph 5 of this Article or the decision of his non-liability for what was imputed to him shall not prevent necessary disciplinary measures against him due to the contravention which he committed and the imposing of the appropriate disciplinary penalty upon him if he is convicted thereof.

Article 13

The provisions of Article 51 of the Original Law are hereby repealed and replaced with the following provisions:

The disciplinary action shall terminate by the resignation of the judge and the acceptance by the Disciplinary Council thereof or by retiring him on pension. The disciplinary action shall have no effect upon the criminal or civil action arising from the incident itself. The Council shall be entitled to refer the case to the Public Prosecution, notwithstanding the resignation of the judge or his retiring on pension, if it sees a justification therefor.

Article 14

The provisions of Article 52 of the Original Law are hereby repealed and replaced with the following provisions:

The sessions of the disciplinary trial shall be held in *in camera*. The judge shall appear in person before the Disciplinary Council or delegate a lawyer in his stead. The Disciplinary Council shall have the right to order the judge to attend. If he does not attend or delegate a person on his behalf, he shall be tried *in absentia*.

Article 15

The provisions of Article 53 of the Original Law are hereby repealed and replaced with the following provisions:

The Disciplinary Council shall issue its decision on the disciplinary action following the hearing of the requests of the Prosecution and the defence of the judge. The decision in a disciplinary case must include substantiating grounds, which shall be read when the decision is pronounced. The judgement shall be subject to challenge before the High Court of Justice.

Article 16

The provisions of Article 54 of the Original Law are hereby repealed and replaced with the following provisions:

1. Any infringement of the duties of the function and any act that contravenes honour, integrity, or decency shall constitute an error due to which the judge shall be punished in a disciplinary manner.
2. The infringement of the duties of the function shall include tardiness to adjudicate lawsuits, non-defining of an appointment to make the judgement understood, discrimination between litigants, revealing of secrets of discussion, absence without an excuse, and non-abidance by the working hours.

Article 17

The provisions of Article 55 of the Original Law are hereby repealed and replaced with the following provisions:

1. The Council may impose the following disciplinary penalties:
 - a) Admonition.
 - b) Warning.
 - c) Deduction from the salary.
 - d) Demotion of the rank.
 - e) Dispensing with the service.
 - f) Deposition.
2. The decision issued to depose the judge or dispense with his services shall not affect his entitlement to pensions or remuneration, unless the decision determines otherwise.

Article 18

The provisions of Article 58 of the Original Law are hereby repealed and replaced with the following provisions:

The High Judicial Council may suspend a judge from the commencement of the activities of the function during the proceedings of investigation or trial for an offence that was imputed to him either by himself or based upon the request of the Minister of Justice or the Attorney-General. The Council may review the decision of suspension at any time.

Article 19

Article 66 of the Original Law is hereby amended so as what is mentioned thereunder becomes paragraph 1 and the following paragraph shall supplement thereto as paragraph 2:

2. The Attorney-General shall have the right to establish a 'Technical Office,' a 'Department of Inspection over the Members of the Prosecution,' a 'Department for the Implementation of Penal Judgements,' and any other specialised offices, departments, or prosecutions to regulate the progress of work at the Public Prosecution. He shall also issue the bylaws and decisions pertaining thereto. These shall be published in the *Official Gazette*.

Article 20

The provisions of Article 79 of the Original Law are hereby repealed and replaced with the following provisions:

1. With the exception of what is set forth in this law, the provisions of the Law of Civil Service shall apply to the employees of courts and the Public Prosecution.
2. The President of the High Court shall have the powers of the Minister and Deputy-Minister set forth in the laws and regulations concerning the employees at courts.
3. The Attorney-General shall have the powers of the Minister and Deputy-Minister referred to under the preceding paragraph concerning the members of the Public Prosecution.
4. The High Judicial Council shall issue the bylaws necessary to interrogate the employees of courts and Public Prosecution, discipline them, and form disciplinary councils responsible for disciplining them.

Article 21

The provisions of Article 80 of the Original Law are hereby repealed and replaced with the following provisions:

The High Judicial Council shall issue the bylaws necessary to enforce the provisions of this law, which shall be approved by the President of the National Authority and published in the *Official Gazette*.

Article 22

The provisions of Article 81 of the Original Law are hereby repealed and replaced with the following provisions:

In cases other than those expedient, formations amongst judges may not be conducted except once per year. This shall take place during the month of July.

Article 23

The provisions of Article 83 of the Original Law are hereby repealed and replaced with the following provisions:

1. The annual judicial vacation shall be in the period between the 15th of July of each year and the 31st of August of the same year. A judge must obtain his annual leave within this vacation. Leaves may be granted beyond such period by decision of the President of the High Judicial Council based upon the recommendation of the President of the respective court.
2. Each judge shall submit an application to obtain his annual leave to the President of the competent court at least fifteen (15) days prior to the commencement of the judicial vacation, so that the President of the court refers it to the President of the High Judicial Council, along with his opinion on the application, taking into consideration the progress of work at the court and the continuation of the hearings of urgent cases, which the President of the court designates.
3. The Bar Association shall define the leave of lawyers within the judicial vacation during the period set forth under paragraph 1 above, provided that the leave does not exceed forty five (45) days a year.
4. During the judicial vacation, the courts shall adjourn the cases of a lawyer who uses his leave during the judicial vacation.

Article 24

A new Article shall supplement the law, as follows:

In cases other than those set forth in this law, the provisions of the *Law of Civil Service* and all other legislation pertaining to employees shall apply to judges and members of the Public Prosecution.

Article 25

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

Article 26

All provisions that contradict the provisions of this decree law are hereby repealed.

Article 27

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

Issued in the city of Ramallah on 5 February, 2006 AD.

Mahmoud Abbas

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

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

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

Having reviewed Article 43 of the *Amended Basic Law of 2003* and its Amendments,

Based upon the powers bestowed upon me, and
In accomplishment of the public interest,

I hereby promulgate the following decree law:

Part I. Formation of the Court

Article 1

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

Article 2

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

Article 3

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

Article 4

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

Part II. The Jurisdiction of the High Criminal Court

Article 5

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

1. Crimes of murder set forth in the two penal laws in force in the Northern and Southern Governorates.
2. Crimes of rape, indecent assault, and criminal abduction set forth in the two penal laws in force in the Northern and Southern Governorates.
3. Attempts to commit the crimes set forth under paragraphs 1 and 2 of this Article.
4. Crimes of aggression against public property and public security, which are referred to the High Criminal Court by the President of the National Authority, the Legislative Council, the Council of Ministers, the Bureau of Financial and Administrative Control, or the Commission for the Elimination of Illegal Gains, whatever the penalty prescribed thereto, or upon the decision of the Attorney-General.

Part III. Proceedings of Trial

Article 6

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

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

Article 7

1. If an accused does not appear before the Court on the day and at the time set forth in the subpoena served upon him in the due form, he shall be tried *in absentia*.
2. If an accused attends the session of trial and then withdraws from it for any reason whatsoever or is absent from the trial following his appearance in one

of its sessions, the Court shall continue to hear it as though the accused were present. The decision may not thereafter be challenged on the ground of the absence of the accused.

3. The absence of any accused shall not result in the adjournment of the trial or the delay of the hearing of the action with regard to the rest of the accuseds. Upon the appearance of an absent accused, the Court shall inform him of the proceedings taken during the period of his absence.

Article 8

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

Article 9

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

Article 10

1. The judgements issued by the High Criminal Court shall be subject to the challenge at cassation pursuant to the conditions set forth in the *Law of Penal Procedure*.
2. Within thirty (30) days from the date on which they are issued, the judgements issued by the High Criminal Court shall be subject to challenge at cassation by:
 1. The Public Prosecution.
 2. The convict.
 3. The claimant of a civil right.
 4. The person liable for a civil right.
3. By virtue of the law, the challenge at cassation shall take place in all judgements ruling for capital punishment or for life imprisonment, even if the litigants do not request thus.
4. The Court of Cassation shall assign a session to hear the objections submitted before it or those referred to it by virtue of the law within one (1) week from the date of the deposition of the petition of objection. The High Criminal

Court must refer the file of the action immediately upon its notification of the deposition of the objection or upon the issuance of the judgement pursuant to the provisions of paragraph 2 above.

5. The Court of Cassation shall consider the objection on the merits pursuant to the provisions of the *Law of Penal Procedure* and within a period not to exceed thirty (30) days, which shall be renewable only once, as occasion may require. Such an extension shall be justified in the decision of the adjournment.

Part IV. Transitional Provisions

Article 11

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

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

Article 12

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

Article 13

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

Article 14

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

Article 15

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

Article 16

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

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

**Mahmoud Abbas
Chairman of the Executive Committee of the Palestine Liberation Organisation
President of the Palestinian National Authority**

Law of the High Constitutional Court No. 3 of 2006

**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 Article 41 thereof,

Having reviewed the *Law of the Civil and Commercial Procedure No. 2 of 2001*,

Having reviewed the *Law of the Judicial Authority No. 1 of 2002*,

Having reviewed the *Law of the Fees of the Regular Courts No. 1 of 2003*,

Having reviewed the draft law submitted by the Council of Ministers,

Based upon the approval of the Legislative Council during its session of 12 December, 2005,

Following the approval by the Legislative Council of the observations of the President of the Palestinian National Authority on 13 June, 2006, and

In the name of the Arab Palestinian people,

I hereby promulgate the following law:

Part I. The Formation of the Court

Chapter I. General Provisions

Article 1

1. Pursuant to the provisions of this law, a 'High Constitutional Court,' which shall be an independent, self-existent juridical entity, shall be established in Palestine and shall be referred to hereinafter as 'the Court.'
2. The seat of the Court shall be in the city of Jerusalem. The Court shall take a temporary seat in the cities of Ramallah and Gaza as necessary.

Article 2

The Court shall consist of a President, a Deputy, and seven (7) judges. The Court shall convene before a panel of the President and at least six (6) judges, and it shall issue its decisions by a majority vote.

Article 3

The sessions of the Court shall be presided over by the President. If the position of the President becomes vacant, or during his absence, or due to an impediment preventing the exercise of his responsibilities, it shall be presided over by his Deputy, followed by the next most senior from among the members.

Article 4

Each person appointed as a member in the Court shall be required to meet the general requirements necessary to assume a judicial position pursuant to the provisions of the *Law of the Judicial Authority*, provided that he is not younger than forty (40) years of age and is from among the following categories:

1. Present or former members of the High Court who spent in their functions at least five (5) consecutive years.
2. Current Presidents of the Courts of Appeal, who spent in their functions at least seven (7) consecutive years.
3. Current or former professors of law at Palestinian universities or acknowledged universities in Palestine, who spent in their function at least five (5) consecutive years, or associate professors who spent at least ten (10) consecutive years.
4. Lawyers, who practiced the legal profession for at least fifteen (15) consecutive years.

Article 5

1. The first formation of the Court shall be done through the appointment of the President of the Court and its judges by decision of the President of the National Authority in coordination with the High Judicial Council and the Minister of Justice.
2. The President and the judges of the Court shall be appointed by decision of the President of the National Authority, based upon the nomination of the General Assembly of the High Constitutional Court.

Article 6

A member of the Court may not assume any other function or exercise a commercial, political, or partisan activity. If he is affiliated with a party, he must resign before swearing the legal oath.

Article 7

Prior to the commencement of their activities, the President of the Court, his Deputy, and the judges shall swear the following oath before the President of the National Authority and in the presence of the Speaker of the Legislative Council and the President of the High Judicial Council:

'I swear by the Almighty God to respect the Constitution and the Law and to rule with justice.'

Chapter II. The General Assembly of the Court

Article 8

1. The General Assembly of the Court shall consist of all of its members and shall have the power, in addition to what is set forth in this law, to issue bylaws that determine the procedures of the examination of matters related

to the organisation of the Court, the criteria of competency and experience necessary to be fulfilled by its judges and its internal matters, the distribution of functions among its members, and all matters pertaining to them. It must also be consulted with regard to draft laws related to the Court before they are referred to the Legislative Council, provided that it expresses its opinion in writing within one (1) month from the date of receiving such draft laws.

2. The General Assembly may delegate to the President of the Court or a committee of its members some of its powers by decision of absolute majority.

Article 9

The General Assembly of the Court shall exercise all of the powers assigned to the High Judicial Council pursuant to the *Law of the Judicial Authority* with regard to the members of the Court.

Article 10

1. The General Assembly shall convene by invitation of the President of the Court or by the request of one-third (1/3) of its members. Its convention shall not be deemed correct except by the attendance of the majority of its members. The President of the Court or his representative shall preside over the Assembly.
2. The General Assembly shall issue its decisions with the absolute majority of the votes of the attendants. In the case of a tie, the side which includes the President shall prevail. Unless the voting is confidential, the proposal shall be rejected.
3. The minutes of the General Assembly shall be recorded in a register to be signed by the President of the Court and the Secretary of the General Assembly.

Article 11

1. By decision of the General Assembly with absolute majority, a Provisional Committee shall be established under the presidency of the President of the Court and the membership of two (2) or more members. It shall assume the powers of the General Assembly in urgent matters during judicial vacation at the Court, as well as other functions assigned to it by the General Assembly.
2. The decisions issued by the Provisional Committee during the judicial vacation must be submitted to the General Assembly in its first meeting; otherwise, such decisions shall become null and void and of no legal effect. If such decisions are submitted to the General Assembly but not approved by absolute majority, they shall become null and void and of no legal effect.

Chapter III. Entitlements and Obligations of the Members

Article 12

The members of the Court (in conformity to the entity and independence of this Court) shall be subject to the provisions related to the recusal of judges, their non-

deposability, obligations, resignations, leaves and secondment as set forth in the *Law of the Judicial Authority*.

Article 13

The President and the members of the Court shall earn salaries, increments, and allowances determined for the President and members of the High Court pursuant to the *Law of the Judicial Authority*.

Article 14

1. The service of a member shall terminate by default when he reaches seventy (70) years of age.
2. The pension or remuneration of the member shall be assessed pursuant to the provisions of the *Law of Public Retirement*.

Article 15

1. Regarding the recusal, dismissal or dispute of the members of the Court, the provisions set forth under Parts XI and X of the *Law of the Civil and Commercial Procedure* shall apply. The Court shall adjudicate the request for recusal or dismissal or the action of dispute with all its members, excluding the disputant member or the one whose recusal or dismissal is required, provided that the number of the members on the panel of the Court is odd.
2. Recusal, dispute or dismissal of all members of the Court or some of them shall not be accepted if the number of the remaining members is less than seven (7).

Article 16

1. If a matter is imputed to a member of the Court that may infringe upon confidence or eligibility or violate intentionally or gravely the obligations and requirements of his function, the President of the Court shall submit the matter to the Provisional Committee of the Court.
2. If the Provisional Committee following the summoning of the member to hear his statements decides that there is ground to investigate him, the President of the Court shall appoint a committee of three (3) members from the General Assembly to interrogate him. The member who is referred to interrogation shall be deemed at compulsory leave with full salary from the date of such decision.
3. Upon completion, the interrogation shall be submitted to the General Assembly, which shall convene in the form of a disciplinary council, with the exception of its members who took part in the interrogation or impeachment, to issue a decision, following the hearing of the defence of the member and the assurance by his defence, by absolute majority on innocence or retirement on pension from the date of the issuance of the decision, without prejudice to any other penalty set forth by the law. The decision shall be final and not subject to challenge by any means.

Article 17

1. Apart from a case where a member of the Court is apprehended in the immediate commission of a crime, *flagrante delicto*, a member of the Court may not be arrested or detained, nor may any criminal measures be taken against him, without the permission of the President of the Court.
2. If a member of the Court is apprehended in the immediate commission of a crime, the Attorney-General, upon the arrest of the member of the Court, shall report the matter to the President of the Court within twenty-four (24) hours following the arrest. The Provisional Committee shall decide, following the hearing of the statements of the member, either to release him with or without a bail or to continue to detain him for the period of time determined by the Committee. The Committee shall have the right to extend such period.
3. The member of the Court shall be detained and the punishment entailing deprivation of liberty shall be implemented in a location that is separate from those assigned to other prisoners.

Article 18

The Provisional Committee shall be competent to examine the detention of the member of the Court and renew his detention, unless the case is heard before a criminal court that has jurisdiction to hear the matter. Hereby, the Provisional Committee shall be competent thereto.

Article 19

The detention of the member of the Court shall result in his immediate suspension from the acts of his function for the period of his detention. The President of the Court may order to suspend the member from his function during the proceedings of investigation of a violation imputed to him. In such case, the provisions set forth in Article 16 shall apply.

Article 20

No criminal action shall be filed against a member of the Court except by permission of the President of the Court, who may determine the Court that shall hear the action, regardless of the rules of territorial jurisdiction set forth in the law.

Article 21

1. The service of a member of the Court shall terminate in any of the following cases:
 - a) Reaching seventy (70) years of age.
 - b) Resignation.
 - c) Incapacitation.
 - d) Disability, for any reason whatsoever, to perform his function.
 - e) Death.
 - f) Retirement on pension.
 - g) Loss of nationality.

2. The decision regarding the termination of service shall be issued by the President of the National Authority based upon the request of the General Assembly of the Court.

Article 22

The termination of the service of a member of the Court for any reason shall not result in the loss of an entitlement to pension or compensation.

Article 23

1. A member of the Court may not be absent or cease working without an excuse and without having notified the President of the Court.
2. The member shall be deemed resigned if he ceases working for a period of fifteen (15) consecutive days without an excuse acceptable to the President of the Court, even if this occurs after the end of a period of leave or secondment.
3. The resignation of the member shall be deemed accepted two (2) weeks from the date of its submission to the President of the Court. A decision of its acceptance shall be issued by the President of the National Authority as of the date of its submission.

Part II. Jurisdiction and Proceedings

Chapter I. Jurisdictions

Article 24

The Court shall have exclusive jurisdiction over the following:

1. Oversight of the constitutionality of laws and regulations.
2. Interpretation of the provisions of the *Basic Law* and the laws in the event of conflict over the rights, obligations, and capacities of the three authorities.
3. Adjudication of conflicts of jurisdiction between judicial authorities and administrative authorities with judicial jurisdiction.
4. Adjudication of conflicts which arise with regard to the execution of two contradictory final judgements, one of which is issued by a judicial authority or an authority with a judicial jurisdiction and the other by another authority.
5. Adjudication of challenges regarding the loss of legal capacity by the President of the National Authority pursuant to the provisions of paragraph 1c of Article 37 of the *Amended Basic Law of 2003*. Its decision shall become effective starting from the date of its approval by the Legislative Council by the majority of two-thirds (2/3) of the members of the Legislative Council.

Article 25

1. The Court shall, in the course of the performance of the jurisdictions set forth in Article 24, be entitled to exercise all the powers of hearing and pronouncing the unconstitutionality of any piece of legislation or act contravening the Constitution fully or partially.

2. Upon the pronouncement of the full or partial unconstitutionality of a law, decree, bylaw, regulation or decision, the Legislative Council or the competent authority shall amend such law, decree, bylaw, regulation or decision in a manner that conforms to the provisions of the *Basic Law* and the law.
3. Upon the pronouncement of the unconstitutionality of any act, it shall be deemed unenforceable, and the authority which performed it must rectify the situation pursuant to the provisions of the *Basic Law* and the law, as well as redeem the right to the grievant, compensate him for the damage, or both.

Chapter II. Proceedings

Article 26

With the exception of the provisions of this Chapter, the provisions set forth in the *Law of the Civil and Commercial Procedure No. 2 of 2001* shall apply to decisions of referral, actions, and applications submitted to the Court, in a manner that does not contradict the jurisdiction of the Court and the cases adjudicated before it.

Article 27

The Court shall assume judicial oversight over constitutionality as follows:

1. By means of a direct, original action which an aggrieved person files before the Court with reference to the provisions of Article 24 above.
2. If a court or panel with judicial jurisdiction states during the hearing of an action the unconstitutionality of a provision in a law, decree, bylaw, regulation or decision that is necessary for the adjudication of the dispute, it shall halt the action and refer the files without fees to the High Constitutional Court in order to adjudicate the constitutional issue.
3. If the adversaries rebut, during the hearing of an action before a court or a panel with judicial jurisdiction, that a provision in a law, decree, bylaw, regulation or decision is unconstitutional, and the court or panel deems that the rebuttal is serious, it shall adjourn the hearing of the action and determine for the person raising the rebuttal an appointment within a period not to exceed ninety (90) days to file an action before the High Constitutional Court. If the action is not filed within the permitted time, the rebuttal shall be deemed as if it had never taken place.
4. If the Court discusses a dispute submitted to it, and, during the proceedings, it becomes clear to the Court that an unconstitutional provision relating to the dispute exists, it shall spontaneously be entitled to adjudicate its unconstitutionality, provided that such provision is in fact linked to the dispute submitted to it in due form.

Article 28

Pursuant to the provisions under the preceding Article, a decision of referral to the Court or a filed pleading must state the legislative provision the unconstitutionality

of which is challenged, as well as the constitutional provision whose contravention is claimed and the aspects of the contravention.

Article 29

1. Any concerned person shall be entitled to request the Court to appoint the judicial authority that is competent to hear the action in the case referred to under paragraph 3 of Article 24 above.
2. The subject of the dispute, the judicial authorities who heard it, and all of the evidence and information that they received in its regard must be stated in such request.
3. The submission of the request shall result in the cessation of the relevant action until its adjudication. An official copy of the two judgements with regard to which the dispute occurred shall be attached to the request referred to under paragraph 2 above. Otherwise, the request shall be denied.

Article 30

1. The request for interpretation shall be submitted by the Minister of Justice based upon the request of the President of the National Authority, the Prime Minister, the Speaker of the Legislative Council, the President of the High Judicial Council or a person whose constitutional rights were violated.
2. The legislative provision required to be interpreted must be stated in the request for interpretation, along with the disagreement in enforcement which it raised and the extent of the importance which requires its interpretation in order to achieve the uniformity of its enforcement.

Article 31

Proceedings before the Court may not commence except through a representative of the State or through a lawyer whose period of experience in the legal profession is not less than ten (10) consecutive years. The President of the Court shall appoint a lawyer for a plaintiff who is proven to be insolvent.

Article 32

The clerk of the Court shall record the decisions of referral received by the Court and the actions and requests submitted on the day on which they are received or submitted in a register designated thereto. The clerk of the Court shall inform those concerned of the decisions, actions or requests within fifteen (15) days from such date. The Government shall be deemed among those concerned in constitutional actions.

Article 33

The office of the lawyer who signed the initiatory pleading or request, as well as the office of the lawyer who represents the person who is required to reply to the request, shall be a chosen place for both of them, unless any of either party determines itself a chosen place to announce it.

Article 34

1. Any person who receives an announcement of a decision of referral or of an action shall have the right to submit to the clerk of the court within fifteen (15) days from the date of its announcement a note including his remarks enclosed with the supporting documents.
2. The litigant may respond to that by a note and supporting documents within fifteen (15) days from the date of the expiration of the aforementioned period. If the litigant uses his right to respond, the first may comment by a note within the following fifteen (15) days.
3. Following the expiration of the periods set forth under paragraphs 1 and 2 above, the clerk of the Court may not accept papers from litigants and must draw up a protocol in which he states the date of the submission of such papers and the name and capacity of the person who submitted them.

Article 35

1. The clerk of the Court shall submit the file of the action or request to the President of the Court within three (3) days from the date of the expiration of the periods set forth under the preceding Article in order to set the date of the session in which the action or request shall be heard.
2. The clerk of the Court shall notify those concerned of the date of the session pursuant to the *Law of the Civil and Commercial Procedure*.
3. The appointment of appearance shall occur at least fifteen (15) days after the clerk of the Court has submitted the file in accordance with paragraph 1 above, unless the President of the Court orders, in case of necessity and based upon the request of those concerned, to reduce such deadline to not less than three (3) days. The President of the Court shall explain this matter to them, along with the notification of the date of the session.

Article 36

The Court shall rule on the actions and requests submitted to it in scrutiny without a pleading. If it deems that a verbal pleading is necessary, it may hear the litigants. In such case, the litigants shall not be permitted to appear before the Court without a lawyer. The Court shall have the right to require necessary data or papers and to invite those concerned to interrogate them about the facts and order them to submit complementary documents, notes, and other procedures on the date which it sets forth.

Article 37

The rules of appearance or absence set forth in the *Law of the Civil and Commercial Procedure* shall not apply to the actions and requests submitted to the Court.

Part III. Judgements and Decisions

Article 38

The judgements of the Court shall be issued in the name of the Arab Palestinian people.

Article 39

1. The Court shall decide to withhold a case for judgement following the closing of the pleading.
2. The Court shall spontaneously adjudicate all subsidiary issues.

Article 40

The judgements and decisions of the Court shall be final and not be subject to challenge.

Article 41

1. The judgements of the Court on constitutional actions and its decisions concerning interpretation shall be binding upon all of the authorities of the State and upon the public.
2. If the Court decides that the provision under review is fully or partially unconstitutional, it shall make it clear in a justified decision that sets out the limits of the unconstitutionality. A provision ruled unconstitutional shall be unenforceable within the limits of the decision of the Court.
3. If the pronouncement of the unconstitutionality is related to a criminal provision, the judgements of conviction which were issued with reference to such provision shall be unenforceable. The President of the Court shall notify the Attorney-General of the judgement immediately after its pronouncement in order to conduct the necessary legal procedures.

Article 42

The draft of the judgement shall be deposited in the file of the action upon its pronouncement, including its pronouncement and causes, and it shall be signed by the panel of the Court.

Article 43

1. The Court shall exclusively adjudicate all disputes related to the execution of judgements and decisions issued pursuant to the *Law of Execution* in a manner that does not contradict the jurisdiction of the Court and the cases adjudicated before it.
2. The filing of a dispute shall not result in the suspension of the execution, unless the Court so orders, until it is being adjudicated.

Article 44

The provisions of the *Law of the Civil and Commercial Procedure* shall apply to the judgements and decisions issued by the Court with regard to what is not determined by this law in a manner not contradicting the nature of such judgements and decisions.

Part IV. Fees and Expenses

Article 45

1. A fixed fee, the sum of which shall be one-hundred (100) Jordanian Dinars or the equivalent in legal tender, shall be imposed upon the actions brought before the Court pursuant to this law. The imposed fee shall include all judicial proceedings concerning the action, including the announcement of papers and judgements.
2. The plaintiff must deposit in the treasury of the Court upon the submission of the plea a security, the sum of which shall be one-hundred (100) Jordanian Dinars or the equivalent in legal tender. One security shall be deposited in the case of multiple plaintiffs if they file their action in one plea. The Court shall rule for the seizure of the security in the event of a decision not to admit or reject the action.
3. With prejudice to the provisions of the following Article, the clerk of the Court shall not admit the plea if it is not accompanied by proof of such deposition.

Article 46

1. A person who is proven to be insolvent shall be exempted from the fee fully or partially and the security fully or partially.
2. The President of the Court shall adjudicate the requests for exemption following the review of the supporting documents and the hearing of the statements of the applicant. The President's decision shall be final.
3. The submission of the request for exemption shall result in the interruption of the appointment which is scheduled for the filing of the action concerning unconstitutionality.

Article 47

1. The provisions set forth under the *Law of the Fees of Regular Courts No. 1 of 2003* shall apply to the fees and expenses with regard to what is not determined by this law.

Part V. Financial and Administrative Affairs

Chapter I. Financial Affairs

Article 48

1. The Court shall have an independent annual budget prepared pursuant to the guidelines in accordance with which the General Budget is prepared.

2. The President of the Court shall set forth the draft budget to be submitted to the competent authority upon its discussion and upon the approval of the General Assembly of the Court by an absolute majority. The President of the Court shall be responsible for the implementation of the budget in pursuant to the bylaws issued as per this law.
3. The provisions of the *Law of the Organisation of the General Budget and Public Finances* shall apply to the budget of the Court and the final account.

Chapter II. Administrative Affairs

Article 49

The Court shall have a Chief Clerk and a sufficient number of working officials and administrative staff. The President of the Court and the Minister of Justice, each one within the limits of his jurisdiction, shall have the supervising authority pursuant to the *Law of the Judicial Authority*.

Article 50

The provisions of the *Law of the Civil Service* shall apply to the administrative officials working at the Court.

Part VI. Concluding Provisions

Article 51

All actions and applications before the High Court and which enter as per the provisions of this law into the jurisdiction of the Court shall be referred in their status to this Court immediately following its formation and without fees.

Article 52

The President of the Court shall issue the bylaws of the Court and the decisions required for the enforcement of the provisions of this law following their approval by the General Assembly by an absolute majority.

Article 53

The decisions of the Court and its bylaws issued pursuant to the provisions of this law shall be published in the *Official Gazette* without expense within a period not to exceed fifteen (15) days from the date of their promulgation.

Article 54

Every provision which contradicts the provisions of this law is hereby repealed.

Article 55

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 the date of its publication in the *Official Gazette*.

Issued in the city of Ramallah on 17 February, 2006 AD, corresponding to 19 Muharram 1426 AH.

Mahmoud Abbas

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

2. EXECUTIVE DECISIONS

Decision No. 49 of 1995 Concerning the Constitution of a High Court of State Security

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

Having reviewed *Decision No. 1 of 1994 Concerning the Continuation of the Implementation of the Laws, Regulations and Orders in force before 5 June, 1967 throughout the Palestinian Territories, 'The West Bank, and Gaza Strip' until their Consolidation,*
Having reviewed the *Constitutional Regulation of the Gaza Strip of 1962,* particularly Article 59 thereof,

Having reviewed the *Decision No. 55 of 1964 Concerning the Formation of the Military Courts and their Authorities,*

In accomplishment of the public interest, and

Based upon the powers bestowed upon me,

I hereby promulgate the following decision:

Article 1

A High Court of State Security shall be composed of the officers whose names are listed below:

1. Brigadier-General Abdul Fattah Ramadhan Al-Ju'eidi	As President
2. Colonel Sameeh Nassr	As Member
3. Colonel Hamdi Al-Reefi	As Member
4. Lieutenant-Colonel Mohammed Karamah Isa	Reserve
5. Major/Judge Abdul Kareem Mousa Salman Al-Massri	Reserve

Article 2

The Prosecution of the Court of State Security shall be composed of the officers whose names are listed below:

1. Lieutenant-Colonel/Judge Mohammed Theeb Farhat
2. Major/Judge Saleh Abu Jazar
3. Major/Judge Ahmed Al-Mubayyedh

Article 3

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

Issued in the city of Gaza on 16 February, 1995 AD.

**Yasser Arafat
Chairman of the Palestine Liberation Organisation
President of the Palestinian National Authority**

Decision No. 287 of 1995

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

Based upon the powers bestowed upon me,
Having reviewed the *Law of Courts No. 31 of 1940* and its Amendments in force in the Governorates of the Gaza Strip,
Having reviewed the *Law of Penal Procedure (Accusatory) No. 22 of 1924* and its Amendments in force in the Governorates of the Gaza Strip,
Having reviewed the *Law of Penal Procedure No. 9 of 1961* in force in the Governorates of the West Bank, and
In accomplishment of the public interest,

I hereby promulgate the following decision:

Article 1

The Public Prosecution shall be presided over by the 'Attorney-General,' who shall be assisted by a number of Deputies, Prosecutors, District-Attorneys, Deputy-Prosecutors, and officers of the Judicial Police, who shall be directly subject to his oversight and directives.

Article 2

The Attorney-General shall exercise the powers and jurisdictions set forth in the laws, regulations, directives, and orders in force in the territories of the Palestinian National Authority.

Article 3

The *Regulation Concerning the Head of the Public Prosecution before the Court of Cassation* and the *Regulation concerning the Attorney-General before the Courts of Appeal* are hereby repealed. The Attorney-General of the Palestinian National Authority or his representative shall exercise the powers set forth in Articles 12 and 13 of the *Law of Penal Procedure No. 9 of 1961*.

Article 4

The function of the Prosecutor in the Gaza Strip shall be akin to the function of the District-Attorney in the West Bank. Each of them shall exercise the powers of the other wherever he is present.

Article 5

Article 59 of the *Law of Penal Procedure (Accusatory) No. 22 of 1924* in force in the Governorates of the Gaza Strip shall be enforced throughout all the territories of the Palestinian National Authority.

Article 6

Every provision which contradicts the provisions of this decision is hereby repealed. This decision shall enter into force as of the date of its promulgation and shall be published in the *Official Gazette*.

Issued in the city of Gaza on 9 December, 1995 AD.

**Yasser Arafat
Chairman of the Palestine Liberation Organisation
President of the Palestinian National Authority**

Decision No. 15 of 1998

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

Having reviewed the *Penal Law No. 16 of 1960* and its Amendments,
Having reviewed the *Regulation of Supplies and Oversight and Determination of Prices Promulgated under Paragraph 1, Clause 6 of Article 4 of the Law of Defence of 1935*,
Having reviewed Article 8 of the *Regulation of Supplies and Oversight of Prices No. 19 of 1959*,
Having reviewed the *Law of Public Health No. 43 of 1966*,
Having reviewed the *Law of the Court of State Security No. 17 of 1959* in force in the Governorates of the West Bank, and
In accomplishment of the public interest,

I hereby promulgate the following decision:

Article 1

The Court of State Security shall have exclusive jurisdiction over crimes committed in violation of the provisions of Articles 386, 387, 388 and Articles 428 to 433 of the *Penal Law No. 16 of 1960* and its Amendments, the *Regulation of Supplies and Oversight and Determination of Prices Promulgated under Paragraph 1, Clause 6 of Article 4 of the Law of Defence of 1935*, Article 8 of the *Regulation of Supplies and Oversight of Prices No. 19 of 1959*, and Articles 63 to 68 of the *Law of Public Health No. 43 of 1966*.

Article 2

The crimes set forth shall be transferred to the Court of State Security based upon an indictment issued by the Public Prosecution.

Article 3

Every provision which contradicts the provisions of this decision is hereby repealed. This decision shall enter into force as of the date of its promulgation and shall be published in the *Official Gazette*.

Issued in the city of Gaza on 20 March, 1998 AD.

**Yasser Arafat
Chairman of the Palestine Liberation Organisation
President of the Palestinian National Authority**

Decision No. 32 of 1999

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

Based upon the powers bestowed upon me, and
In accomplishment of the public interest,

I hereby promulgate the following decision:

Article 1

Advisor Khaled Abdul Hadi Al-Qidrah shall be appointed as Attorney-General for the Courts of State Security.

Article 2

The Prosecution of the State Security shall be competent of the investigation as well as the filing and commencing of a criminal action in the cases over which the High Court of State Security and Partial Courts composed of military judges have jurisdiction, pursuant to the Palestinian laws in force in the territories of the homeland and of which they are assigned by His Excellency, the President of the State.

Article 3

This decision shall enter into force as of the date of its promulgation, and all competent authorities, each one within its sphere of jurisdiction, shall enforce it.

Issued in the city of Gaza on 1 November, 1999 AD.

**Yasser Arafat
Chairman of the Palestine Liberation Organisation
President of the Palestinian National Authority**

Decision No. 29 of 2000

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

Based upon the powers bestowed upon me,
In accomplishment of the public interest,
Having reviewed the *Laws on the Formation of Courts in force in the Palestinian Governorates No. 31 of 1940 and No. 24 of 1952,*
Having reviewed the *Law No. 2 of 1994,*
Having reviewed the *Presidential Decision No. 26 of 1999,* and
The important and relevant Articles of the *Law of the Judicial Authority,*

I hereby promulgate the following decision:

Article 1

The High Judicial Council shall be formed in all Palestinian Governorates in the following manner:

1. Mr. Radhwan Al-Agha, President of the High Court / Chief Judge	As President
2. Mr. Fayez Hamdan Al-Qidrah, Judge at the High Court	As Member
3. Mr. Hamdan Mustafa Al-Abadleh, Judge at the High Court	As Member
4. Mr. Jamil Mohammed Al-Ashi, Judge at the High Court	As Member
5. Mr. Sami Taha Sarsour, President of the Court of Appeal	As Member
6. Mr. Zuheir Yasser Khalil, Judge at the Court of Appeal	As Member
7. Mr. Mohammed Awni Sabri Al-Nather, Judge at the Court of Appeal	As Member
8. Mr. Zuheir Mousa Al-Sourani, the Attorney-General	As Member
9. Mr. Hasan Saber Abu Libdeh, Assistant Under-Secretary of the Ministry of Justice	As Member
10. Mr. Isa Abdul Kareem Abu Sharar, President of the Court of Appeal of the Income Tax	As Member
11. Mr. Imad Saleem As'ad, President of the Court of First Instance	As Member

Article 2

The High Judicial Council shall exercise its powers set forth in the *Law of the Judicial Authority*, and this decision shall enter into force as of the date of its promulgation and shall be published in the *Official Gazette*.

Issued in the city of Gaza on 1 June, 2000 AD.

**Yasser Arafat
Chairman of the Palestine Liberation Organisation
President of the Palestinian National Authority**

Presidential Decree No. 8 of 2003 Concerning the High Judicial Council

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

Having reviewed the *Amended Basic Law*,
Having reviewed the *Law of the Judicial Authority No. 1 of 2002*,
Having reviewed the *Law of the Formation of Regular Courts No. 5 of 2001*,
Based upon the powers bestowed upon me, and
In accomplishment of the public interest,

I hereby promulgate the following decree:

Article 1

The High Judicial Council shall be formed in the following manner:

1.	Mr. Zuheir Mousa Al-Sourani	As President of the High Court and President of the High Judicial Council
2.	Mr. Sami Taha Sarsour	As Vice-President
3.	Mr. Fayez Hmeidan Al-Qidrah	As Member
4.	Mr. Mohammed Mahmoud Subh	As Member
5.	Mr. As'ad Butrus Mubarak	As Member
6.	Mr. Amin Ayyad Wafi	As Member, the President of the Court of Appeal of Gaza
7.	Mr. Imad Saleem Sa'd	As Member, the President of the Court of Appeal of Ramallah
8.	Mr. Hussein Atallah Abu 'Assi	As Member, the Attorney-General
9.	Mr. Farid Abdullah Al-Jallad	As Member, the Under-Secretary of the Ministry of Justice

Article 2

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

Issued in the city of Ramallah on 14 May, 2003 AD.

Yasser Arafat
Chairman of the Palestine Liberation Organisation
President of the Palestinian National Authority

Ministerial Decision Concerning the Courts of State Security

Having reviewed the *Amended Basic Law*,
Having reviewed the *Law of the Formation of Regular Courts No. 5 of 2001*,
Having reviewed the *Judicial Authority Law No. 1 of 2002*,
Having reviewed the *Law of Penal Procedure No. 3 of 2001*,
In implementation of the Decisions of the Legislative Council No. 372, 390, and 400 in this regard,
Based upon the directives of the President of the Palestinian National Authority,
Based upon the powers bestowed upon me, and
In accomplishment of the following,

I hereby decide the following:

Article 1

The function of the Courts of State Security and the Prosecution of State Security shall be terminated, and their capacities shall devolve to the regular courts to exercise them pursuant to the provisions of the law.

Article 2

The Public Prosecution shall assume the responsibility for following up with all cases which the Courts of State Security examined in the past and shall commence its capacities thereon pursuant to provisions of the law.

Article 3

The registers and assets of the Courts of State Security and its Prosecution shall devolve to the Public Prosecution so as to implement the legal requirements.

Article 4

This decision shall enter into force as of the date of its promulgation and shall be published in the *Official Gazette*.

Issued in the city of Gaza on 27 July, 2003 AD.

Abdul Kareem Abu Salah
Minister of Justice

3. ADMINISTRATIVE DECISIONS OF THE JUDICIARY

Decision of the High Judicial Council No. 2 of 2006 Concerning the Rules of the Commencement by the High Judicial Council of its Powers

Having reviewed the *Law of the Judicial Authority No. 1 of 2002*,
Following the approval of the High Judicial Council, and
Pursuant to the powers bestowed upon me in Articles 41 and 80 of the *Law of the Judicial Authority No. 1 of 2002*,

I hereby promulgate the following:

Chapter I. Definitions

Article 1

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

Law:	The <i>Law of the Judicial Authority No. 1 of 2002</i>
Council:	The High Judicial Council.
President:	The President of the High Judicial Council.
Rapporteur:	The person whom the Council selects from among its members to record its discussions and decisions.

Chapter II. The Convention of the Council and the Commencement of its Powers

Article 2

The Council shall exercise its powers in the manner described in the law and its bylaws. It shall put forward the substantive and procedural rules which the nature of such powers requires.

Article 3

1. The Council shall hold a regular meeting at least once every month at the seat of the High Court in the Southern and Northern Governorates.

2. The Council shall convene when necessary upon the invitation of its President or upon the request of the Minister of Justice or of three (3) of its members. The President shall invite the Council to convene and submit the topic no later than ten (10) days after the date of the submission of the request.

Article 4

1. The invitation to the convention of the Council shall be served along with a copy of the agenda to the members at least three (3) days prior to the date of the session. Each member shall have the right to view the papers related to the topics presented to the Council prior to its convention.
2. The invitation may be served upon the members of the Council within a period of less than three (3) days prior to the convention of the Council, as occasion may require.
3. In the event of the absence of one of the members of the Council or in case of the presence of an impediment that obstructs him from attending, the invitation shall be forwarded to the person who has the right to replace him pursuant to the law.

Article 5

The meeting of the Council shall be valid by the attendance of at least seven (7) of its members, provided that the President, or the Vice-President in his absence, is among them. The decisions shall be issued by a majority of the votes of the attendees. In the event of a tie, the side which includes the President, or his representative upon his absence, shall prevail.

Article 6

The Council shall have the right to choose from among its members one who is responsible for recording its discussions and decisions. He shall draw up minutes thereof, which shall be signed by the President and the attending members and be kept in the registers of the Council.

Article 7

The discussions of the Council shall be confidential, and its decisions shall be issued without justification, unless the Council decides otherwise.

Article 8

Pursuant to the provisions of the law, papers, with the exception of its decisions, may not be dispatched to any party except upon its approval.

Article 9

Governmental and non-governmental parties must submit all that the Council may request, including data, papers or documents pertaining to its powers.

Article 10

The decisions of the Council that are related to recommendations for the appointment, promotion, secondment, and dismissal of judges shall be submitted

to the President of the Palestinian National Authority in order to issue his decision thereon and shall be published in the *Official Gazette*.

Chapter III. The President of the High Judicial Council

Article 11

The President shall determine the system of work at the Council. He shall supervise it and assume his powers in the manner set forth in the law and this bylaw.

Article 12

The President shall determine the issues to be submitted to the Council and its draft agenda, shall preside over its sessions, shall manage the discussions thereat, and shall follow up with the implementation of its decisions. He shall also conduct all correspondences between the Council and other parties and shall represent it before the Judiciary.

Chapter IV. The Committees of the Council and their Powers

Article 13

The Council may form from among its members other committees to which it may delegate some of its powers, with the exception of those pertaining to appointments, promotions, or transfers.

Article 14

A committee shall be formed under the presidency of the President and the membership of the Vice-President and one of its members, which committee shall be responsible for examining the following:

1. Issues pertaining to the secondment of judges.
2. Delegation of judges to perform judicial or legal activities other than their own or in addition to their own.
3. Delegation of judges to teach at universities, higher institutes, and the like.

Article 15

The Committee shall convene at the seat of the High Court upon the invitation of its President. Rules applicable to its meetings and discussions shall also apply to the meetings of the High Judicial Council.

Chapter V. The General Secretariat

Article 16

The Council shall establish a General Secretariat to be presided over by a Secretary-General, assisted by an Assistant to the Secretary-General. The Secretary-General shall report to the President of the High Judicial Council.

Article 17

The selection of the Secretary-General and the Assistant to the Secretary-General shall be by means of delegation from among the judges at courts for a period of two (2) years. A decision on the delegation of both shall be issued by the President.

Article 18

The General Secretariat shall be responsible for the preparation of the draft agenda, the notification of the members thereof, and the collection of all papers submitted to the Council or to its committees. Under the supervision of the President of the Council, it shall also follow up with the implementation of the decisions of the Council with the competent parties.

Article 19

The General Secretariat shall establish the registers and files necessary for the smooth progress of work and its regularity, as well as the following registers and files in particular:

1. A special register for the Council and its committees, in which the minutes of sessions shall be recorded in the sequence of the dates of their convention as well as the decisions issued therein.
2. A register in alphabetical order of the names of judges and the data pertaining to them.
3. A register for secondments and another register for delegations and the renewal of each. All procedures taken in this regard shall be recorded against the name of a judge.
4. A register for grievances and challenges, in which a summary of each shall be recorded, as well as the procedures taken in their regard.
5. A register for the recording of complaints filed with the Council and the procedures taken in their regard, as well as the files related to them.
6. A special register for the correspondence received by the Council and another for the correspondence sent. In each shall be recorded a summary of all correspondences received and sent under serial numbers, the date of receipt or issuing and the number of each, in addition to the procedures taken with regard to the received correspondence and their date.
7. A special register for each session of the Council or its committees, in which the originals of the papers on each topic presented to the Council and the agenda shall be deposited.
8. A file in which a copy of the formations of courts shall be deposited at the onset of every judicial year.
9. A file for the topics which were not examined, along with the collection of the necessary data in order to adjudicate them.
10. A file in which a copy of the papers on the implementation of the decisions of each session of the Council shall be deposited, to be arranged as per the dates of convention.
11. A file for keeping the copies of the issued correspondence to be arranged as per the dates of issuance.

Article 20

A decision of the President of the Council shall be issued on the regulation of the work at the General Secretariat and the preparation of registers and files.

Chapter VI. Procedures and Final Provisions

Article 21

1. The applications and subjects of which the Council is competent shall be submitted to the Council, to be supported with the necessary data, papers, and documents to enable it to adjudicate them.
2. Duplicate copies of the documents may be submitted upon review by the General Secretariat to the Council and indication thereon that they conform to the originals.
3. The President of the Council shall be entitled to request from governmental parties and others all data and papers which he deems necessary to adjudicate the subjects submitted to him.

Article 22

This bylaw shall enter into force as of 10 May, 2006 and shall be published in the *Official Gazette*.

Issued in the city of Ramallah on 10 May, 2006 AD, corresponding to 12 Rabi' al Akhar 1426 AH.

**Judge Isa Abu Sharar
President of the High Court
President of the High Judicial Council**

Decision of the High Judicial Council No. 3 of 2006 Concerning the Code of Judicial Conduct

Having reviewed the *Law of the Judicial Authority No. 1 of 2002*,
Following the approval of the High Judicial Council, and
Pursuant to the powers bestowed upon the Council in Article 80 of the *Law of the
Judicial Authority No. 1 of 2002*,

I hereby promulgate the following:

Chapter I. Judicial Independence

Article 1

A judge must safeguard his independence and distance himself from the acceptance of any intervention or review from other authorities in the cases which he examines and remember that there is no authority over him in rendering his judgement to any party other than the law.

Article 2

A judge must not entreat any of his colleagues in his judgement nor accept any entreaty from any of them in this regard. He must also remember that he and they are vowed to achieve justice.

Article 3

A judge must not allow the adversaries and lawyers or any person to intervene with or influence his judgement.

Article 4

Entreaty from a judge by any person or any party with regard to a case examined before him may not be allowed, nor shall be intermediation with regard to a case examined before any other judges.

Article 5

A judge shall be prohibited from exercising commercial activities or being a member of the boards of directors of companies and institutions or any other authority. He shall also be prohibited from assuming any other function or profession.

Article 6

A judge shall be prohibited from performing acts of arbitration in cases other than those permitted by the law.

Article 7

A judge shall be prohibited from affiliating with political parties and assemblies.

Article 8

A judge must notify the President of the Judicial Council of each incident of hegemony or influence upon him by any of his colleagues, judgement on his judicial activities, or being subjected to influence or hegemony.

Chapter II. The Guarantees of the Judge

Article 9

A judge must adhere to the openness of the trial, unless he decides to conduct it *in camera* in compliance with the requirements of public order or the preservation of morals.

Article 10

In the cases other than those permitted by the law, a judge shall be prohibited from referring, in his judgement, to his personal information or any other evidence that was not submitted in the action and which was not discussed with the adversaries in public. The deviation from the rationale of conclusive evidence submitted in the action shall be the indicator of his having been influenced.

Article 11

Taking into consideration the permission of the adversaries or their attorneys to explain their juristic and legal opinions during the trial sessions, a judge may not hear one of them in the absence of the other outside of such sessions which may affect his judgement, regardless of whether such would achieve justice.

Article 12

A judge must notify the adversaries and the Prosecution of any petition with regard to the actions brought before him.

Article 13

A judge shall closely examine the evidence submitted in the action which is examined before him and make his effort in the course of reaching the truth, then issue his judgement pursuant to the rules of the law and settled judicial discretion. If he does not reach a judgement, he must endeavour to implement the principles of right and justice.

Article 14

A judge must refrain from adjourning sessions for unjustified reasons, particularly the adjournment for the selfsame cause or in compliance with the request of any of the two adversaries upon the absence of the other. He must also heed the respites of adjournment determined by the law.

Article 15

A judge may not postpone the issuing of decisions which facilitate the adjudication of the dispute more than once. With regard to conclusive judgements, he must issue them within the respites determined by the law. Otherwise, a judge must issue them within a reasonable period from the close of the trial. In the event of the contravention of the appointments referred to, the President of the Court or the responsible judge must notify the Judicial Inspection of the status quo.

Article 16

A judge may not express his opinion in advance in the dispute brought before him, whether for the adversaries or others. In addition, he may not take part in any search, legal examination, or discussion, knowing that such would lead to the inference of his opinion in such dispute.

Article 17

A judge or family members whom he supports may not accept or request a gift, remuneration, or benefit for himself or for others or a loan which he would not have gained if it were not associated with his judicial activity or which is anticipated to be related to such activity or for its abstention, except that he may accept legal books submitted by their authors.

Article 18

Upon the exercise of his judicial activity, a judge must be equal to all persons in his speech and conduct, whether the persons are parties to the dispute or otherwise (witnesses, lawyers, officials at court, or peers in a profession) and must not discriminate between them for reasons pertaining to religion, race, colour, or any other reason. He must also request his subordinate officials to abide thereby.

Article 19

A judge must not initiate conduct which suggests or creates an impression that members of his family or any other person exert influence upon his approach in his judgement. He must, to the most possible extent, prevent these from creating such an impression to others.

Article 20

A judge must abdicate the action in the event of any reason of incompetence as set forth in the law.

Article 21

A judge must notify the President of the Court when the judge hears a particular action and any of the reasons of recusal applies to him or when he feels embarrassed.

Chapter III. The Judicial Conduct

Article 22

A judge must perform his judicial duties without preference, prejudice, discrimination, or partiality. On the contrary, he must perform them in a manner that promotes confidence in the independence and integrity of the Judiciary.

Article 23

A judge must offer advice to his colleague to abstain from any erroneous conduct. If such conduct constitutes an offence, he must notify the competent authority thereof.

Article 24

A judge must take the necessary legal procedures against any official who commits an erroneous conduct if the official reports to him.

Article 25

A judge must not hesitate to take the necessary legal procedures against any person who commits an erroneous act inside the court.

Article 26

A judge must open trial sessions at an early time during the official working hours. If the time of the session is specified in the register of the trial, he must comply therewith and open the session at that time.

Article 27

A judge may not be absent from his work without a prior permission from his superior unless the absence is due to a compelling reason. He must attend his work place and leave it at the times specified for official working hours, so that he acts as an example for those working with him, as well as a motive for the respect of litigants.

Article 28

A judge must give his judicial activity precedence and grant it priority with relation to other activities which he may assume.

Article 29

A judge must not allow court officials who are subject to his supervision to violate the aspects of justice between the adversaries in an examined judicial action or accept a gift, remuneration or loan from any of them. In addition, he must prosecute all those who commit such an act.

Article 30

A judge must preserve the solemnity of the court during the trial sessions. Under all circumstances, he must be patient, sober, a good listener, and gentle in his dealing

with the adversaries, he must project self-respect, a strong personality, and elated sentiment. Through his conduct, appearance, and logic inside and outside of the court, he must enhance the confidence of the public in his integrity, as well as the integrity of the judicial system, and demonstrate that he shows no preference, prejudice, or partiality.

Article 31

A judge shall be prohibited from the revealing secrets of discussions before and after the issuance of the judgement and in all the cases set forth in the law.

Article 32

By his conduct in his private life, a judge must confirm that he is beyond suspicion, act in a manner that leads to the trust of laymen in his integrity and uprightness, and behave in a way that reflects the respect of the Judicial Authority.

Article 33

Taking into consideration that a judge has his own community, including his family, relatives and friends, he must limit his and their participation in social functions and the acceptance of invitations which may arouse suspicion about him or which may lead to his incompetence in the hearing of an action or allow his recusal.

Article 34

A judge may take part in special activities, provided that they do not arouse suspicion about his integrity and that such activities are organised in a manner that does not clash with the working hours and the performance of the duties of his function.

Article 35

A judge shall be prohibited from expressing any comments or opinions about the actions which he himself or his colleagues have examined, whether in public or private councils, unless it is for the purposes of judicial training or academic research.

Article 36

A judge must not exploit the status of his judicial position to promote his personal interests or the interests of a member of his family or any other individual.

Article 37

A judge shall be prohibited from disclosing his functionary capacity or from beckoning its authority in situations which he undergoes and which may affect the sacredness of his message.

Article 38

A judge must limit his relations with lawyers or others who exercise functions on a permanent basis at the court in which he works, to the extent that protects him from the suspicion of prejudice or impartiality.

Article 39

In a manner that does not contradict the provisions of the law and his functionary duties, a judge shall be entitled to express his opinion in all manners of expression.

Chapter IV. Competence and Capacity

Article 40

A judge must be informed of all laws and regulations in force in Palestine and their amendments. He must also be acquainted with the interpretations related thereto.

Article 41

- A judge must follow all judicial decisions issued by the High Court and observe the decisions settled thereat with regard to controversial issues.
- He must adopt the decisions of the general assemblies of such courts until they are revoked by explicit decisions.

Article 42

A judge must be informed of bilateral and multilateral international agreements to which Palestine is a party.

Article 43

- A judge must attend the training courses, seminars, and workshops which the Judicial Council assigns to him.
- He must submit a written report at the end of each course using a form that is prepared in advance for such purpose.

Article 44

A judge must adhere to improving his personal skills through specialised courses in which he takes part, particularly various computer uses, communication means, and acquisition of languages.

Article 45

This Code of Conduct shall enter into force as of 10 May, 2006 and shall be published in the *Official Gazette*.

Issued in the city of Ramallah on 10 May, 2006 AD, corresponding to 12 Rabi' al Akhar 1426 AH.

**Judge Isa Abu Sharar
President of the High Court
President of the High Judicial Council**

Decision of the High Judicial Council No. 4 of 2006 Concerning the Bylaw of the Judicial Inspection

Having reviewed the *Law of the Judicial Authority No. 1 of 2002*,
Following the approval of the High Judicial Council, and
Pursuant to the powers bestowed upon the Council in Articles 41 and 80 of the *Law of the Judicial Authority No. 1 of 2002*,

I hereby promulgate the following:

Chapter I. Definitions

Article 1

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

Law:	The Law of the Judicial Authority.
Bylaw:	The Bylaw of the Judicial Inspection.
Department:	The Department of the Judicial Inspection.
President:	The President of the High Judicial Council.
Council:	The High Judicial Council.
Director of the Department:	The Director of the Department of Judicial Inspection.
Appraisal of performance:	The examination of the performance of a judge and all other activities which he assumes, with the intention to know his judicial and legal competence, his performance both quantitatively and qualitatively, his disciplined conduct, and his regularity at work.
Degree of competence:	The final estimation of the competence of a judge resulting from the inspection of his activities and appraisal of his performance.

Chapter II. The Formation of the Department of Judicial Inspection and its Powers

Article 2

Pursuant to the provisions of the law and this bylaw, a department for the inspection of the activities of judges shall be established, attached to the High Judicial Council, and shall be subject to its management and supervision.

Article 3

1. The Department shall consist of a Director and a sufficient number of judges at the Courts of Appeal, pursuant to the provisions of the law.
2. The necessary number of employees shall be given to the Department as needed.
3. The Director of the Department shall be the immediate administrative officer in charge of the inspectors and officials at the Department.

Article 4

The work of the Department shall be managed by its Director, who shall distribute the responsibilities among the inspectors. The most senior inspector shall represent the Director upon his absence.

Article 5

The Department of Judicial Inspection shall be responsible for the following:

1. The regular inspection of the activities of judges at courts and execution judges, with the exception of the judges at the High Court.
2. Appraising the activities of judges in terms of the smooth enforcement of the law, the fulfillment of the procedures of litigation and proof, the reasons behind adjournment, the period of time taken for the adjudication of actions, the fulfillment of the decisions and judgements of their causes and justifications, the soundness of the results reached, and the determination of the percentage of the annual adjudication for judges.
3. Inspection of the Department of Execution, departments of the Public Notary, and officials at courts.

Article 6

Inspection of the activities of judges shall be conducted in the following manner:

1. In the case of ordinary judicial activities, the inspection shall address:
 - a) The examination of the number of cases and those adjudicated or in the process of adjudication, in which a judge under inspection took part over various periods, along with a general review of the performance of a judge in terms of his professional, linguistic, and managerial capacity, his abidance by the procedures, and the time which he takes in the performance of the tasks delegated to him.
 - b) The results of training courses.
 - c) The reasons behind the repealing, cassation, or amendment of a judge's decision.
 - d) His mental preparedness and legal culture.
 - e) His personal conduct, general appearance, and method of dealing with others.
 - f) His ability to manage the judicial activity and guide his subordinate officials.
2. In the case of seconded and delegated judges, the reports sent about them from their work places shall be examined, provided that such reports are subject to

the facts in their local files and the results of the inspection conducted for their counterparts who work inside of Palestine, along with the examination of any judicial activity which they performed within three (3) months prior to their secondment or delegation.

3. With regard to judges sent to study, the reports dispatched about them by the cultural attachés or their representatives shall be examined, along with submissions by their supervisors concerning the level of progress in their study, their regular attendance, their general conduct, and other matters included in the methods of the estimation of competence. All judicial activity which they performed within three (3) months prior to their being sent shall also be examined.
4. With regard to judges who assume non-judicial activities, the reports forwarded by their competent supervisors shall be examined. In addition, all judicial activity which they performed within three (3) months prior to their assignment to the non-judicial activity shall be examined.
5. A judge who is on an unpaid leave shall not be subjected to inspection for the period of time during which he is on such leave.

Chapter III. The Procedures of the Commencement of the Judicial Inspection

Article 7

With the exception of the judges of the High Court, the inspection of judges shall be conducted at least once every two (2) years, provided that each inspection report is deposited at the Council no later than one (1) month from the date of its expiration. Judges must also be informed of all that is deposited in their service files or other papers.

Article 8

Each inspection shall take place at the Department or by going to the work place of the judge to be inspected.

Article 9

In the case of inspection of the activities of the judges at the Courts of Appeal, the inspector must perform the inspection in the order of seniority.

Article 10

The Director of the Department shall allot the appointments of regular inspection and notify the judge or court of the activities which are to be inspected within a sufficient period of time prior to the inspection. The Department shall have the right to carry out unannounced inspections of the courts to learn about the regular progress of work and the extent of their heed, as well as that of judges regarding the performance of their duties. The Director of the Department shall also have the right to delegate this to selected inspectors, provided that they submit an immediate report on the result.

Article 11

A judge who is subjected to inspection shall have the right to submit a memorandum on his performance and the conditions of his work over the inspection period. He shall send the memorandum to the Director of the Department through the President of the Court at which he works. The President of the Court may comment on what is stated in such memorandum.

Article 12

The Department may review all files which it deems relevant. It may also request clarifications from any judge about any file that it examines and which is related to him.

Article 13

1. A complaint against a judge shall be filed by the concerned person to the President, who shall refer it to the Director of the Department.
2. Procedures in a complaint against a judge may not be commenced unless the name of the person filing it, his signature, and his full address appear thereon.
3. The Department may commence any procedure in response to a complaint submitted against a judge as is described above if the complaint includes particular facts that are worthy of examination or investigation.

Article 14

1. If the complaint pertains to the adjournment of a case under examination, the inspector may view the file from this aspect and write a report thereon.
2. If the complaint pertains to other matters, such as the personal or administrative conduct of a judge, the inspector shall assume investigation and express his opinion and shall send a report thereon to the President.

Article 15

An inspector shall perform the following:

1. Issue summonses for witnesses pursuant to the provisions of the law, hear their testimony, and determine the expenses of their travel.
2. Use all methods of investigation to perform his duties at the proper time and place.
3. View the file of a case, as well as all relevant documents, registers, and files, and hear the statements of all those who assist in the investigation to reach the truth.
4. In all cases, an inspector shall be prohibited from transferring the file of the case to his office and keeping it before adjudicating its subject.

Article 16

If it appears to an inspector that the complaint was filed against a judge in malevolence or with ill intention, he shall transfer the papers to the Attorney-General for judicial prosecution in the due form.

Article 17

1. Each judge shall be allocated a confidential file to be kept at the Department, in which shall be deposited the inspection reports, remarks, complaints filed against him, admonitions directed to him or disciplinary penalties imposed upon him, decisions including a surpass in promotion and all papers which assist in the formation of a true opinion about him.
2. The inspection activities shall be confidential. The disclosure of any information about such activities shall be deemed a breach of the duties of the function.

Chapter IV. The Appraisal of Performance

Article 18

An inspector shall put forth a report of two sections. The first section thereof shall include the judicial and administrative observations which appeared to him as a result of the inspection. The second section shall include his opinion on a judge's competence and the extent of his care of work. The inspector must include in his report a statement of the observations which he comes upon about the activities performed by the judge, which are worthy of commendation in order to reach a full picture about his competence.

Article 19

The Department shall state the results of its examination in relation to fifty (50) grades in the places designated thereto in the forms attached to this bylaw, in which it shall make clear the following:

1. The name and degree of the judge inspected and his specialisation or the activities to which he was assigned within the period of inspection.
2. The numbers of cases and other matters which the judge adjudicated and which were examined, as well as the types of such cases.
3. The technical remarks about the objective performance of the judge, including:
 - a) The manner by which the judge handles cases, the extent of the effort and search he makes, the extent of his knowledge of the provisions of the jurisprudence and the Judiciary, his approach in the formulation of the reasons of judgements, and other issues.
 - b) The opinion of the Department on the performance of the judge in light of the technical remarks mentioned above along with a statement of the positive and negative aspects, the commendation or admonition of which it deems necessary.

Article 20

The Department shall evaluate the personal status of a judge in relation to fifteen (15) grades to be distributed to the data required on the form designated thereto, as follows:

General appearance	Three (3) grades
The extent of adherence to the code of conduct	Five (5) grades
The extent of heed and compliance with deadlines	Five (5) grades
The capability of supervision	Two (2) grades

Article 21

The Department shall assess the results of the internal and external training courses which a judge has obtained on the form designated thereto. The results of such courses shall be estimated in relation to twenty-five (25) grades pursuant to the following:

The grade which the judge obtained	Fifteen (15) grades
The extent of his adherence to attending the training courses	Five (5) grades
Personal conduct throughout the course	Five (5) grades

Article 22

The Department shall examine the administrative contraventions of any judge from the facts of the official files. It shall record its observations on a form designated thereto. The Department shall grant the grade to which the judge is entitled in relation to ten (10) grades.

Article 23

The inspection reports shall be submitted to the Committee for the Examination of Reports, which shall consist of the Director of the Department and the two (2) most senior inspectors. Upon the absence of one of them or the presence of an impediment that obstructs him from attending, his substitute shall replace him.

Article 24

The Committee shall examine the inspection report in order to assess the degree of the competence of judges. In this regard, it shall have the right to seek clarification of what it deems necessary from the inspector or judge, to carry out the necessary procedure to complement the items of appraisal, or to follow up with the inspection again.

Article 25

The report shall be deposited in the confidential file of a judge. A confidential letter shall be served upon him within fifteen (15) days through a copy thereof, including the degree of his competence. He shall have the right of grievance within fifteen (15) days from the date on which he is served with the letter.

Chapter V. Grievances

Article 26

The grievance shall take place using a petition to be submitted to the Director of the Department, provided that the grievance is submitted to the Council within five (5) days from the date of its submission. The Council shall appoint a committee from among its members under the presidency of the President for examination of the grievance. The Council shall adjudicate the grievance after viewing the papers and hearing the statements of the grievant, and it shall issue its decision by a sufficient time prior to the conduct of the judicial motion. The concerned person shall be notified thereof by means of a letter, the receipt of which shall be registered. Such decision shall be subject to challenge before the competent judicial authority pursuant to the provisions of the law.

Article 27

If the period of grievance expires without a challenge being submitted or if the Council completed the adjudication of the grievance, the Director of the Department shall notify the Council of those judges with degrees of competence in the grade of 'Average' or 'Below Average', in order to take the necessary procedures in their regard.

Article 28

The President, the Director of the Department, and the Presidents of Courts within the areas of their jurisdiction shall have the right to forward observations on judges, whether with regard to their administrative conduct, their heed to their work, and their reputation and personal conduct, provided that such observations are sent to the Department of Inspection. A judge shall have the right to file a grievance against them within fifteen (15) days from the date on which he was notified thereof. The High Judicial Council shall adjudicate it. The observations shall be deposited in the confidential file in the event of non-grievance or upon their approval, along with his notification thereof.

Article 29

A confidential register, in which a page shall be allocated for each judge, shall be established at the Department. In each judge's page shall be recorded a summary of his status derived from all that is included in the confidential file.

Article 30

No person other than the President may view the confidential register and file, except that the Director of the Department must allow a judge based upon his request to view the parts relevant to him.

Article 31

The degree of competence of a judge shall be assessed in relation to one-hundred (100%) percent in one of the following grades:

1. 'Excellent': for those who obtain an average of ninety (90%) percent or better.
2. 'Very Good': for those who obtain between eighty-nine (89%) percent and eighty (80%) percent.
3. 'Good': for those who obtain between seventy-nine (79%) percent and seventy (70%) percent.
4. 'Average': for those who obtain between sixty-nine (69%) percent and sixty (60%) percent.
5. 'Below Average': for those who obtain between fifty-nine (59%) percent and fifty (50%) percent.

Article 32

Those who obtain a grade of 'Average' or above shall be granted the regular increment on its due date.

Article 33

With reference to the provisions of Article 35 below, a judge shall be eligible to be nominated for promotion if he obtains a grade of 'Good' or above, unless he was convicted before the Disciplinary Council within the last two (2) years. Absent such a conviction, a judge obtaining a grade of 'Average' may be promoted if vacant positions are available.

Article 34

1. The competition between those nominated for promotion and are equal in seniority shall be in accordance with their degree of competence. Preference shall be given to those whose degree is higher.
2. If two judges or more are equal in seniority and competence, the one who holds the higher academic qualification shall be given precedence pursuant to the following criteria:
 - a) Doctorate: Three (3) grades
 - b) Masters: Two (2) grades
 - c) High Diploma: One (1) grade
3. The precedence to the nomination for promotion shall be in accordance with the allocated degrees which every judge has obtained.
4. If two judges or more from among those competing for promotion are equal in seniority, competence, and academic qualification, the precedence to promotion shall be for those who have legal experience in fields equal to the judicial activity prior to the assumption of the Judiciary.

Article 35

Judges included under the provisions of this bylaw shall not be awarded tenure nor be promoted unless an annual assessment is submitted about them in a grade of 'Good' or above.

Chapter V. Concluding Provisions

Article 36

All officials at courts must provide the facilitations necessary for the inspectors in order to perform their functions on pain of disciplinary liability.

Article 37

This bylaw shall enter into force as of 10 May, 2006 and shall be published in the *Official Gazette*.

Issued in the city of Ramallah on 10 May, 2006 AD, corresponding to 12 Rabi' al Akhar 1426 AH.

**Judge Isa Abu Sharar
President of the High Court
President of the High Judicial Council**

VI. The Legislative Framework for Criminal Proceedings

1. LAWS

Correction and Rehabilitation Centres (‘Prisons’) Law No. 6 of 1998

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

Having reviewed the *Prisons Law No. 3 of 1946* in force in the Governorates of the Gaza Strip,
Having reviewed the *Prisons Law No. 23 of 1952* in force in the Governorates of the West Bank,
Having reviewed the draft law submitted by the Council of Ministers, and
Based upon approval of the Legislative Council,

I hereby promulgate the following law:

Chapter 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:

Ministry:	The Ministry of Interior.
Minister:	The Minister of Interior.
Centre:	Any place designated as a Correction and Rehabilitation Centre pursuant to the law.
Inmate:	Any person who is imprisoned pursuant to a decision issued by a criminal or special court or under legal detention, or any person who is referred to a Centre pursuant to a legal measure.
Director-General:	The Director-General of the Correction and Rehabilitation Centres.
Director:	The Director of a Correction and Rehabilitation Centre entrusted with the supervision of the Centre or such other person who was appointed to carry out the duties entrusted to the Director fully or partly.

Warden:	The officer entrusted to supervise the Centre.
Directorate-General:	The Administration of the Correction and Rehabilitation Centres in Palestine established pursuant to this law.
Banned Items:	Any item which an inmate of a Centre is prohibited from possessing or from being provided. This shall include money, clothes, alcoholic drinks, narcotics, poisons, machines, tools, sticks, blades, knives, weapons of various types, food before testing, any article harmful to the body or life, and all other articles that an inmate is prohibited from possessing pursuant to the provisions of this law or any regulation or instructions issued pursuant thereto.

Chapter II. Centres and the Supervision Thereof

Article 2

The Centres shall be established and their locations shall be determined by decision of the Minister. The Minister may cancel the decision and stop its implementation as occasion may require.

Article 3

The Centres shall be attached to the Ministry, and the Directorate-General shall manage and supervise them. The Director-General shall be appointed by the Minister. The Wardens of the Centres shall be appointed by the Director-General.

Article 4

The Director of the Centre shall manage and supervise the Centre's activities, as well as enforce the provisions of this law and every other regulation or instruction issued under the supervision of the Director-General or any other official he delegates thereof.

Article 5

A numbered general register of the inmates shall be kept, as well as a daily register of incidents at each Centre. For every inmate, a special file shall be established. Such records and files shall be subject to the supervision and control of the Director, who shall be responsible for their organisation and deposition.

Chapter III. Admission of Inmates

Article 6

1. The admission of an inmate into a Centre shall be by a legal order. It shall be prohibited to keep an inmate in a Centre after the expiration of the period determined in the legal order.

2. The Warden of the Centre shall verify the identity of an inmate and the legality of the order of admission.
3. A special file shall be established to document all details pertaining to an inmate.

Article 7

Any individual who is detained, arrested, held in custody or deprived of his liberty pursuant to the law shall be admitted to one of the Centres as determined by decision of the Minister pursuant to Article 2 of this law. Inmates of any Centre shall be under legal detention in the custody of the Director of the Centre and subject to the discipline of the Centre and the regulations of the Directorate-General.

Article 8

1. An inmate shall be searched upon his entry into the Centre. Every banned item shall be confiscated. Female inmates shall be searched by a female.
2. The Warden of the Centre shall keep the money of an inmate and the luggage which he may bring with him or which is sent to him. A receipt shall be handed over to him. Money and luggage shall be returned to the inmate immediately upon his release.
3. The money and luggage of an inmate shall be handed over to his heirs in the event of his death.
4. The right of a released inmate or, in the event of his death, his heirs to claim money or luggage shall expire three (3) years from the date of the release or death. Ownership thereof shall devolve to the State in the absence of any claim during that period.

Article 9

1. An inmate shall wear the uniform of the Centre.
2. Clothes of an inmate shall be destroyed if they are discovered to be harmful to the public health and the term of imprisonment does not exceed one (1) year. However, if the term of imprisonment exceeds this period, they shall be handed over to whoever the inmate selects.

Chapter IV. Inspection and Searching of Centres

Article 10

1. The Minister of Interior and the Minister of Justice, or whomever either of them delegates, shall have the right to access any Centre for the purpose of inspecting it and expressing the comments or suggestions they deem necessary, provided that they are recorded in a special register.
2. The Minister, in coordination with the Minister of Social Affairs, may appoint qualified social inspectors and specialists to review the psychological and social condition of the inmates.

Article 11

The Attorney-General or his Deputies, Governors and judges of the higher courts and the High Court may, each one within its sphere of jurisdiction, enter into any place of a Centre at any time to inspect it for the purpose of reviewing the following:

1. The correctness of records, papers, and entries relating to the management, discipline and regulations of a Centre.
2. To inspect the food of the inmates in relation to its quantity and quality.
3. To enforce the provisions of the laws and bylaws and take whatever measure they deem necessary regarding committed violations.
4. To verify that no inmate is detained in an illegal manner.
5. To verify the lawful implementation of court decisions and orders of the Public Prosecution and investigation judges. They may accept complaints of inmates and express their comments thereupon. The Director shall provide them with all information that they may request regarding the assignment entrusted to them.

Article 12

The Director-General shall make periodic inspection visits to all Centres to verify the implementation of all regulations, instructions, and decisions and shall submit a report in this regard to the Minister.

Chapter V. Health Care and Medical Services

Article 13

A clinic shall be established in every Center. The Medical Services shall provide it with a physician, a number of nurses, and the necessary equipment and medication. The physician shall perform the following:

1. Examine every inmate upon his admission to the Centre and prior to his release. The physician shall prepare a report on each inmate's health condition, showing therein the date and hour of the examination.
2. Permanent health supervision of inmates in the event of a hunger strike.
3. Take care of the health of the inmates and submit a periodical report thereupon with recommendations to the Director.

Article 14

1. The physician shall inspect the sleeping places of inmates, inspect inmates in solitary confinement, verify the health conditions of inmates, treat sick persons, and transfer those whose health condition requires so to the clinic or to a specialised hospital. He shall also isolate those who are suspected of infection with contagious or epidemic diseases until they are cured and disinfect their clothes, beds, and food.
2. The period spent by an inmate in hospital shall be counted for the period of his sentence.

Article 15

1. A sick inmate shall be referred immediately to a hospital if his condition requires so. The management of the Centre shall promptly notify the authorities of the area where the kin of the inmate live and permit them to visit him. If the inmate passes away, the physician shall prepare a report, which shall include the following:
 - a. The date of the complaint by the inmate of the sickness or the date on which his sickness was first observed.
 - b. The type of activity which the inmate was performing on that date.
 - c. The date of his admission to the hospital for treatment.
 - d. The date and time of the notification by the physician of the condition of the inmate.
 - e. The type of sickness and the last time the sick inmate was examined before his death.
 - f. The date and the cause of death, as well as all other observations which the physician makes after an autopsy.
2. For the duration of the period of his stay in hospital or in any other place of medical treatment, the inmate shall be considered under legal custody. It shall be the responsibility of the Warden to take the necessary measures for guarding an inmate while he is under treatment in a manner which does not infringe upon the inmate.

Article 16

The Director, or whoever is delegated on his behalf, must immediately notify the Public Prosecution or any competent authority of the death of an inmate, whether he suddenly passed away or died as a result of an accident or of a serious injury, as well as of all crime perpetrated by inmates or against them or all serious incidents whatsoever.

Chapter VI. Notification of Inmates and Providing them with Judicial Records

Article 17

The Warden of the Centre, or whoever is delegated on his behalf, shall notify an inmate of all judicial records or matters relating to him immediately upon their official receipt by the management of the Centre.

Article 18

An inmate shall have the right to file a complaint or submit a request, which shall be done pursuant to the following:

1. Submitting his request or filing his complaint on the form provided for this purpose.
2. Recording his request or complaint in a special register before forwarding it to the competent authority, which shall notify the inmate of its answer immediately upon its receipt.

Chapter VII. Use of Firearms

Article 19

It shall be prohibited for the Director, or whoever is delegated on his behalf, or any member of the Centre to enter the cell of an inmate without an escort while the inmate is present.

Article 20

The members of the Directorate-General shall be prohibited from carrying firearms inside the Centre, except under the following circumstances and for the following purposes:

1. For self-defense, after having exhausted all other means, such as tear gas, water hoses, or clubs.
2. To prevent the escape of an inmate if he crosses the boundaries of the premises of a Center and cannot be prevented from doing so by any other means.
3. To put an end to a mutiny, riot, or acts of violence that result in the climbing of walls or that are likely to result in breaking the gates of the Centre or in a serious breach of security and discipline.
4. To prevent harm against an inmate or other individuals present in the Centre, if they are exposed to immediate danger or harm and after having exhausted all other reasonable means.

Article 21

If a firearm is used to warn, scare, or deter an inmate, three warning shots shall be fired. If the inmate does not comply, shots shall be fired at his legs with due care to avoid serious injuries. Necessary first aid and treatment shall be provided to the injured.

Article 22

Firearms may not be used in cases where the lives of others are exposed to danger.

Article 23

The Director shall notify the concerned authorities of the use of firearms and conduct an administrative investigation to establish the circumstances and motives of the incident.

Chapter VIII. Classification of Inmates

Article 24

Male inmates shall be placed in a separate section from females. It shall thereby not be possible for them to talk, contact, or see each other. Juveniles shall be placed in special Centres.

Article 25

Inmates of each sex shall be classified and distributed in separate sections, in as much as it is permitted under the circumstances of any Center, as follows:

1. Detained inmates against whom no judgements have yet been issued by the competent courts.
2. Inmates convicted in civil actions, such as lawsuits of debt and maintenance.
3. Inmates with no previous conviction.
4. Inmates with previous conviction.

Article 26

Detained inmates against whom no judgements have yet been issued and inmates in civil actions shall have the right to bring in special food, clothes, or covers from outside of the Centre.

Article 27

A pregnant inmate shall be given, from the time of the appearance of the pregnancy symptoms and until sixty (60) days after delivery, special treatment in terms of nutrition, time of sleeping and work and shall be provided with medical care in accordance with the recommendations of the physician. Measures shall be taken that she may deliver at a hospital.

Article 28

It shall not be mentioned in the official records or in the birth certificate if an inmate delivers her baby in the Centre. A hospital shall be considered the place of birth, and the child shall remain in the custody of the mother until the age of two (2) years. The Director shall provide a place separate from other inmates for the breast-feeding mother.

Article 29

1. If an inmate does not wish to keep the child with her after delivery or if the child reaches the age of two (2) years, it shall be delivered to the person who is legally entitled after the mother, unless the physician decides that the health condition of the child does not so allow.
2. If there is no one who has the legal right of the child's custody, the child shall be placed in a children care institution, provided that the mother is notified of such place, and the mother shall be permitted to see the child periodically.

Chapter IX. Education and Cultural Activities of Inmates

Article 30

The Directorate-General shall, in coordination with the competent education authorities, organise educational courses for illiterate inmates. It shall provide educational opportunities for other inmates so that they may continue their

education through the various educational stages, whether in schools attached to the Centre or in public or vocational schools, in accordance with the facilities available, the safety requirements of the inmates, and the security procedures of the Centre.

Article 31

The Directorate-General shall, in coordination with the competent education authorities, provide inmates with the necessary means to enable them to study, memorise, and continue their university studies without daily attendance. The Directorate-General shall enable inmates to sit for exams under the direct supervision of the competent education authorities, whether inside or outside of the Centre.

Article 32

Academic or vocational certificates awarded to an inmate shall not contain any reference which would indicate that it was awarded to him while in the Centre or from a school attached to the Centre.

Article 33

The Directorate-General shall grant suitable incentives to inmates who obtain general or university certificates during their period in the Centre.

Article 34

The Directorate-General shall, in coordination with the management of the Centre, hold cultural seminars, deliver moral guidance and religious, educational and cultural lectures, and shall provide the opportunity for all inmates to take part therein.

Article 35

A public library shall be established in every Centre for educating and refining the inmates, provided that it contains useful publications whose circulation is legally permitted. The inmates shall be encouraged to read and make use of such books and printed publications in their leisure time. They shall be given the opportunity for doing so.

Article 36

The inmates may bring in, at their expense, books, magazines and newspapers whose circulation is legally permitted pursuant to the regulations of the management of the Centre and the bylaws and instructions issued by the Directorate-General.

Chapter X. Rights of Inmates

Article 37

1. It shall be prohibited to force an inmate to work in private houses or in other private matters.

2. It shall be prohibited to torture an inmate or to use force against him, except as provided in Articles 20 and 21 above.
3. It shall be prohibited to insult an inmate or address him in a degrading manner.
4. It shall be prohibited for the employees of the Centre to eat with inmates and their visitors or to joke with them.
5. It shall be prohibited to enter the cell of an inmate at night unless occasion may require this, in which event such entry shall be in the presence of the Director or whoever is delegated on his behalf.
6. An inmate shall be given full freedom to perform his religious rites and duties.
7. An inmate shall take a bath at least twice a week during the summer and at least once a week during the winter.
8. An inmate shall wash his face and extremities twice a day, once in the morning and again in the evening.
9. An inmate shall wash his clothes at least once a week.
10. The hair of an inmate shall be cut once a month.
11. The hair of an inmate convicted to a sentence of imprisonment for three (3) months or more shall be removed.
12. An inmate shall shave his beard at least twice a week
13. The management of the Centre shall provide the cell of an inmate with heating during cold days.
14. The bed of an inmate shall consist of a sponge mattress and five woolen blankets.
15. Meals shall be distributed to an inmate in the place provided in his cell at specified times.
16. The dinner meal shall be distributed at sunset.

Chapter XI. Transportation of Inmates

Article 38

The Director shall be responsible for implementing judicial orders relating to the transportation of an inmate from or to the Centre at the specified time.

Article 39

Documents, effects, and deposits of the inmate shall be transferred to the Centre to which he is transferred.

Article 40

1. During the transport of an inmate, the following shall be prohibited:
 - a. Exposing him to the eyes of the public, as well as all forms of publicity. Measures shall be taken to protect him from insults and the curiosity of the public.
 - b. Transporting him under bad conditions regarding ventilation, lighting or other means which would expose him to unnecessary physical hardship.

Chapter XII. Training and Employment of Inmates

Article 41

The Centre shall seek to give an inmate professional training and develop his skills, as well as make him learn professions during his period of conviction, which may help him earn a living upon his release. Theoretical and practical vocational training shall be performed in training and employment workshops inside or outside of the Centre, pursuant to the regulations and instructions issued by the Directorate-General in this regard.

Article 42

1. Convicted inmates may be put to work inside or outside of the Centre in any suitable job. It shall be prohibited to put detained inmates to work unless they wish to do so, provided that the daily working hours do not exceed eight (8) hours and that they are not put to work during their holidays.
2. Sick inmates and those who reach sixty (60) years of age shall be excluded from the enforcement of the provisions of paragraph 1 above, unless they wish to work and the physician testifies to their ability to do so.

Article 43

1. Inmates convicted in civil actions may be put to work in light duty if they wish to do so. Female inmates may not be put to work outside of the Centre.
2. Except for those who are sentenced to hard labor, the work inside or outside of the Center may not be cruel or painful.

Article 44

In consideration of his work inside or outside of the Centre, an inmate shall be granted a remuneration to be determined by the regulations and instructions.

Chapter XIII. Commuting Periods of a Sentence

Article 45

1. An inmate shall be released if he has spent two-thirds (2/3) of the period of the sentence issued against him, he has shown during such a period good conduct and behavior, and his release will not constitute a danger to public security.
2. If the sentence is a life sentence, the inmate shall be released if he has spent a period of twenty (20) years in the Centre and his conduct during this period was good.

Article 46

1. The release pursuant to the preceding Article shall be made by decision of the Minister upon the recommendation of the Director-General. The decision shall specify the reasons for the release.

2. If the release is on probation, the released may be returned to the Centre to complete the remaining period of his sentence if any misconduct is substantiated or if the released violates the conditions of the probation, upon a decision of the Attorney-General stating the reasons for the return of the released.

Article 47

The Director shall forward to the Director-General a report on every inmate whose sentence exceeds the period of ten (10) years from the lapse of the first six (6) years, including all information pertaining to the inmate and followed by a periodic report for every year of the remaining period.

Article 48

The President of the National Authority may release inmates on national or religious occasions. The release shall be made at the time determined in the decision of pardon.

Chapter XIV. Banned Items

Article 49

No banned items may be brought to the inmate in the Centre. The inmate may not possess or take banned items, except to the extent permitted by the law.

Article 50

The Warden of the Centre, or whoever is delegated on his behalf, may inspect all items brought in or taken out of the Centre. The Warden may stop or order to stop any person or inmate who is suspected of bringing in or taking out any banned item or who possesses any such item. The Warden may instruct that such a person or inmate be searched pursuant to the law. If a banned item is discovered, the Warden shall confiscate it and refer the person from whom it was confiscated to the competent authorities.

Article 51

If a banned item was not put to use in a crime, the Director may:

1. Use it in a manner that benefits the inmates.
2. Destroy it, if it is of no use or value.
3. Sell it and pay the revenue therefrom to the General Treasury of the Authority, if it is of value.

Chapter XV. Visits

Article 52

Visits to an inmate shall be permitted in regular intervals and shall be determined pursuant to the regulations and instructions. The first visit shall be permitted upon

the completion of the investigation or after a period of one (1) month from the date of the detention, whichever occurs first.

Article 53

The inmate shall have the right to correspond with his family and friends, as well as to receive letters from them. The management of the Centre may review the incoming and outgoing letters, provided that their confidentiality is guaranteed.

Article 54

The attorney-at-law of the detained or convicted inmate shall be permitted to meet with him in private, whether the meeting occurs upon invitation of the inmate or upon the request of the attorney.

Article 55

The Director may allow visits to a sick inmate upon the order of the physician and may also allow religious people to visit an inmate for preaching and guidance or for holding the religious rites at the times and places set forth in the regulations and instructions.

Article 56

1. The Director shall establish a special visitors register wherein the name and address of every visitor of the Centre shall be recorded.
2. The Director may search any visitor, who is suspected of possessing a banned item. If the visitor refuses to be subjected to the search, he may be banned from the visit. The reasons for the ban shall be recorded in the register.

Article 57

1. The Director may grant an inmate a leave of three (3) contingent days in the event of the death or the confinement to hospital in a serious condition of relatives up to the second degree, provided that the inmate produces a guarantor to vouch for him during the period of his leave and for his return to the Centre upon its expiration.
2. The Director may grant an inmate of good conduct a twenty-four (24) hours leave every four (4) months, provided that the inmate has spent one-fourth (1/4) of the period of his sentence and produces a guarantor to vouch for him during this leave.

Article 58

If an inmate does not return to the Centre within twelve (12) hours from the expiration of his leave, he shall be considered a fugitive and be brought before the competent court to try him for this crime.

Chapter XVI. Inmates Sentenced to Capital Punishment

Article 59

1. An inmate who is sentenced to death shall be isolated from the remaining inmates and placed under constant supervision. He shall be barred from receiving visits, except after obtaining written permission of the Director-General.
2. The Attorney-General, his Deputy, clergymen or the physician of the Centre may visit at any time an inmate sentenced to capital punishment.
3. The Director shall, upon receiving the execution order of the sentence of capital punishment, notify the inmate and his family or one of his relatives in order to visit him on the day prior to the day set forth for the execution of the judgement.
4. The Director shall read out the charge and the pronouncement of the judgement at hearing distance from the attendees and in the presence of the Attorney-General or his Deputy, the physician of the Centre, a representative of the Police, and two other persons selected by the Attorney-General, a clergymen to whom the convicted is religiously affiliated, and, if he wishes so, his attorney-at-law.
5. The sentence of capital punishment shall be executed inside the Centre upon the request of the Attorney-General to the Director-General. The corpse shall be handed over for burial to the local authority where the Centre is located.

Article 60

1. The execution of the sentence of capital punishment against pregnant inmates shall be suspended until after the delivery and after the child completes two (2) years of age.
2. The judgement shall not be executed during official holidays and religious and national feasts.
3. The execution of the sentence of capital punishment may not be postponed after having received the execution order and the notification of the convicted person and his family of the matter.

Chapter XVII. Disciplinary Regulations

Article 61

1. The Minister shall issue a bylaw, which shall regulate the duties and activities of the inmates, as well as all prohibitions relating to them.
2. Inmates shall be informed of the bylaw issued under the preceding paragraph.
3. Without prejudice to any criminal liability, an inmate shall be disciplined if he violates the laws or regulations and instructions in force in the Centre.
4. Articles relating to crimes and punishments shall be written on a sign and published in a clearly visible place on the outside door of the Centre and in the dining hall of the inmates.

Article 62

The following disciplinary penalties shall be imposed upon an inmate if he violates the regulations or instructions of the Centre:

1. Warning.
2. Solitary confinement for a period not to exceed one (1) week.
3. Deprivation of the advantages granted to an inmate pursuant to his classification for a period not to exceed thirty (30) days.

Article 63

It shall be prohibited to impose any of the penalties set forth under the preceding Article without conducting an investigation that includes an official charge against the inmate and the hearing of his statement and his defense. The decision for the imposition of a penalty shall be justified and the investigation shall be conducted with the knowledge of the investigator in writing. The penalties imposed upon an inmate shall be recorded in the Penalties Register.

Chapter XVIII. Release of Inmates

Article 64

1. The Director shall release an inmate in the afternoon of the day in which his sentence expires or on the day preceding it. The inmate may not be kept in the Centre thereafter.
2. An inmate shall be released immediately if a general or special amnesty is issued in his favour.
3. If an inmate is under detention and a release order in his favour is issued, he must be immediately released, unless he is detained for another reason.

Chapter XIX. General Provisions

Article 65

The Minister shall issue the bylaws and instructions necessary for the enforcement of this law.

Article 66

The *Prisons Law No. 3 of 1946* in force in the Governorates of the Gaza Strip and the *Prisons Law No. 23 of 1952* in force in the Governorates of the West Bank, as well as all other provisions contradicting the provisions of this law are hereby repealed.

Article 67

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

Issued in the city of Gaza on 28 May, 1998 AD, corresponding to 2 February [sic] 1419 AH.

Yasser Arafat

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

***Law No. 3 of 2005 Concerning the Amendment
of the Provisions of the Correction and
Rehabilitation Centres ('Prisons')
Law No. 6 of 1998***

The President of the Palestinian National Authority,

Having reviewed the *Amended Basic Law of 2003*,
Having reviewed the *Correction and Rehabilitation Centres ('Prisons') Law No. 6 of 1998*, and
Based upon the approval of the Legislative Council during its session of 8 December, 2004,

I hereby promulgate the following law:

Article 1

Paragraph 1 of Article 60 of the *Correction and Rehabilitation Centres ('Prisons') Law* shall be as follows:

The sentence of capital punishment shall not be executed against a pregnant female prisoner who is sentenced to capital punishment. If she delivers a child alive, the court which issued the judgement of capital punishment shall reduce the penalty to life imprisonment.

Article 2

A new Article 44 (b) shall be added to the law mentioned above as follows:

The rules and regulations pertaining to indemnity for work injuries set forth in the *Labour Law* shall apply to injuries which affect prisoners during their work.

Article 3

Every provision which contradicts the provisions of this law is hereby repealed.

Article 4

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*.

Issued in the city of Ramallah on 11 January, 2005 AD, corresponding to 30 Thu Al-Qi'da 1425 AH.

**Rawhi Fattouh
President of the Palestinian National Authority**

Law of Penal Procedure No. 3 of 2001

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

Having reviewed the *Law of 1922 Concerning Violating the Dignity of the Courts*,
Having reviewed the *Law of Penal Procedure (Arrest and Investigation) No. 4 of 1924*,
Having reviewed the *Law of Penal Procedure (Accusatory) No. 22 of 1924*,
Having reviewed the *Law Concerning Judges Investigating Questionable Deaths No. 35 of 1926*,

Having reviewed the *Law No. 37 of 1926 Concerning the Defense of Indigenous Prisoners*,

Having reviewed the *Law Amending the Law of Procedure No. 21 of 1934*,

Having reviewed the *Law of Penal Procedure No. 24 of 1935*,

Having reviewed the *Fire Incidents Investigations Law No. 7 of 1937*,

Having reviewed the *Law No. 28 of 1944 Concerning Release on Bail*,

Having reviewed the *Law of Penal Procedure (Partial Trials before Central Courts) No. 70 of 1946*,

Having reviewed the *Law Concerning the Jurisdiction of Magistrate Courts No. 45 of 1947*,

Having reviewed the *Order No. 269 of 1953 Concerning the Jurisdiction of the Criminal Court*,

Having reviewed the *Order No. 473 of 1956 Concerning the Functions of the Public Prosecution*,

Having reviewed the *Order No. 554 of 1957 Concerning the Authorisation of the Attorney-General and his Representatives with the Powers of the Judges Investigating Questionable Deaths*,

Having reviewed the *Rehabilitation Law No. 2 of 1962*,

Having reviewed the *Chapter No. 26 of the Palestinian Law of Procedure before the Magistrate Courts of 1940 in force in the Governorates of the Gaza Strip*,

as well as

Having reviewed the *Jordanian Law on Magistrate Courts No. 15 of 1952 in force in the Governorates of the West Bank*,

Having reviewed the *Jordanian Law Concerning Violating the Dignity of the Courts No. 9 of 1959*,

Having reviewed the *Jordanian Law of Penal Procedure No. 9 of 1961*, and
Based upon approval of the Legislative Council,

I hereby promulgate the following law:

Book One. Criminal Action, Gathering of Evidence and Investigation

Part I. Criminal Action

Chapter I. The Right to File a Criminal Action

Article 1

The right to file and conduct a criminal action shall be vested exclusively with the Public Prosecution. A criminal action may not be filed by others, except in cases where the law determines otherwise. A criminal action may not be suspended, waived or abandoned, nor may it be delayed or settled out of court, except in cases where the law determines otherwise.

Article 2

The Attorney-General shall prosecute a criminal action himself or through a member of the Public Prosecution.

Article 3

The Public Prosecution shall commence a criminal action if the injured party files a civil action pursuant to the rules set forth in the law.

Article 4

1. The Public Prosecution may not conduct an investigation or file a criminal action which is statutorily conditioned on a complaint, a civil action, a requisition or a warrant, except on the basis of a written or oral complaint by the victim or his private attorney, a civil action filed by him or his private attorney, or a warrant or requisition by the competent authority.
2. Actions, the prosecution of which is made conditional by law on a complaint or on a civil action by the victim, may be waived until a final judgement is issued thereon. If there are multiple victims, the waiver shall not be valid unless it is issued by all of the victims then living. A waiver regarding one of the accused shall be deemed a waiver toward the others.
3. If there are multiple victims, the filing of a complaint by one of them shall be sufficient, and, if there are multiple accused and the complaint is filed against one of them, it shall be deemed issued against all of them.

Article 5

In all cases in which a criminal action is statutorily conditioned on the filing of a complaint or a civil action by the victim or a third party, the complaint shall not be accepted following the lapse of three (3) months from the date the victim learned of the respective incident and of its perpetrator, unless the law determines otherwise.

Article 6

1. If the victim in the cases referred to in Article 5 is younger than fifteen (15) years of age or is mentally impaired, the complaint shall be filed by his guardian, custodian or trustee.
2. If there is a conflict of interest between the victim and his representative or if the victim does not have a representative, the Public Prosecution shall represent him.

Article 7

The right to file a complaint shall extinguish with the death of the victim. If death occurs after the complaint has been filed, this shall not affect the conduct of a criminal action; the right of waiver of the deceased shall devolve to his heirs, except in cases of adultery, where any of the children of the spouse filing the complaint may waive it and terminate the action.

Article 8

Any person against whom a criminal action is instituted shall be called an 'accused'.

Chapter II. The Rescission of a Criminal Action

Article 9

A criminal action shall be rescinded in any of the following cases:

1. Repeal of the law criminalising the deed.
2. General amnesty.
3. Death of the accused.
4. Prescription.
5. Rendition of a final judgement thereon.
6. Such other reason set forth in the law.

Article 10

1. The rescission of a criminal action shall not prevent the confiscation of any seized items.
2. The party injured by a crime shall have the right to demand the recovery of seized items whose possession is not deemed a crime, unless such right extinguished pursuant to the law.

Article 11

A civil action shall remain under the jurisdiction of the court seized of a criminal action. If a criminal action was not instituted, jurisdiction over the civil action shall lie with the competent civil court.

Article 12

1. The period of prescription for a criminal and civil action shall be ten (10) years in felonies, three (3) years in misdemeanours, and one (1) year in contraventions, unless determined otherwise in the law.

2. In all cases, the period of prescription for a criminal action shall be counted as from the date of the last procedure taken therein.
3. Without prejudice to the provisions under the two preceding paragraphs, the period of prescription for a criminal action in crimes of public employees shall not begin except from the date of the discovery of the crime, the termination of the service, or the extinction of the capacity.

Article 13

The period of prescription shall be interrupted when any of the procedures of gathering evidence, investigation, accusation or trial are taken, whether they are commenced against the accused or whether he is officially notified thereof. The period of prescription shall commence anew as of the day it was interrupted. When the procedures interrupting the period of prescription are multiple, it shall commence anew from the date of the last such procedure.

Article 14

The interruption of the period of prescription with one of the accused shall result in its interruption regarding the other accused, even if no procedures interrupting the period of prescription were taken against the other accused.

Article 15

The period of prescription for a criminal action shall not be interrupted for any reason whatsoever.

Article 16

Settlements may be reached in contraventions and misdemeanours, which are punishable only by a fine. When transcribing the minutes, the competent judicial officer shall propose a settlement in a contravention to the accused or to his attorney and record this in the minutes. The proposal for a settlement in a misdemeanour shall be made by the Public Prosecution.

Article 17

An accused who accepts a settlement shall pay within fifteen (15) days from the date following his acceptance of the settlement a sum equivalent to one-quarter (1/4) of the maximum amount of the fine prescribed for the crime or the value of the minimum amount prescribed therefor, whichever is less.

Article 18

A criminal action shall be rescinded upon the payment of the settlement amount. This shall not affect a civil action.

Part II. The Gathering of Evidence and the Institution of the Action

Chapter I. Officers Invested with Judicial Powers and their Duties

Article 19

1. The members of the Public Prosecution shall exercise judicial powers and supervise officers invested with judicial powers, each within his circuit of jurisdiction.
2. Judicial officers shall investigate crimes and their perpetrators and gather the evidence necessary for the prosecution at trial.

Article 20

1. The Attorney-General shall supervise the judicial officers, who shall be subject to his control in the exercise of the functions of their positions.
2. The Attorney-General may ask the competent authorities to take disciplinary measures against any person for a breach or dereliction of duty, without prejudice to such person being held accountable under the Penal Law.

Article 21

Officers invested with judicial powers shall include the following:

1. The Police-Commissioner and his Deputies and the Chiefs of Police of the Governorates and the General Districts.
2. Officers and non-commissioned officers of the Police, each within his bailiwick.
3. Commandants of vessels and aircraft.
4. Officials who are statutorily invested with judicial powers.

Article 22

Judicial officers shall perform the following pursuant to the provisions of this law:

1. Accept reports and complaints addressed to them regarding crimes and present them without delay to the Public Prosecution.
2. Conduct examinations and searches and obtain all necessary clarifications to facilitate the investigation, as well as seek the assistance of experts and witnesses without administering the oath.
3. Take all necessary measures to preserve the evidence of a crime.
4. Transcribe all the procedures taken in official minutes signed by them and by the party concerned.

Article 23

Without prejudice to the provisions of Articles 16, 17, and 18 of this law, the competent judicial officer shall send the minutes and seized items related to the

contraventions under his jurisdiction to the competent court and shall follow up before such court.

Article 24

Any person who learns of a crime shall report the same to the Public Prosecution or to a judicial officer, unless the law makes the institution of the respective criminal action conditional on a complaint, a requisition, or a warrant.

Article 25

Every authority and every public official who, in the performance of his duties or because of it, acquires knowledge of a crime, shall report the same to the competent authorities, unless the law makes the institution of the respective criminal action conditional on a complaint, a requisition, or a warrant.

Chapter II. Flagrant Crimes

Article 26

A crime shall be qualified as flagrant in any of the following cases:

1. While it is being or just after it was committed.
2. If the perpetrator of a crime is pursued by the victim or by public clamour in the wake of its commission.
3. If the perpetrator is found shortly after the commission of a crime in possession of tools, weapons, effects, papers, or other items which indicate that he committed or participated in the crime, or if he exhibits traces or marks thereof.

Article 27

In case of a flagrant felony or misdemeanour, the judicial officer who is notified thereof shall proceed immediately to the scene of the crime in order to inspect and secure the material evidence. He shall establish the condition of the premises, the persons, and everything which may serve as evidence and shall hear the testimony of whoever is present at the scene or any person capable of providing information regarding the crime and its perpetrators. He shall notify the Public Prosecution immediately. The competent member of the Public Prosecution shall proceed to the scene promptly upon being notified of a flagrant felony.

Article 28

1. The judicial officer who proceeds to the scene of a flagrant crime may prevent those present from leaving the scene or from distancing themselves therefrom until his written report is completed. The judicial officer may immediately summon and hear all persons capable of providing him with information regarding the incident.
2. Any person who violates the provisions of paragraph 1 above or who refuses to comply with a summoning shall be punished by imprisonment for a term

not to exceed one (1) month or by a fine not to exceed fifty (50) Jordanian Dinars or the equivalent in legal tender.

Chapter III. Arrest of the Accused

Article 29

No person may be arrested or imprisoned except by order of the competent authority as set forth in the law. He must be treated in a manner that preserves his dignity and may not be physically or morally harmed.

Article 30

The judicial officer may, without a warrant, arrest any present person if there is evidence sufficient to charge him in the following cases:

1. A flagrant felony or a flagrant misdemeanour punishable by imprisonment for a term exceeding six (6) months.
2. If he resists the judicial officer during the performance of the duties of his function or if he was legally detained and escaped or tried to escape from the place of detention.
3. If he commits or is accused of committing a crime before the judicial officer and refuses to give his name and address or if he has no known or permanent residence in Palestine.

Article 31

1. If the accused is not present in the cases set forth in the preceding Article, the judicial officer may obtain an arrest warrant against him and record the same in the report.
2. If there is sufficient evidence to charge a person with a felony or with a misdemeanour that is punishable by imprisonment for a term exceeding six (6) months, the judicial officer may ask the Public Prosecution to issue an arrest warrant against such person.

Article 32

Any person who witnesses a flagrant felony or misdemeanour shall be empowered to arrest the perpetrator and take him to the nearest police station without waiting for an arrest warrant by the Public Prosecution.

Article 33

The accused in flagrant crimes in which the institution of a criminal action is conditional upon a complaint may not be arrested unless the party entitled to make such complaint exercises the right to do so. The complaint may be filed to any competent member of the public authority who is present.

Article 34

The judicial officer shall hear the statement of the arrested person immediately and, if such person fails to come forward with a justification for his release, shall send him within twenty-four (24) hours to the competent Deputy-Prosecutor.

Article 35

If the person to be arrested resists or attempts to evade arrest or if he tries to escape, a judicial officer shall have the right to resort to all means as may reasonably be required to arrest him.

Article 36

A judicial officer or a private citizen arresting an accused shall have the right to strip him of weapons and tools found in his possession and to deliver them to the competent authority pursuant to the law.

Article 37

Any individual may assist a judicial officer or a private citizen who asks for his help in a reasonable manner to arrest a person whom he has the right to arrest or to prevent such person from escaping.

Article 38

1. In the cases in which the law allows an accused to be arrested, the judicial officer may search the accused and draw up a list of the objects seized. The list shall be signed by the accused and deposited in the place designated therefor.
2. The accused shall be given a copy of the list of objects seized if he so requests.

Chapter IV. Search

Article 39

1. The entering and searching of homes shall be an act of investigation which may not be conducted except pursuant to a search warrant of the Public Prosecution or in its presence, either on the basis of an accusation charging a person living in the house with committing or participating in a felony or misdemeanour or on the basis of compelling evidence that he is in possession of items related to a crime.
2. A search warrant must be substantiated.
3. A warrant shall be made in the name of one or more judicial officers.

Article 40

A search warrant shall be signed by the competent member of the Public Prosecution and shall include the following:

1. The surname and given names of the owner of the house to be searched.

2. The address of the house to be searched.
3. The object of the search.
4. The name of the judicial officer authorised to conduct the search.
5. The validity period of the search warrant.
6. The date and hour it was issued.

Article 41

House searches must be conducted by day; a house shall not be entered at night unless it is the scene of a flagrant crime or if the circumstances so demand.

Article 42

The person inhabiting the house or the person responsible for the premises to be searched shall allow access thereto and provide the necessary facilities. If he bars entry to the house, the judicial officer shall have the right to gain admission by force.

Article 43

The search shall be conducted in the presence of the accused or of the person in possession of the house. If such requirement cannot be fulfilled, it shall be conducted in the presence of two witnesses from among his relatives or his neighbours. This shall be recorded in the minutes of the investigation.

Article 44

If there is a suspicion based upon serious reasons that a person present in the place where the search is underway is concealing one of the objects being sought, the judicial officer may subject him to a body search.

Article 45

Persons who are present in the house while it is being searched may be detained by the officer conducting the search if he fears that they may obstruct or delay the search, provided that they are released once the search is completed.

Article 46

If the member of the Public Prosecution requires the disclosure of any document or object related to the investigation and the person in possession of such document or object refuses to provide the same without an acceptable excuse, the member of the Public Prosecution may order the necessary search-and-seize operation.

Article 47

If the person required to be searched is female, she may be searched only by another female appointed for this purpose by the person in charge of the search operation.

Article 48

The competent authorities shall be prohibited from entering a house without a search warrant except in one of the following cases:

1. A request for assistance from inside the house.
2. Cases of fire or drowning.
3. If there is a flagrant crime inside the house.
4. If a person who must be arrested or who escaped from a place where he was legally detained is followed to the house.

Article 49

In performing their duties during a search operation, judicial officers may call upon the assistance of police or military forces, as occasion may require.

Article 50

1. Only objects connected to the crime regarding which the search is conducted may be searched. However, if during the search, objects whose very possession is deemed a crime or which may serve as evidence in another crime come to light, they may be seized by the judicial officer.
2. All objects related to the crime which are found during the search shall be seized, inventoried, and sealed. They shall be recorded in the minutes and sent to the competent authorities.
3. Documents that are found sealed or closed in any other way in the house being searched may not be opened by the judicial officer.
4. Minutes of the search shall be transcribed by the officer in charge of the search, citing the objects seized and the location in which they were found, and signed by those present during the search procedures.

Article 51

1. The Attorney-General or any of his assistants may seize letters, communications, newspapers, printed matter, parcels, and telegrams at post and telegraph offices if they relate to a crime or its perpetrator.
2. The Attorney-General may also tap telephone and wireless communications and record conversations in private places on the basis of an authorisation by a Magistrate Judge, if such is necessary to gain evidence in a felony or a misdemeanour punishable by imprisonment for a term of not less than one (1) year.
3. The search warrant or the authorisation to tap or record must be substantiated and shall remain in force for a period of not to exceed fifteen (15) days, subject to renewal once.

Article 52

Non-compliance with any of the provisions of this chapter shall result in legal nullity.

Chapter V. Instructions by the Public Prosecution after Gathering Evidence

Article 53

If, on the basis of the minutes of the evidence-gathering, the Public Prosecution decides that a case involving a contravention or a misdemeanour is ready for judicial review, it shall order the accused to appear immediately before the competent court.

Article 54

A criminal action may not be filed against an official or public employee or a member of the Judicial Police due to a felony or misdemeanour committed by him during or due to the performance of his function, except based upon the permission of the Attorney-General.

Part III. Investigation

Chapter I. Conducting the Investigation

Article 55

1. The Public Prosecution shall be exclusively competent to investigate crimes and to take action in this regard.
2. The Attorney-General or the competent Deputy-Prosecutor may delegate a competent member of the judicial officer corps to perform any act of investigation in a specific case, except for the interrogation of the accused in a felony.
3. The delegation must not be general.
4. Within the scope of his delegation, the authorised person shall exercise all powers of the Deputy-Prosecutor.

Article 56

The Public Prosecution shall conduct the investigation promptly upon learning of the crime.

Article 57

The Deputy-Prosecutor may, if the situation calls for a procedure to be taken outside of the circuit over which he exercises jurisdiction, issue a rogatory commission to his counterpart in the circuit of jurisdiction in which the procedure is required to be taken to act on his behalf, and the latter shall exercise full jurisdiction in this regard.

Article 58

The Deputy-Prosecutor shall be accompanied by a clerk in all investigation procedures to take down minutes and countersign them.

Article 59

The procedures of the investigation and the results thereof shall be confidential and may not be divulged; their divulgence shall be a crime punishable by law.

Article 60

The investigation shall be conducted in the Arabic language. The Deputy-Prosecutor shall hear through an interpreter the testimony of parties or witnesses ignorant of that language. The interpreter shall swear an oath to perform his task scrupulously and impartially.

Article 61

The parties shall be notified of the date and place at which the investigation will be conducted.

Article 62

During the investigation, the parties may communicate statements and demands which they consider necessary to the Deputy-Prosecutor.

Article 63

The accused, the injured party, and the civil claimant may request copies of the documents and papers of the investigation, which shall be provided to them at their own expense.

Chapter II. Commissioning of Experts

Article 64

The Deputy-Prosecutor may seek the assistance of a competent physician and other experts to establish the conditions of the crime committed. The physician and other experts shall take the necessary procedures under the supervision of the authority conducting the investigation. The investigator may attend while the experts are performing their function if he deems this to be in the interest of the investigation.

Article 65

A technical expert may perform his function in the absence of the parties.

Article 66

An expert shall file a technical report on his work within the period of time determined by the investigating Deputy-Prosecutor, with due regard to the presence of perishable items.

Article 67

The Deputy-Prosecutor may replace an expert who neglects his duties or who fails to file his report within the prescribed period of time.

Article 68

Each expert must swear an oath to perform his task scrupulously and impartially prior to embarking thereon, unless he is inscribed in the roster of legally accredited experts.

Article 69

Each expert shall present a substantiated report and sign each page thereof.

Article 70

The accused may seek the assistance of a consultant expert and request that he be allowed to view the documents, provided that this does not delay the course of the procedures.

Article 71

The parties may recuse the expert if they have serious reasons to do so. The petition for recusal, which must be substantiated, shall be presented to the investigating Deputy-Prosecutor, who shall send it to the Attorney-General or any of his assistants to issue a decision thereon within three (3) days from the date of its submission. Submission of the application shall entail the end of the mission of the expert, unless it is decided otherwise. The decision must in such case be substantiated.

Chapter III. Handling of Seized Objects

Article 72

1. Seized objects shall be placed in sealed containers on which the contents shall be inscribed. The containers shall be placed in the warehouse of the Public Prosecution or in any other place that it may designate.
2. If the seized object is perishable and the expenses of preserving it exceed its value, the Public Prosecution or the court may order it to be sold at a public auction, provided that the requirements of the investigation so permit. The proceeds of the sale shall be placed in the Court Registry, and the person entitled to the proceeds may claim the sale price within one (1) year from the date on which such action is terminated; otherwise it shall devolve to the State without any further decision.

Article 73

1. Seized objects may be restituted, even before rendition of a judgement, at the request of the person in whose possession they were found, unless their retention is necessary for the judicial examination or they are subject to mandatory confiscation.
2. If the seized objects are those against which the crime was committed or if they were obtained as a result of its commission, they shall be restituted to the person who was deprived of their possession by the crime, unless the person in whose possession they were found is entitled by law to retain them.

Article 74

The restitution order shall be issued by the Public Prosecution. The court may order restitution *pendente lite*.

Article 75

The order to retain objects or the judgement issued in the case must regulate the handling of the seized objects.

Article 76

If a dispute arises regarding the seized objects, the parties may resort to the competent civil court.

Chapter IV. Hearing of Witnesses

Article 77

The Deputy-Prosecutor or the delegated investigator may summon every person whose testimony is necessary, whether or not his name is included in the complaints or denunciations, and may hear the testimony of every person who appears voluntarily. In such case, this shall be recorded in the minutes.

Article 78

The Deputy-Prosecutor shall charge the competent authorities with summoning a witness by means of a summons to be served upon them at least twenty-four (24) hours before the scheduled date.

Article 79

The Deputy-Prosecutor shall establish the identity of each witness, his name, age, occupation, residence, address, and the degree to which he may be related to the parties and shall transcribe all such information in the minutes, before hearing and transcribing the testimony of the witness.

Article 80

Witnesses shall be heard separately by the Deputy-Prosecutor after swearing the oath in the presence of the clerk of the investigation. The questions put to them and their answers shall be transcribed in the minutes.

Article 81

The answers given by a witness shall be read out to him, after which he shall confirm them with his signature or fingerprint. If he refuses or is unable to do so, the fact shall be recorded in the minutes and signed by the Deputy-Prosecutor and the clerk of the investigation.

Article 82

1. After the testimony of the witness is heard, the parties may request the Deputy-Prosecutor or the delegated investigator to question the witness on any point not addressed in his testimony.
2. The Deputy-Prosecutor may refuse to direct any question to a witness that is unrelated to the case or that will not serve to reveal the truth.

Article 83

1. Persons younger than fifteen (15) years of age may be heard for information only without administering the oath.
2. The parents, children, and spouse of the accused shall be exempted from swearing the oath, unless the crime was committed against one of them.

Article 84

The Deputy-Prosecutor shall have the right to confront each witness with one another, as well as to confront them with the accused, as occasion may require.

Article 85

If a witness does not appear after being summoned for the first time, a second summons shall be served upon him, and, if he again fails to appear, the Deputy-Prosecutor shall issue a writ of attachment against him.

Article 86

If a witness is unable to appear for health reasons, the Deputy-Prosecutor shall proceed to his domicile to hear his testimony if the witness lives within the Prosecutor's circuit of jurisdiction. If the witness lives outside of such circuit, the Deputy-Prosecutor shall issue a rogatory commission to his counterpart within the circuit in which the domicile of the witness is located. The testimony shall be sent in a sealed envelope to the Deputy-Prosecutor in charge of the investigation.

Article 87

If the Deputy-Prosecutor deems that the health condition of a witness is not such as to justify his failure to appear, he may issue a writ of attachment against him.

Article 88

If a witness appears and refuses to testify or to swear the oath without an acceptable excuse, he shall be punished by the competent court with a fine between fifty (50) and one-hundred (100) Jordanian Dinars or the equivalent in legal tender or with imprisonment for a term not to exceed one (1) week or both. If the witness retracts his refusal before the end of the trial, he may be exempted from punishment.

Article 89

If the Deputy-Prosecutor is persuaded that swearing the oath would violate the religious beliefs of a witness, the witness' testimony may be heard and transcribed after he asserts that he will tell the truth.

Article 90

If a man of religion is summoned to swear the oath before the Public Prosecution or the court and requests that the oath be administered by his bishop or religious superior, he shall present himself before either of them and swear an oath to answer all the questions put to him truthfully. He shall return with a certificate from such authority attesting that the oath was duly administered, whereupon his testimony shall be heard.

Article 91

The transcript of the testimony may not any contain interlineations, erasures, or insertions, unless each is signed by the Deputy-Prosecutor, the clerk of the investigation and the witness. Without such signing, each interlineation, erasure or insertion shall be without effect.

Article 92

The parties, their attorneys, and the civil claimant shall have the right to read the minutes of the investigation as soon as they are completed upon permission of the Public Prosecution.

Article 93

The Deputy-Prosecutor shall, at the request of a witness, estimate the expenses which he incurred due to presenting himself to testify.

Chapter V. Interrogation

Article 94

The interrogation shall be a systematic questioning of the accused regarding the deeds imputed to him, during which he shall be confronted with the facts, questions, and suspicions related to the accusation and asked to respond thereto.

Article 95

The Deputy-Prosecutor shall conduct the interrogation of the accused in all felonies, as well as in misdemeanours in which he deems an interrogation to be necessary.

Article 96

1. At the first appearance of the accused at the interrogation, the Deputy-Prosecutor shall establish the accused's identity, name, address and occupation and shall question the accused regarding the imputed charge, demand that he respond to the same, notify him of the right to the assistance of counsel, and warn him that all he says may be used as evidence against him in the trial.
2. The statements of the accused shall be recorded in the minutes of the interrogation.

Article 97

1. The accused shall have the right to remain silent and not to respond to the questions put to him.
2. The accused shall be entitled to postpone the interrogation for twenty-four (24) hours pending the arrival of his counsel. If counsel does not appear on behalf of the accused or if the accused decides not to appoint counsel, he may be interrogated without further delay.

Article 98

The Deputy-Prosecutor may interrogate the accused before inviting the counsel to attend in the event of a flagrant crime, necessity, urgency, or fear that the evidence may be lost, provided that the grounds for precipitating the interrogation are stated in the minutes. The counsel of the accused shall be entitled to read the statements of his client after the interrogation is completed.

Article 99

Before the interrogation of an accused, the Deputy-Prosecutor shall subject him to a physical examination and establish any visible injuries and the reasons for their occurrence.

Article 100

The Deputy-Prosecutor shall order medical and psychological examinations of the accused by the competent authorities either *sua sponte* when he deems them necessary or at the request of the accused or his counsel.

Article 101

If the accused expresses any defense, the Deputy-Prosecutor shall record the same in the report and list the names of the defense witnesses cited by the accused, summon them to appear, and prevent them from conversing with one another before they are questioned.

Article 102

1. Each of the parties shall have the right to the assistance of a counsel during the investigation.
2. The counsel may not speak during the investigation except with the permission of the Deputy-Prosecutor. Withholding of permission must be established in the minutes.
3. The counsel shall be allowed to review the investigation preceding the interrogation regarding his client.
4. The counsel may submit a memorandum with his comments.

Article 103

The Attorney-General may, in cases of felonies and in the interest of the investigation, decide to ban communication with the accused for a period not to exceed ten (10) days, subject to renewal once. The ban shall not apply to the counsel of the accused,

who may communicate with his client any time he wishes, without constraint or supervision.

Article 104

If the accused invokes a plea of non-competence, non-admissibility, or rescission of the case, the plea must be submitted to the Attorney-General or any of his assistants for decision within twenty-four (24) hours, which may be appealed before a Court of First Instance.

Article 105

The interrogation must be conducted within twenty-four (24) hours from the date the accused is sent to the Deputy-Prosecutor, who shall order his detention or release.

Chapter VI. Writs of Summons and Attachment

Article 106

1. The Deputy-Prosecutor shall have the right to issue a writ of summons ordering the accused to appear and submit to an investigation.
2. If the accused does not appear or if it is feared that he will flee, the Deputy-Prosecutor may issue a writ of attachment ordering the accused to be brought by force.

Article 107

1. The Warden of the place of detention shall deliver the accused within twenty-four (24) hours to the Public Prosecution for the investigation.
2. The Deputy-Prosecutor shall immediately interrogate an accused against whom a writ of summons is issued. As to an accused against whom a writ of attachment is issued, the Deputy-Prosecutor must interrogate him within twenty-four (24) hours from the date of his arrest.

Article 108

The Deputy-Prosecutor may, after interrogating the accused, detain him for a period of forty-eight (48) hours. The period may be extended by the courts pursuant to the law.

Article 109

1. Writs of summons and writs of attachment shall be executed immediately and remain in full force and effect until they are executed.
2. A writ of attachment may not be executed upon the expiration of a period of three (3) months from the date on which it was issued, unless its extension for an additional period is approved by the person who issued it.

Article 110

Writs of summons, attachment and detention shall be signed by the legally competent authority, stamped with its official seal and include the following:

1. The surname, given names, and description of the accused whose attachment is required.
2. The crime imputed to him and the applicable articles of the law.
3. His address in full and the period of detention, if any.

Article 111

Pursuant to the provisions of the law:

1. The judicial officer shall execute writs of summons and attachment.
2. The judicial officer may execute writs of attachment by force if necessary.

Article 112

1. The officer charged with the execution of the writ shall inform the person he is arresting of its contents and to allow him to read it.
2. The officer charged with the execution of the writ may forcibly enter any place regarding which he has serious grounds to believe that the person against whom the writ was issued is present, as occasion may require.

Article 113

Writs of attachment shall be executory throughout Palestine at any hour of the day or night.

Article 114

If the health condition of the accused does not allow for his attachment, the Deputy-Prosecutor shall conduct the investigation at his domicile. The Deputy-Prosecutor may order the accused to be moved to a hospital for treatment, while placing the accused under guard if the Deputy-Prosecutor decides to detain the accused, as occasion may require.

Chapter VII. Custody and Provisional Detention

Article 115

A judicial officer shall deliver an arrested person promptly to the police station.

Article 116

The officer in charge of the police station which receives the arrested without a writ of attachment shall immediately investigate the reasons for the arrest.

Article 117

The officer in charge of the police station shall keep the arrested person in custody if the person has:

1. Committed a felony and escaped or tried to escape from the place of detention.
2. Committed a misdemeanour and has no known or established domicile in Palestine.

Article 118

The Deputy-Prosecutor shall conduct the interrogation of the arrested person after notifying him of the arrest warrant pursuant to the provisions of Article 105 of this law.

Article 119

If the procedures of the investigation entail the detention of the arrested person for a period exceeding twenty-four (24) hours, the Deputy-Prosecutor may request that a Magistrate Judge extend the detention for a period not to exceed fifteen (15) days.

Article 120

1. The Magistrate Judge may, upon hearing the statements of the representative of the Public Prosecution and the accused, release or detain the accused for a period not to exceed fifteen (15) days. He may renew the detention for other periods to an aggregate maximum of forty-five (45) days.
2. No person may be detained for a period exceeding the one which is set forth in paragraph 1 above, unless a petition for his detention is submitted by the Attorney-General or any of his assistants to a Court of First Instance. In such case, the period of detention may not exceed forty-five (45) days.
3. The Public Prosecution shall present the accused to the competent court before the expiration of a period of three (3) months set forth under the two preceding paragraphs, so that the court may extend the detention for further periods until the trial is completed.
4. Under no circumstances shall the period of detention set forth under the three preceding paragraphs exceed a period of six (6) months, at the end of which period the accused shall be released immediately, unless he is referred to the competent court for trial.
5. In all cases, the detention of an arrested person may not exceed the period of the penalty set forth for the crime by reason of which he is detained.

Article 121

A writ of detention against an accused may not be issued in his absence unless the judge is convinced, based upon medical evidence, that the accused cannot be brought before him by reason of illness.

Article 122

If an accused is detained at a Correctional and Rehabilitation Centre ('Prison'), a copy of the writ of detention must be served upon the Warden of the Centre, who shall sign the original in acknowledgement of the receipt.

Article 123

Every detainee shall have the right to contact his family and to consult with his counsel.

Article 124

The Warden of the Correctional and Rehabilitation Centre ('Prison') shall not allow anyone to contact the detainee, except by the written permission of the Public Prosecution. In such case, the Warden shall inscribe in the register of the Centre the name of the person, the time of the meeting, and the date and contents of the permission, without prejudice to the right of the accused to communicate with his counsel without the presence of a third party.

Article 125

No person may be detained or confined except in a Correctional and Rehabilitation Centre ('Prison') and in the places of detention designated by the law. The Warden of the Centre may not accept any person except pursuant to an order signed by the competent authority, nor retain him beyond the period set forth in the aforementioned order.

Article 126

The Public Prosecution and the Presidents of the Courts of First Instance and the Courts Appeal may visit the Correctional and Rehabilitation Centres ('Prisons') and other places of detention within their circuit of jurisdictions to ensure that no inmate or detainee is being held illegally. To that end, they shall have the right to view the registers of the Centre, the arrest warrants, and the detention writs and make copies thereof, as well as to contact any detainee or inmate and hear his complaints. The Director and Warden of the Centre shall provide them with such assistance as they may request to obtain the information.

Article 127

Every detainee or inmate shall have the right to file a written or oral complaint to the Public Prosecution through the Director of the Correctional and Rehabilitation Centre ('Prison'), who shall accept the complaint and send it to the Public Prosecution after recording it in a special register prepared for this purpose at the Centre.

Article 128

An person who learns of a detainee or inmate being held illegally or in a place other than the one designated for his imprisonment shall have the right to report the matter to the Attorney-General or any of his assistants, who shall order an investigation and the release of the detainee or inmate held illegally and record minutes confirming the same in order to take the necessary legal procedures.

Article 129

Any detainee or inmate who is legally held in a Correctional and Rehabilitation Centre ('Prison') or in a place of detention must submit to identity check and fingerprinting procedures, as well as to a physical examination for the recording of distinguishing marks to establish his identity.

Chapter VIII. Release on Bail

Article 130

An accused may not be released on bail, unless he designates an elected domicile within the circuit of jurisdiction of the court or his residence is located within such circuit.

Article 131

If the accused was not arraigned, the petition for his release on bail shall be submitted to the judge who is authorised to sign a release order.

Article 132

If the accused was arraigned, the petition for his release on bail shall be submitted to the court seized of the trial.

Article 133

The petition for the release on bail of an accused who was convicted shall be submitted to the court that issued the judgement against him, provided that the accused challenged such judgement at appeal.

Article 134

The request to review an order issued upon a petition for release on bail may be submitted to the court which issued such order, in the event of the discovery of new facts or the occurrence of a change in the circumstances surrounding its issuance.

Article 135

An order issued upon a petition for release on bail may be appealed by the Public Prosecution, the detainee, or the convicted party by means of a petition submitted to the competent court.

Article 136

A petition may be submitted to the President of the High Court to review any order issued pursuant to the preceding Articles.

Article 137

In all cases, petitions for release on bail shall not be reviewed except in the presence of the Deputy-Prosecutor and the accused or the convicted party or his counsel.

Article 138

The court to which a petition for release on bail is submitted may, upon hearing the statements of both parties, decide to:

1. Grant a release on bail
2. Reject the petition for release on bail.

3. Reconsider a previous order that it issued.

Article 139

1. Any person whose request for a release on bail is granted must sign a bail bond in the amount deemed adequate by the court. The bond shall be signed by his sureties if the court so requires.
2. The court may allow the deposit of cash insurance in the value of the bail bond in place of a surety. The insurance shall be a guarantee for the bail bond.

Article 140

If the financial standing of the accused does not allow for bail, the court may replace it with an obligation on the accused to present himself to the police station at the times set forth in the release order with due regard to his circumstances. The court may also ask the accused to choose a domicile other than the place in which he committed the crime.

Article 141

The prerogatives of the court competent to review or take cognisance of appeals against petitions for release on bail shall include:

1. Granting release on bail.
2. Cancelling the order of release on bail and re-detaining the accused.
3. Amending the previous order issued by it.

Article 142

The surety may submit a petition to the court before which the bail bond is made to request its full nullification or nullification of the part which relates to the surety alone.

Article 143

Upon reviewing the petition submitted by the surety, the court may:

1. Nullify the bond entirely or as relates to the surety alone.
2. Order the re-detention of the accused if he does not deposit another surety or a cash bail in the amount determined by the court.

Article 144

Upon issuing the release order, the person responsible for the detention and the Director of the Correctional and Rehabilitation Centre ('Prison') shall release the detainee or inmate, unless he is detained or imprisoned for another reason.

Article 145

If a decision is issued *in absentia* against a fugitive, he may not be released on bail upon his arrest.

Article 146

The bail shall be a guarantee that the accused will appear when summoned and that he will not evade the execution of a sentence that may be issued against him.

Article 147

1. In the event of a breach of the conditions set forth in the bail or surety bond, the competent court may:
 - a) Issue a writ of attachment against the person released or order his re-detention.
 - b) Exact payment discharge of the value of the bail or surety bond if it was not deposited.
 - c) Confiscate, amend or grant an exemption from the cash insurance.
2. The injured party shall have the right to appeal any decision issued pursuant to the provisions under paragraph 1 above.

Article 148

If the surety dies before the amount of the bail is confiscated or discharged, his estate shall be released of all obligations related to the bail. The court may order the re-detention of the accused, unless he presents another surety or a cash bail in the amount the court determines.

Chapter IX. Conclusion of the Investigation and Action on the Case

Article 149

1. If, upon the conclusion of the investigation, the Deputy-Prosecutor deems that the deed is not punishable by law, that the action extinguished by prescription, death, general amnesty, that the accused was previously tried for the same crime, that the accused is not criminally liable due to his minor age or mental illness, or that the circumstances of the case demand that it be dismissed for lack of importance, he shall send a memorandum with his opinion to the Public Prosecution for further action.
2. If the Attorney-General or any of his assistants deems that the opinion of the Deputy-Prosecutor is valid, he shall issue a substantiated decision to dismiss the case and order the release of the accused, if detained.
3. If the decision to dismiss the case results from the lack of criminal liability on the part of the accused because of mental illness, the Public Prosecution may contact the competent authorities for his treatment.

Article 150

If the Deputy-Prosecutor deems that the deed constitutes a contravention, he shall refer the file of the case to the court competent to try the accused.

Article 151

If the Deputy-Prosecutor deems that the deed constitutes a misdemeanour, he shall charge the accused and send the file of the case to the court competent to try the accused.

Article 152

1. If the Deputy-Prosecutor deems that the deed constitutes a felony, he shall charge the accused and send the file of the case to the Attorney-General or any of his assistants.
2. If the Attorney-General or any of his assistants deem the need for further investigation, he shall return the file of the case to the Deputy-Prosecutor to conduct such investigation.
3. If the Attorney-General or any of his assistants deem that the charge is well founded, he shall order the transfer of the accused to the competent court.
4. If the Attorney-General or any of his assistants deems that the deed does not constitute a felony, he shall order the qualification of the charge to be amended and return the file of the case to the Deputy-Prosecutor to present it to the competent court.
5. If the Attorney-General or any of his assistants deem that the deed is not punishable by law, that the action extinguished by prescription, death, general amnesty, that the accused was previously tried for the same crime, that the accused is not criminally liable due to his minor age or mental illness, that there is a lack of evidence, that the perpetrator is not known, or that circumstances demand that the case be dismissed for lack of importance, he shall issue an order to that effect.
6. If the Public Prosecution issues an order to dismiss the case, it shall notify the victim and the civil claimant or, if either is deceased, the heirs.

Article 153

1. A civil claimant may appeal the decision to dismiss the case by means of a petition submitted to the Attorney-General.
2. The Attorney-General shall decide on the petition within one (1) month from the date of its submission by means of a final decision.
3. The civil claimant may appeal the decision of the Attorney-General before the court competent to review the case; the decision of such court shall be final. If the court cancels the decision, the case shall be brought before another court.

Article 154

The decision to refer the accused to trial must include the name of the complainant and the name, age, place of birth, address and occupation of the accused, as well as the date on which he was taken into custody, a brief account of the imputed deed, the date of its commission, its nature, legal qualification, the articles of the law on which the charge is based, and proof of the commission of the crime.

Article 155

Without prejudice to the provisions of Article 149 of this law, the Attorney-General may cancel the decision to dismiss the case if new evidence comes to light or the perpetrator comes to be known.

Article 156

New evidence shall include the testimony of witnesses who the Public Prosecution was unable to summon and hear at the time, as well as documents and minutes that were not examined, if their examination corroborates the evidence which was found to be insufficient at the time of the investigation or sheds new light on facts necessary to reveal the truth.

Article 157

Crimes shall be concurrent in the following cases:

1. If they are committed at the same time jointly by more than one person.
2. If they are committed by more than one person at different times and places on the basis of an agreement between them.
3. If some are committed in preparation for others or preliminary to their commission or completion, or to ensure that the accused remains unpunished.
4. If more than one person participates in concealing all or some of the objects stolen, embezzled, or acquired by means of a felony or misdemeanour.

Article 158

If some of the concurrent crimes are misdemeanours and some are felonies, the Attorney-General shall refer the case in its entirety to the court that is competent to try the more serious crime.

Chapter X. Abstention and Recusal of Judges

Article 159

A judge shall abstain from participating in the review of a case if the crime was committed against him personally, if he performed the function of a judicial officer or a Public Prosecutor in the case, if he acted as a defense counsel for one of the parties, if he swore an oath in the case, or if he was commissioned as an expert. A judge shall also abstain from participating in the judgement if he carried out any of the acts of the investigation or referral or, in the appellate judgement, if the judgement under appeal was issued by him.

Article 160

The parties may demand the recusal of a judge in the cases set forth in the preceding Article, as well as in all cases entailing recusal under the *Law of Civil Procedure*. Members of the Public Prosecution or judicial officers may not be recused, and the accused shall be deemed, regarding the demand of recusal, an adversary party in the case.

Article 161

A judge falling under any of the categories of recusal shall make this known to the court, so that it may decide on the matter of his removal in the chamber of deliberation. In other than the cases of recusal set forth in the law, a judge may, if he feels awkward in exercising jurisdiction over a case, submit the request of his abstention to the court or to its President to issue a decision thereon, as occasion may require.

Article 162

Without prejudice to the preceding provisions, the provisions and procedures set forth in the *Law of Civil Procedure* shall apply regarding the recusal or abstention of a judge.

Book Two. The Trial

Part I. Jurisdiction of the Court

Chapter I. In Criminal Matters

Article 163

Jurisdiction shall be determined by the place in which the crime occurred, in which the accused resides, or in which the accused is arrested.

Article 164

In case of intent, the crime shall be deemed to have occurred wherever an act entailing its execution took place. In the case of continuous crimes, the place of the crime shall be deemed any place in which the condition of continuity applies. In habitual and consecutive crimes, the place of the crime shall be deemed any location in which one of the acts thereunder occurred.

Article 165

If a crime to which the provisions of the Palestinian law apply occurs abroad and its perpetrator has no domicile in Palestine and was not arrested therein, the case shall be brought before the competent court in the capital, Jerusalem.

Article 166

If a deed is committed of which a part falls within the scope of the jurisdiction of the Palestinian courts and another part falls outside such scope of jurisdiction, and if the deed constitutes a crime to which the provisions of the Palestinian *Penal Law* would apply if the deed had been committed in its entirety within the scope of jurisdiction of the Palestinian courts, any person who commits any part of such deed within the scope of jurisdiction of the Palestinian courts may be tried pursuant to the provisions of the Palestinian *Penal Law*, as if he had committed the entire deed within the jurisdiction of such courts.

Article 167

The Magistrate Courts shall be seized of all contraventions and misdemeanours falling within the scope of their jurisdiction, unless set forth otherwise in the law.

Article 168

1. The Courts of First Instance shall be seized of all felonies, as well as all misdemeanours concurrent therewith and referred to them by means of a charge.
2. If one deed constitutes several crimes, or if several crimes are committed with one object and are therefore connected, and if one of those crimes comes under the jurisdiction of a Court of First Instance, such court shall be competent to review them all.

Article 169

1. If a Court of First Instance, before examining a deed at the session, deems that the deed as described in the charge is a misdemeanour, it shall pronounce its lack of jurisdiction and refer it to a Magistrate Court.
2. If a Magistrate Court deems that a crime brought before it comes under the jurisdiction of a Court of First Instance, it shall pronounce its lack of jurisdiction and refer it to the Public Prosecution to take the necessary action.

Chapter II. In Civil Matters

Article 170

Without prejudice to the provisions of Article 196 of this law, a criminal court shall review actions brought before it to enforce a civil right and award damages for injuries arising from a crime, whatever the value of such damages. It shall review the civil claim as ancillary to the criminal action.

Article 171

The court shall be competent to adjudicate all matters on which a decision in a criminal action that is brought before it may depend, unless set forth otherwise in the law.

Article 172

If a decision in a criminal action depends upon the result of the decision in another criminal action, the first action shall be suspended until the second is adjudicated.

Article 173

If the decision in a criminal action depends upon the decision in a personal status matter, the criminal court may suspend the action and grant the civil claimant or the injured party a grace period to institute an action in such matter before the competent court. This shall not prevent conservatory and summary procedures.

Chapter III. Conflicts of Jurisdiction

Article 174

If a crime occurs and two courts proceed to review it on the grounds that both are vested with jurisdiction thereover, or if both decide that they are not competent to review it, or if a court decides that it is not qualified to review a case referred to it by the Public Prosecution, and if this gives rise to a dispute over jurisdiction which may impede the course of justice as a result of the issuance of two contradictory decisions in the same case, the dispute shall be resolved by designating the competent court.

Article 175

All parties in a case may demand the designation of the competent court in a petition submitted to the Court of Cassation together with the supportive documents. If the petition relates to a dispute of jurisdiction regarding two Magistrate Courts belonging to the same Court of First Instance, it shall be submitted to such Court.

Article 176

If the petition for the designation of the competent court is submitted by a civil claimant or a civil defendant, the President of the Court shall order the adverse party to be served with a copy thereof; the Public Prosecution shall send a copy of the petition to each of the courts in dispute to express its opinion thereon.

Article 177

The Public Prosecution, the accused, or the civil claimant shall each express an opinion on the petition for the designation of the competent court within one (1) week from being notified thereof.

Article 178

If a court decides that it is qualified to review a case and is informed of a petition for the designation of the competent court, it shall halt all procedures of the trial or the issuance of the judgement until the competent court is designated.

Article 179

If a dispute over jurisdiction arises as a result of the issuance of two judgements in one case, the execution of both judgements shall be halted until the decision designating the competent court is issued.

Article 180

If a civil claimant or an accused did not have the right to request the designation of the competent court, the court to which the petition was submitted may sentence him to a fine not to exceed fifty (50) Jordanian Dinars or the equivalent in legal tender, or an award of damages to the adverse party at its request.

Article 181

The court shall examine the petition submitted to it in detail and, upon having consulted the Attorney-General, issue a decision designating the competent court and the extent to which, if at all, the procedures taken by the court which pronounced its lack of jurisdiction were valid.

Chapter IV. Transfer of Cases to Another Court of the Same Level

Article 182

A competent Court of Appeal may, in felony and misdemeanour cases, decide to transfer a case to another court of the same level, if its examination in the circuit of jurisdiction of the competent court entails a breach of public security, based upon the request of the Attorney-General.

Article 183

The Court of Appeal shall carefully consider the request for the transfer of the case and, if it decides to transfer it, shall state in the same decision the validity of the procedures taken by the Court from which it was decided to transfer the case.

Article 184

The denial of the request for the transfer of a case shall not prevent the submission of a new request, based upon new reasons which may appear after its denial.

Part II. Trial Procedures

Chapter I. Service of Judicial Instruments (Notification of Parties)

Article 185

Judicial instruments shall be served by a process-server or a policeman upon the person to be notified or at his domicile, pursuant to the rules set forth in the *Law of Civil Procedure*, without prejudice to special provisions set forth by this law.

Article 186

Subpoenas to appear in Court shall be served upon the parties one (1) full day prior to the scheduled session in contraventions and at least three (3) days prior to the scheduled session in misdemeanours, with due regard to considerations of distance.

Article 187

Notices to detainees and prisoners shall be served by the Warden of the Correctional and Rehabilitation Centre ('Prison') or his Deputy; notices to officers and soldiers shall be served by their command.

Article 188

The parties shall have the right to view the file of the case as soon as they are served with a subpoena to appear before the competent court.

Chapter II. Maintaining Order during the Proceedings

Article 189

1. The orderly progress and administration of a session shall be the responsibility of its President.
2. If a person present during the convening of the session displays a sign of approval or protest, or causes noise in any way, or otherwise disrupts the orderly progress of the session, the judge shall order him to be evicted from the court.
3. If the person refuses to comply or returns after the eviction, the President shall sentence him to imprisonment for a term of not to exceed three (3) days. The sentence shall be mandatory.
4. If the disruption occurs from someone who performs a function in court, the President may impose any disciplinary penalty upon him during the session as his superior does have the right to impose.
5. The court may, before the end of the session, retract the decision it has previously issued.

Article 190

1. If a person commits a misdemeanour or a contravention during a session and the court exercises jurisdiction over such crime, it may try him on the spot and, upon hearing the statement of the representative of the Public Prosecution and the defense of the person in question, sentence him to the penalty set forth in the law. Its judgement shall be amenable to the forms of challenge to which any judgement issued by it is subject.
2. If the crime lies outside the jurisdiction of the court, the court shall transcribe the incident into the minutes and order the accused to be transferred under custody to the Public Prosecution to take the required legal action.
3. If the prosecution of the crime is conditioned by law upon a complaint, requisition, or civil claim, the trial of the accused in this case shall not be conditioned upon meeting such condition.

Article 191

If the crime is a felony, the President of the Court shall have the incident transcribed into the minutes and order the accused to be transferred under custody to the Public Prosecution to take the required legal action.

Article 192

Any crimes committed during a court session and regarding which the court does not issue judgement on the spot shall be reviewed pursuant to the general rules.

Article 193

If a counsel of one the parties, during the performance of the duties of his function or because of it, commits a deed which renders him criminally liable or which may be qualified as a disruption of the order, the President of the Court shall have the incident transcribed into the minutes. The court may decide to send the minutes to the Attorney-General to investigate if the deed gives rise to criminal liability, or to the Head of the Bar Association if it gives rise to civil liability. Neither the President nor the members of the session during which the incident occurred may serve as members of the court seized of the case.

Chapter III. Action for the Recovery of Civil Rights

Article 194

1. A person injured by a crime shall have the right to file a claim with the Deputy-Prosecutor or to the court seized of the case, in which he assumes the capacity of a civil claimant for the reparation of the injury that the person suffered as a result of the crime.
2. The claim must be sufficiently reasoned and supported by facts and evidence.

Article 195

1. The action for the recovery of a civil right may be instituted as ancillary to a criminal action before the competent court. It may also be instituted separately before the civil court, in which case the proceedings in the action conducted before the civil court shall be suspended until the final judgement is issued on the criminal action, unless judgement on the criminal action is suspended due to the mental illness of the accused.
2. If a civil claimant institutes an action before a civil court, he thereafter may not institute it before the criminal court, unless he abandons his action before the civil court.

Article 196

1. Claims for the recovery of a civil right may be raised before a Court of First Instance at any stage of a criminal action and until the close of the pleadings.
2. Claims for the recovery of a civil right may not be raised if the case is returned to a Court of First Instance for any reason whatsoever.
3. A civil claim may not delay the pronouncement of a judgement in a criminal action; otherwise the court shall order the civil claim to be inadmissible.

Article 197

A civil claimant may withdraw his claim at any stage of the proceedings, without such withdrawal having any effect on the criminal action.

Article 198

The civil claimant shall pay the judicial fees and expenses necessary for the action, unless the court decides to exempt him therefrom or to postpone the payment thereof.

Article 199

If the Public Prosecution decides to dismiss the charge or the court decides to acquit the accused, the civil claimant may be exempted from or reimbursed for the fees and expenses.

Article 200

If a decision to dismiss the charge or a judgement of acquittal is issued, the accused may claim damages from the civil claimant before the competent court, unless the civil claimant is of good faith.

Article 201

The competent court may, upon the request of the Public Prosecution, appoint an attorney for an injured party devoid of capacity or with diminished capacity if the party has no legal representative to claim the recovery of a civil right on the party's behalf. This shall not entail charging him with judicial expenses.

Article 202

The civil claimant must have an elected domicile within the circuit of jurisdiction of the court before which his action is instituted, unless he lives within such circuit, for the purpose of the service of process.

Article 203

If a civil action is brought before a civil court, judgement thereon must be suspended until a final judgement is issued on a criminal action that was instituted either before it was filed or during its pendency, unless proceedings in the criminal action were suspended due to the mental illness of the accused.

Article 204

An accused may protest during the trial session against the admission of the civil claimant, if the civil claim is unwarranted or inadmissible.

Chapter IV. Evidence

Article 205

In issuing a judgement, the judge may not rely upon his personal knowledge.

Article 206

1. Evidence shall be established in a criminal action by all measures of proof-taking, unless the law sets forth a specific measure.

2. If evidence is not established against the accused, the court must acquit him.

Article 207

The judgement shall not be predicated upon anything except on the evidence admitted during the trial and shall be openly discussed at the session in the presence of the parties.

Article 208

While the case is in progress, the court may, upon the request of the parties or *sua sponte*, order the presentation of any proof it deems necessary for the manifestation of the truth and hear the testimony of any person who appears voluntarily to offer information on the case.

Article 209

An accused shall not be convicted on the basis of the testimony of another accused, unless such testimony is substantiated by evidence that is convincing to the court. The accused against whom another accused testifies may discuss with such other accused the testimony he submitted.

Article 210

1. The court shall apply the provisions of the *Law of Evidence in Civil and Commercial Matters* to actions for the recovery of a civil right brought before it as ancillary to a criminal action.
2. In its review of a civil action, the court shall apply, regarding the procedure, the rules set forth in the aforementioned law.

Article 211

No fact may be evidenced by means of a correspondence exchanged or conversations held between the accused and his counsel.

Article 212

The minutes drawn up by judicial officers in misdemeanours and contraventions, which they are statutorily charged with evidencing, shall be deemed conclusive regarding the facts established therein, unless evidence emerges to refute such facts.

Article 213

For the minutes to have probative force, they must fulfill the following conditions:

1. They must comply with the formal requirements.
2. They must be transcribed by the person who investigated the incident himself or who was personally notified thereof.
3. The person who transcribed them must have acted within the limits of his authority and in performance of the functions of his position.

Article 214

For a confession to be valid, it must fulfill the following conditions:

1. It must be made voluntarily and freely, without material or moral pressure or coercion, promise, or threat.
2. It must correspond to the circumstances of the deed.
3. It must be an expressive and conclusive acknowledgment by the accused that he committed the crime.

Article 215

Confession shall be a measure of proof-taking that shall be subject to the discretion of the court.

Article 216

The probative force of a confession shall be limited to the accused who made it and to no other person, without prejudice to the provisions of Article 215 of this law.

Article 217

The accused shall have the right to remain silent, and his silence or refusal to answer shall not be construed as a confession.

Article 218

The accused may not be punished for untrue statements he made in self-defense.

Article 219

Admissible measures of proof-taking during the investigation or the trial shall be fingerprints, palmprints, and footprints. Photographs may also be admitted as a means of recognising the subject in order to identify the accused and any person connected to the crime.

Article 220

Among the admissible measures of proof-taking in a criminal action shall be all reports issued by or officially approved and signed by the employee responsible for governmental laboratories, which include the results of chemical tests or analyses conducted by him on any suspicious substance. This shall not entail summoning him to swear an oath in this regard, unless the court deems the appearance necessary to guarantee the proper course of justice.

Article 221

The ascendants and descendants of the accused, as well as his relatives by blood or marriage up to the second degree and his spouse or former spouse, may refuse to testify against him, unless the crime was committed against any of them.

Article 222

If the ascendants, descendants, or spouse of the accused are summoned to testify in his defense, their testimony, whether delivered in the interrogation or during

the discussion with the Public Prosecution, may be relied upon to establish the crime imputed to the accused.

Article 223

The testimony of an informant, who was present when the crime occurred or just before or shortly after its commission, shall be admissible if his testimony is directly connected to the crime or to any incident related thereto and if the informant is a witness in the case.

Article 224

1. If the informant is the injured party, his testimony shall be admissible if it is related to the deed, if he reported the deed to the authorities during or shortly after its occurrence, or as soon as the opportunity presented itself, or if he is on his death bed.
2. The non-appearance of the informant as a witness in the case or his inability to attend the trial session due to his absence from Palestine shall not render his testimony inadmissible.

Article 225

1. Before testifying, the witness shall swear the oath in the following form:

'I swear by Almighty God to tell the truth, the whole truth, and nothing but the truth.'

2. If the witness is a man of religion, the provisions of Article 90 of this law shall apply.
3. If the court is persuaded that swearing in a witness would violate his religious beliefs, it may transcribe his testimony after he gives an assurance that he will tell the truth.

Article 226

1. Persons younger than fifteen (15) years of age may be heard for information only, without administering the oath.
2. A statement taken for information shall not be sufficient in itself to establish guilt, unless it is substantiated by other evidence.

Article 227

The statement made by the accused to judicial officers, in which he confesses to the crime, shall be admissible if the Public Prosecution presents proof of the circumstances in which it was made and the court is convinced that it was made voluntarily and freely.

Article 228

A civil claimant shall be heard as a witness after swearing the oath.

Article 229

1. The court may decide to have the testimony submitted under oath in the preliminary investigation upon it being read out, if the witness cannot be brought before it for any reason, or if the accused or his attorney so accept.
2. If the accused cannot be brought before the court because of his disability or illness, the court may visit him to hear the testimony.
3. If the witness referred to under the preceding paragraph has his domicile within the circuit of jurisdiction of another court, the competent court shall issue a rogatory commission to such other court to hear his testimony.
4. If the court discovers the excuse referred to under the two preceding paragraphs to be false, it may refer the witness to the Public Prosecution to take the required legal measures.

Article 230

If a witness declares that he does not recall a specific fact, the part relating to such fact in his testimony during the investigation or in the evidence-gathering minutes may be read out to the witness. This provision shall also apply if the testimony given by the witness in the session contradicts his previous testimony or statement.

Article 231

If a witness is properly notified and does not appear at the designated time to testify, the court shall issue a writ of summons or attachment against him and may sentence him to a fine of fifteen (15) Jordanian Dinars or the equivalent in legal tender.

Article 232

If a witness sentenced to a fine appears during or after the trial and furnishes an acceptable excuse, the court may relieve him of the fine.

Article 233

If a witness refuses without legal justification to swear the oath or to answer the questions directed at him by the court, the court may sentence him to imprisonment for a term not to exceed one (1) month. If, during his imprisonment in a Correctional and Rehabilitation Centre ('Prison') and before the close of the proceedings, he agrees to swear the oath and answer to the questions addressed to him, he shall be released promptly upon doing so.

Article 234

1. The court shall assess the value of the testimony given by a witness and may mention his behaviour and comportment in the minutes.
2. If the testimony does not correspond to the case or if the statements of several witnesses contradict one another, the court shall consider only that part which it deems to be true.

Article 235

A witness shall swear the oath orally and may not avail himself of memoranda except with the permission of the President of the Court.

Article 236

A witness may not be recused for any reason whatsoever.

Chapter V. Trial Procedures before Courts of First Instance

Article 237

The trial shall be public unless the court decides to conduct it in camera for reasons of public order or morality. In all cases, the court may bar minors or other persons from attending the trial.

Article 238

1. The President shall conduct the trial and take all necessary measures for its proper administration.
2. The hearings of the Court of First Instance shall be attended by the Deputy-Prosecutor and the clerk.

Article 239

The Deputy-Prosecutor shall read out the charges to the accused indicted for the crimes set out in the charging instrument, and may not, on pain of nullity, allege deeds that are not cited in the charging instrument.

Article 240

No person shall be brought before the court for trial in a criminal action unless a charging instrument is made out against him by the Attorney-General or the person acting on his behalf.

Article 241

The charging instrument must include the name of the accused, the date of his detention, the nature and legal qualification of the crime committed, the date of its commission, a detailed account of the charge and the circumstances under which it was made, the articles of law applicable thereto, the name of the victim, and the names of the witnesses.

Article 242

The clerk of the Court shall serve a copy of the charging instrument to the accused at least one (1) week before the date of the trial, subject to extension to accommodate factors of distance.

Article 243

The accused shall appear at the trial free from restraint or chains. The accused shall, however, be kept under sufficient guard. The accused may not be excluded from the session while the case is in progress unless he creates a disturbance entailing his exclusion. In such case, proceedings shall continue until they can be conducted in the presence of the accused. The court shall inform the accused of all procedures taken in his absence.

Article 244

The court shall ask the accused if he has chosen a defense counsel. If the accused lacks sufficient financial resources to afford defense counsel, the President of the Court shall appoint one from among the lawyers who have practiced at the bar for at least five (5) years or who, before being admitted to the bar, worked in the Public Prosecution or in the Judiciary for not less than two (2) years.

Article 245

The court shall determine the fees of the counsel appointed pursuant to the preceding Article and disburse them from the Court Registry.

Article 246

1. The court shall ask the accused for his surname, given names, occupation, place of birth, age, domicile, and marital status.
2. The court shall warn the accused to listen attentively to all that is read out to him and order the Deputy-Prosecutor to read out the accusation and the charging instrument.

Article 247

If the accused does not appear in court on the date and at the time designated in the writ of summons, he shall be notified again, and, if the accused again fails to appear, a writ of attachment shall be issued against him.

Article 248

If separate charging instruments are issued against the perpetrators of one crime or against some of them, the court may decide to combine the cases, either *sua sponte* or upon the request of the representative of the Public Prosecution or of the defense.

Article 249

If the court determines, at any stage of a trial for crimes which are not concurrent, that it would be appropriate to try the accused separately on each count or more of the counts imputed to him, it may order that he be tried separately on each of the counts listed in the charging instrument.

Article 250

Without prejudice to the provisions of Articles 214 and 215 of this law:

1. Upon reading out the charge to the accused by the Deputy-Prosecutor in simple language that he is capable of understanding and upon the civil claimant explaining his claim, the court shall ask the accused to answer the charge and the civil claim.
2. If the accused confesses the commission of the crime, the confession shall be recorded in wording as close as possible to the wording he uses in confessing to the crime.
3. If the accused denies the charge, refuses to answer or remains silent, the court shall proceed to hear the evidence.

Article 251

The court may, at any stage of the proceedings, direct any question to the parties that it deems necessary for revealing the truth or permit the parties to do so. The court shall forbid directing questions to the witness that are not related to the case and hold the witness harmless against any explicit or implicit talk or any reference that could confuse or alarm him. The court may refuse to hear the testimony of witnesses regarding facts it deems sufficiently clear.

Article 252

1. The court may prevent the accused or his counsel from indulging in prolixity if he digresses from the subject of the case or makes redundant statements in his pleading.
2. The court may order the Deputy-Prosecutor and the defense counsel to file written pleadings within the period it sets forth. On the respective date, the pleadings shall be read out and added to the minutes upon being signed by the panel of judges.

Article 253

The clerk shall transcribe all the facts of the trial into the minutes, which shall be signed by the panel of judges.

Article 254

1. The Public Prosecution may not call anybody to testify whose name is not included in the list of witnesses, unless the accused or his counsel were notified of the name of such witness or waived the right to be notified thereof.
2. An accomplice in the charge, who was previously acquitted or convicted, shall be exempt from the condition of the notification referred to in paragraph 1 above, as shall be any person summoned to prove that a witness whose testimony was heard in the preliminary investigation was unable to appear in court by reason of his death, illness, or absence from Palestine.

Article 255

The court shall take measures to prevent the witnesses from conversing among themselves during the trial and administer the oath to each witness separately.

Article 256

1. The court shall ask the witness for his name, given names, age, occupation, domicile or residence, and his connection to the victim. The witness shall swear the oath and his testimony orally.
2. The adverse parties shall have the right to question the witness on his testimony.

Article 257

The court shall, upon the request of a witness, estimate the expenses to which he is entitled by reason of his appearance to testify and disburse them from its Registry.

Article 258

1. Upon hearing the statements of the Public Prosecution, the court shall ask the accused if he wishes to make a statement and to call witnesses. If the accused chooses to make a statement, the Deputy-Prosecutor may question him thereon, and if the accused expresses a wish to submit evidence in his defense, the court shall hear it.
2. The court shall call defense witnesses at the expense of the accused, unless it determines otherwise.

Article 259

No question may be addressed to the accused with the aim of establishing guilt for a past crime, unless the accused voluntarily delivers a statement on his past history.

Article 260

The court may, *sua sponte* and at any stage of the trial, order any person to testify again or order a rehearing of the statements made by any witness who previously testified before it.

Article 261

If it appears during the trial that the testimony given by a witness under oath regarding a fact related to the case contradicts substantively his testimony in the preliminary investigation, he shall be deemed guilty of perjury, and the court may issue a judgement against him for such crime and, in the light of the circumstances of the case, sentence him to the penalty set forth therefor.

Article 262

A witness may not leave the courtroom without the permission of the judge.

Article 263

The civil claimant may question any witness for the Public Prosecution or the defense in connection with the claim and may, following the submission of the evidence by the Public Prosecution or at any time thereafter during the trial, submit

evidence as ordered by the court. However, the civil claimant may not submit evidence or address the court in connection with the culpability of the accused, nor question or enter into a discussion with any witness for the Public Prosecution in this connection, except with the permission of the court.

Article 264

1. If the accused, a witness or any one of them, does not speak the Arabic language, the President of the Court shall appoint a licensed interpreter, who shall swear an oath to translate the statements conscientiously and honestly.
2. Non-compliance with the provisions of the preceding paragraph shall entail the nullity of the procedures.

Article 265

Pursuant to the provisions of this law, the accused and the Deputy-Prosecutor may demand the recusal of the interpreter, provided that they give reasons for their demand; the court shall decide on the matter.

Article 266

The interpreter may not, even with the consent of the accused or the Deputy-Prosecutor, be chosen from among the witnesses or the members of the court seized of the case.

Article 267

If the accused or a witness is deaf-mute and does not know how to write, the President of the Court shall appoint as interpreter the person who is most accustomed to communicating with the witness through sign language or other technical methods.

Article 268

If the deaf-mute knows how to write, the clerk of the court shall write down the questions or observations and hand them to him; the accused shall give his answers thereto in writing. The whole shall then be read out by the clerk and added to the minutes.

Article 269

1. If the court establishes that, while committing the crime imputed to him, the accused was affected by a disease which impaired his mental abilities and rendered him incapable of comprehending his actions or of realising that he is prohibited from committing the deed constituting the crime, the court shall decide that the accused is not criminally liable.
2. If the court establishes during the trial that the accused is mentally deranged or demented to a degree that prevents him from standing trial, it shall issue a decision to place him in a mental institution for observation for the period that the court deems necessary.

3. If it is established, as a result of such observation, that the accused is of sound mind pursuant to a certificate of two specialised government physicians, the court shall proceed with the trial or order him to be placed in a mental hospital.
4. The provisions of this Article shall apply before the criminal courts.

Article 270

The court may amend the charge, provided that such amendment is not predicated on facts that were not included in the evidence submitted. If the amendment exposes the accused to a severer penalty, the case shall be adjourned for the period the court deems necessary to enable the accused to prepare his defense for the amended charge.

Article 271

Upon hearing the evidence, the Deputy-Prosecutor shall deliver the pleading, after which the civil claimant shall cite his claims, and the accused and the party liable to make civil reparation shall deliver their defenses, after which the trial shall close. In all cases, the accused must have the right to be the last to speak.

Chapter VI. Judgement

Article 272

Upon the close of the trial, the court shall retire to the deliberation chamber and conduct a detailed examination of the allegations and evidence brought before it. The judgement shall be handed down unanimously or by majority vote, except when it imposes capital punishment, in which case it must be issued by unanimous opinion.

Article 273

1. The court shall decide on the case in accordance with inner certainty, which it shall form in full freedom. It may not predicate its judgement on any proof not presented to it in session or that was obtained in an illegal manner.
2. If it is established that a statement by one of the accused or one of the witnesses was obtained by coercion or under threat, such statement shall be disregarded and not be held against the accused.

The judgement shall be issued at an open session, even if the case was heard *in camera*.

Article 274

1. The court shall acquit the accused for lack or insufficiency of evidence, or for the absence of liability, or if the deed does not constitute a crime, or if it does not entail a penalty.
2. The court shall issue a judgement of conviction if the accused is proven guilty of a deed punishable by law.

Article 275

If the court decides to convict, it shall hear the statements of the Deputy-Prosecutor and the civil claimant, followed by those of the accused and his counsel, and then pronounce the sentence and award civil damages.

Article 276

The judgement shall include a summary of the facts as established in the charging instrument and the trial, of the demands of the Public Prosecution and the civil claimant, and of the defense of the accused, as well as the reasons for acquittal or conviction, the articles of law applicable to the deed in the event of conviction, the determination of the penalty and the amount of civil damages.

Article 277

The judgement shall be signed by the judges and read out in the presence of the Deputy-Prosecutor and the accused. The President of the Court shall advise the accused of his right to appeal the judgement within the statutory time-limit.

Article 278

If the court acquits the accused, he shall be released immediately, unless he is detained for another reason.

Article 279

The court may order an accused, who has been convicted of a crime other than those for which the court is sentencing him to capital punishment or life imprisonment, to pay the costs of the trial and the expenses arising therefrom.

Article 280

A civil claimant who loses shall be liable for the costs. The claimant may be exempted therefrom fully or partly if he acted in good faith and if the criminal action was not instituted on the basis of his complaint.

Article 281

If the court decides that the deed imputed to the accused does not constitute a felony, but only a misdemeanour or a contravention, it shall rule to amend the charge and issue a judgement on the amended charge.

Article 282

1. Upon its issuance, the judgement shall be documented on the judgement roll of the court, and the original of the judgement shall be kept with the file of the case on which it was issued.
2. The court shall send a list of the judgements issued by it to the Attorney-General.

Article 283

If a material error that does not entail nullity occurs in the judgement, the court which issued such judgement shall correct the error either *sua sponte* or upon the request of the parties. The correction shall be made in the deliberation chamber. The court may also, upon the request of the Deputy-Prosecutor, correct any material errors in the charging instrument.

Chapter VII. Procedures for the Suspension of a Penalty

Article 284

The court may, when sentencing the accused in a felony or misdemeanour to a fine or to imprisonment for a term of not to exceed one (1) year, decide in the same judgement to suspend the penalty if the character of the convicted person, or his past record, or his age, or the circumstances under which he committed the crime lead to the belief that he will not violate the law again. The court must indicate in the judgement the reasons for the suspension of the sentence. The suspension may include any ancillary penalty and all penal effects arising from the sentence.

Article 285

The order to suspend a penalty shall be issued for a period of three (3) years from the date on which the judgement becomes final. The suspension may be cancelled if:

1. The accused is sentenced during such period to imprisonment for a term exceeding one (1) month for a deed he committed either before or after the stay of the execution order.
2. It transpires during such period that, prior to the stay of the execution order, the sentence referred to in the preceding paragraph was pronounced against the accused, and the court was not apprised thereof.

Article 286

The order to cancel a suspension shall be issued by the same court which ordered it upon the request of the Public Prosecution after summoning the convicted party to appear. If the penalty on which the cancellation order is predicated was imposed after the suspension, the cancellation order may be issued by the court which imposed such penalty either *sua sponte* or upon the request of the Public Prosecution.

Article 287

Cancellation shall entail the execution of the suspended sentence, as well as of all ancillary penalties and penal effects that were suspended.

Chapter VIII. Trial of Fugitives

Article 288

1. If the Attorney-General submits a felony charge against a person who is not arrested and who does not turn himself in, an arrest warrant shall be issued against him.

2. Upon receiving the file of the case, the Deputy-Prosecutor shall issue a charging instrument with the names of witnesses and send it for notification to the last domicile of the accused. The Deputy-Prosecutor shall then refer the case to the court for trial.
3. Upon receiving the file of the case, the court shall issue a decision granting the accused a grace period of ten (10) days to surrender to the Judicial Authority. The decision shall state the type of the felony, refer to the arrest warrant, and enjoin all persons who know the whereabouts of the fugitive to come forward with such information.
4. The decision to grant a grace period shall be published in the *Official Gazette* or in the local newspaper. It shall also be posted on the door of the domicile of the accused and on the bulletin board of the court.
5. If the accused is unable to present himself for trial, his relatives or friends may submit an excuse on his behalf, together with proof of its legitimacy.
6. An accused who does not turn himself in during the grace period shall be deemed a fugitive from justice.

Article 289

1. In cases where sufficient evidence of the validity of a criminal charge perpetrated against public funds is established by the investigation, the Attorney-General may, upon deciding that the matter requires conservatory measures against the funds of the fugitive, submit the matter to the criminal court authorised to confiscate these funds and assets to prevent him from disposing thereof.
2. The court may, upon the request of the Attorney-General, include in its decision the funds and property of the spouse and minor children of the fugitive, if there is sufficient proof that such assets are the fruit of the crime under investigation.
3. (a) The court shall determine who will administer the confiscated funds after they are inventoried in the presence of the concerned parties, the representative of the Public Prosecution, and the court-appointed expert.
(b) The appointed person shall preserve the confiscated funds, administer them properly and restitute them, together with their proceeds, at the end of the confiscation period.
4. Any interested party may protest the decision of the court referred to under paragraphs 1, 2, and 3 above within three (3) months from its issuance, before the court which issued it.
5. During the period in which the funds of the fugitive are confiscated, the spouse, children, parents, and those he is under a legal obligation to support shall be given a monthly allowance from the revenues of his assets in the amount determined by the competent court. A civil claimant may obtain a decision from such court granting him an advance from the damages awarded to him with or without the furnishing of a guarantee.

Article 290

1. The Attorney-General shall immediately notify the Director of the Land Registration Department of the decision of the court in order to post the sign of confiscation on the properties of the fugitive.
2. If the assets under attachment are subject to rapid deterioration or if the court determines that their sale would be beneficial to their owner, it may order them to be sold, as occasion may require. The price of sale shall be recorded in the Court Registry.

Article 291

1. If a fugitive is not arrested and does not turn himself in, the court shall try him *in absentia*, upon establishing that he was notified of the decision granting the grace period and that it was published. The trial shall be conducted pursuant to the procedures set forth in this law.
2. No counsel may represent a fugitive who is being tried *in absentia*.

Article 292

1. A fugitive convicted *in absentia* of a crime against public funds shall be prohibited from disposing of or administering his funds; he shall be subject to the provisions of Article 289 of this law.
2. The decision which prohibits the disposition or the administration shall not be lifted, except after the full execution of every pecuniary penalty imposed upon the accused.

Article 293

The Public Prosecution shall give notice of the judgement issued against the fugitive within ten (10) days of its issuance by publishing it in the *Official Gazette* and the daily newspaper and posting it on the door of the last domicile of the fugitive and on the bulletin board of the court. The Director of the Land Registration Department shall also be notified of the judgement.

Article 294

The judgement shall become executory on the day following its publication and may be appealed by the Public Prosecution in case of acquittal.

Article 295

1. The absence of one of the accused shall not entail adjourning the trial or postponing the review of the case regarding any other accused.
2. The court may, upon trying the accused, decide to deliver the objects kept in the depository of attached goods to their owners or to those entitled to them by means of minutes indicating the type, number, and description of such objects.

Article 296

If a fugitive turns himself in or is arrested before the sentence is extinguished by prescription, the judgement and the proceedings which took place after the order

to appear shall be *ipso facto* cancelled; the fugitive shall be retried in the normal manner.

Article 297

If the court acquits a fugitive who turned himself in and was prosecuted anew, he shall be exempted from the fees of the trial *in absentia*. The judgement of acquittal shall be published in the *Official Gazette*.

Article 298

The provisions of this chapter shall apply to an accused who escapes from a Correctional and Rehabilitation Centre ('Prison') or from the statutorily designated place of detention.

Chapter IX. Trial Procedures before Magistrate Courts

Article 299

The Magistrate Court shall consist of a single judge, who shall be seized of the cases falling under his jurisdiction.

Article 300

The Magistrate Court shall exercise jurisdiction over all contraventions and misdemeanours, unless the law determines otherwise.

Article 301

No person shall be referred to trial before a Magistrate Court in a case of a misdemeanour, unless a charging instrument is presented against him by the Public Prosecution.

Article 302

The sessions of the Magistrate Courts shall convene on the case of a misdemeanour in the presence of the Deputy-Prosecutor and the clerk.

Article 303

1. Upon depositing the charging instrument with the clerk of the court, a summons of appearance shall be prepared. The Public Prosecution, the accused, the civil claimant, and the party responsible for the civil reparation shall be notified thereof.
2. The summons of appearance shall include the day and hour when the case will be heard.

Article 304

1. If the accused does not present himself in court on the day and at the hour designated in the summons of appearance served upon him pursuant to the procedure set forth, he shall be tried *in absentia*.

2. If the accused attends a session of the trial from which he withdraws for any reason, or if he absents himself from the trial after attending one of its sessions, the court may proceed to review the case or continue to review it as if the accused is present. Its judgement under such circumstances may not be challenged except at appeal.

Article 305

The accused in a case of a misdemeanour that is not punishable by imprisonment may delegate his counsel to admit that he committed the deed or to take other procedures which he deems necessary, unless the court decides that the accused must appear in person.

Article 306

In a trial before a Magistrate Court and in which the law does not determine the presence of a representative of the Public Prosecution, the complainant or his counsel may attend the trial and submit evidence.

Article 307

The provisions of CHAPTER V of this PART II shall apply to trial procedures before the Magistrate Court.

Chapter X. Simplified Procedures

Article 308

The simplified procedures referred to in this chapter shall apply to contraventions of laws and regulations related to municipal affairs, health, and road traffic.

Article 309

1. In case of a contravention of the aforementioned laws and regulations that is punishable only by a fine, the documents establishing its occurrence shall be sent to the competent judge to impose the penalty applicable to the deed or to send them back to the Public Prosecution to institute an action in the normal manner.
2. The judge shall issue the judgement within ten (10) days, unless the law requires that it be issued within a shorter period of time.

Article 310

The judge shall give full faith and credit to the facts set forth in the documents establishing the occurrence of the deed, if such are in conformity with the required procedures.

Article 311

The judgement imposing a penalty must state the deed, its legal qualification, and the legislative provision applicable thereto.

Article 312

The accused and the Public Prosecution shall be notified of the judgement by due service of process.

Article 313

The simplified procedures set forth in this chapter shall not apply if there is a civil claimant in the case.

Book Three. Means of Challenging Judgements

Part I. Objection to Default Judgements

Article 314

A person, against whom a default judgement is issued in a misdemeanour or a contravention, shall have the right to object to the judgement within ten (10) days from being notified thereof. The period of time shall be extended for considerations of distance.

Article 315

An objection shall not be admissible for the civil claimant.

Article 316

1. The objection shall be submitted in a petition to the clerk of the court which issued the judgement, upon its signature by the party against whom it was issued or by his counsel.
2. The petition shall include the full text of the judgement objected to, as well as the grounds on which the objection is predicated.

Article 317

The court which issued the default judgement shall schedule a session to review the objection and notify the parties thereof.

Article 318

In the event of the death of the person against whom a default judgement was issued before the expiration of the period of time for the objection, or before a decision was issued thereon, the judgement shall be cancelled and the criminal action shall be extinguished.

Article 319

1. If the objector fails to appear at the session scheduled to review the objection without an acceptable excuse, the court shall reject the objection and bar him from submitting any other objection.
2. The judgement rejecting the objection shall be amenable to appeal. The period of time for filing the appeal shall commence on the day following its issuance

if it was pronounced in the presence of the accused and from the day following its issuance if it was pronounced *in absentia*.

Article 320

The court shall reject the objection in form if it is raised after the expiration of the period of time set forth above, for the lack of capacity, or for any other defect of form.

Article 321

If the court deems that the objection is admissible in form, it shall proceed to review the case pursuant to the procedures set forth in the law.

Article 322

If the court deems that there are no grounds for the objection, it shall dismiss it.

Part II. Appeals

Article 323

1. The parties may appeal judgements in a criminal action that are issued or are deemed to be issued in their presence as follows:
 - a) If issued by a Magistrate Court, a judgement shall be appealed to the Court of First Instance in its appellate capacity.
 - b) If issued by a Court of First Instance in its capacity of the court of original jurisdiction, a judgement shall be appealed to the Court of Appeal.
2. Judgements and decisions which are appealable under the provisions of any law shall be appealed pursuant to the procedures set forth in this law.

Article 324

An interlocutory decision which does not settle the essence of the dispute may not be appealed, unless the final judgement disposes of the matter in controversy. An appeal against a final judgement shall inevitably entail an appeal against any interlocutory decision. However, a decision rejecting a plea for the non-competence of the court or the non-admissibility of the case by reason of prescription may be independently appealed, if such pleas were invoked at the beginning of the trial and before any pleas on the merits.

Article 325

Judgements issued on a civil action may be appealed if they are appealable to the civil court. The appeal shall be limited to the civil provisions of the judgement.

Article 326

A judgement rejecting an objection may be appealed.

Article 327

A judgement imposing capital punishment or life imprisonment shall be appealed by virtue of the law, even if it is not appealed by the parties.

Article 328

The appeal shall be submitted by depositing a writ of appeal with the clerk of the court which issued the judgement or with the clerk of the court of appeal within a period of fifteen (15) days from the day following the date of the issuance of the judgement if it was pronounced in the presence of the parties or from the date of its notification if it was deemed to have been pronounced in their presence.

Article 329

The Public Prosecution may appeal a judgement issued by a Magistrate Court and the Court of First Instance within a period of thirty (30) days from the day following the issuance of the judgement.

Article 330

The writ of appeal shall include the full text of the judgement under appeal, the number of the case in which it was issued, the respective capacities of the appellant and the respondent, the reasons for the appeal, and the demands of the appellant.

Article 331

Upon depositing the writ of appeal with the clerk of the court which issued the judgement, the court shall send it to the clerk of the court of appeal, together with the file of the case under appeal, within a period of three (3) days.

Article 332

The convicted party, the civil claimant, and the party liable for civil reparation shall not be prejudiced by the appeal.

Article 333

Appellate trials shall be subject to the Articles of this law regarding the public nature of the trial, its procedures, the form of the final judgement, the costs and fees, the imposition of penalties, and the objections to default judgements. The court of appeal shall be vested with the prerogatives set forth in CHAPTER VIII of this law, either because the accused is a fugitive or a contumax who failed to appear in court upon being notified of the trial, if the case is under review before the court of appeal.

Article 334

The court of appeal may hear any witnesses who should have been heard before the court which issued the judgement under appeal and may amend any other deficiency in the procedures of the investigation.

Article 335

The court shall uphold the judgement under appeal if it decides that the appeal is inadmissible in form or groundless on the merits.

Article 336

If the court rules to reverse the judgement under appeal because the deed does not constitute a crime, because it does not entail a penalty, or because the evidence is insufficient for a conviction, it shall issue a judgement of acquittal.

Article 337

If the judgement is reversed for its violation of the law or for any other reason, the court shall assume the case and adjudicate it on the merits, or return it to the court which issued the judgement, accompanied by instructions on how to proceed with its review.

Article 338

If the court which issued the judgement under appeal confined itself to ruling itself incompetent or to dismissing the case, and if the court of appeal reverses the judgement and rules the court competent or rejects the plea of non-admissibility and rules the case admissible, the court of appeal must return the case to the court which issued the judgement under appeal to adjudicate it on the merits.

Article 339

The appeal submitted by a person against whom a judgement imposing an executory deprivation of liberty is issued shall extinguish if the convicted does not present himself for execution of the judgement before the session.

Article 340

If the party against whom the judgement under appeal was issued expresses the wish to appeal it, the court may postpone the execution of the judgement until the appeal is adjudicated.

Article 341

If an appeal is not submitted within the statutory period of time and if the appellant requests an extension of the period of time within fifteen (15) days from the date of its expiration, the court of appeal may grant the appellant a grace period not to exceed ten (10) days if it determines the existence of a legitimate excuse justifying the delay.

Article 342

1. If the appeal is submitted by the Public Prosecution, the court may uphold, reverse, or amend the judgement, either in favour of or against the accused.
2. The court may not impose a severer penalty nor reverse a judgement of acquittal, except by the unanimous opinion of the judges of the court reviewing the case.

Article 343

The appeal shall be rejected if it is submitted after the expiration of the statutory period of time, if it transpires that the appellant has no standing to sue, or for any other defect of form.

Article 344

A plea of nullity of the procedures shall not be admitted before the court of appeal, unless it relates to public policy or was invoked before a Court of First Instance.

Article 345

The Director of the Correctional and Rehabilitation Centre ('Prison') shall receive the appeal of an inmate and bring it before the court of appeal within a period of one (1) week after receiving it.

Part III. Cassation

Chapter I. Cassation of Judgements

Article 346

A judgement issued on a felony or a misdemeanour by a Court of First Instance in its appellate capacity and by the Court of Appeal shall be amenable to challenge at cassation, unless the law determines otherwise.

Article 347

A judgement issued by a Court of First Instance in its appellate capacity or by the Court of Appeal, which rejects a plea of non-competence or for the inadmissibility of the case by reason of prescription pursuant to the provisions of this law, shall be amenable to challenge at cassation.

Article 348

A challenge at cassation shall not be admitted regarding judgements and decisions that are amenable to objection or appeal.

Article 349

A challenge at cassation may be raised by the following:

1. The Public Prosecution.
2. The party against whom a judgement was issued.
3. The civil claimant.
4. The party liable for civil reparation.

Article 350

A judgement imposing capital punishment or life imprisonment shall be challenged at cassation by virtue of the law, even if the convicted party does not petition for a revision of his sentence.

Chapter II. Reasons for Challenge at Cassation

Article 351

Without prejudice to the provisions under the preceding Article, a challenge at cassation shall not be admissible except for one of the following reasons:

1. If nullity occurred in the procedures that affected the judgement.
2. If the court which rendered the judgement was not constituted pursuant to provisions of the law or was not competent to adjudicate the case.
3. If two contradictory judgements were issued at the same time on the same deed.
4. If the judgement exceeded the demands of the adverse party.
5. If the judgement is predicated upon a violation of the law or on a mistake in its application or interpretation.
6. If the judgement does not contain reasons or if its reasons are insufficient, ambiguous, or contradictory.
7. If the rules of jurisdiction were breached or if the court exceeded its legal competence.
8. If other procedures were contravened and if the court failed to heed the demands of the parties to observe them and failed to rectify them at a subsequent stage of the trial.

Article 352

The parties may not invoke a plea of nullity against certain procedures taken before Magistrate Courts and Courts of First Instance, unless they invoked such plea before the court of appeal.

Article 353

The parties may not come forward with a proof derived from facts that are not addressed in the reasons of the judgement under challenge.

Article 354

The court may quash the judgement in favour of the accused *sua sponte* if it deems from what is established therein that the judgement was based upon a violation of the law or upon a mistake in its application, or that the court which rendered it was not constituted pursuant to the provisions of the law or was not competent to adjudicate the case, or if the provisions of a law enacted after the judgement under challenge apply to the case.

Chapter III. Procedures of Challenge at Cassation

Article 355

1. The period of time for submitting a petition of challenge at cassation by the Public Prosecution, the convicted party, the civil claimant, or the party liable for civil reparation shall be forty (40) days.

2. The period of time for a challenge at cassation shall be from the day following the issuing of the judgement pronounced in the presence of the parties or from the day following their notification, if it is deemed to have been pronounced in their presence.

Article 356

The petition of challenge at cassation shall be submitted to the clerk of the court which issued the judgement or to the Clerk of the Court of Cassation.

Article 357

The petition shall be signed by the petitioner or his counsel and shall include the reasons for the challenge and the names of the parties. It must be accompanied by a receipt stating the payment of the statutory fees, and the date of its registration shall be inscribed thereon by the clerk of the court.

Article 358

If the petition is not submitted by the Public Prosecution or by the convicted party which is detained under a sentence entailing deprivation of liberty, its admission shall be conditional upon the petitioner depositing a sum of fifty (50) Jordanian Dinars or the equivalent in legal tender in the Court Registry, unless he was exempted from the payment of judicial fees. This sum shall be deemed an insurance which shall be refundable to the petitioner if his challenge is determined to be well-founded.

Article 359

If the petition of challenge at cassation is deposited with the clerk of the court which issued the judgement, he shall send it to the Clerk of the Court of Cassation, together with the file of the case, within a period of one (1) week.

Article 360

The Chief Clerk of the Court of Cassation shall notify the party against which the petition of challenge at cassation is submitted within a period of one (1) week from the day following the date of the registration of the petition.

Article 361

The party petitioned against shall have the right to submit a responsive pleading to the reasons of the challenge at cassation within a period of fifteen (15) days from the day following the notification.

Article 362

Upon completing the papers of the challenge at cassation, the Chief Clerk of the Court shall send them, together with the file of the case, to the Public Prosecution.

Article 363

The papers shall be registered in the register of the Public Prosecution and be sent, together with the file of the case, to the Attorney-General, who shall review them and return them within a period of ten (10) days from receiving them.

Article 364

If the petitioner is under detention, he shall submit the petition of challenge at cassation to the Director of the Correctional and Rehabilitation Centre ('Prison') in which he is detained, who shall send it within a period of twenty-four (24) hours to the Clerk of the Court of Cassation.

Article 365

The challenge submitted by an accused who is sentenced to a penalty entailing deprivation of liberty shall extinguish if the accused does not come forward for the execution of the sentence before the session scheduled to hear the challenge.

Article 366

The court shall examine the challenge in detail and may, at its discretion, schedule a session to hear the statement of the Public Prosecution and the counsels of the parties.

Article 367

If the court rejects the reasons for the challenge at cassation which were submitted by the petitioner, and if it does not, *sua sponte*, find a reason for the challenge, it shall dismiss it on the merits.

Article 368

1. If the petition of challenge is not submitted by the Public Prosecution, the judgement shall not be quashed, except as to the party who submitted it.
2. If the petition of challenge is submitted by one of the parties against whom the judgement under challenge was issued, and if the reasons upon which such party bases the challenge are related to another of the parties convicted in the case, the judgement shall be quashed as toward them as well, even if they did not petition for its cassation.

Article 369

1. If the reasons of the judgement under challenge are based upon a mistake in citing legislative provisions, in the legal qualification of the crime, or in the capacity of the convicted party, the judgement may not be quashed if the penalty it imposes is the one prescribed by law for the crime pursuant to the facts established in the judgement. In such case, the court shall correct the mistake in the judgement and reject the challenge.
2. The convicted party may not rely upon the challenge to abstain from the execution of the judgement under challenge.

Article 370

A judgement shall be quashed only regarding the part thereof that was challenged, unless the judgement is not amenable to division.

Article 371

If the judgement under challenge admits a legal plea which interdicts the continued prosecution of the case and the Court of Cassation quashes the judgement and returns it to the court from which it originated to review it on the merits, such court may not issue a judgement contrary to that issued by the Court of Cassation.

Article 372

If the court accepts one of the reasons for the challenge at cassation or establishes a reason therefor *sua sponte* pursuant to Article 354 of this law, it shall quash the judgement under challenge and return the case to the court which issued it to adjudicate it *de novo* with a different panel of judges.

Chapter IV. Effects of Judgements of the Court of Cassation

Article 373

If the Court of Cassation rejects a petition of challenge at cassation, the judgement shall become final and the person who challenged it may not, under any circumstances, submit another challenge against the same judgement for any reason whatsoever.

Article 374

If the judgement issued after the first cassation is challenged, the Court of Cassation shall examine the merits of the case.

Chapter V. Cassation by Written Order

Article 375

If a judgement contradicts the law and nevertheless acquired a binding force and if the case was not previously adjudicated by the Court of Cassation, the Minister of Justice may request the Attorney-General in writing to send the file of the case to the Court of Cassation and proceed for the nullity of the procedure or the cassation of the judgement or decision.

Article 376

If the Court of Cassation accepts the reasons set forth under the preceding Article, it shall nullify the procedure, judgement, or decision under challenge.

Part IV. Retrials

Article 377

A retrial may be sought regarding binding judgements on felonies and misdemeanours in the following cases:

1. If, after a conviction for homicide, evidence is produced to prove that the alleged victim is still alive.
2. If, after a person is convicted of a given crime, a new judgement convicts another person of the same crime, the two judgements are irreconcilable, and their contradiction proves the innocence of one or the other of those convicted.
3. If the judgement was predicated upon the testimony of a witness who is convicted of perjury or on a document which is condemned as a forgery after the judgement was issued.
4. If, after a conviction, new facts or documents and evidence are revealed that were unknown at the time the judgement was issued, and if they are of such nature to establish the innocence of the convicted person.
5. If the conviction is predicated upon a judgement issued by a civil court or a personal status court and such judgement was annulled.

Article 378

The petition for retrial shall be submitted to the Minister of Justice by any of the following:

1. The convicted person, his counsel or legal representative if the convicted person is devoid of capacity, or the person liable for civil reparation.
2. The spouse or children of the convicted person or his heirs if the convicted is deceased or if his death is established by the judgement of a court.

Article 379

1. The petition for retrial shall be submitted to the Minister of Justice within a period of one (1) year from the date on which the persons entitled to apply learn of the reason entailing a retrial; otherwise the application shall be rejected.
2. The Minister of Justice shall send the petition for retrial to the Attorney-General, who shall raise it, within a period of one (1) month from his receipt thereof, to the Court of Cassation, together with the results of the investigation that he found necessary to conduct, his opinion, and the reasons upon which his opinion is predicated.

Article 380

1. The petition for retrial shall not entail a stay of the execution of the judgement, unless the judgement imposes capital punishment.
2. The Court of Cassation may order a stay of the execution of the judgement in its decision that admits the petition for retrial.

Article 381

If the Court of Cassation decides to grant the petition for retrial, it shall send the case to a court of the same rank as the one which issued the judgement at the initial trial.

Article 382

If a retrial is impossible as toward all parties by reason of the death of the convicted party or of the extinguishment of the case by prescription, the Court of Cassation shall closely review the merits of the case and nullify the aspects of the judgement or of any previous judgement which was issued erroneously.

Article 383

1. If, as the result of a retrial, the convicted party is acquitted, the judgement of acquittal shall be posted on the door of the court or in the public areas in the town in which the judgement of conviction was issued, as well as at the scene of the crime, at the last domicile of the party who petitioned for a retrial, and at the last domicile of the convicted party, if deceased.
2. The judgement of acquittal shall *ipso facto* be published in the *Official Gazette* and shall also be published, if the petitioner for a retrial so demands, in two local newspapers of his choice. The costs of the publication shall be borne by the State.

Article 384

A reversal of a challenged judgement shall entail the reversal of the judgement awarding damages and the reimbursement of any damages that were paid, without prejudice to the rules regarding the prescription of rights within the expiration of the period of time.

Article 385

If the petition for retrial is denied, it may not be submitted again on the basis of the same facts upon which it was predicated.

Article 386

A judgement issued on the merits of a case by other than the Court of Cassation on the basis of a petition for retrial may be challenged by all the means set forth in the law. It may not impose a severer penalty upon the accused than the one previously imposed.

Article 387

1. A convicted person who is retried and acquitted shall have the right to claim damages from the State for the injury that he suffered as a result of the conviction.
2. If the convicted party is deceased, the right to claim damages shall devolve to the spouse, the ascendants, and the descendants.
3. The State shall have the right to claim such damages from the civil claimant, the informer or the perjured witness by whose fault the conviction was pronounced.

Part V. Effects of Final Judgements

Article 388

A judgement issued on the merits of a criminal action shall not be amenable to review by other than the means of challenge set forth in the law.

Article 389

A criminal action may not be retracted after a final judgement is issued thereon on the basis of a change in the legal qualification of the crime.

Article 390

1. A judgement issued by a competent court on the merits of a criminal action, whether of acquittal or conviction, shall have the force of *res judicata* before the civil courts in cases in which no final judgement is issued regarding the occurrence of the crime, its legal qualification, and its attribution to its perpetrator.
2. A judgement of acquittal shall have this force whether it is predicated upon the dismissal of the charge or the insufficiency of the evidence.
3. A judgement of acquittal shall not acquire the force of *res judicata* if it is based upon the fact that the deed is not punishable by law.

Article 391

A judgement issued by a civil court shall not have the force of *res judicata* before a criminal court regarding the occurrence of the crime and its attribution to its perpetrator.

Article 392

A judgement issued by a personal status court within the limits of its jurisdiction shall have the force of *res judicata* before a criminal court in matters upon which the final judgement of a criminal action is conditional.

Book Four. Execution

Part I. Executory Judgements

Article 393

The penalties set forth by the law for any crime may not be imposed except pursuant to a judgement issued by a competent court.

Article 394

A judgement issued by a criminal court shall not be implemented until it becomes final, unless the law determines otherwise.

Article 395

1. The Public Prosecution shall execute a judgement issued in a criminal action pursuant to the provisions of this law and may directly requisition the police force, as occasion may require.
2. A judgement issued in a civil action for the reparation of the injury caused by a felony, a misdemeanour, or a contravention shall be executed upon the request of the civil claimant pursuant to the provisions of the *Law of Civil Procedure*.

Article 396

If an accused held under provisional detention is acquitted, fined, or given a suspended sentence by a preliminary judgement, he must be released immediately, unless the accused is detained for another reason.

Article 397

A person sentenced to a term of imprisonment must be released when the time spent under provisional detention is equivalent to the term to which he was sentenced.

Article 398

A challenge at cassation shall not entail a stay of the execution, unless the judgement under challenge imposes capital punishment.

Article 399

Any person sentenced to imprisonment for a term not exceeding three (3) months may petition the Public Prosecution to put him to work outside of the Correctional and Rehabilitation Centre ('Prison') instead of executing the sentence of imprisonment, unless the judgement determines that this option is not available.

Article 400

If the accused is acquitted of the crime for which he was detained, the period of provisional detention shall be deducted from the term to which the accused is sentenced for any other crime that he may have committed or for which he was investigated during the period of provisional detention.

Article 401

If multiple sentences are issued against the accused, the period that he spent under provisional detention shall be deducted first from the lighter sentence and then from the more severe sentence.

Article 402

If the person sentenced to imprisonment is pregnant, the execution of the sentence may be postponed until she gives birth and, if the infant is born alive, three (3) months pass after the delivery. If it is decided to proceed with the execution of the sentence or if the condition of pregnancy is established during its execution, she

must be treated as a provisional detainee in the Correctional and Rehabilitation Centre ('Prison').

Article 403

If the person sentenced to imprisonment is suffering from a life-threatening disease or if the execution of the sentence would expose his life to danger, the execution may be postponed.

Article 404

If the person sentenced to imprisonment is suffering from insanity, the Public Prosecution shall order that he be committed to a mental institution until he is cured. In such case, the period of commitment in the institution shall be deducted from the sentence.

Article 405

If a man and his wife are sentenced to imprisonment for a term not exceeding one (1) year, even for different crimes, and if they were not previously imprisoned, the execution of the sentence against one of them may be postponed until the other one is released if they are responsible for a child younger than fifteen (15) years of age and if they have a domicile in Palestine.

Article 406

The court may, in all cases in which it decides to postpone the execution of the sentence against the accused, order him to post bail to guarantee that he will not evade the execution of the sentence when the reason for its postponement disappears. The amount of the bail shall be determined in the order of the postponement, which shall also make the postponement of the execution conditional upon whatever other precautionary measures the court deems necessary to prevent the accused from fleeing.

Article 407

In other than the cases set forth in the law, the party sentenced to imprisonment may not be released before serving the sentence.

Part II. Execution of Capital Punishment

Article 408

Once a judgement entailing the sentence of capital punishment becomes final, the Minister of Justice shall immediately submit the file of the case to the Head of State.

Article 409

The sentence of capital punishment may not be executed until it is ratified by the Head of State.

Article 410

The Attorney-General or the person delegated on his behalf shall oversee the execution of the sentence of capital punishment. The sentence shall be executed in the presence of the following:

1. The Attorney-General or the person delegated on his behalf.
2. The Director of the Correctional and Rehabilitation Centre ('Prison') or the person delegated on his behalf.
3. The Chief of Police in the Governorate.
4. The clerk of the court which issued the sentence.
5. The physician of the Correctional and Rehabilitation Centre ('Prison').
6. A religious dignitary belonging to the same faith as the person sentenced to death.

Article 411

The relatives of the convicted person may meet with him before the date scheduled for the execution of the sentence, provided that the meeting is held away from the place of the execution.

Article 412

If the convicted person belongs to a religion which requires him to make confession or to carry out any other ritual before his death, the necessary facilities must be provided to enable him to meet with a religious dignitary.

Article 413

The judgement imposing capital punishment and the crime for which it was imposed must be read aloud to the convicted person at the place where the sentence is to be executed. It must be heard by the persons attending. If the convicted person wishes to make a statement, the Attorney-General or the person delegated on his behalf shall transcribe the minutes recording the statement.

Article 414

The sentence of capital punishment shall not be executed on a pregnant woman. If she gives birth to a live infant, the court which issued sentence shall commute the death sentence to life imprisonment.

Article 415

The sentence of capital punishment shall be executed on civilians by hanging and on military personnel by the firing squad.

Article 416

The clerk of the court shall transcribe the minutes of the execution of the sentence of capital punishment, which shall be signed by the representative of the Public Prosecution, the Director of the Correctional and Rehabilitation Centre ('Prison'), the physician, and the clerk. The minutes shall be kept by the Public Prosecution.

Article 417

The sentence of capital punishment may not be executed on official holidays or on the religious feast days observed by the religion of the convicted person.

Article 418

The sentence of capital punishment shall be executed inside a Correctional and Rehabilitation Centre ('Prison') of the State.

Article 419

The Government shall bury, at its own expense, the body of the person on whom the sentence of capital punishment was executed if his relatives do not claim the body for private burial. No celebration may accompany the burial.

Part III. Challenge of Execution

Article 420

Every challenge of execution by the convicted party shall be submitted to the court which issued the judgement.

Article 421

The challenge shall be submitted expeditiously to the court by the Public Prosecution, and the concerned parties shall be notified of the date scheduled to review it. The court shall decide on the challenge upon hearing the demands of the Public Prosecution and the concerned parties. The court shall have the right to conduct the necessary investigation and may order a stay of the execution until the dispute is adjudicated.

Article 422

The Public Prosecution may, if necessary and before presenting the dispute to the court, stay the execution of the judgement temporarily for reasons concerning the convicted person's health.

Article 423

A dispute that arises over the identity of the convicted person shall be adjudicated pursuant to the procedures set forth under the preceding Articles.

Article 424

If in the event of the execution of a pecuniary judgement a dispute is initiated by any person other than the convicted person regarding the property of the convicted person, the matter shall be submitted to the civil courts pursuant to the provisions of the *Law of Civil Procedure*.

Part IV. Extinguishment of the Penalty by Prescription and Death of the Convicted

Article 425

1. Penalties and conservatory measures shall extinguish by prescription.
2. Prescription shall not apply to penalties and conservatory measures involving alienation of rights, deportation or confiscation in kind.
3. The penalty shall extinguish with the death of the convicted person.

Article 426

The death of the convicted person shall not prevent the execution of pecuniary penalties, damages, restitutions, and death duties.

Article 427

1. The period of prescription for capital punishment shall be thirty (30) years.
2. The period of prescription for the penalty of life imprisonment shall be twenty (20) years.
3. The period of prescription in any other penalty shall be double the period of the sentence, provided that it does not exceed fifteen (15) years and is not less than ten (10) years.

Article 428

1. The period of prescription shall begin on the date of the judgement if it was issued *in absentia* or from the day on which the convicted person evaded the execution of the judgement if it was issued in his presence.
2. If the convicted person evades the execution of a sentence entailing deprivation of liberty, half (1/2) of the term of his sentence shall be deducted from the period of prescription.

Article 429

The period of prescription shall begin:

1. In a judgement issued in the presence of the convicted person, from the date of its issuance if it is at last resort or from the date it becomes final if it is in the first degree.
2. If the convicted person is sentenced to provisional detention, then from the day on which he evades the execution of the sentence. In such case, half (1/2) of the term of the sentence shall be deducted from the period of prescription.

Article 430

1. The period of prescription for conservatory measures shall be three (3) years.
2. The prescription shall begin on the day on which the conservatory measure becomes enforceable or after the prescription of the penalty accompanying such measure, provided that no decision is issued by a judge before the expiration of a period of seven (7) years from that date determining that the

convicted person still represents a threat to public safety. In such case, the judge shall order the execution of the conservatory measures.

Article 431

A correctional measure whose execution was neglected for one (1) year may not be executed thereafter, except by the decision of the court that issued it based upon the request of the Public Prosecution.

Article 432

1. The period of prescription shall be counted from the day following the day on which the crime is committed.
2. The prescription shall be interrupted by any legal or material constraint rendering the execution of the sentence or measure impossible and which does not emanate from the convicted person. The postponement of the execution of the judgement shall be deemed a legal constraint interrupting the prescription.
3. The prescription shall be interrupted by the following:
 - a) The arrest of the convicted person.
 - b) The procedures of investigation or trial taken by the competent authorities.
 - c) The procedures of execution taken toward the convicted person or his place of business.
 - d) The commission by the convicted person of another crime of the same or greater magnitude than the crime for which the convicted person was sentenced.

The period of prescription may not be extended to more than the double of its length in any of the cases set forth above.

Article 433

The preceding Articles shall not prevent the application of the other provisions of prescription set forth in the law.

Article 434

If a person is convicted *in absentia* and his penalty extinguishes by prescription, he may not request a retrial.

Article 435

1. The obligation to pay damages awarded in a criminal action shall extinguish pursuant to the provisions of prescription set forth in the civil law.
2. The obligation to pay fees and costs to the General Treasury shall extinguish pursuant to the rules and regulations relating to public funds; the prescription shall be interrupted in this regard by the presence of the convicted person in the Correctional and Rehabilitation Centre ('Prison') in execution of a judgement.

Part V. Rehabilitation

Article 436

The effects of a judgement imposing a penalty shall remain in force until the convicted person is rehabilitated by virtue of the law or by a judgement of a court. Legal or judicial rehabilitation shall entail the extinguishment of the judgement of conviction regarding the future and the extinguishment of all penal effects arising therefrom. However, it shall have no effect on the right of a third party.

Article 437

Any person convicted of a felony or misdemeanour may be rehabilitated. A judgement to that effect shall be issued, upon his request, by the Court of First Instance within the circuit of jurisdiction where his domicile is located.

Article 438

Rehabilitation shall be subject to the following conditions:

1. That the sentence was executed in full, that a pardon was issued with regard thereto, or that it extinguished by prescription.
2. That a period of five (5) years elapsed since the execution of the sentence or the issuance of the pardon in the case of a penalty for a felony or a period of one (1) year in the case of a penalty for a misdemeanour. The period shall be doubled in the case of recidivism or the extinguishment of the penalty by prescription.

Article 439

For the court to issue a judgement of rehabilitation, the convicted person must have discharged all that he was sentenced to pay in the way of fines, restitutions, damages, and expenses. The court may waive this condition in whole or in part if the convicted person is able to prove that he is not in a position to make such payment.

Article 440

If multiple judgements were issued against the person seeking rehabilitation, he shall not be rehabilitated unless the conditions set forth under the preceding Articles are met regarding each such judgement, provided that the period of time is counted by reference to the most recent one among them.

Article 441

The request for rehabilitation shall be submitted in a petition to the Attorney-General. The petition must include the particulars necessary to identify the petitioner, the date of the judgement issued against him, and the places at which he resided since that date.

Article 442

1. The Attorney-General shall review the petition to verify the dates of the stay of the petitioner at each of the places in which he resided following the

issuance of the judgement and the duration of each such residence, to review his conduct and means of livelihood and, in general, to gather whatever information is deemed necessary. The Attorney-General shall add the report to the petition and submit both to the court within one (1) month from the date on which the petition was submitted, together with a report stating his opinion and the reasons upon which it is predicated.

2. The following shall be added to the petition:
 - a) A copy of the judgement issued against the petitioner.
 - b) A certificate of previous convictions.
 - c) A report on the conduct during imprisonment or detention in the Correctional and Rehabilitation Centre ('Prison').

Article 443

The court shall review and decide on the petition for rehabilitation in the deliberation chamber. It may hear the statements of the Public Prosecution and the petitioner and obtain such information as it deems necessary. A summons to appear shall be served upon the petitioner at least eight (8) days prior to the session. The judgement issued on the petition may be challenged through an appeal if it is predicated on a mistake in the application or construction of the law; the challenge shall be subject to the provisions and period of time set forth in this law.

Article 444

Without prejudice to the provisions of Article 463 of this law, the court shall issue a judgement of rehabilitation if it deems that the behaviour of the petitioner since his conviction is conducive to the belief that he will rehabilitate.

Article 445

The Attorney-General shall send a copy of the judgement of rehabilitation to the court which issued the judgement of conviction in order to inscribe it in the margin and to order that it be inscribed in the identity check register.

Article 446

A judgement of rehabilitation regarding a convicted person may not be issued more than once.

Article 447

If the petition for rehabilitation is denied for a reason attributable to the conduct of the convicted person, it may be renewed only after a period of two (2) years. In all other cases, it may be renewed when the conditions that must be satisfied are met.

Article 448

The judgement of rehabilitation may be annulled if it transpires that other judgements were issued against the convicted person of which the court was not aware or if the petitioner is convicted after rehabilitation of a crime committed

previously. The judgement annulling the judgement of rehabilitation shall be issued by the court which issued the judgement of rehabilitation upon the request of the Public Prosecution.

Article 449

Rehabilitation shall come into effect by virtue of the law if the convicted person is not convicted of a felony or a misdemeanour within the following period of time; it shall entail a registration in the identity check register:

1. Regarding a convicted person sentenced to a penalty for a felony or misdemeanour in a crime of theft, possession of stolen goods, fraud, swindle, breach of trust, forgery, or for the attempted commission of any of these crimes, following the lapse of a period of ten (10) years from the date the sentence was executed, pardoned, or prescribed.
2. Regarding a convicted person sentenced to a penalty for a misdemeanour other than those set forth above, following the lapse of a period of three (3) years from the date the sentence was executed or pardoned, unless the sentence extinguished by prescription, in which case the period shall be five (5) years.

Article 450

If multiple judgements were issued against the convicted person, he shall not be rehabilitated by virtue of the law, unless the conditions set forth under the preceding Article are fulfilled regarding each judgement, provided that the period of time is counted by reference to the most recent one among them.

Article 451

A judgement of rehabilitation shall entail the extinguishment of the judgement of conviction regarding the future, as well as the extinguishment of all penal effects arising therefrom, in particular the loss of capacity and deprivation of rights and privileges.

Article 452

Rehabilitation may not be invoked toward third parties regarding rights accruing to them on the basis of a judgement of conviction, in particular regarding restitution and damages.

Book Five. Special Procedures

Part I. Forgery Cases

Article 453

1. In any forgery case, as soon as a document alleged to be a forgery is presented to the Deputy-Prosecutor or the court, the clerk shall transcribe detailed minutes describing the document on its face. The minutes shall be signed by

the Deputy-Prosecutor, the judge, or the President of the Court, as well as by the clerk, the person who reported the forgery, and his adversary in the case, if any. These parties shall also sign each page of the document to prevent substitution. The document shall be kept in the investigation chamber or with the clerk of the court.

2. If some of those present refuse to sign the minutes or are unable to do so, this fact shall be transcribed in the minutes.

Article 454

If the document alleged to be a forgery is obtained from an official department, it shall be signed by the official responsible for such department pursuant to the preceding Article.

Article 455

A plea of forgery may be invoked against a document even if it served as the basis for a judicial action or any other action.

Article 456

Any person with whom a document alleged to be a forgery was deposited shall be obliged to deliver such document to the competent authority upon a decision issued by the court or the Deputy-Prosecutor; failure to do so shall incur the penalties set forth in this regard by the law.

Article 457

The above provisions shall apply to documents submitted to the Deputy-Prosecutor or the court for purposes of comparison and collation.

Article 458

Every official shall be obliged to submit all documents in his possession that are amenable to comparison and collation; otherwise he shall incur the penalties set forth in this regard by the law.

Article 459

1. If an official document needs to be procured, the person with whom it is deposited shall be given an exact copy thereof certified by the President of the Court to which such person is subject and upon which an explanation of the procedure shall be inscribed.
2. If the document was deposited with an official, the copy given to him shall serve as the original until the original document is restored to him. The official may give a copy of the certified copy bearing the explanation as stated above.
3. If the document required to be procured is kept in a register from which it cannot be removed, the court may order the entire register to be brought before it.

Article 460

An ordinary document shall be amenable to comparison and collation upon certification by the parties.

Article 461

If one of the parties alleges that a document is a forgery and that the person submitting such document committed or participated in the forgery, an investigation shall be conducted of the allegation of forgery in the manner set forth in this law.

Article 462

If forgery is alleged in an interlocutory plea during the proceedings in a civil action, the pronouncement of the judgement thereon shall be adjourned until the criminal action regarding the forgery is adjudicated.

Article 463

If the adverse party declares that it does not intend to use the document alleged to be a forgery, the document shall be withdrawn from the case; however, if the party declares that it intends to use it, an investigation shall be conducted in the forgery case.

Article 464

If, in the course of reviewing a case, the court finds, *sua sponte*, ground for the belief that a forgery was committed in a document presented by a certain person, it shall send the document to the Public Prosecution to investigate the matter and to notify the court of the results of the investigation.

Article 465

If it is established that an official document is forged in whole or in part, the court shall order the document ineffective and return it to its original condition by erasing what was added thereto and establishing what was removed therefrom. A summary of the final judgement shall be written at the end of the document, after which it shall then be returned for comparison and collation to the person who had it in possession.

Article 466

An investigation into a forgery case shall be conducted pursuant to the procedures set forth for all crimes.

Part II. Hearing the Testimony of Officials

Article 467

If the procedures of a case entail the hearing of the testimony of the Head of State, the investigator, the President of the Court, or the judge appointed by the President of the Court shall proceed, together with the clerk, to his residence, where the

testimony shall be heard and transcribed into the minutes pursuant to the general procedure and added to the file of the case.

Article 468

Members of the diplomatic corps shall be notified of the statement of a claim of a case in order to give testimony through the Ministry of Foreign Affairs.

Article 469

If the person required to testify in court is a member of the regular army, he shall be notified of the statement of the claim of the case by the commander of his unit.

Article 470

Other than the official witnesses referred to in the preceding Articles, every witness whatsoever shall be summoned to testify before the Judicial Authority pursuant to the procedures set forth in this law regarding the hearing of witnesses.

Part III. Loss or Theft of Case Documents and Judgements

Article 471

If the original of a judgement issued in a criminal action or a document related to the procedures of the investigation or the trial is lost before a judgement or decision is issued thereon, or if such a document is lost by reason of fire or other extraordinary events, or if it is stolen and cannot be redrafted, the provisions set forth under the following Articles of this PART III shall apply.

Article 472

1. If a summary or a certified copy of the judgement is available, it shall be deemed equivalent to the original of the judgement and kept in its place.
2. If the summary or the copy referred to in the above Article is held by an ordinary person or an official, the President of the Court which issued the judgement shall order it to be delivered to the clerk of such court. If the person refuses to deliver the summary or the copy, he shall be forced to do so pursuant to the procedures set forth in the law.
3. The person referred to in the above Article shall have the right to obtain an identical copy free of charge.
4. The order to deliver a summary or copy of the judgement shall release the person holding it from liability to the parties who have a connection therewith.

Article 473

1. If the original of a judgement is lost and no certified copy thereof can be found and if the means of challenging the judgement were not used and the charging

instrument is found, trial procedures shall be instituted and a new judgement shall be issued.

2. If there is no charging instrument or if it cannot be found, the procedures shall be repeated starting from the part of the documents that is lost.

Part IV. Nullity

Article 474

A procedure shall be deemed null if the law expressly sets forth its nullity or if it is clouded by a defect that leads to the non-realisation of its objective.

Article 475

Nullity shall arise from the non-observance of the provisions of the law regarding the composition, competency, or jurisdiction of a court or other matters related to public policy; it may be invoked at any stage of the procedure or pronounced by the court *sua sponte*.

Article 476

In cases other than the ones where nullity arises from public policy, it may only be invoked by those parties for whose benefit it is set forth, unless they themselves caused nullity or waived the right to avail themselves thereof, either implicitly or explicitly.

Article 477

The nullity of a procedure shall not entail the nullity of the procedures taken prior or subsequent thereto, unless such procedures are based upon the null procedure. Nullity that affects part of a procedure shall be pronounced regarding that part only.

Article 478

In cases other than the ones where nullity arises from public policy, the right to invoke the nullity of procedures related to the gathering of evidence, to the preliminary investigation, or to the examination during the session shall extinguish if the accused is represented by a counsel and the procedures were taken in his presence without an objection on his part. The right of the Public Prosecution to invoke nullity shall extinguish if it does not avail itself of such right at the time nullity occurs.

Article 479

An accused who attends a session in person or through his counsel may not invoke the nullity of the summons which ordered his appearance. However, the accused may request that it be corrected or that particulars missing therefrom be completed and that he be granted a period of time to prepare the defense before the case is heard; the court shall be held to admit this request.

Part V. Calculation of Time

Article 480

The day for penalties entailing deprivation of liberty shall be twenty-four (24) hours, the month shall be thirty (30) days, and the year shall be twelve (12) months in accordance with solar time; the duration of the penalty shall be counted in accordance with the solar calendar.

Article 481

The duration of a penalty entailing deprivation of liberty shall begin on the day during which the convicted person is arrested on the basis of an executory judgement. A period of provisional detention or arrest shall be deducted from the duration of the penalty.

Article 482

The day during which the execution of the sentence begins shall be counted for the duration of the penalty, and the convicted person shall be released at noon time on the day during which such duration ends.

Article 483

If the duration of the penalty entailing deprivation of liberty is twenty-four (24) hours, its execution shall end on the day following the arrest.

Article 484

Official holidays shall not be counted in the periods of time set forth for the submission of a challenge by means of objection, appeal, or cassation, or in other periods of time if these holidays fall at the end of the period of time.

Book VI. Concluding Provisions

Article 485

The following laws and orders are hereby repealed:

1.

- a) *The Law of Penal Procedure (Arrest and Investigation) No. 4 of 1924.*
- b) *The Law of Penal Procedure (Accusatory) No. 22 of 1924.*
- c) *The Law Concerning Judges Investigating Questionable Deaths No. 35 of 1926.*
- d) *The Law Amending the Law of Procedure No. 21 of 1934.*
- e) *The Law of Penal Procedure No. 24 of 1935.*
- f) *The Fire Incidents Investigations Law No. 7 of 1937.*
- g) *The Law of Penal Procedure (Partial Trials before Central Courts) No. 70 of 1946.*
- h) *The Law Concerning the Jurisdiction of Magistrate Courts No. 45 of 1947.*
- i) *The Order No. 269 of 1953 Concerning the Jurisdiction of the Criminal Court.*

- j) *The Order No. 473 of 1956 Concerning the Functions of the Public Prosecution.*
 - k) *The Order No. 554 of 1957 Concerning the Authorisation of the Attorney-General and his Representatives with the Powers of the Judges Investigating Questionable Deaths.*
 - l) *The Rehabilitation Law No. 2 of 1962.*
 - m) *The Chapter No. 26 of the Palestinian Law of Procedure before the Magistrate Courts of 1940 in force in the Governorates of the Gaza Strip.*
- 2.
- a) *The Jordanian Law Concerning Violating the Dignity of the Courts No. 9 of 1959.*
 - b) *The Jordanian Law of Penal Procedure No. 9 of 1961.*
 - c) *The Jordanian Law on Magistrate Courts No. 15 of 1952 in force in the Governorates of the West Bank.*
3. Every provision which contradicts the provisions of this law is hereby repealed.

Article 486

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*.

Issued in the city of Gaza on 12 May, 2001 AD, corresponding to 18 Safar 1422 AH.

Yasser Arafat

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

Decree Law No. 8 of 2006 Concerning the Law Amending the Law of Penal Procedure

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

Having reviewed Article 43 of the *Amended Basic Law of 2003* and its Amendments,

Based upon the powers bestowed upon me, and

In accomplishment of the public interest,

I hereby promulgate the following decree law:

Article 1

This law shall be named the *Law Amending the Law of the Penal Procedure of 2006*. It shall be read along with the *Law No. 1 of 2001*, referred to hereinafter as the Original Law, as one law.

Article 2

The provisions of Article 8 of the Original Law are hereby repealed and replaced with the following provision:

Any person against whom a criminal action is instituted shall be a defendant and shall be named a suspect if he is suspected of a misdemeanour and an accused if he is charged with a crime.

Article 3

The provisions of Article 54 of the Original Law are hereby repealed and replaced with the following provision:

A criminal action may not be filed against an official or public employee or a member of the Judicial Police due to a felony or misdemeanour committed by him during or due to the performance of his function, except based upon the permission of the Attorney-General.

Article 4

The provisions of paragraph 4 of Article 120 of the Original Law are hereby repealed and replaced with the following provision:

4. Under no circumstances shall the period of detention set forth under the three paragraphs above exceed six (6) months, unless the accused was referred to the competent court for trial. If the charge imputed to him is a

crime, the period of detention may not exceed six (6) months, except after the obtaining, before its expiration, of an order of the competent court to extend the period of detention for a period not to exceed forty-five (45) days that shall be renewable for another similar period or periods. Otherwise, the accused must be released in all cases.

Article 5

The provisions of Article 121 of the Original Law are hereby repealed and replaced with the following provisions:

1. A writ of detention against an accused for the first time in his absence may not be issued unless the judge is convinced, based upon medical evidence, that the accused cannot be brought before him because of illness.
2. If the court deems that the accused cannot be brought before it for security reasons, the assessment of which shall be subject to the discretion of the court, it may detain him in his absence.
3. The detention shall be extended in all cases in the absence of the accused.

Article 6

The provisions of Article 130 of the Original Law are hereby repealed and replaced with the following provisions:

1. An accused, upon which a penalty entailing capital punishment, hard labour for life, or life imprisonment is imputed or imposed, may not be released on bail.
2. With reference to the provisions of paragraph 1 of this Article, an accused on which any other criminal offence is imputed may not be released on bail unless the judge is convinced that his release does not violate the public security and the proceeding of the investigation and trial.
3. An accused may not be released on bail unless he designates an elected domicile within the circuit of jurisdiction of the court, unless his residence is located within such circuit.

Article 7

The provisions of Article 136 of the Original Law are hereby repealed.

Article 8

The provisions of Article 137 of the Original Law are hereby repealed and replaced with the following provision:

The court shall consider the requests for the release on bail in all cases by close examination.

Article 9

The provisions of paragraph 1 of Article 149 of the Original Law are hereby repealed and replaced with the following provision:

1. If, upon conclusion of the investigation, the Prosecutor deems that the deed is not punishable by law, that the action extinguished by prescription, death, general amnesty, that the accused was previously tried for the same crime, or that the accused is not criminally liable due to his minor age or because of mental illness, the Prosecutor shall send a memorandum with his opinion to the Attorney-General for disposition.

Article 10

The provisions of paragraph 5 of Article 152 of the Original Law are hereby repealed and replaced with the following provision:

5. If the Attorney-General or any of his assistants deems that the deed is not punishable by law, that the action extinguished by prescription, general amnesty, that the accused was previously tried for the same crime, that the accused is not criminally liable because of his minor age or mental illness, that there was a lack of evidence, or that the perpetrator is not known, the Attorney-General shall issue an order to that effect.

Article 11

The provisions of Article 153 of the Original Law are hereby amended by the repeal of the provision of paragraph 3 and its replacement with the following provision:

3. The decision issued by the Attorney-General for one of the reasons referred to in paragraph 5 of Article 152 of this law shall be appealed by virtue of the law and shall be examined closely. The decision of the Court of Appeal shall be final.

Article 12

The provisions of Article 274 of the Original Law are hereby repealed and replaced with the following provision:

1. The court shall decide for acquittal upon the selection of the pieces of evidence or due to their insufficiency and shall rule for non-liability if the deed does not constitute an offence or does not entail a penalty.
2. The court shall issue a judgement of conviction if the accused is proven guilty of a deed punishable by law.

Article 13

The provisions of Article 302 of the Original Law are hereby repealed and replaced with the following provision:

The sessions of the Magistrate Courts shall convene in the case of a misdemeanour punishable by imprisonment for a period exceeding one (1) year in the presence of the Prosecutor and the clerk.

Article 14

The provisions of Article 323 of the Original Law are hereby repealed and replaced with the following provisions:

The parties may appeal judgements in a criminal action that are issued or are deemed to be issued in their presence as follows:

1. A judgement issued by a Magistrate Court:
 - a) A judgement of a Magistrate Court on contraventions shall be appealed before a Court of First Instance in its appellate capacity, unless the judgement decides for a fine, whereby it shall be final taking into the consideration the challenge.
 - b) In all other offences, the judgement shall be appealed before a Court of First Instance in its appellate capacity if the penalty decided for does not exceed imprisonment for a term of three (3) months and a fine of fifty (50) Jordanian Dinars. Otherwise, the judgement shall be appealed before the Court of Appeal.
 - c) If the appellate authority is multiple due to the multiplicity of charges or convicts in one case, the competent authority shall be the Court of Appeal.
2. The following shall be appealed before the Court of Appeal:
 - d) A judgement issued by any Court of First Instance in its criminal capacity or its capacity as a Court of First Instance.
 - e) A judgement or decision of which a special provision is set forth in any other law that they may be appealed.
3. A Court of First Instance in its appellate capacity and the Court of Appeal shall review the judgements on misdemeanours issued by Magistrate Courts by close examination, unless the court decides to conduct the trial in the form of a pleading, or if the convict thus requests and it agrees to the request, or if the Attorney-General so requests.

Article 15

The provisions of Article 427 of the Original Law are hereby repealed and replaced with the following provisions:

1. The period of prescription for capital punishment and life imprisonment shall be twenty-five (25) years.
2. The period of prescription for temporary criminal penalties shall be double the period of the sentence issued by the court, provided that it does not exceed twenty (20) years or is not less than ten (10) years.
3. The period of prescription for all other criminal penalties shall be ten (10) years.

4. The period of prescription for the penalties on misdemeanours shall be double the period of the sentence issued by the court, provided that it does not exceed ten (10) years or is not less than five (5) years.
5. The period of prescription for all other penalties on misdemeanours shall be five (5) years.

Article 16

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

Article 17

Every provision that contradicts the provisions of this decree law is hereby repealed.

Article 18

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

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

Mahmoud Abbas

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

2. EXECUTIVE DECISIONS

Decision No. 23 of 1998

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

Based upon the powers bestowed upon me,
Having reviewed the *Correction and Rehabilitation Centres ('Prisons') Law No. 6 of 1998*, and
In accomplishment of the public interest,

I hereby promulgate the following decision:

Article 1

The Directorate-General of the Correction and Rehabilitation Centres shall be a Department of the Police.

Article 2

The Director of the Police shall be vested with all of the powers delegated to the Minister pursuant to the law.

Article 3

This decision shall enter into force as of its date.

Issued in the city of Gaza on 3 June, 1998.

**Yasser Arafat
Chairman of the Palestine Liberation Organisation
President of the Palestinian National Authority**

VII. The Legislative Framework for Civil Society

Law No. 1 of 2000 Concerning Charitable Associations and Civil Society Organisations

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

Having reviewed the *Ottoman Associations Law of 29 Ragab 1327 AH* in force in the Governorates of the Gaza Strip,
Having reviewed the *Law No. 33 of 1966 AD Concerning Charitable Associations and Community Organisations* in force in the Governorates of the West Bank,
Having reviewed the draft law submitted by the Council of Ministers, and
Following the approval of the Legislative Council during its session of 25 May, 1999,

I hereby promulgate the following law:

Chapter I.

Article 1

Palestinian citizens shall have the right to exercise social, cultural, professional, and scientific activities in freedom, including the right to establish and manage associations and community organisations pursuant to the provisions of this law.

Article 2: Definitions

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

Ministry:	The Ministry of the Interior
Competent Ministry:	The ministry under the competence of which the activities of an association fall.
Minister:	The Minister of the Interior.
Department:	The competent department established in the ministry.
Association or Organisation:	Any charitable association or civil society organisation with independent juridical personality, established upon the agreement of no fewer than seven (7) persons to achieve legitimate objectives of public concern, without aiming at financial profit-making or other personal benefits for the members.

Foreign Association or Organisation:	Any foreign charitable association or civil society organisation, the main headquarters or centre of activities of which is located outside of the Palestinian Territories or the majority of whose employees are not of Palestinian nationality.
General Assembly:	The general decision-making body, consisting of the members of an association and being the highest authority in an association or organisation.
Board of Directors:	The Board of Directors of the association or organisation.
Merger:	Unification of two (2) or more associations or organisations into a single association or organisation with a new juridical personality.
Union:	Unification of two (2) or more associations or organisations whereby a single representative body is established, but each association or organisation maintains its independent juridical personality.
Community Activity:	Any social, economic, cultural, community, developmental or other activity or service, performed voluntarily or optionally and aiming to enhance the social, health, professional, material, spiritual, artistic, sports, cultural or educational level of the citizens in the society.

Chapter II.

Article 3: Registration of Associations or Organisations

The Ministry shall establish a 'Department for the Registration of Associations and Organisations,' in coordination with the competent ministry. For the purpose of the enforcement of this law, the Department shall keep the following registries:

1. A registry recording all applications for registration, using consecutive numbers in accordance with the dates of the application.
2. A general registry of all associations and organisations that are registered and in which the names, centres of activity, objectives, and all other facts that the Department deems necessary for the information of the competent parties shall be recorded.
3. A registry in which the names of the associations and organisations whose applications for registration were rejected shall be included, stating their objectives and the reasons for the rejection, as well as any other additional information that the Department deems necessary for the record.

Article 4: Registration Procedure

1. The founders of an association or organisation shall submit a written application conforming to all conditions of the competent department, signed by no fewer than three (3) of the founding members, who shall be authorised to register and sign on behalf of the association or organisation, along with three (3) copies of the bylaws signed by the members of the founding committee.
2. The Minister shall issue his decision regarding the application within a period not to exceed two (2) months from the date of the submission of the application.
3. If the two (2) months period following the submission of the application expires without a decision being issued, the association or organisation shall be deemed registered by law.
4. If a decision is issued by the Minister denying the application for registration, the decision must be substantiated with the reasons therefor, and the applicants shall have the right to challenge the decision before the competent courts within a period not to exceed thirty (30) days from the date on which they are notified of the decision denying their application.

Article 5

Taking into consideration the provisions of the law, the bylaws of each association or organisation shall include the following:

1. The name of the association or organisation, its address, its purpose, and the location of its main headquarters.
2. The financial resources of the association or organization and the manner in which they are to be used or dispensed.
3. The conditions for membership, the kinds of membership, the reasons for termination of membership, and the subscription fees for members.
4. The organisational structure of the association or organisation, and the rules and regulations governing the amendment of its bylaws, its merger or union with other associations or organisations.
5. The procedures for convening the General Assembly.
6. The methods of financial control.
7. The rules and regulations governing the dissolution of the association or organisation, and the methods of dispensing with its finances and holdings upon dissolution.

Article 6

The competent ministry shall be responsible for following up with the activities of every association or organisation pursuant to the provisions of the law; the ministry shall have the right to follow up on the activities of every association or organisation by virtue of a substantiated written order issued by the competent minister in every case to assure that the funds have been and are being expended for the purposes to which they were assigned pursuant to the provisions of this law and the bylaws of the association or organisation. The association or organisation must assist the ministry in implementing such order to ensure the compliance of the activities thereof with the provisions of this law and the bylaws.

Article 7

Associations and organisations shall be independent juridical bodies, enjoying an independent financial status upon the completion of the registration procedures pursuant to the provisions of this law.

Article 8

The decision of the registration of an association or organisation shall be published in the *Official Gazette*.

Chapter III. Rights and Obligations of Associations and Organisations

Article 9

Pursuant to the provisions of this law:

1. Every association or organisation may hold movable and immovable funds to achieve its objectives.
2. Every foreign association or organisation may hold immovable funds, provided that it obtains permission to do so from the Council of Ministers upon the recommendation of the competent minister.
3. No foreign association or organisation may dispose of its immovable properties without the approval of the Council of Ministers.

Article 10

The relations of associations and organisations with the competent ministries shall be established on the basis of coordination, cooperation, and conformity with the public interest.

Article 11: Records of Associations and Organisations

An association or organisation shall keep at its main headquarters its official financial and administrative records, which shall include all of the following financial transactions, administrative decisions, and data:

1. Incoming and outgoing correspondence in special files and organised records.
2. Bylaws of the association or organisation, names of the members of the Board of Directors in each electoral term, and the date of election of each such member.
3. Names of all members of the association, organisation, or institution, along with the identification, age, and date of subscription to membership of each such member.
4. Minutes of the meetings of the Board of Directors in chronological order.
5. Minutes of the meetings of the General Assembly.
6. Records of revenues and expenditures detailed pursuant to financial statement regulations.

Article 12

Every association or organisation shall deposit with the competent department a statement regarding every amendment or change affecting its headquarters, bylaws, objectives, or purposes, and full or partial change in its Board of Directors, within a period not to exceed one (1) month from the date on which the amendment or change takes place.

Article 13

The association or organisation shall submit, at a date no later than four (4) months from the end of the fiscal year, two reports approved by the General Assembly as follows:

1. An administrative report containing a full description of the activities of the association or organisation during the elapsed year.
2. A financial report signed by a licensed auditor, containing a detailed revenue and expenditure account of the finances of the association or organisation.

Article 14

Associations and organisations shall be exempted from taxes and customs duties on the transferable land and immovable funds necessary for the implementation of their objectives, provided that they are not disposed of within a period of less than five (5) years from the year in which a tax or customs would have otherwise been due, unless the due taxes and customs duties are paid.

Article 15

1. Associations and organisations shall have the right to organise activities and to establish income generating projects, provided that the revenues are used to cover activities for the public interest.
2. They shall have the right to set up branches inside Palestine.

Chapter IV. The Board of Directors

Article 16

1. Every association or organisation shall have a Board of Directors consisting of at least seven (7) members and not exceeding thirteen (13) members; the bylaws of the association or organisation shall determine the procedures for setting up this Board, for selecting its members, and for terminating their membership.
2. The Board of Directors may not include more than two (2) members bound by close family kinship to the first or second degree.

Article 17

1. The Board of Directors of each association or organisation shall be responsible for its operations and activities.
2. The chairman of the association or organisation or whoever acts on his behalf pursuant to the bylaws in the event of his absence shall represent the association

or organisation before other parties and sign on its behalf all correspondence, contracts and agreements concluded between it and other parties.

Article 18: Competence of the Board of Directors

The Board of Directors shall be responsible for the following:

1. Managing the association or organisation and preparing the necessary rules, regulations, and instructions.
2. Appointing the staff necessary for the association or organisation and determining their tasks or the termination of their services pursuant to the provisions of the law.
3. Establishing committees that it deems necessary for the improvement of operations and determining the competence of each committee.
4. Drawing up the final statement of accounts for the past fiscal year and the draft budget for the coming year.
5. Submitting the annual administrative and financial reports and all future plans and projects before the Assembly.
6. Inviting the General Assembly to convene an ordinary or extraordinary meeting session and implementing its resolutions pursuant to the provisions of the law.
7. Following up all observations submitted by the competent department, ministry, or other official bodies regarding the activities of the association or organisation, and responding to them.

Article 19

The jurisdiction of the Chairman, the Deputy-Chairman, the Secretary, the Treasurer, and the Board of Directors of each association or organisation shall be determined pursuant to its bylaws and internal regulations in a manner that does not contradict the provisions of this law.

Article 20

No person may hold a position as a member of the Board of Directors and another post in the association or organisation in return for wages.-

Article 21

1. The Board of Directors shall convene an ordinary meeting at least once every three (3) months upon the invitation of the Chairman or the Deputy-Chairman.
2. The Board of Directors shall convene an extraordinary meeting, as occasion may require, upon the invitation of the Chairman or the Deputy-Chairman or upon the request of one-third (1/3) of its members.
3. The meetings of the Board of Directors shall be considered legally valid if attended by two-thirds (2/3) of the members of the Board.
4. In all circumstances, the decisions of the Board of Directors shall be made by absolute majority.

Article 22

1. When it is not possible to convene a meeting of the Board of Directors as a result of the resignation or death of a member, the remaining members of the Board of Directors, in their capacity as a transitional temporary committee, shall assume the responsibilities of the Board of Directors for a period not to exceed one (1) month and shall invite the General Assembly to convene within this same period to elect a new Board of Directors.
2. In the event of a collective resignation or in the event that the transitional committee fails to carry out its tasks as set out in the first paragraph of this Article, the Minister shall appoint a transitional committee from the members of the General Assembly to carry out the tasks of the Board of Directors for a period not to exceed one (1) month, which transitional committee shall invite the General Assembly to convene within the same period to elect a new Board of Directors.

Chapter V. The General Assembly

Article 23: Formation and Competence

Without prejudice to the provisions set forth by this law:

1. The bylaws of the association or organisation shall determine the formation of the General Assembly of the association or organisation, so that it shall comprise the members who have fulfilled their commitments pursuant to the bylaws. The General Assembly shall convene its ordinary meeting at least once every year to review the report submitted by the Board of Directors regarding the activities of the association or organisation and the report of the financial auditor regarding its financial position, to approve the report, to appoint the financial auditor, and to discuss other matters included on the agenda by the Board of Directors.
2. The General Assembly shall be responsible for promulgating the general policies and guidelines of the association or organisation and for the election of the members of the Board of Directors pursuant to its bylaws.
3. Decisions regarding amendments to the bylaws shall be made by the absolute majority of the members of the General Assembly. Decisions to dissolve the association or organisation or to introduce amendments regarding the purposes of the association or organisation shall require the approval by a two-thirds (2/3) majority. Decisions to dismiss any of the members of the Board, or to unite or merge with another association shall require a two-thirds (2/3) majority, unless set forth otherwise in the bylaws of the association or organisation.

Article 24: Extraordinary Meetings

One-third (1/3) of the members of the General Assembly of an association or organisation may call for an extraordinary meeting of the General Assembly.

Article 25

The quorum for the meetings of the General Assembly of the association or organisation shall be obtained with the attendance of the absolute majority of the members. If an absolute majority is not present, the meeting shall be postponed to another session to convene within a period not to exceed fifteen (15) days from the date of the first meeting, in which case the meeting shall convene with those present, provided that their number is not fewer than one-third (1/3) of the members of the association or organisation.

Chapter VI. Union and Merger

Article 26

1. Two or more associations or organisations may merge or unite, without prejudice to the rights of other parties toward each of these associations or organisations before the merger.
2. The representatives of the associations or organisations joining a merger shall turn over all funds and special records of their association or organisation to the new association or organisation created by the merger.
3. The new association or organisation shall not be liable for the commitments of the associations or organisations that merged into it, except within the limits of the funds handed over by those associations or organisations and the rights accruing to it as of the date of merger.

Article 27

Three (3) or more associations or organisations may form a single union, provided that the participation of every party is voluntary.

Article 28

Any association or organisation may join or be affiliated with any association or organisation outside of the Palestinian territories, provided that the competent party shall be informed.

Article 29

All procedures and provisions set forth in this law regarding the manner and procedures of registration, the basic regulations and related statements, and their articles of association, shall also apply to every union concluded among a group of associations or organisations or any unified associations or organisations established pursuant to its provisions.

Chapter VII. Financial Affairs of Associations or Organisations

Article 30

Every association or organisation shall have an annual budget controlled by a licensed accountant, unless its expenditure is less than the sum of one-thousand (1,000) Jordanian Dinars or the equivalent in legal tender. In every case, the auditor shall submit a report on the financial position of the association or organisation for the past fiscal year to the General Assembly in its annual meeting for its approval and ratification.

Article 31

An association or organisation shall deposit its cash funds under its own name in an accredited bank and inform the competent ministry of the depository party. An association or organisation may not keep in its holdings cash funds that exceed the expenditure of the association for one (1) month.

Article 32

In a manner not contradicting the provisions of this law, associations or organisations may receive unconditional assistance to serve their work.

Article 33

Associations or organisations may collect contributions from the public or by organising parties, charity bazaars, sports competitions, or other means of collecting funds for the social purposes for which it was established, informing the competent ministry thereof.

Chapter VIII. Foreign Charitable Associations and Organisations

Article 34

Pursuant to the provisions of the law:

1. Every foreign association or organisation may submit an application to the Ministry to open one or more branches of the association or organisation in the Palestinian Territories to perform social services, provided that such services are compatible with the interests and aspirations of the Palestinian people. Such applications shall specify the name of the foreign association or organisation, the location of its main headquarters, its address, the names of its founders and the members of its Board of Directors, its main purposes, the names of the persons in charge of the proposed branch and their nationalities, and the manner in which the funds of the branch will be disposed of upon dissolution of the branch, the liquidation of its operations, or its withdrawal, provided that the process may not exceed a period of two (2) months from the date the application was accepted.

2. The Ministry shall consult with the Ministry of Planning and International Cooperation regarding the application for registering a foreign association or organisation.

Article 35

The persons responsible for any of the branches of the foreign association or organisation shall inform the Ministry of Interior of all changes in the data related to the branch they manage within a period not to exceed one (1) month from the date of each such change.

Article 36

Every branch of the foreign association or organisation shall submit to the Ministry an annual report on its activities and the funds that were used to implement these activities.

Article 37: Dissolution of an Association or Organisation

An association or organisation shall be dissolved in the following cases:

1. If the General Assembly decides to dissolve the association. The Ministry must be promptly informed of such a decision.
2. If it does not commence its actual operations within the first year of the date of the registration or of obtaining its license, unless the cessation of activities resulted from circumstances beyond its control. In this case, the Ministry shall abolish the registration of the association pursuant to a written notification to the association or organisation.
3. It is proven that the association or organisation substantially violated its bylaws and did not adjust its status within a period not to exceed three (3) months from the issuance of a written warning by the competent minister or department.

Article 38

1. If the Minister issues a decision to repeal the registration of an association or organisation, the decision shall state the reasons, and the association or organisation shall have the right to challenge the decision before the competent court.
2. If a decision to dissolve an association or organisation is challenged before a competent court, the association or organisation may resume its work until a temporary or final decision is issued to halt its activities or to dissolve it.

Article 39

1. Without prejudice to the provisions set forth by this law, if an association or organisation is dissolved, a waged liquidator shall be appointed to prepare an inventory of the funds to be disposed of pursuant to its bylaws; if the bylaws make no reference to the manner in which the funds will be disposed of, the Ministry shall transfer the funds of the dissolved association or organisation to associations and organisations with similar purposes, taking into account the

- pensions, allowances, and rights of the employees of the dissolved association and that these will be exempt from the transfer.
2. If an association or organisation is dissolved, the funds and assets thereof shall be transferred to a Palestinian association similar in its objectives to be named by the dissolved association or organisation.
 3. In all events, the funds and assets of the dissolved association or organisation shall be spent in accordance with its purposes within the borders of the Palestinian Territories.

Chapter IX. General and Transitional Provisions

Article 40

In honouring the provisions of this law, it shall be the obligation of associations and organisations to adhere to the instructions of the professional registration determined by the competent ministry, as related to the provision of specialised professional services.

Article 41

It shall be prohibited to confiscate funds of an association or organisation, or close it, or conduct a search in its main and branch offices without an order issued by the competent judicial entity.

Article 42

All associations and organisations registered before the enforcement of the law shall be considered officially registered, provided that they accommodate their business pursuant to the provisions of this law within a period not to exceed nine (9) months from the date of its enforcement; otherwise such associations or organisations shall be deemed in violation of the provisions of the general law.

Article 43

The *Ottoman Associations Law of 29 Ragab 1327 AH* in force in Palestine and the *Law No. 33 of 1966 AD Concerning Charitable Associations and Community Organisations* in force in Palestine, as well as all other provisions contradicting the provisions of this law are hereby repealed.

Article 44

The Minister shall issue the bylaws and decisions necessary for the enforcement of the provisions of this law.

Article 45

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 the date of its publication in the *Official Gazette*.

Issued in the city of Gaza on 16 January, 2000 AD, corresponding to 9 Shawwal 1420 AH.

Yasser Arafat

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

Note: This means that a person alters, or helps to alter, the possession of land by sale or otherwise to or for the benefit of the enemy.