

**THE PALESTINIAN LEGISLATIVE COUNCIL**

**Draft Amendment to**

**THE BASIC LAW**

SUBMITTED BY: **THE COUNCIL OF MINISTERS**

COUNCIL'S READING: **THIRD READING**

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# **Title ONE**

## **Article (1)**

Palestine is part of the large Arab World, and the Palestinian people are part of the Arab Nation. Arab Unity is an objective which the Palestinian People shall work to achieve.

## **Article (2)**

The Palestinian People are the source of all power, which shall be exercised through the legislative, executive, and judicial authorities, based on the principle of separation of powers, and in the manner set forth in this Basic Law.

## **Article (3)**

Jerusalem is the Capital of Palestine.

## **Article (4)**

1. Islam is the official religion in Palestine. Respect and sanctity of all other heavenly religions shall be maintained.
2. The principles of Islamic Shari'a shall be the main Source of legislation.
3. Arabic shall be the official language.

### **Article (5)**

The governing system in Palestine shall be a democratic parliamentary system based on political and party pluralism. The President of the National Authority shall be directly elected by people. The Government shall be responsible 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 authorities, powers, agencies, institutions and individuals shall be subject to law.

### **Article (7)**

Palestinian citizenship shall be regulated by law.

### **Article (8)**

The flag of Palestine shall be in four colors, and in accordance with the dimensions and measurement approved by the Palestinian Liberation Organization. It shall be the official flag of the country.

## **TITLE TWO**

### **PUBLIC RIGHTS & FREEDOMS**

#### **Article (9)**

All Palestinians are equal under the law and judiciary, without discrimination because of race, sex, color, religion, political views, or disability.

#### **Article (10)**

1. Basic human rights and freedoms shall be binding and respected.
2. The Palestinian National Authority shall work Without delay to join regional and international declarations and covenants which protect human rights.

#### **Article (11)**

1. Personal freedom is a natural right, and shall be guaranteed and protected.
2. It is unlawful to arrest, search, imprison, restrict the freedom, or prevent the movement of, any person, except by judicial order in accordance with the provisions of law. The law shall specify the period pre-arrest detention. Imprisonment or detention shall only be permitted in places that are subject to laws related to the organization of prisons.

## **Article (12)**

Every arrested person shall be informed of the reasons 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 without delay.

## Article (13)

1. No person shall be subject to any duress or torture. All persons deprived of their freedom shall receive proper treatment.
2. All statements or confessions obtained through violation of paragraph one of this article shall be considered null and void.

## Article (14)

The accused is innocent until proven guilty in a court of law that guarantees the right to defend himself. Any person accused in a criminal case shall be represented by a lawyer.

## Article (15)

Punishment shall only be imposed upon individuals. Collective punishment is prohibited. Crime and punishment shall only be determined by law. Punishment shall be imposed only by judicial order, and shall apply only to actions committed after the promulgation of law.

### Article (16)

It is unlawful to conduct any medical or scientific experiment on any person without his prior legal consent. No person shall be subject to medical examination, treatment, or surgery, except in accordance with law.

Transplantation of human organs, and new scientific developments shall be regulated to serve legitimate humanitarian purposes.

### Article (17)

Homes shall be inviolable; thus, they shall not be subject to surveillance, entrance or search, except in accordance with a valid judicial order, and in accordance with the provisions of law.

Any consequences resulting from violations of this article shall be considered invalid. Individuals who suffer from such violation shall be entitled to fair compensation guaranteed by the Palestinian National Authority.

### Article (18)

Freedom of belief and the performance of religious rituals are guaranteed, provided that they do not violate public order or public morals.

### Article (19)

Every person shall have the right to freedom of thought, conscience and expression, and shall have the right to publish his opinion orally, in writing, or in any form of art, or through any other form of expression, provided that it does not contradict with the provisions of law.

### Article (20)

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

### Article (21)

1. The economic system in Palestine shall be based on the principle of free market economy. The Executive Authority may establish public companies which shall be organized in accordance with law.
2. The freedom of economic activity is guaranteed. The law shall organize its supervising rules and limitations.
3. Private property shall be protected and, shall not be expropriated except in the public interest, and for a fair compensation in accordance with the law, or pursuant to a judicial order.
4. Confiscation shall be in accordance with a judicial order.

## Article (22)

1. Social, health, disability, and retirement insurance shall be regulated by law.
2. The welfare of families of martyrs', prisoners of war, the injured, and the disabled, shall be regulated by law. The National Authority shall guarantee them education services, health and social insurance.

## Article (23)

Proper housing is a right for every citizen. The Palestinian National Authority shall secure housing for those without shelter.

## Article (24)

1. Every citizen has the right to education. It shall be compulsory until at least the end of basic grades, and it shall be free in public schools and institutes.
2. The Palestinian 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, higher institutes, and scientific research centers, in a manner that guarantees the freedom of scientific research, as well as literary, artistic, and cultural creativity. The Palestinian National Authority shall encourage and support such creativity.



4. Private schools and educational institutions shall comply with the curriculum approved by the Palestinian National Authority, and shall be subject to its supervision.

#### Article (25)

1. Work is a right, duty and honor. The Palestinian National Authority shall strive to provide it to any individual capable of performing it.
2. Work relations shall be organized in a manner which guarantees justice and provides security, health, and social insurance to all workers.
3. Organization of unions and guilds is a right which shall be regulated by law.
4. The right to conduct a strike shall be exercised within the limits of law.

#### Article (26)

**Palestinians shall have the right to participate in the political life individually and in groups. They have the following rights in particular:**

1. To establish and join political parties in accordance with the law.
2. To establish unions, guilds, associations, societies, clubs, and public institutions in accordance with the law.

3. To Vote and nominate for election, representatives among them by ballot in accordance with the law.
4. To hold public office and positions in accordance with the principle of equal opportunities.
5. To conduct special meetings without the presence of police members, and to conduct public meetings, processions, and assemblies, within the limits of law.

#### Article (27)

1. Establishment of newspapers and all media means is a right for all, guaranteed by this Basic Law. However, their financing resources shall be subject to law.
2. Freedom of audio, visual, and written media, as well as freedom to print, publish, distribute, transmit, together with the freedom of individuals working in this field, is guaranteed by this Basic Law, other related laws.
3. Censorship on media shall be prohibited. No warning, suspension, confiscation, cancellation, or restrictions shall be imposed on media except by law, and in accordance with a judicial order.

#### Article (28)

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

## Article (29)

### **Maternity and childhood welfare is a national duty. Children shall have the right to:**

1. Comprehensive protection and welfare
2. Not to be exploited in any purpose, and shall not be allowed to perform works which might damage their safety, health, or education.
3. Protection from harm and cruel treatment
4. Law prohibits beating children and treating them cruelly by their relatives.
5. Shall be segregated in case they are sentenced form adults, and treated in a manner which is appropriate to their age and rehabilitation.

## Article (30)

1. Litigation is a protected and guaranteed right to all people. Each Palestinian shall have the right to find sanctuary in the legal system. Litigation procedures shall be organized by law to guarantee prompt settlement of cases.
2. Laws shall not make any decision or administrative work immune against judicial control.

3. Judicial mistakes shall result in compensation by the National Authority. Conditions and methods of such compensation shall be regulated by law.

#### Article (31)

An independent commission for human rights shall be established by law, which will specify its formation, duties, jurisdiction. The Commission shall submit its reports to the President of the National Authority, and to the Palestinian Legislative Council.

#### Article (32)

Each aggression committed against any personal freedom, against private life of human being, or against any of rights or freedom, which have been guaranteed by the law or by this basic law, shall be considered as a crime. Criminal and civil case resultant from such infringement shall not be subject to any status of limitation. The National Authority shall guarantee fair indemnity for those who suffered from such damages.

#### Article (33)

A balanced and clean environment is one of the human rights. The preservation and protection of the Palestinian environment from pollution, for the sake of present and future generation, is a national duty.

## TITLE THREE

### **The President of the Palestinian National Authority**

#### Article (34)

The President of the Executive Authority shall be elected in a general and direct elections by the Palestinian People in accordance with the Palestinian Election Law.

#### Article (35)

Before assuming office, the President shall take the following oath before the Legislative Council, and in the presence of the Speaker of the Palestinian National Council, the Chief of Supreme Court "I swear to Allah Almighty to be faithful to the Homeland and to its sacred places, and to the people and its national heritage, and to respect the Constitutional system and the law, and to safeguard the interests of the Palestinian people completely, as Allah is my witness".

#### Article (36)

The term of the Presidency of the National Authority shall be the Transitional "Interim" Phase, after which the President shall be elected in accordance with law.

### Article (37)

1. The office of the President shall be considered vacant in any of the following cases:

- a. Death
- b. Resignation submitted to the Palestinian Legislative Council if accepted by two thirds of its Members.
- c. Considered legally incompetent, as per a ruling issued by the Supreme Constitutional Court, and subsequently approved by two thirds 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 assume the powers and duties of the Presidency of the National Authority, temporarily for a period not exceeding (60) sixty days, during which free and direct elections to choose a new president shall take place in accordance with the Palestinian Elections Law.

### **Article (38)**

***The President of the National Authority shall exercise his executive powers and missions as specified in this law.***

### Article (39)

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

### Article (40)

The President of the National Authority shall appoint and terminate the services of the National Authority's representatives at foreign countries, international organizations and foreign agencies. Further, the President shall accept the credentials of foreign representatives at the Palestinian National Authority.

### Article (41)

- 1.The President of the National Authority shall promulgate laws after being ratified by the Palestinian Legislative Council within (30) thirty days from referring them to him. Otherwise, the President shall return the laws to the Council within the same specified period, together with his comments and objections, or else, the laws shall be considered approved and promulgated immediately in the official gazette.
- 2.If the President of the National Authority returns the proposed law within the deadline and conditions mentioned in the previous paragraph, and the Council debates it and passes it again with a two third majority, the proposed law shall be considered ratified and shall be published in the official gazette.

### Article (42)

The President of the National Authority has the right to pardon or commute sentences. General amnesty, however, shall not be granted except through a law.

### Article (43)

The President of the National Authority shall have the right in exceptional cases, which can not be postponed, and while the Legislative Council is not in session, to issue decisions and decrees that have the power of law. However, the decisions issued shall be presented to the Legislative Council in the first session convened after their issuance, otherwise they will cease to have the power of law. If these decisions were presented as mentioned above, but were not approved, then they shall cease to have the power of law.

### Article (44)

The President's salary, allowances and compensations shall be determined by a law.

### **Article (45)**

***The President of the National Authority shall select the Prime Minister, and task him to form his government. The President shall have the right to remove him, and to accept his resignation, as well as ask him to invite the Council of Ministers to convene***



## Article (46)

The President shall be assisted by the Council of Ministers in the performance of his duties and the exercise of his powers in the manner explained in this Basic Law.

## TITLE FOUR

# THE LEGISLATIVE AUTHORITY

### Article (47)

- 1.The Palestinian Legislative Council is the elected legislative authority.
- 2.Without prejudice to the provision of this law, the Legislative Council shall assume its legislative and oversight duties, as prescribed in its Standing Orders.
- 3.The term of this Council shall be the interim period.

### Article (48)

- 1.The Legislative Council shall be composed of 88 Members elected in accordance with law.
- 2.If the position of one Member or more became vacant due to death, resignation, or loss of legibility, elections shall be conducted in the concerned constituency to elect a successor in accordance with law.

### Article (49)

Before taking on any responsibility, every Member shall swear the following oat before the Council: -

***"I swear by Allah Almighty to BE faithful to the Homeland, and to preserve the rights and interests of the people and nation, and to respect law and***

***perform my duties in the best manner, as Allah is my witness”.***

#### Article (50)

In its first meeting, the Council shall elect a Speaker, two deputies, and a Secretary General; in all they makeup the Presidency Office of the Council. It is not allowed to combine between Membership in the Presidency office of the Legislative Council, the Presidency of the Executive Authority, and membership in the Cabinet, or any other governmental position.

#### Article (51)

The Council shall accept the resignation of its Members, and establish its own Standing Orders, as well as rules of questioning its Members, in a way which does not contradict with the provisions of this Basic Law, or with the general constitutional principles. The Council shall be solely responsible for maintaining order and security during sessions and meetings of its committees. Security men shall not be present in the Council, unless requested by the Speaker, or by the Head of the Committee according to the situation.

#### Article (52)

The President of the Palestinian National Authority shall open the ordinary session of the Council and deliver his opening statement.

### Article (53)

1. Members of the Council shall not be questioned, through either a civil or criminal procedure, because of their actions, or opinions, or votes in the Council's sessions and Committees' meetings, or because of any action they undertake outside the Council in the course of their functions as Members, to enable them perform their parliamentary mission.
2. No Members shall be disturbed in any manner, nor shall any search be made of his luggage, house, place of residence, car, or office, and in general any real estate or transferable property, throughout the period of immunity.
3. No Member of the Legislative Council shall be asked during the period of membership or subsequently , to testify on any subject related to his actions or statements or information he obtained as a result of his membership on the Council, unless he agrees to do so, and as per the prior consent of the Council.
4. No penalty measures shall be taken against any Member of Legislative Council, unless the Member is found red-handed "Flagratne delicto". However, the Council shall be notified immediately about the measures taken against the Member, so that the Council shall take the proper action in this regard. The Office of the Council shall assume this responsibility if the Council is not convened.

5. The Member of the Legislative Council shall not relinquish his immunity without a prior permission of the Council. Immunity shall not be dropped after ceasing to be a Member of the Council, within the limits which have been included during the membership period.

#### Article (54)

1. The Member of the Legislative Council shall not exploit his membership on Council, in any other type of private business, or in any manner whatsoever.

2. Every Member of the Legislative Council shall present a financial statement for himself, his wife, his dependent "minor" children, detailing what they own in real estate, transferable property inside Palestine and abroad, and their debts, to the Speaker of the Council. This declaration "Statement" shall be kept in a sealed and classified envelope at the Supreme Court of Justice, and shall not be disclosed unless approved by the Court, and within the limits it allows.

#### Article (55)

The Member of the Legislative Council shall receive a monthly salary determined by law.

## Article (56)

### **Each Member of the Council shall have the right to:**

1. Submit to the Executive Authority all necessary and legitimate requests, which will enable him exercise his parliamentary duties.
2. Propose laws. Rejected proposals shall not be resubmitted within the same term of the period of the year.
3. Address inquiries and interrogatories to the Government or to any Minister, or alike. Interrogatories shall be discussed only seven days after submission, unless the addressee agrees to reply promptly or within a shorter notice. However, this period can be curtailed to three days in case of urgency as per the approval of the President of the National Authority.

## Article (57)

1. Ten Members of the Council may submit a request after the interrogation, to withdraw confidence from the Government or from any Minister. However, voting on such request shall be at least three days after submission. A decision shall be issued by a majority vote of the Council's Members.
2. The withdraw of confidence shall result in terminating the term of the party in whom confidence was lost.

### Article (58)

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

### Article (59)

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

### Article (60)

The law shall regulate the specific procedures regarding the preparation and approval of the general budget, as well as the attached budgets, developmental budgets, the budgets of public institutions and assemblies, and the budget of every project in which the government's investment comprises 50% or more of its capital. The law shall also regulate the spending of funds appropriated in these budgets.

### Article (61)

Taking into consideration the provisions of Article (87) of this Basic Law:

1. The Government shall present the budget proposal to the Legislative Council at least two months before the beginning of the fiscal year.
2. The Legislative Council shall convene a special session to discuss the annual budget proposal. It either

ratifies it prior the start of the new fiscal year, or send it back to the government in a period not exceeding one month from the date of receipt. The returned budget shall include the Council's comments, in order to complete the necessary requirements and return it to the Council for approval.

3. Voting on the general budget, in the Council, shall be chapter by chapter.

4. Transfer of funds among the budget's chapters is not permitted, unless there is an agreement between the Legislative Council and the Executive Authority in this concern.

#### Article (62)

The final accounts of the National Authority's budget shall be presented to the Legislative Council no later than one year from the end of the fiscal year. The Council shall vote on the final accounts chapter by chapter.



## TITLE FIVE

### THE EXECUTIVE AUTHORITY

#### *Article (63)*

*The Council of Ministers (Government) is the highest executive and administrative tool, which shoulders the responsibility of implementing the program that will be approved by the Legislative Authority, Except the executive jurisdictions of the President of the National Authority as specified in the Basic Law, the Executive and administrative powers, shall be the jurisdiction of the Council of Ministers.*

#### *Article (64)*

*The appointed Prime Minister or Minister shall be a Palestinian who enjoys full civil and political rights*

#### *Article (65)*

*1. The Cabinet shall comprise of a Prime Minister and a number of Ministers not to exceed twenty four ministers.*

*2. The decision of appointment shall specify and determine the Ministry that each Minister shall be assigned to*

## ***Formation of the Cabinet***

### ***Article (66)***

- 1. Once entrusted by the President of the Palestinian National Authority, the Prime Minister shall form his government within three weeks from the date of entrustment. He shall have the right to have an extension of a maximum of two weeks only.***
- 2. If the Prime Minister fails to form his government within the said deadline, or did not obtain the confidence of the Legislative Council, then the President of the National Authority shall replace him within two weeks from the date of failure, or from the date of the confidence session. Provisions contained in the above clause (1) shall apply on the new prime minister.***

### ***Article (67)***

- 1. Once the Prime Minister selects the members of his government, he shall submit a request to the Legislative Council to hold a special session for vote of confidence. Vote of confidence shall take place after listening and discussing the written ministerial statement, which specifies the program and the policies of the government. However, the session shall be held no later than one week from the date of submission of such request.***

*2. The vote of confidence shall be collectively for the Prime of Minister and members of his government, unless the Legislative Council decides otherwise by absolute majority.*

*2. Confidence shall be granted to the government, if it obtains the absolute majority of the PLC Members.*

#### *Article (68)*

*After obtaining the confidence, and before assuming their offices, the Prime Minister and members of his government shall take the oath stipulated in Article (35) of this Basic Law before the President of the National Authority.*

### **Jurisdiction of the Prime Minister**

#### *Article (69)*

*The Prime Minister shall exercise the following:*

*1. Formation, modification of the Council of Ministers, remove or accept resignation of any member of it, or fill the vacant position.*

*2. Call the Council of Ministers for weekly meeting, when necessary, or upon a request from the President of the National Authority, as well as putting its agenda*

*3. Presiding the sessions of the Council of Ministers*

- 4. Manage whatever related to the affairs of the Council of Ministers.***
- 5. Oversee the work of Ministers and public institutions which belong to the government.***
- 6. Issue necessary decisions within his jurisdiction in accordance with law***
- 7. Signing and publishing regulations approved by the Council of Ministers.***
- 8. The Prime Minister shall appoint one of his ministers as a deputy for him, in order to assume his duties in his absence.***

## **JURISDICTIONS OF THE COUNCIL OF MINISTERS**

### ***Article (70)***

***The Council of Ministers shall have the following jurisdiction:***

- 1) Devise the general policies within the limits of its jurisdiction "functions", and in light of the Ministerial program approved by the Legislative Council.***
- 2) Implement the general policies set forth by the concerned Palestinian authorities "entities".***
- 3) Prepare the general budget to be presented to the Legislative Council.***

***4) Prepare the administrative apparatus, develop its structures, and provide it with all necessary means, as well as supervising and following it up.***

***5) Follow up the implementation of laws, and ensuring compliance with their provisions, and taking necessary actions in this regard.***

***6) Supervise the performance of different Ministries and all other components of the administrative apparatus, for their duties and functions, and coordinating between them***

***7) The Responsibility to maintain public order and internal security***

***8) Discuss suggestions with various entities, which are related to above clause (6 and 7), and their policies with regard to implementation of their jurisdictions.***

***9) a. Establishment or cancellation of agencies, institutions, commissions, and similar administrative units, which belong to the executive apparatus of the government, provided that each shall be regulated by law***

***b. Appoint Heads of Institutions and agencies mentioned above in item (a), and supervise them in accordance with the provisions of law.***

***10) Specify the jurisdictions of all ministries, agencies and institutions, which report to the Executive branch, and others of similar status.***

***11) Any other Jurisdictions or responsibilities assigned to him in accordance with the provisions of law.***

### **Article (71)**

***The Council of Ministers shall have the right to propose laws, issue regulations, and take the necessary actions to implement laws.***

### Article (72)

**Every Minister shall exercise the following powers and functions within his Ministry:**

- 1) Proposing the general policy of his Ministry and supervising its implementation after approval.
- 2) Supervise the conduct of business and affairs within his Ministry, and issue necessary instruction thereof.
- 3) Implement the general budget within the funds appropriated for his Ministry.
- 4) Propose bills and legislation related to his Ministry and present them to the Council of Ministers.
- 5) Delegate some of his powers to the Deputy Minister, or other senior officers in his Ministry within law.

### **Article (73)**

Every 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 his Ministry within the framework of the General Plan, and on his Ministry's proposals and recommendations concerning its future policies.

These reports shall be submitted regularly every three months, to give the Council of Ministers sufficient information about the activities and policies of each Ministry.

### ***Meetings of the Council of Ministers***

#### ***Article (74)***

- 1. By Invitation from the Prime Minister, the Council of Ministers shall meet periodically every week, or when necessary. Persons other than ministers shall not attend these meetings, unless there is a prior invitation from the Prime Minister.***
- 2. The meetings of the Council of Ministers shall be documented.***

## ***Responsibilities of the Prime Minister and Ministers***

### ***Article (75)***

- 1. The Prime Minister is responsible before the President of the National Authority about his actions and the actions of his government.***
- 2. Ministers are responsible before the Prime Minister, each within his jurisdiction, and for the actions of his ministry.***
- 3. The Prime Minister and members of his government are jointly and individually responsible before the Legislative Council.***

### ***Article (76)***

- 1. The President of the National Authority shall have the right to refer the Prime Minister to investigation as a result of crimes committed by him during, or due to his performance of his duties, in accordance with the provision of law.***
- 2. The Prime Minister shall have the right to refer any Minister to investigation based on any of the reasons mentioned in the above clause (1), in accordance with the provisions of law.***

### **Article (77)**

- 1) Any accused Minister shall be suspended from performing his duties immediately upon the issuance of indictment. The termination of his service, shall



not prevent the continuation of the investigation and follow-up procedures against him.

- 2) The Attorney General, or whoever represents him from the prosecutor's offices, shall assume the investigation and indictment procedures. A Minister's trial shall be conducted before the concerned court, and shall follow the provisions and rules prescribed in the Penal Code and in the Criminal Procedures Law.
- 3) The above provisions shall apply to Deputy Ministers, Assistant Ministers, and the like as well.

#### ***Article (78)***

***1. Ten 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 investigating him***

***2. The date of the first session shall be determined three days after the date of submitting the request. However, the session shall not be later than two weeks from that date***

#### ***Article (79)***

***1. A vote of no confidence in the Prime Minister and his government shall require absolute majority of the PLC's Members.***

***2. A vote of no confidence in the Prime Minister and his government shall result in the termination of their term.***

***3. Upon the completion of the term of the Prime Minister and his government, they will temporarily exercise their work, as a winding up government, during which they will make decisions only to run the executive work, until a new government is formed***

#### **Article (80)**

***1. The President of the National Authority, shall in case the PLC has a vote of NO confidence by absolute majority, on the Prime Minister, or on him and members of his government collectively, provide a replacement within a period not to exceed two weeks from the date of the vote of no confidence. The New Prime Minister shall be subject to the provisions of this Title.***

***2. In case the Legislative Council has a vote of no confidence on one or more members of the government, the Prime Minister shall provide a replacement in the next session, provided that it shall not exceed two weeks from the date of the no confidence session.***

***3.a. Any addition or change that affect a portfolio, a minister, or more shall be***

*considered a shuffle, as long as it did not affect one-third of their number.*

*b. Upon a cabinet shuffle, addition of a minister, or filling a vacancy, for any reason, the new ministers shall be presented for a vote of confidence in the very first session of the Legislative Council, within two weeks from the date of the shuffle, or vacancy, in order to obtain confidence, in accordance with the provisions of this article.*

*4. The Prime Minister and any of the Ministers shall not assume the duties of their position until they obtain the confidence of the Legislative Council*

### *Cases of Government Resignation*

#### *Article (81)*

*The Government shall be considered resigned and shall be re-formed in accordance with the provisions of this Title in the following cases:*

- 1. Upon the commencement of a new term of the Legislative Council*
- 2. After vote of no confidence against the Prime Minister, the Prime Minister and his government, or at least one-third of the number of Ministers.*

***3. Any addition, change, vacancy, or removal that involves at least one-third of the Council of Ministers.***

***4. Death of the Prime Minister***

***5. Resignation of the Prime Minister, or resignation of at least one-third of the government members***

***6. Removal of the Prime Minister by the President of the National Authority***

### ***Financial Liability of Members of Council of Ministers***

***1. The Prime Minister and each Minister shall submit a financial report for himself, his wife, and dependent "minor" children, detailing what they own in real estate, transferable property, stocks, bonds, cash money, and debts, whether inside Palestine or abroad, to the President of the National Authority, who shall make the necessary arrangements to keep its secrecy. Such information shall be kept in a confidential manner, and will be disclosed only by a permit issued by the Supreme Court when necessary.***

***2. The Prime Minister, and each Minister shall not purchase or lease any thing from government property, or from any legal or juridical personality, or to have a financial interest in any contract concluded with governmental or administrative entities, nor may they, during their***

*terms in office, be Board Members in any company, or practice commerce or any other profession, or receive a salary or any other financial rewards or remuneration from any person in any capacity, other than the one salary determined for the Minister and its allowances.*

***Remuneration and Allowances  
of Prime Minister and Ministers***

***Article (83)***

***Remunerations and allowances of the Prime Minister, Ministers, and the like, shall be determined by law.***

**Security Forces and Police**

**Article (84)**

- 1) Security Forces and the Police are a regular force. It is the armed force in the country, its function is to defend the country, serve people, protect the community and maintain public order, security and morals. This force performs its duties within the limits prescribed by law with complete respect to rights and freedom.
- 2) Security Forces and the Police shall be regulated by law.

## **Local Administration**

### **Article (85)**

The country shall be organized, by law, into local administrative units enjoying juridical personality. Each unit shall have a council elected directly as prescribed by law. The law shall determine the jurisdiction “functions” of the administrative units, their financial resources, their relations with central authority, and their role in the preparation and implementation of development plans. Further, the law shall determine the aspect of oversight over these units and their various activities. Demographic, geographical, economical, and political parameters shall be taken into consideration at the time of dividing the country administratively, to provide for the integrity and unity of soil and interests of the country.

## **Public Administration**

### **Article (86)**

Appointment of all public officials and government staff, and conditions of employment shall be in accordance with law.

### **Article (87)**

All affairs related to civil service shall be regulated by law. The Civil Service Bureau shall upgrade and improve public administration. Through coordinate with concerned governmental entities. Further, the

**opinion of Civil Service Bureau shall be taken into consideration upon drafting legislation, laws, and regulations which deal with public administration and its staff.**

### General Finance

#### Article (88)

Public taxes and duties shall not be imposed, amended, and repealed except through law. No one shall be totally or partially exempted from paying these taxes, except in circumstances prescribed by law.

#### Article (89)

The law shall state the provisions concerning the collection of public funds and the procedures for spending therefrom.

#### Article (90)

The beginning and the end of the fiscal year, and the general budget shall be regulated by law. If the general budget was not approved by the beginning of the new fiscal year, expenditure shall continue on the basis of monthly allocation of 1/12 of the fiscal year's budget.

#### Article (91)

1) All revenues received, including taxes, duties, loans, grants, and profits accrued to the Palestinian National Authority from managing its property or activities, shall be paid to the Public Treasury. No part of the Public Treasury funds shall be allocated

or spent for any purpose whatsoever except in accordance with the law.

- 2) The Palestinian National Authority may form a strategic financial reserve to encounter fluctuations and emergency situations in accordance with law.

#### Article (92)

Public loans shall be enacted by law. It is not allowed to engage in a project that requires spending funds from the Public Treasury during the next period unless approved by the Legislative Council.

#### Article (93)

- 1) The law shall regulate the special rules related to the monetary authority, banks, financial papers market, foreign exchange and insurance companies, and all financial and credit institutions.
- 2) The Governor of the Monetary Authority shall be appointed per a resolution issued by the President of the National Authority, and endorsed by the Palestinian Legislative Council.

#### Article (94)

The law shall determine the rules and special procedures for granting privilege or obligations related to the utilization of natural resources and public facilities. The law shall also explain the ways of dealing with state-owned real estate and other public



and legal characters, or the rules and procedures organizing them.

#### Article (95)

The law shall determine the rules for granting wages, salaries, compensations, subsidies, and rewards incurring on the state's treasury. The law shall also regulate the entities responsible for their implementation. Further, no exceptional funds shall be spent unless within the limits specified legally.

#### Article (96)

1. A Financial and Administrative Auditing Bureau shall be established by law, to provide financial and administrative oversight on all entities of the Executive Authority, to include monitoring the collection of public revenues, and spending therefrom within the limits of the general budget.
2. The Bureau shall submit to the President of the National Authority, and to the Legislative Council an annual report - or upon request - about its works and observations.
3. The Chief of the Financial and Administrative Bureau shall be appointed through a decision issued by the President of the National Authority, and endorsed by the Legislative Council.

## **TITEL SIX**

### **THE JUDICIARY BRANCH**

#### Article (97)

The Judiciary branch shall be independent, and shall be assumed by the different types and level of courts. The structure, jurisdiction, and rulings of the courts shall be in accordance with law. The rulings 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 law while exercising their duties. No other authority may interfere in the judiciary or in the justice affairs.

#### Article (99)

- 1) Appointment, transfer, secondment, delegation, promotion, and questioning of judges shall be as prescribed in the Judiciary Law.
- 2) Judges can not be dismissed and their services can not be terminated unless as stipulated in the Judiciary Law.

### Article (100)

A Supreme Judicial Council shall be created. The law shall specify the method of its formation, jurisdiction, and operating rules. The Council shall be consulted about draft laws which regulate any affairs of the Judiciary branch, to include Public Prosecution.

### Article (101)

- 1) Sharia' affairs and personal status shall be assumed by Sharia' and religious courts in accordance with 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 a law to look through administrative disputes and disciplinary claims. The other jurisdictions of such court, and procedures followed before it shall be determined by law.

### Article (103)

- 1) A High Constitutional Court shall be established by law to ensure:
  - a. The constitutionality of laws, regulations, rules, and others.
  - b. Interpretation of the Basic Law and legislation
  - c. Settle jurisdiction disputes which arise between judicial entities and

administrative entities that have judicial jurisdiction.

2)The law shall determine the way the High Constitutional Court is structured and formed, operating procedures to be followed, and the impact resultant from its rulings.

#### Article (104)

The Supreme Court shall assume temporarily all duties assigned to the administrative court and to the High Constitutional Court, unless they are within the jurisdiction of other judicial entities in accordance with applicable laws

#### Article (105)

Courts hearings shall be public unless a court decides to make them secret due to considerations related to public order or public morals. In all cases, ruling "sentence" shall be pronounced in a public hearing.

#### Article (106)

Judicial rulings "sentences" shall be implemented. Abstention or suspension of implementation in any manner shall be considered a crime that qualifies for imprisonment, or dismissal from position, if the accused individual is a public official or servant. The Plaintiff may file his case directly at the concerned court, and the National Authority shall guarantee a full compensation for him.

## **Public Prosecution**

### Article (107)

1. The Attorney General shall be appointed through a decision issued by the President of the National Authority, based on a recommendation submitted by the Supreme Judicial Council, and endorsement of the Legislative 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 specified by law.

### Article (108)

- 1) The jurisdiction, functions, structure, and composition of the Public Prosecution shall be regulated by law.
- 2) The appointment, transfer, removal, and questioning conditions of members of Public Prosecution, shall be specified by law.

### Article (109)

Execution sentence issued by any court shall not be implemented unless endorsed by the President of the Palestinian Executive Authority.

## **TITLE SEVERN**

# **PROVISIONS OF THE STATE OF EMERGENCY**

### Article (110)

- 1) The President of the National Authority may declare a state of emergency by a decree when there is a threat to national security caused by war, invasion, armed insurrection, or at a time of natural disaster for a period not to exceed thirty (30) days.
- 2) The emergency state may be extended for another period of thirty (30) days after the approval of two thirds of the Legislative Council Members.
- 3) The decree declaring a state of emergency shall state its purpose, the territory to which it applies, and its duration.
- 4) The Legislative Council shall have the right to review all or some of the procedures which have been implemented during the emergency state at the first session to be convened after the announcement of the state of emergency, or in the extension session whichever comes earlier, and to conduct the necessary questioning in this regard.

### Article (111)

It is not allowed, when declaring a state of emergency, to impose restrictions on the basic rights and freedoms, except to the level that is necessary to achieve the objective stated in the decree of the state of emergency

### Article (112)

**Any arrest resultant from the declaration of emergency situation shall be subject to the following minimum requirements:**

- 1) Any detention done in accordance with the decree of the emergency situation, shall be reviewed by the Attorney General, or by the concerned court during a period not exceeding fifteen (15) days from the date of detention.
- 2) The detained “arrested” individual shall have the right to appoint a lawyer of his choice.

### Article (113)

The Palestinian Legislative Council shall not be dissolved or suspended during the emergency situation, nor shall the provisions of this chapter be suspended.

### Article (114)

All provisions which regulate the emergency states implemented in Palestine prior the implementation of this Basic Law shall be canceled, to include the mandate civil defense regulations issued in 1945.

## **TITLE EIGHT**

### **GENERAL & TRANSITIONAL PROVISIONS**

#### *Article (115)*

The provisions of this Basic Law shall apply during the interim period, and can be extended until the implementation of the new constitution of the Palestinian State.

#### *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 come into force 30 days from the date of their publication unless the laws state otherwise.

#### *Article (117)*

The provisions of laws shall apply only to matters occurring as from the date on which they came into force. However, it can be stated otherwise in articles that are not punitive.

#### *Article (118)*

Law, regulations and decisions in force in Palestine before the implementation of this law, shall remain in force to the extent that they do not conflict with the provisions of this Basic Law, until they are amended or repealed in accordance with law.



**Article (119)**

***Everything in contradiction with the provisions of this amending law to Basic Law shall be repealed.***

Article (120)

The provisions of this Basic Law shall not be amended except with two thirds majority of the Members of the Legislative Council.

**Article (121)**

***This amending law of the Basic Law shall be effective as of publishing it in the official gazette.***

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***Corresponding to \_\_\_ / \_\_\_ / 1424 h.***

***Yassir Arafat***

***Chairman of the Executive Committee***

***Of the Palestinian Liberation Organization***

***President of The Palestinian National Authority***