



Case Western Reserve Journal of International Law

Volume 31 | Issue 2

1999

Third Reading of the Palestinian Basic Law

Palestine

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Recommended Citation

Palestine, *Third Reading of the Palestinian Basic Law*, 31 Case W. Res. J. Int'l L. 495 (1999)

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APPENDIX

THIRD READING OF THE PALESTINIAN BASIC LAW*

CHAPTER ONE

ARTICLE (1)

Palestine is a part of the Great Arab Homeland and the Palestinian Arab people are part of the Arab Nation. Arab unity is the goal towards which the Palestinian people are striving.

ARTICLE (2)

The people are the source of the authorities which are exercised on the path of legislative, executive, and judicial authorities on the foundation of the principle of separation between the authorities in a clear manner in this Basic Law.

ARTICLE (3)

Jerusalem is the capital of Palestine.

ARTICLE (4)

1. Islam is the official religion of Palestine and the practice of the monotheistic religions has its sanctity and sacredness.
2. Principles of Islamic shariah are a primary source of legislation.
3. Arabic is the official language.

ARTICLE (5)

The system of rule in Palestine is a democratic delegate system dependent upon political and party representation. The president shall be elected in a direct election before the people and the government shall be responsible to the president and the Palestinian Legislative Council.

* October 1997, Translated by Saladin Al-Jurf.

ARTICLE (6)

The principle of the authority of law is the foundation for rule in Palestine. All authorities, apparatuses, bodies, foundations, and persons are subject to the law.

ARTICLE (7)

The Palestinian nationality shall be regulated by law.

ARTICLE (8)

The flag of Palestine shall be of the four colors and the dimensions and measurements relied upon by the Palestinian Liberation Organization as the official flag of the country.

CHAPTER TWO CIVIC RIGHTS AND FREEDOMS

ARTICLE (9)

Palestinians are equal before the law and the judiciary. There is no discrimination between them because of descent, gender, color, religion, political opinion, or disability.

ARTICLE (10)

1. Human rights and basic freedoms are necessary and an obligation of respect.
2. The Palestinian National Authority works without delay to incorporate international and national declarations and agreements which protect human rights.

ARTICLE (11)

1. Personal freedom is a natural right which is guaranteed and not touched.
2. It is not permitted to arrest someone, search him, imprison him, restrict his freedom through any restriction, or forbid his movement except through judicial order in accordance with the provisions of the law. The law limits the period of precautionary imprisonment. Detention or imprisonment shall not be permitted in places not subject to the laws issued for prison regulation.

ARTICLE (12)

All those arrested or stopped shall be informed of the reasons of their arrest or stoppage. It is obligatory to inform them speedily, in a language they understand to confront their accusation. They may contact a lawyer and apply to trial without delay.

ARTICLE (13)

1. No one may be subjected to any compulsion or torture. The accused and those denied their freedom of movement shall be treated in an appropriate manner.
2. Any statement or confession procured in contradiction with the first subsection of this Article shall be deemed void.

ARTICLE (14)

The accused is innocent until proven guilty in a legal trial which guarantees him all assurances to defend himself. Everyone accused of a crime must have a lawyer to defend him.

ARTICLE (15)

Punishment is personal and collective punishment is forbidden. There is no crime nor punishment without a legal text. No punishment shall be meted out except by a judicial ruling, and no punishment except through the subsequent workings of the effectiveness of the law.

ARTICLE (16)

There shall be no performance of a medical experiment or operation on anyone without previous legal consent. Also, there shall be no medical examination, treatment, or surgical operation except through legal cause. The law shall regulate provisions for the removal of organs and the like for scientific advancement innovations in projected humanitarian ends.

ARTICLE (17)

Homes have sanctity, so it is not permitted to watch, enter, or search them except through appropriate judicial order, in accordance with the provisions of law. Anything designed to contradict the provisions of this Article shall be deemed void. Anyone thus harmed has the right to just compensation assured by the Palestinian National Authority.

ARTICLE (18)

Freedom of belief and worship and the practice of religious devotions are guaranteed, on condition they do not interfere with public order or public morals.

ARTICLE (19)

There shall be no interference with freedom of opinion. Every person has the right to express his opinion and spread it through speech, writing, or through other methods of expression or art with the supervision of the provisions of the law.

ARTICLE (20)

Freedom of residency and movement are guaranteed in the limits of the law.

ARTICLE (21)

1. The economic system in Palestine shall be founded on free economy principles. The Executive Authority may establish public corporations regulated by law.
2. Freedom of economic activity is guaranteed. The law shall regulate orders for its supervision and limits.
3. Private property is protected. Expropriation or acquisition of real or movable property shall not be completed except for public benefit in accordance with the law and with the presentation of just compensation or mandated by judicial ruling.
4. No issuance without a judicial ruling.

ARTICLE (22)

1. The law shall regulate social security and health insurance services for citizens and provisions for incapacity and old age.
2. The care of the families of martyrs and prisoners and the care of the wounded, injured, and the disabled is an obligation regulated by the provisions of law. The National Authority guarantees them educational services, health insurance, and social security.

ARTICLE (23)

Convenient housing is a right for every citizen. The National Authority shall endeavor to insure housing to those who do not have a dwelling.

ARTICLE (24)

1. Education is a right of every citizen and compulsory at least until the end of the formative stages. Education is free in public schools, institutes, and institutions.
2. The National Authority supervises all education in all of its stages and institutions and works to raise its standards.
3. The law guarantees independence of universities, higher institutes, and scientific research centers and assures the freedom of scientific research and literary, cultural, and artistic creation. The National Authority works to encourage and support them.
4. Schools and private educational foundations must submit to supervision by programs supported by the National Authority.

ARTICLE (25)

1. Work is a right for every citizen. It is an obligation and honor and the National Authority endeavors to provide it for all those who are able.
2. Employment relationships shall be regulated as to guarantee justice for all and provide protection, safety, health and social care for employees.
3. Union formation is a right that shall be regulated by the provisions of law.
4. The right to strike shall be exercised within the limits of the law.

ARTICLE (26)

Palestinians, individually and collectively, have the right to participate in political life and have the following special rights:

1. Formation of and joining of political parties in accordance with the law.
2. Formation of unions, charities, cooperatives, retreats, clubs, and popular foundations in accordance with the law.

3. The voting and nomination in elections to select representatives. Their election shall be completed by public casting in accordance with the law.
4. To follow their public positions and occupations on basis of equal opportunity.
5. Holding of private meetings without the presence of members of the police, and the holding of public meetings, processions, and gatherings within the limits of the law.

ARTICLE (27)

1. Foundation of the press and advancement of methods of communication are rights for all guaranteed by this Basic Law and the submission of financial resources for them are supervised by the law.
2. The freedom of visual, oral, and written methods of communication, the freedom of printing and publishing, distribution, and propagation, the freedom of those who work in them are guaranteed in accordance with this Basic Law and other related laws.
3. The surveillance of methods of information is prohibited and they may not be censored, halted, confiscated, canceled, or forced to cease except in accordance with the law mandated by judicial ruling.

ARTICLE (28)

No Palestinian may be exiled from the land of the nation nor may be denied from returning to it nor forbidden from leaving it nor have his nationality revoked nor be surrendered to a foreign power.

ARTICLE (29)

Care of motherhood and childhood is a national obligation and children have the right in:

1. Complete protection and care.
2. Not to be exploited for any aim. They are not allowed to perform work which would result in harm to their safety, health, or education.
3. Protection from harm or cruel treatment.
4. The law forbids the exposure of children to beating and cruel treatment by their relatives.

5. If they are dealt a punishment which negates their freedom, they shall be separated from adults and treated in a manner which shall target their reform and is appropriate for their age.

ARTICLE (30)

1. Litigation is a right protected and guaranteed to all people. Every Palestinian has the natural right to use the courts and the law shall regulate litigation procedures which assure the speed of the trial process.
2. Texts in the laws prohibit the restriction of any decision or administrative action from judiciary supervision.
3. Compensation shall be arranged for a judicial wrong by the National Authority. The law shall define its conditions and qualifications.

ARTICLE (31)

The law shall establish an independent body for human rights and the law shall define its formation, goals, and specializations. It shall present its reports to every president of the National Authority and the Palestinian Legislative Council.

ARTICLE (32)

Every trespass to any of the personal freedoms, personal sanctity of life for humans, or other civic rights and freedoms which are guaranteed in the Basic Law or the law is a crime in which such a case, founded on civil or criminal precedents, cannot be dismissed. The Palestinian National Authority shall assure a just compensation to anyone who incurred such harm.

ARTICLE (33)

A balanced, clean environment is one of the human rights. Preservation and protection of the Palestinian environment for present and future generations is a national responsibility.

CHAPTER THREE

THE LEGISLATIVE AUTHORITY

ARTICLE (34)

1. The Palestinian Legislative Council is the elected legislative authority.
2. The Legislative Council, in its legislative and supervisory goals, shall govern whatever contradicts the provisions of this law, in a clear manner with its internal order.
3. The period of this Council is the Interim Period.

ARTICLE (35)

1. The Legislative Council shall be composed of eighty-eight elected members in accordance with the law.
2. If a seat of one or more members is vacated as a result of death, resignation, or loss of capacity, allotted elections shall follow in the concerned administration in accordance with an election law appointed for this.

ARTICLE (36)

Before the commencement of work, every member must take the following oath before the council:

"I swear to God Almighty to be faithful to the homeland, and to protect the rights of the people and the nation and their interests and to respect the law, and to rise to my duty forthright, and God is witness to what I say."

ARTICLE (37)

In its first meeting the Council shall elect a president, two delegates for the president, and a secretary. This body shall be the Office of the Presidency of the Council, and membership in this office may not be combined with the Presidency of the National Authority, the Ministry, or any other governmental position.

ARTICLE (38)

The Council shall accept the resignation of its members, and shall place its internal order and rules for prosecution of its members, as long as it does not conflict with the provisions of this law and the general constitutional principles. The council preserves unity in the order and secu-

rity during the meetings and work of its committees and members of security shall not be present for their meetings except on the basis of a request of the president of the council or a president of the committee according to the circumstances.

ARTICLE (39)

The President of the Palestinian National Authority shall open the first regular session of the Council and make his opening statement.

ARTICLE (40)

1. The members of the Legislative Council shall not be civilly or criminally prosecuted for the opinions they express, the events they attended or for their voting certain ways in the Legislative Council meetings or in the works of committees, or for any work they perform outside the Legislative Council which will enable them to perform their delegate aims.
2. There shall be no confrontation of a Council member in any shape or form. His goods, home, place of residence, car, or office may not be searched, and, generally, any real or personal moveable property belonging to him.
3. A member of the Council may not be asked to offer testimony on a matter that relates to his actions, statements, or information that he obtained because of his membership in the Legislative Council, during his membership or after its termination, except with his approval and the previous approval of the Council.
4. Other than a case of criminal fraud, there shall be no taking of criminal procedures against any one of the members of the Palestinian Legislative Council, [unless] the Legislative Council is immediately informed of the procedures taken against the member, so the Council may take what it sees appropriate. The body of the Office shall govern this task if the Council is not in session.
5. A member of the Legislative Council may not renounce his immunity, except by previous consent of the Council. Immunity is not lost with the termination of membership, as this is in the limits covered by the membership period.

ARTICLE (41)

1. A member of the Council may not exploit his position in any private employment or for any design.

2. Every member of the Legislative Council shall present a statement regarding his personal finances, his wife's and his minor children's. It shall be divided as to what they possess in wealth, real or moveable property in and outside Palestine, and the debts upon them. This statement shall be kept locked secretly with the High Justice Court, and it may not be looked at except with permission of the Court and in the limitations which allow this.

ARTICLE (42)

A member of the Legislative Council shall take a monthly stipend defined by the law.

ARTICLE (43)

Every member of the Council has the right to:

1. Present to the Executive Authority all the necessary requests and obligatory proposals to enable him to perform his delegate tasks.
2. Propose laws. Each rejected proposal may not be resubmitted during the same yearly session.
3. Direct questions and inquiries to the government or any of the ministers and those in their charge. Debate of the inquiry shall not be allowed until the passing of seven days from its presentation, unless the one to whom inquiry was directed accepts a response and the debate is now or in a shorter time. Also, he may shorten this time in a state of hurry to three days with the acceptance of the President of the National Authority.

ARTICLE (44)

1. After inquiry, ten members of the Legislative Council may submit a request for withdrawal of confidence from the government or any of the ministers. There may be no voting upon this request until at least three days have passed from its submission, and a decision shall be issued by a majority of the members of the Council.
2. The ordering of the withdrawal of confidence shall terminate the governance from whom it was withdrawn.

ARTICLE (45)

The Council shall have a special committee, or shall fund one of the committees, with the purpose of examining the states of any public matter, or any of the public administrations.

ARTICLE (46)

The Legislative Council shall decide on the plan for public progress, and the law shall define its path of preparations and its presentation to the Council.

ARTICLE (47)

The law shall regulate special provisions for their preparation of the public budget, its ratification, and the spending of accounted funds in it, as well as the related developmental budgets, and budgets of public institutions and bodies, and every project in which the Authority owns no less than fifty percent of the capital.

ARTICLE (48)

With the guidance of what is found in Article (81) of this Basic Law:

1. It is upon the government to propose the plan of the budget to the Legislative Council at least two months before the beginning of the new fiscal year.
2. The Legislative Council shall hold a special meeting to discuss a proposal of law for the fiscal year. They shall ratify it by amendments before the beginning of the new fiscal year or return it to the government within a period to extend to a month from the date of its presentation, accompanied with comments of the Committee for the implementation of the requested adjustments and its return to the Council for its ratification.
3. Voting on the budget shall be completed chapter by chapter.
4. Transfer of the chapters of the budget is not allowed except by agreement between the Council and the Executive Authority.

ARTICLE (49)

Presentation of the final account for the budget of the National Authority must be presented to the Legislative Council in a period not to exceed one year from the end of the fiscal year, and voting upon it shall be completed chapter by chapter.

CHAPTER FOUR THE EXECUTIVE AUTHORITY

ARTICLE (50)

The Executive Authority is the highest executive and administrative apparatus which takes the responsibility of setting forth the program of executive matter which is approved by the Legislative Council. It is governed by the President of the National Authority and the Council of Ministers; in a manner evident with this Basic Law.

FIRST: PRESIDENT

ARTICLE (51)

The President shall be elected in a direct general election by the people in accordance with the provisions of the Palestinian Elections Law.

ARTICLE (52)

Immediately before assuming office, the President shall take the following oath in front of the Legislative Council and in the presence of the President of the National Council and the Head of the High Court (I swear to God Almighty to be faithful to the homeland and its sanctities, the people, and its national heritage, to respect the constitutional system and the law, to care for the interests of the Palestinian people with complete care, and God is witness to what I say).

ARTICLE (53)

The period of presidency is the Interim Period, and the election shall be completed after this in accordance with the law.

ARTICLE (54)

1. The seat of the president shall be considered vacant in any of the following circumstances:
 - A. Death.
 - B. Resignation presented to the Legislative Council if accepted by a two thirds majority.
 - C. The loss of legal competence and this is based on a decision by the High Constitutional Court and approval of the

Legislative Council by a two thirds majority of its members.

2. If the seat of the President of the National Authority is vacated under any of the previous circumstances, the President of the Palestinian Legislative Council shall govern the tasks of the President of the National Authority temporarily, for a period not to exceed sixty days, during which, free, direct elections to elect a new President shall take place in accordance with the Palestinian Elections Law.

ARTICLE (55)

The President is the High Commander of the Palestinian Forces.

ARTICLE (56)

The President shall appoint representatives of the National Authority to countries, international organizations, and foreign bodies. He shall terminate their positions, and accept representatives from these parties to the Palestinian National Authority.

ARTICLE (57)

1. The President shall declare the laws after their approval from the Palestinian Legislative Council within thirty days of the date they were sent to him, and he may return them to the Council during that period of time, interposed with his suggestions, and reasons for his objection, or they shall be considered issued and shall be published immediately in the Official Gazette.
2. If the President returned a proposal for law to the Legislative Council, in accordance with the time and conditions found in the previous subsection, it shall be debated again in the Legislative Council. If it was approved again with a two thirds majority of its members, it is considered law and shall be published immediately in the Official Gazette.

ARTICLE (58)

The President and the Council of Ministers may present proposals for legislation, issuances for ordinances, and take the necessary procedures to execute the laws.

ARTICLE (59)

The President has the right to special pardon from punishment and its reduction. There can be no general pardon or pardon from a crime except through law.

ARTICLE (60)

The President of the National Authority, in necessary circumstances, which cannot afford delay, in times other than regular sessions of the Legislative Council, (has the right) to issue decisions which have the power of law. These should be presented to the Legislative Council, in the first session to be held after the issuance of these decisions; otherwise, they lose their power of law. If, however, they were presented to the Legislative Council in the previous manner, and they were not approved, they will lose their power of law.

ARTICLE (61)

The President's stipends and compensations shall be defined by law.

SECOND: THE COUNCIL OF MINISTERS

ARTICLE (62)

The President of the National Authority shall appoint and dismiss ministers and accept their resignations and preside over meetings of the Council of Ministers.

ARTICLE (63)

The Council of Ministers shall help the President in the execution of his tasks and exercising his authorities in the manner evident in this Basic Law.

ARTICLE (64)

1. After the President of the National Authority selects members of the Council of Ministers, their presentation shall be completed in the first session of the Legislative Council held for voting of confidence upon them, after the hearing and the end of the discussion of the ministerial statement which defines a program and the government policy.
2. In case the Legislative Council has undertaken, by absolute majority of its members, a withdrawal of confidence of the mem-

bers of the Council of Ministers or one or more of them, the President of the National Authority shall present an alternate in the following session, provided that the appointment does not exceed two weeks from the first session.

3. During the procedures of ministerial amendment or addition of one of the ministers or filling a vacancy for any reason, the presentation of the new ministers shall be completed to the Legislative Council in the first session held. This is done for the vote of confidence upon them.
4. No one of the ministers may practice the tasks of his position until after the acquisition of confidence in him from the Legislative Council.

ARTICLE (65)

The Council of Ministers shall be a number not to exceed nineteen ministers. An appointment decision shall prescribe a ministry for every minister.

ARTICLE (66)

The ministers shall take the oath described in Article (52) of this Basic Law in front of the President before assuming their tasks.

ARTICLE (67)

1. Every minister shall present a statement concerning his personal finances, his wife's, his minor children, divided into all that he owns in real and moveable property, stocks and bonds, and cash monies, inside and outside Palestine and what debts are upon them to the President of the National Authority, who shall take the necessary precautions to protect and maintain its secrecy. It may not be viewed except with the permission of the High Court, as is necessary.
2. No minister may buy or rent any of the properties of the state or any one of the public juridical persons, nor have a financial interest in any contracts which are finalized between governmental or administrative parties. Also, during the length of the period of his ministry, he may not be a member of an administrative council or company or practice business or any occupation or take another salary or any rewards or grants from any other person or in any manner which is contrary to the one defined salary and stipends for the minister.

ARTICLE (68)

1. The ministers are responsible before the President of the National Authority within the limits of their specializations and the works of their ministries.
2. The Council of Ministers has a responsibility of assurance before the Legislative Council.

ARTICLE (69)

The President of the National Authority has the right to bring a minister to inquest for crimes related to the performance of the work of his employment or as a result of it.

ARTICLE (70)

1. All accused ministers shall be suspended from work after the issuance of a decision of the accusation. There shall be no attempt to end his service without the continuance of inquest and related procedures.
2. The Attorney General, or members of the Office of the Attorney General who represent him, govern inquest and accusation procedures. The trial shall be completed before a special court. The provisions and the special orders shall be followed in the punishments and criminal procedures law.
3. The previous provisions are applied to the deputy ministers, trustees of the ministries, and those in their charge.

ARTICLE (71)

The President of the National Authority may cast a vote of confidence in the Ministry, or in one or some of the ministers before the Legislative Council. The withdrawal of confidence shall be completed by an absolute majority of the members of the Council, and shall prepare the end of duties of those from whom confidence was withdrawn.

ARTICLE (72)

The Council of Ministers shall specialize in the following:

1. Place the public policy within the limits of his specialty and in light of the ministerial program which was approved by the Legislative Council.
2. Execute the public policies approved by the special Palestinian authorities.

3. Placing the general budget for presentation to the Legislative Council.
4. Establishing the administrative apparatus, placing its structure and providing it with all the necessary means, supervising it and following it.
5. Following the execution of the laws and guaranteeing to abide by their provisions, and taking the necessary procedures for this.
6. Following the functions of the ministries with all the factions of the administrative apparatus in order to perform their duties and specialties, and to set an order among them.
7. Discussing the suggestions and policies of the different ministries in the path of executing their specializations.
8. Any other specialties related to them, in accordance with this Basic Law or any other law or decision.

ARTICLE (73)

Each minister has his own specialty within his job as follows:

1. Suggesting the public policy of his ministry and supervising its execution after its issuance.
2. Supervising the work in his ministry and issuing the necessary orders for such.
3. Executing the general budget within the allocations approved for his ministry.
4. Preparing proposals of special laws of his ministry and presenting them to the Council of Ministers.
5. The minister may transfer some of his authority to the deputy minister or any other employee of the high administration in his ministry within the limits of the law.

ARTICLE (74)

Every minister shall present to the Council of Ministers detailed depositions of the activities of his ministry, its policies, plans and its achievements in comparison with the defined goals of the ministry within the general outline, and about its suggestions and proposals within its matter of policy for the future.

THIRD
SECURITY FORCES AND THE POLICE

ARTICLE (75)

1. Security forces and the police are a regulated force. It is the armed forces in the country, confined. It is employed in the defense of the homeland, the service of the people, the protection of the society, and vigilance on the preservation of security, public order, and morality. It performs its obligation within the limits which are drawn by the law, with complete respect to rights and freedoms.
2. Security forces and the police shall be regulated by law.

FOURTH
LOCAL ADMINISTRATION

ARTICLE (76)

The country shall be regulated by law in local administrative units which shall enjoy juridical personal consideration, and from each unit a council shall be elected directly according to the clear manner in the law. The law shall define the specializations of the local administrative units, its financial resources, its relationship with the central authority, and its role in preparing plans for development and executing them. The law shall also define the regard of supervision of those units and their various activities.

FIFTH
PUBLIC ADMINISTRATION

ARTICLE (77)

The appointment of public employees and the promotion of workers in the state and the conditions of their employment shall be in accordance with the law.

ARTICLE (78)

All that relates to matters of the civil service shall be regulated by law, and it is upon the Office of Employees to coordinate with special governmental bodies' work to promote and advance public administra-

tion, and to take the opinion of proposals of laws and special ordinances of public administration, and those working with it.

SIXTH PUBLIC FINANCE

ARTICLE (79)

There shall be no imposition, amendment, or abolition of public taxes and tariffs except through law. No one shall be exempt from paying them, completely or partially, in other circumstances other than evident in the law.

ARTICLE (80)

The law shall explicate special provisions for the acquisition of public monies and methods for their spending.

ARTICLE (81)

The beginning and the end of the fiscal year and the regulation of the public budget shall be defined by law. If the decision for the public budget has not been prepared before the beginning of the new fiscal year, the expenditures of monthly allowances of 1/12th for every month of the fiscal year's budget shall remain.

ARTICLE (82)

1. The Public Treasury shall take the included revenues: taxes, tariffs, loans, and grants, and all profits and returns which return to the Palestinian National Authority from administration of its properties and activities. It is not allowed to allocate any portion of the monies of the Public Treasury for spending or to spend from it for any purpose, whatever its type, except in accordance with what is decided by the law.
2. In accordance with the provisions of the law, the Palestinian National Authority may create a strategic financial account to confront changes and states of emergency.

ARTICLE (83)

Public debt shall be contracted by law. It may not be connected with any project which requires the expenditures of sums of the Public Treasury in a period to come, unless by agreement of the Legislative Council.

ARTICLE (84)

1. The law shall regulate special provisions for the Monetary Authority, the banks, the currency market, exchange, and insurance companies, and other monetary establishments entrusted to them.
2. A governor of the Monetary Authority shall be appointed by a decision of the President of the National Authority and the Palestinian Legislative Council shall ratify his appointment

ARTICLE (85)

The law shall define special rules and procedures to grant privileges and responsibility which are related to the use of resources of natural wealth and public supports. Also, it shall explain states of dealing with properties which are owned by the state and other public juridical persons, or the rules or procedures which are regulated for it.

ARTICLE (86)

The law shall appoint rules to grant wages, salaries, compensations, rewards, and subsidies which are decided upon the Public Treasury and the bodies which govern their application. There may be no spending of exceptional amounts, except in the legally appointed limits.

ARTICLE (87)

1. The Office of Monetary and Administrative Supervision shall be established by law upon all apparatuses of the Authority, to supervise the acquisition of public revenues and expenditures from it within limits of the budget.
2. The Office shall present to every President of the National Authority and the Legislative Council a yearly report, or upon request, of his deeds and observations.
3. The President of the Office of Monetary and Administrative Supervision shall be appointed by a decision of the President of the Palestinian National Authority and with ratification of the Palestinian Legislative Council.

CHAPTER FIVE THE JUDICIAL AUTHORITY

ARTICLE (88)

The Judicial Authority is independent. The law shall define the manner of its formation and specializations. It shall be governed by courts of varying types and degrees. It shall issue rulings in accordance with the law and declare the rulings and execution in the name of the Palestinian Arab people.

ARTICLE (89)

Judges are independent. There is no authority on their cases except the law. No Authority shall interfere in decisions or in matters of justice.

ARTICLE (90)

1. The appointment, transfer, delegation, promotion, and responsibilities of judges shall be in the manner approved of in the judicial Authority Law.
2. Judges are not removable, except in states which are mentioned in the Judicial Authority Law.

ARTICLE (91)

A High Judicial Council shall be founded. The law shall manifest the manner of its formation, specializations, and its rules of operation. Its opinion shall be taken in proposals of laws which regulate any of the matters of the Judicial Authority, with regard to public delegation.

ARTICLE (92)

1. Shariah matters and personal affairs shall be governed by Shariah and religious courts in accordance with the law.
2. Military Courts shall be founded by special laws and these courts do not have any specialty or rule outside the bounds of military affairs.

ARTICLE (93)

Administrative courts may be founded by law for examination of administrative disputes and correctional proceedings. The law shall define its other specializations and the procedures which should be followed before it.

ARTICLE (94)

1. The law shall form a high constitutional court by law which shall preside over examination in:
 - A. The constitutionality of laws, ordinances, or regulations and such.
 - B. The explanation of the texts of the Basic Law and legislation.
 - C. The separation in disputes of standing between judicial parties and administrative parties which have judicial standing.
2. The law shall manifest the manner of formation of the high constitutional court, the necessary procedures to follow, and the related effects of its rulings.

ARTICLE (95)

The High Court shall temporarily assume all of the responsibilities of the administrative courts and the High Constitutional Court, as long as it is not a part in another judicial specialty, in accordance with the existing laws.

ARTICLE (96)

Court proceedings are open, unless a court decides it to be secret, with regard to public order or morality, and, in all circumstances, judgment shall be pronounced in an open proceeding.

ARTICLE (97)

It is a duty to execute judicial rulings. Prohibiting or obstructing their execution in any way is a criminal act punishable by imprisonment and by dismissal from their employment, if the accused is a public servant or directed by public service. The indicted has the right to file a case with a special court. The National Authority guarantees him complete compensation.

ARTICLE (98) THE ATTORNEY GENERAL

The Attorney General is appointed by decision of the President of the National Authority, with the agreement of the High Council of Judges and the ratification of the Palestinian Legislative Council.

ARTICLE (99)

1. The law shall regulate the manner of formation of the Office of the Attorney General and its specializations.
2. The conditions of the appointment of members of the Office of the Attorney General, their transfer, dismissal, and questioning shall be defined by law.

ARTICLE (100)

A sentence for death, issued from any court, shall not be effective except after being ratified from the President of the Palestinian National Authority.

**CHAPTER SIX
STATE OF EMERGENCY PROVISIONS****ARTICLE (101)**

1. During an existence of a threat to national security as a result of war, invasion, armed revolt, or the occurrence of a natural disaster, a state of emergency may be declared by decree of the President of the National Authority for a period not to exceed thirty days.
2. A state of emergency may be extended for another thirty days after the approval of the Legislative Council by a two thirds majority.
3. The decree must explicate the state of emergency in clarity with regard to the purpose, the area which is covered, and the period of time.
4. The Legislative Council has the right to review all or some of the procedures and preparations which are taken during a state of emergency. This shall be at the first meeting of the council following the declaration of a state of emergency, or in an extended session, whichever is earlier, and the necessary interrogation procedure for this matter.

ARTICLE (102)

There may be no imposition of restrictions on basic rights and freedoms except by necessary power to realize the express purpose of a decree declaration of the state of emergency.

ARTICLE (103)

Any confinement resulting from a state of emergency must be subject to the following universal requirements:

1. Any stoppage completed resultant to a decree of a declaration of a state of emergency shall be reviewed before the Attorney General or a special court, during a period not to exceed fifteen days from the date of the stoppage.
2. The stopped has the right to appoint a lawyer he chooses.

ARTICLE (104)

The Legislative Council may not be removed or impeded during the period of the state of emergency, nor the suspension of the provisions of this chapter.

ARTICLE (105)

All provisions which regulate states of emergency effective in Palestine before the execution of this law shall be abolished, including the provisions of the Mandate Civil Defense (Emergency) Regulations of the year 1945.

CHAPTER SEVEN GENERAL AND INTERIM PROVISIONS

ARTICLE (106)

This Basic Law is enforced in the Interim Period and it is possible to extend its effect until the time of introduction of the New Constitution for the Palestinian state is in the effective phase.

ARTICLE (107)

Laws shall be issued in the name of the Palestinian Arab people, and shall published as soon as they are issued in the Official Gazette, and they shall be effective thirty days after the date of their publication, unless the law specifies to contradict this.

ARTICLE (108)

Provisions of the laws shall not take effect until the ascertaining of the date of their effect. At a need, in non-penal articles, the text may contradict this.

ARTICLE (109)

Provided they do not contradict with provisions of this Basic Law, the laws, ordinances and decisions which were in effect in Palestine before the effectiveness of this Basic Law shall remain in effect, except if they were amended or abolished in accordance with the law.

ARTICLE (110)

All which contradicts with provisions of this Basic Law are abolished.

ARTICLE (111)

The provisions of this Basic Law shall not be amended except by a majority of two thirds of the members of the Palestinian Legislative Council.

ARTICLE (112)

The provisions of this Basic Law are enforced from the date of its publication in the Official Gazette.

