

## Palestinian Constitution Third Draft March 26, 2003

### PREFACE

The executive committee of the Palestinian Liberation Organization, having renewed the instructions of the Palestinian National Council for the establishment of a special committee to prepare the Constitution of the State of Palestine, the Constitution Committee has proceeded to accomplish what had been initiated in 1999.

After great effort, with over two hundred meetings, workshops and discussions, the committee for the preparation of the Constitution, in cooperation with the civil society, academics and politicians, had achieved by the end of December 2000 the first draft of the Constitutional project of the State of Palestine. It was published in February 2001.

This is the third draft, which has been compiled by amending and reformulating the first and the second draft, having taken into consideration comments and suggestions from Palestinian, Arab and international legal experts, in addition to academics and personalities from the civil society in Palestine and the Diaspora.

This third draft will be widely distributed to enable a greater number of persons to study it and participate in improving the drafting thereof by suggesting amendments, deletions or additions to obtain a valid draft that would be presented to the Palestinian Central Council when conditions will enable it to convene.

This draft was submitted and expounded to the Palestinian Central Committee on March 9 2003. In response to the queries of the participants, Dr. Nabeel Sha'ath, head of the drafting committee gave complete clarification. The Council approved the draft and voiced appreciation for the work of the committee, its experts and advisors. It extended gratitude to the personalities and countries that participated in support of this project and effort. It advised the committee to pursue its work and discuss with the legal committee of the Central Council and other committees to discuss this draft in view of its final discussion and approval at the next Central Committee meeting.

### CHAPTER ONE GENERAL FOUNDATIONS OF THE STATE

#### Article (1)

The State of Palestine is a sovereign, independent republic. Its territory is an indivisible unit based upon its borders on the eve of June 4, 1967, without prejudice to the rights guaranteed by the international resolutions relative to Palestine. All residents of this territory shall be subject to Palestinian law exclusively.

#### Article (2)

Palestine is part of the Arab nation. The state of Palestine abides by the charter of the

League of Arab States. The Palestinian people are part of the Arab and Islamic nations. Arab unity is a goal, the Palestinian people hopes to achieve.

**Article (3)**

Palestine is a peace loving state that condemns terror, occupation and aggression. It calls for the resolution of international and regional problems by peaceful means. It abides by the Charter of the United Nations.

**Article (4)**

Jerusalem is the capital of the state of Palestine and seat of its public authorities.

**Article (5)**

Arabic and Islam are the official Palestinian language and religion. Christianity and all other monotheistic religions shall be equally revered and respected. The Constitution guarantees equality in rights and duties to all citizens irrespective of their religious belief.

**Article (6)**

The Palestinian flag, motto, seals, emblems, and national anthem shall be determined by law.

**Article (7)**

The principles of Islamic Shari'a are a major source for legislation. Civil and religious matters of the followers of monotheistic religions shall be organized in accordance with their religious teachings and denominations within the framework of law, while preserving the unity and independence of the Palestinian people.

**Article (8)**

The Palestinian political system shall be a parliamentary representative democracy based on political pluralism. The rights and liberties of all citizens shall be respected, including the right to form political parties and engage in political activity without discrimination on the basis of political opinions, sex, or religion. The parties shall abide by the principles of national sovereignty, democracy and peaceful transfer of authority in accordance with the Constitution.

**Article (9)**

Government shall be based on the principles of the rule of law and justice. All authorities, agencies, departments, institutions and individuals shall abide by the law.

**Article (10)**

All activities of the Palestinian public authorities shall, in normal and exceptional circumstances, be subject to administrative, political, legal and judicial review and

control. There shall be no provision of law which grants immunity to any administrative action or decision from judicial supervision.

The state shall be bound to compensate for damages resulting from errors, and risks resulting from actions and procedures carried out by state officials in the pursuit of their duties.

**Article (11)**

The independence and immunity of the judiciary are necessary for the protection of rights and liberties. No public or private individual shall be immune from executing judicial rulings. Any act of contempt of the judiciary shall be punishable by law.

**Article (12)**

Palestinian nationality shall be regulated by law, without prejudice to the rights of those who legally acquired it prior to May 10, 1948 or the rights of the Palestinians residing in Palestine prior to this date, and who were forced into exile or departed there from and denied return thereto. This right passes on from fathers or mothers to their progenitor. It neither disappears nor elapses unless voluntarily relinquished. A Palestinian cannot be deprived of his nationality. The acquisition and relinquishment of Palestinian nationality shall be regulated by law. The rights and duties of citizens with multiple nationalities shall be governed by law.

**Article (13)**

Palestinians who left Palestine as a result of the 1948 war, and who were denied return thereto shall have the right to return to the Palestinian state and bear its nationality. It is a permanent, inalienable, and irrevocable right. The state of Palestine shall strive to apply the legitimate right of return of the Palestinian refugees to their homes, and to obtain compensation, through negotiations, political, and legal channels in accordance with the 1948 United Nations General Assembly Resolution 194 and the principles of international law.

**Article (14)**

Natural resources in Palestine are the property of the Palestinian people who will exercise sovereignty over them. The state shall be obligated to preserve natural resources and legally regulate their optimal exploitation while safeguarding Palestinian religious and cultural heritage and environmental needs. The protection and maintenance of antiquities and historical sites is an official and social responsibility. It is prohibited to tamper with or destroy them, and whoever violates, destroys, or illegally sells them shall be punishable by law.

**Article (15)**

The state strives to achieve a clean, balanced environment whose protection shall be an official and societal responsibility. Tampering with it is punishable by law.

**Article (16)**

The economic system in Palestine shall be based on the principles of a free market economy, and the protection of free economic activity within the context of legitimate competition. The law shall protect private property, which may not be expropriated or seized except for public benefit in accordance with the law, and in return for a just compensation. Expropriation may only be carried out by judicial order. The state may establish public companies legally, without prejudice to the system of free market economy.

**Article (17)**

The state shall strive to promote social, economic and cultural growth and scientific development of the Palestinian people with due consideration to social justice and the provision of assistance to the more deserving, especially those who suffered during the national struggle.

**Article (18)**

The state of Palestine shall abide by the Universal Declaration of Human Rights and shall seek to join other international covenants and charters that safeguard human rights.

**CHAPTER TWO**

**GENERAL RIGHTS, LIBERTIES AND DUTIES**

**Article (19)**

Palestinians are equal before the law. They enjoy civil and political rights and bear public duties without discrimination. The term 'Palestinian' or 'Citizen' wherever it appears in the constitution refers to both, male and female.

**Article (20)**

Human rights and liberties are binding and must be respected. The state shall guarantee religious, civil, political, economic, social and cultural rights and liberties to all citizens on the basis of equality and equal opportunity. Persons are not deprived of their legal competence, rights and basic liberties for political reasons.

**Article (21)**

Every Palestinian who has reached the age of eighteen years shall have the right to vote in accordance with the provisions of the law. All those who bear Palestinian nationality shall have the right to enter presidential elections and/or House of Representatives membership and/or assume a ministerial or judicial position. The law regulates age and other prerequisites to accede to those posts.

**Article (22)**

Women shall have their own legal personality and independent financial assets. They shall have the same rights, liberties, and duties as men.

**Article (23)**

Women shall have the right to participate actively in the social, political, cultural and economic aspects of life. The Law shall strive to abolish restraints that prevent women from contributing to the building of family and society. The constitutional and legal rights of women shall be safeguarded; and any violation of those rights shall be punishable by law. The law shall also protect their legal inheritance.

**Article (24)**

Children shall have all the rights guaranteed by the “Charter of the Rights of the Arab Child”.

**Article (25)**

The right to life is guaranteed by the Constitution.

**Article (26)**

Individuals shall have the right to personal safety. Physical or psychological torture of human beings, as well as their inhuman treatment and subjection to harsh, undignified and humiliating punishment is prohibited. Those who plan, perform, or take part in such actions, shall be deemed criminal and are punishable by law and their crime shall not lapse by prescription. Confessions proven to be extorted under duress or serious threat shall not be considered proof of guilt. Those who carry out such actions will be prosecuted.

**Article (27)**

Scientific or medical experimentation on a human being without his prior legal consent is forbidden. No surgery, medical examination, or treatment shall be performed on a person, except in accordance with the law. The law shall govern the transplant of organs, cells and other, new scientific developments, consistent with legitimate, humanitarian purposes.

**Article (28)**

Every person has the right to freedom and personal safety. Such right may not be violated, except in cases and in accordance with procedures stipulated by law. A person may not be arrested, searched, imprisoned or restrained in any way, except by order of a competent judge or public prosecutor in accordance with the law. This is to safeguard the security of the society. A person shall be immediately informed of the offense with which he is charged in a language he can understand and is henceforth entitled to a lawyer and shall be immediately brought before the competent judicial authority. The law shall define the conditions of provisional detention. Any person illegally arrested, imprisoned, or restrained shall be entitled to compensation.

**Article (29)**

The accused is innocent until proven guilty by a fair trial wherein he shall be afforded the guarantees of self defense. The accused shall be granted all guarantees necessary for his self defense, pro se, or through the assistance of an attorney of his choice in a public hearing. If he cannot afford one, the court will appoint him a lawyer free of charge.

**Article (30)**

Detainees and those deprived of liberty shall be treated humanely and with dignity. In executing sentences, the basic global principles approved by the United Nations for the treatment of prisoners shall be considered. In the sentencing of minors and in the execution thereof, their reform, education and rehabilitation shall be considered.

**Article (31)**

Citizens shall have the right to choose their place of residence and to travel within the state of Palestine. No person may be denied the right to travel from Palestine except by a legally issued court order. Likewise a Palestinian may not be deported or prevented from returning to his country, and may not be extradited.

**Article (32)**

A foreign political refugee who legally enjoys the right of asylum may not be extradited. The extradition of ordinary foreign defendants shall be governed by bilateral agreements or international conventions.

**Article (33)**

Litigation is a right guaranteed to all by the state. Each individual shall have the right to resort to his natural judge to defend his rights and liberties, and to receive compensation for a violation thereof. The law shall regulate the procedures for litigation in a manner that ensures a speedy disposition of cases without prejudice to the rights of litigants. In the event of a judicial error, the state shall be obligated to compensate the damaged party. The law shall govern the conditions and procedures thereof.

**Article (34)**

There shall be no crime or punishment except as stipulated by law. No sentence shall be executed except by judicial order. Punishment shall be personal and the individual may not be punished more than once for the same offence. Collective punishment is prohibited. Parity shall be considered between crime and punishment. There can be no punishment except for acts committed after a law has come into effect. The law shall regulate, in non-criminal cases, the retroactivity of laws.

**Article (35)**

The private life of every person, including family matters, residences, correspondence

and other means of private communication, shall be protected and may not be infringed upon except by court order and within the limits of the law. Any consequence of the violation of this Article is null and void, and those who are harmed as a result thereof shall be entitled to compensation.

**Article (36)**

Freedom of religion and religious practice is guaranteed by the Constitution. The state shall guarantee access to holy shrines that are subject to its sovereignty. The state shall guarantee to followers of all monotheistic religions the sanctity of their shrines in accordance with the historic commitment of the Palestinian people and the international commitments of Palestine.

**Article (37)**

Freedom of thought shall be guaranteed. Individuals shall have the right to express their opinions and publicize them in writing, speech, art, or other means of expression within the provisions of the law. The law may only apply minimal restrictions on the practice thereof so as to safeguard the rights and liberties of others.

**Article (38)**

The right to publish newspapers or other means of the media is universal and guaranteed by the constitution. Financial sources for such purposes shall be subject to legal control.

**Article (39)**

Freedom of the press, including print, audio, and visual media, and those working in the media, is guaranteed. The media shall freely exercise its mission and express different opinions within the framework of society's basic values, while preserving rights, liberties and public duties in a manner consistent with the rule of law. The media may not be subject to administrative censorship, hindrance, or confiscation, except by court order in accordance with the law.

**Article (40)**

Journalists and other citizens shall have the right of access to news and information with transparency in accordance with the law.

**Article (41)**

Citizens shall have the right to live in an atmosphere of intellectual freedom; participate in cultural life; cultivate their intellectual and innovative talents; enjoy scientific and artistic progress; and protect their moral and material rights, which may be the product of scientific, artistic or cultural effort in a manner consistent with society's basic values and the rule of law.

**Article (42)**

Education is an individual and social right. Education is compulsory at least until the

end of the elementary level. Education shall be guaranteed by the state in public schools, institutions, and other establishments until the end of the secondary level. The law shall regulate the state's supervision of its performance and curricula.

**Article (43)**

Private education shall be respected, provided that schools, institutions and private educational centers. The law shall regulate the state's supervision of its curricula.

**Article (44)**

The state shall uphold the independence of institutions, universities and research centers that have a scientific purpose. The law shall regulate the supervision thereof in such a manner so as to safeguard the freedom of scientific research and innovation in all fields. The state shall, within its capabilities, strive to encourage, support and protect them.

**Article (45)**

The law shall regulate social security, disability and old age pensions, support to families of martyrs, detainees, orphans, those injured in the national struggle, and those requiring special care. The state shall guarantee them- within its capabilities- education, health and social security services and shall give them priority in employment opportunities in accordance with the law.

**Article (46)**

The state shall organize health insurance as an individual right and a public interest. It shall guarantee, within its capabilities, basic health care for the indigent.

**Article (47)**

Through a housing policy founded on collaboration of the state, private sector and banking system, the state shall seek to provide adequate housing to every citizen. In cases of war and natural disasters, the state shall also seek, within its capabilities, to provide shelter to the homeless.

**Article (48)**

The state shall guarantee family, maternal and child care. It shall care for adolescents and the youth. The law shall regulate children, mother and family rights in accordance with the provisions of international agreements and the 'Rights of the Arab Child' charter. In particular, the state shall seek to protect children from harm, harsh treatment, abuse, and from any work that would endanger their safety, health and education.

**Article (49)**

Public property shall be safeguarded and regulated by law so as to guarantee its



protection and for it to serve the people's public interest. The law shall regulate the 'Waqf' [religious endowments] organization and management of its properties and assets.

**Article (50)**

Private property is protected by law. General confiscation of private property is prohibited. Confiscation of private property is allowed for public interest and in cases allowed for by law against fair compensation. Law regulates real estate ownership by foreigners.

**Article (51)**

Employment is a right of all citizens. The state shall seek to provide work opportunities to the capable through its development and construction plan, with the support of the private sector. The law shall regulate work relations in such a manner so as to guarantee justice for all and provide for the protection and security of workers. Work may not be forcibly imposed on citizens. The law shall regulate adequate remuneration for compulsory work. Workers shall have the right to establish unions and professional associations at work.

**Article (52)**

The right to protest and strike shall be exercised within the limits of the law.

**Article (53)**

Citizens shall have the right to assume public office, on the basis of competence, merit and equal opportunity in accordance with the requirements of the law.

**Article (54)**

Based on constitutional rules and legal provisions, every citizen shall have the right to express his views in referenda and elections and run for election or nominate a person who meets electoral requirements.

**Article (55)**

All citizens shall have the right to partake, individually or collectively, in political activities, including: The right to form political parties and/or subscribe thereto, and/or withdrawing there from in accordance with the law; Formation unions, societies, associations, fraternities, assemblies, clubs, and institutions and/or subscribe thereto and/or withdraw there from in accordance with the law. The law shall govern the procedures for acquiring its legal personality.

**Article (56)**

Every individual shall have the right to organize private meetings in accordance with the law, and without the presence of the police. Every individual shall have the right

to assemble and organize public meetings, and to demonstrate peacefully with others without bearing arms. The exercise of those two liberties may not be restrained except as mandated by law, consistent with measures acceptable in democratic society and constitutional rights and liberties.

**Article (57)**

Every individual shall have the right to address the public authorities, and to present petitions and grievances in writing.

**Article (58)**

Basic rights and liberties may not be suspended. The law shall regulate those rights and liberties that may be temporarily restricted in exceptional circumstances in matters related to public security and national safety purposes. The law shall penalize the arbitrary use of power and authority.

**Article (59)**

Any violation of the basic general rights and liberties guaranteed by the Constitution or the law, shall be considered a crime. All civil and criminal lawsuits arising as a result thereof shall not lapse by prescription. The state shall guarantee a just compensation for those who have been harmed.

**Article (60)**

An independent general organization shall be legally set up, composed of unofficial legal and political personalities who truly believe in the rights of the citizen and would volunteer for its defense. The organization shall be concerned with monitoring the state of the rights and liberties of the citizens, for which purpose it shall have the competence to obtain official information responsibly and with transparency. Its employees shall be responsible for any misuse of the information they obtain in matters other than those stipulated by their incorporating law. The organization shall have the right to receive grievances from the citizens concerning the actions of the institutions of the state's authorities which illegally breaches the rights and basic liberties of the citizen. It shall have the right to suggest ways to improve the performance of the departments of the state with respect to protecting the rights and liberties of the citizens. It shall submit its proposals and reports on matters within its supervisory and developmental competence to the House of Representatives and the president of the state.

**Article (61)**

The state shall assume responsibility for the safety of persons and property. It protects the rights of every citizen within the state and abroad.

**Article (62)**

Defending the nation is sacred duty and serving it is an honor for every citizen. It shall be regulated by law. Individuals and groups may not bring or bear arms, nor may they illegally possess arms in violation of the provisions of the governing law.

**Article (63)**

The payment of taxes and general dues is a duty regulated by law.

**CHAPTER THREE**

**PUBLIC AUTHORITIES**

**Article (64)**

National sovereignty belongs to the people, who are the source of the authorities. They exercise their duties directly through referenda and general elections or through representatives of the electorate, within its three general powers: legislative, executive and judicial and by its constitutional institutions. No individual or group may claim for itself the right to exercise such powers.

**Article (65)**

The relationship between the three public authorities shall be based on equality and independence. They shall exercise their authority on the basis of relative separation with respect to their duties and mutual cooperation and oversight. No authority shall have the right to perform duties that have been attributed to another authority in accordance with constitutional rules.

**Section One**

**Legislative Branch / House of Representatives**

**Article (66)**

The House of Representatives shall assume legislative power. It shall endorse the general budget, which shall be prepared by the Cabinet. It shall supervise the actions of the executive branch in the manner specified by the Constitution.

**Article (67)**

The House of Representatives shall be composed of (150) individuals, representing the Palestinian people. They shall be elected according to the Constitution and election law. When running for candidacy to the House of Representatives, the provisions stated in this Constitution and the election law shall be observed. Candidates for the House of Representatives must be Palestinian.

**Article (68)**

Members of the House of Representatives are elected for five years and may be re-elected more than once. The term of the House of Representatives may not be extended except in case of necessity and by virtue of a law ratified by two-thirds of the total number of the House of Representatives.

**Article (69)**

The seat of the House of Representatives shall be in Jerusalem, the capital of the State of Palestine. Its sessions may be held in different locations as per the request of the majority of, the members of the House of Representatives.

**Article (70)**

In the first meeting of the first annual session, the House of Representatives shall elect its speaker, two deputies, and a secretary-general. They shall constitute the body of the presidency of the House of Representatives. Members of the body of the presidency of the House of Representatives may not assume ministerial or other governmental post. A member of the House of Representatives may assume the post of minister, provided that the total number of Deputies Ministers in government does not exceed 50% of the total number of ministers.

**Article (71)**

The Head of State shall inaugurate the statutory assembly of the House. The inauguration of the normal session of the House of Representatives shall not be legally valid except with the presence of its speaker or his legal deputy and a minimum two-thirds majority of its members. The assembly will remain valid for the rest of its normal session meetings with the presence of the speaker of the House of Representatives or his legal deputy with an absolute majority of the members of the House of Representatives.

**Article (72)**

In the first meeting of the House of Representatives, after the election of the body of the presidency of the House of Representatives, but before the commencement of its constitutional duties, the members shall take the following oath: I swear by Almighty God to be faithful to the Homeland, to safeguard the rights of the people, the Nation and their interests, to respect the Constitution and the Law, and to fulfill my duties rightfully and may God be my witness.

**Article (73)**

At the invitation of its speaker, the House of Representatives shall convene in a normal session twice yearly, each for a period of four months. The first shall start in the first week of the month of March, and the second shall start in the first week of the month of September. In case of necessity and out of normal sessions, the Head of State, in agreement with the speaker of the House of Representatives, or at the request of at least one- third of the members of the House of Representatives, have the right to call for an extraordinary meeting of the House of Representatives.

**Article (74)**

The House of Representatives shall refer to the Constitutional Court any challenge to the validity of the representation of any of its members for decision according to the governing law. Each deputy who does not fulfill the legal requirements of electoral

eligibility or loses such requirements faces revocation of his membership. This is enforced by decision of the House of Representatives with approval of two thirds of its members.

**Article (75)**

If the position of one or more members of the House of Representatives becomes vacant due to death, or resignation, or loss of competence at least six months before the end of his term in the House of Representatives, a successor shall be elected in the concerned district within a month of the seat becoming vacant. The law shall define the circumstances of loss of competence.

**Article (76)**

Meetings of the House of Representatives shall be public and may be rendered secret by a decision of the majority of the attendance.

**Article (77)**

The House of Representatives shall establish by law its internal regulations, in order to regulate the procedures for implementation of its constitutional and oversight duties; and procedures of questioning its members within its jurisdiction, in such a manner not inconsistent with the provisions of the Constitution.

**Article (78)**

The President of the State in accordance with a decision of the council of ministers, the speaker of the House of Representatives or five of its members, shall have the right to suggest draft laws. Each suggestion that does obtain the approbation of the required majority may not be submitted for discussion in the same session, except by decision that is approved by a two-thirds majority of the House of Representatives.

**Article (79)**

Decisions of the House of Representatives, including ratification of draft laws, and the suggested annual budget, shall be made by a majority vote of the attendance except in cases where a special majority is a required for ratification.

**Article (80)**

The House of Representatives allows the government to enter international agreements and treaties which the State contracts or joins. Those agreements, or treaties which impose on the state treasury expenses unaccounted for in the budget, or impose on the citizens commitments contrary to current laws should be approved by majority of the members of the House of Representatives. The House discusses agreements that involve state independence or the integrity of its territory in prelude to its presentation for referendum.

**Article (81)**

Laws which are ratified by the House of Representatives and approved by the President of the State shall become effective after thirty days of the date of its publication in the official gazette, unless the Constitution or sets a different time.

**Article (82)**

Laws shall be published in the official gazette within thirty days: from the date the law is referred, after its approval, by the House of Representatives, to the President for its endorsement. Or in case of objection by the President, from the date the law is referred by the House of Representatives, after a second approval by two thirds its members. In case the law is not referred or published after the lapse of respite, it is considered enforced and should be promulgated by constitutional law.

**Article (83)**

The House of Representatives may form special ad hoc committees, or commission one of its standing committees to investigate the facts in any public issue related to activity of any of the State institutions which falls under its control. The committee may collect evidence from whomsoever it feels necessary to interrogate, and to examine documents and obtain information from all areas, and to submit its report to the House of Representatives for appropriate decisions.

**Article (84)**

The House of Representatives shall have exclusive right to maintain order and security within the buildings of the Parliament or its facilities during its sessions or meetings of its committees. They shall have their own guards answerable to the speaker of the House. No security force or other armed forces shall have the right to enter or be present in the Parliament or its facilities unless so requested by the speaker of the House of Representatives.

**Article (85)**

Every member of the House of Representatives shall have the right to question or request clarification from the Prime Minister or any one of his deputies or any one of the ministers or their deputies about any subject of their concern, and shall be entitled to receive an answer thereto according to the procedures as defined by the internal regulations of the House of Representatives.

**Article (86)**

Every member of the House of Representatives has the right to direct interpellations to the Prime Minister or one of his deputies or to any one of the Ministers or their deputies and those under their supervision in any subject that falls within their competence. It is not allowed to discuss the interpellation one week before its submission unless the person, being questioned agrees to discuss or respond within a shorter period. In urgent cases it is allowed to shorten the period by decision of the House of Representatives.

**Article (87)**

1- After the interpellation, ten members of the House of Representatives may request the following: a- Direct blame to the minister or to the Government. b -Withdraw confidence from the Minister or the Government according to circumstances.  
2- Voting shall be withheld for at least three days from the date of the request and decision of withdrawal of confidence shall be by approval of a majority of the members of the House of Representatives.

**Article (88)**

Should a majority of members of the House of Representatives approve withdrawal of confidence from the Prime Minister, or from more than one-third of the Cabinet, the Cabinet shall be considered resigned, but shall proceed with discharging duties until formation of a new Cabinet. However, if the majority of the House of Representatives agree on withdrawal of confidence from a Minister, he will be considered to have resigned.

**Article (89)**

In case of necessity, the President of the State, or the speaker of the Council of ministers may suggest dissolution of the House of Representatives. If the dissolution is ratified by two-thirds of the members of the Council of ministers, the President of the State shall issue the decree of dissolution. The Government shall then call for election of a new House of Representatives within sixty days and in accordance to the procedure defined by the election law. If elections are not held, the House resumes its duties until a new House is elected. The House of Representatives may not be dissolved within the first year of its formation, or during the period of a declared 'state of emergency' as provided for in the Constitution.

**Article (90)**

The Government shall call for the election of the House of Representatives within sixty days before the end of its legal term in accordance to procedures governed by law. Should the Government not call for elections in time, the speaker of the House of Representatives may ask the Constitutional Court to issue the order to hold the elections. If the elections cannot be held at the set time due to war or imminent danger of war or siege that prevents constitutional bodies from functioning properly, the House of Representatives will resume its duties until elections can be carried out within sixty days of the abolition of the hindrance.

**Article (91)**

Impeachment of the President of the state with high treason, breach of the Constitution or of committing a felony, should be presented by one-third of members of the House of Representatives. The decision to impeach should be approved by two-thirds of the total members of the House of Representatives. Upon the issuance of the decision to impeach, the president shall immediately cease performing his duties and shall be tried by the Constitutional Court.

## **Competence of the House of Representatives with Financial Laws**

### **Article (92)**

The law shall regulate the special provisions for the government to prepare and adopt the general budget, and to spend the budgeted funds. It shall also regulate supplemental development budgeting, budgeting of the public bodies and institutions and of enterprises, in which the public share is a minimum of fifty per cent of their capital.

### **Article (93)**

The government shall present the draft annual budget to the House of Representatives four months before the beginning of the fiscal year. The House of Representatives shall hold a special session to discuss the draft annual budget. Discussion and voting on the clauses and chapters of the budget, and then on the budget in its entirety, shall take place to ratify it, and refer it to the President of the State for promulgation. The House of Representatives shall approve the annual budget within five months from the date it was submitted, in accordance the previous clause. Should the House of Representatives fail to approve the annual budget, the President of the State may, by decision of the council of ministers, issue the budget in the form it was presented to the House of Representatives.

### **Article (94)**

The House of Representatives may not, within the period of discussion of the general budget, increase the set credits of the budget whether it be by alteration or suggestion.

### **Article (95)**

The law may stipulate allocation of funds for more than one year in case of necessity or for long term projects; provided that in subsequent budgets the allocations for such projects are entered or an exceptional budget is prepared therefore for more than one year.

### **Article (96)**

Exchanges between chapters of the budget may not be done except by consent of the House of Representatives.

### **Article (97)**

As an exception to the norm of budgeting annually, and in case of more than a month's delay in approving the budget, it shall be permitted with the consent of the House of Representatives to allocate specified amounts on the basis of monthly allocations at the ratio of (1:12) one to twelve of the amount of the previous budget until the issuing of the new budget law.

### **Article (98)**



The government shall submit the final accounting of the budget to the House of Representatives within a period not exceeding six months of the date of expiry of the fiscal year.

**Article (99)**

Expenditure of public funds or their allocation shall be exclusively by law. The law shall determine the basis for salaries, compensation, allowances and rewards that are scheduled on the state's treasury and the departments responsible for their application. Disbursement of exceptional amounts can only be done within the limitations of the law.

**Article (100)**

Imposition, adjustment or annulment of taxes shall be by law. Taxes and fees shall be accredited to the public treasury and disposed of according to legal provisions. Taxation can only be waived in cases determined by law. It shall be imposed and disposed of with due consideration to equality and social justice.

**Article (101)**

Contracting loans, granting concessions and encouraging foreign investment or commitments concerning exploitation of natural resources and public utilities shall be pursuant to law.

**Rights, Immunities and Duties of Representatives**

**Article (102)**

The financial remuneration, rewards and benefits granted to members of the House of Representatives shall be according to law. Amendments made thereto by a House of Representatives shall apply only to the members of the house elected in succession to the one that voted it.

**Article (103)**

Immunity of members of the House of Representatives may not be infringed upon for the duration of their term in office. They cannot be interrogated criminally or civilly, for their opinions, the facts they mention, or their specific vote at the meetings of the House of Representatives or its committees, or what they disclose away from the House of Representatives in performance of their parliamentary duties.

**Article (104)**

Members of the House of Representatives cannot be asked to give testimony in connection to any of his actions or statements or information obtained as a member during his term or thereafter, except with his consent and the prior approval of the House of Representatives.

**Article (105)**

No member of the House of Representatives may be subject to criminal investigation proceedings or brought to trial except after the House of Representatives decides with a majority of all its members to lift his immunity or after he clearly relinquishes it, before the House of Representatives or if a member is caught red-handed committing a felony, legal procedure can be applied against him, or arresting him. The speaker of the House of Representatives should immediately be notified and they in turn should ensure the integrity of the proceedings that have been taken against him. If the House of Representatives is not in session, approval must be obtained from the speaker of the House of Representatives. The House of Representatives shall be notified in the first session of whatever criminal proceedings have been taken against the member.

**Article (106)**

A member of the House of Representatives is answerable to his colleagues who may ask for the revocation of his house membership if he commits a crime that infringes on the honor of his house duty. If the House of Representatives approves the request by a majority, the issue is referred to the Constitutional Court to decide upon the request to dismiss the member of the. The internal regulation of the shall determine the conditions which govern the dismissal of a member of the house and the necessary procedure for a majority of members to approve referring the case of dismissal to the Supreme Constitutional Court without prejudice to the legal accountability of the member of the for whatever he committed in violation of the law.

**Article (107)**

No member of the House of Representatives may relinquish his immunity without prior approval from the House of Representatives. Immunity does not cease at the end of his membership for those statements or actions that were covered during the entire time of his membership.

**Article (108)**

A member of the House of Representatives may not hold public or private employment during his term in office, or buy or lease any of the State's assets, nor can he sell it any of his assets, or barter anything with it, nor can he conclude an agreement with the state therewith as an entrepreneur, supplier or contractor. The State shall secure the positions of those employed by it and who win membership at the House of Representatives. The House of Representatives shall decide upon the request of resignation of its members. The internal regulation of the House of Representatives shall regulate the cases wherein it accepts the resignation of one of its members.

**Article (109)**

Each member of the House of Representatives must present during the first month of

his first term a statement of personal finances for him, his spouse and his minor children detailing movable or non-movable property they own, or cash asset debts and dues in Palestine and abroad. These statements shall be kept at the Constitutional Court.

## **The Consultative Council**

### **Article (110)**

The Consultative Council composed of one hundred and fifty independent members is established according to the Constitution. In its formation due consideration shall be given to the ratio of distribution of Palestinians in Palestine and abroad. The law shall regulate their election or appointment according to their countries of residence. The president may appoint in the Consultative Council non-Palestinians who have distinguished themselves with noble services for the Palestinian cause.

### **Article (111)**

The Consultative Council shall specialize:

- In the study of general strategic issues and submission of adequate advice.
- In making suggestions with relation to national rights, safety of the Palestinian soil and rights of Palestinians abroad.
- In discussion of constitutional amendments and giving opinion upon requested.
- In whatever subject matters the president refers to the council concerning general policy in Arab and foreign affairs for the state of Palestine.
- In draft laws referred by the president concerning Palestinian expatriates.
- That which members of the council set for discussion on their agenda.

### **Article (112)**

The Consultative Council shall send decisions and recommendations to the president of the state who shall order their publication in the official gazette, and to the Prime Minister and the speaker of the House of Representatives.

## **Section Two**

### **The Executive Branch**

#### **First: The President of the State**

### **Article (113)**

The President of the State is the President of the Republic. He shall uphold the Constitution and the unity of the people. He shall guarantee the continuity of the existence of the state and its national independence. He shall guarantee the proper functioning of the public authorities. He shall exercise his jurisdiction, and his responsibilities shall be determined pursuant to the provisions of the Constitution. Except those powers that are constitutionally attributed to the president of the State, the government's executive and administrative duties shall be the responsibility of the Cabinet.

**Article (114)**

The presidential candidate must bear Palestinian nationality exclusively, and be at least forty years of age, on the date of nomination. He must enjoy full civil and political rights.

**Article (115)**

The President shall be elected directly by the people for a five year term renewable once.

**Article (116)**

The elected president shall assume his duties immediately upon conclusion of his predecessor's term.

Prior to exercising the duties of his office, the president shall take the following constitutional oath, before the House of Representatives and in the presence of the head of the supreme judicial council:

“I swear by Almighty God to be faithful to the nation and its shrines, to the people and their national heritage, to respect the Constitution and the law, and to fully preserve the interests of the Palestinian people. May God be my witness”.

**Article (117)**

The president shall submit a financial statement relative to him, his/her spouse and minor children, detailing his movable or non-movable property and cash asset debts or dues in Palestine and abroad. They will be kept by the Constitutional Court.

**Article (118)**

The remuneration of the president shall be determined by law.

**Article (119)**

The office of the president shall be considered vacant:

- Upon death or
- Upon resignation if accepted by a two-thirds majority of members of the House of Representatives or
- By loss of competence or inability to perform constitutional duties by decree issued by the Supreme Constitutional Court upon request of two thirds of the members of the House of Representatives.

**Article (120)**

If the office of the president becomes vacant or the House of Representatives decides to charge him in accordance with **Article (132)** from the Constitution, the Speaker of the House of Representatives shall assume presidency of the state for a period not exceeding sixty days, during which presidential elections are carried out in accordance with electoral laws. Should the Speaker of the House wish to submit his candidacy for presidency, or should a legal hindrance prevent him from assuming

presidency, the head of the Constitutional Court shall assume presidency temporarily until election of the president. The head of the court may not be a presidential candidate.

**Article (121)**

The president of the state may direct the Cabinet in setting the general policy.

**Article (122)**

After consultations with the representative parties, the president shall nominate the prime minister from the party that obtained the largest number of seats in the House of Representatives. If the formation of a government is impossible within a three week period, the President nominates a prime minister from the party that obtained the second highest number of seats at the House of Representatives and so on until a government is formed.

**Article (123)**

The president of the state shall ratify laws after their approval by the House of Representatives, within thirty days of their referral to him, and he orders their publication.

The president of the state may object to a draft law that was approved by the House of Representatives, and may request its reconsideration accompanied by the reasons for his objection within thirty days of having received such draft law. If the mentioned legal time limit ends without ratifying the law or objecting to it, it would be considered effective and should be published in the official gazette.

If the president of the state returns the law previously approved by the House of Representatives within the legal time limit, and such draft receives a second approval by the House of Representatives by a majority of two thirds of its members, it shall be considered a law and so promulgated.

**Article (124)**

The Speaker of the Council of Ministers, or the minister he appoints, shall negotiate international treaties, and inform the President of the State of the course of negotiations, which in turn have to be approved by the Council of Ministers and endorsed by the President.

The treaties and agreements that burden the state treasury with expenses unaccounted for in the budget or burden the citizens with commitments in violation of the current laws may not be enforced unless and until the House of Representatives ratifies it, and approval by the president.

Treaties that might affect the independence of the state or the integrity of its territory can only be approved by general public referendum.

### **Article (125)**

In addition to the Presidential prerogatives, the President enjoys the following privileges:

- He heads, in exceptional cases, and during the State of Emergency, the Council of Ministers
- He issues alone the decree for the nomination of the prime minister and the decree accepting the resignation of the government or considering it resigned.

Other decisions and protocols have to be jointly signed by the prime minister, and the minister or ministers concerned.

The prime minister co-signs with the president of the state decrees of law, decrees of re-evaluation of laws and decrees calling for exceptional meetings of the house of representatives.

- He addresses, when necessary, a non-debatable speech to the House of Representatives
- He forwards drafts of laws approved by the council of ministers to the House of Representatives.
- He grants special pardons or reduction of sentences. Amnesty is by decree exclusively.
- He heads official receptions and grants state decorations by decree.

### **Article (126)**

Upon the recommendation of the minister of foreign affairs, the president of the State shall appoint, and terminate the duties of, ambassadors and representatives of the state of Palestine to states, regional and international organizations. He shall receive the credentials of representatives of foreign states and representatives of regional and international organizations to the state of Palestine.

### **Article (127)**

The president of the state is the supreme commander of the Palestinian national security forces which is headed by a concerned minister

### **Article (128)**

The president of the state may establish specialized advisory councils from qualified, specialized and experienced persons to participate in expressing opinion and to benefit from national capabilities.

## **The State of Emergency**

### **Article (129)**

The president of the state, with the approval with the prime minister and consultation with the Speaker of the House of Representative, may declare a state of emergency if the security of the country is exposed to danger of war or natural disaster or siege threatening the safety of the society and continuity of operation of its constitutional institutions. The emergency measures must be necessary to restore public order, or the orderly functioning of the state's authorities, or confront disaster or siege, for a period not exceeding thirty days, renewable by approval of two-thirds of all the members of the House of Representatives, with the exception of state of war. In all cases, any declaration of a state of emergency must specify the purpose thereof, and the region and time period covered thereby.

### **Article (130)**

After the declaration of the state of emergency, the Council of Ministers may, if events necessitate the taking of speedy measures to confront situations that cannot be delayed, issue decrees that gain approval by the president within a period not exceeding fifteen days and then have the force of law. They are to be presented to the House of Representatives in its first meeting after the declaration of the state of emergency, or in the session to extend the state of emergency, whichever occurs first, to decide upon it, otherwise they lose their legal force retroactively. Should the House of Representatives not approve them, they shall cease to have legal effect, and the house would decide how to remedy its effects without any prejudice to material rights of third parties.

### **Article (131)**

During a state of emergency it is forbidden to impose restrictions on basic rights and liberties, except to the extent necessary to safeguard public safety in the country. All decisions and actions taken by the council of ministers during the state of emergency shall be subject to judicial review. The competent courts will look into grievances within a period not exceeding three days.

### **Article (132)**

Impeachment of the president of the state with high treason, breach of the Constitution or of committing a felony shall be according to a suggestion by one-third of the total members of the House of Representatives. The decision to impeach may not be issued unless approved by a majority of two thirds of the total members of the House of Representatives. Upon the issuance of the decision to impeach, the president shall immediately cease performing his duties and shall be tried by the Constitutional Court.

## **Second: The Prime Minister**

### **Article (133)**

A precondition to be appointed prime minister or minister is to bear Palestinian nationality exclusively, to be at least thirty five years of age, enjoying his full civil and political rights.

### **Article (134)**

The prime minister shall form the cabinet and when presenting his formed cabinet to the president of the state, he shall state which ministry is assigned to which minister. The prime minister shall present the members of his government and their program to the parliament to obtain its confidence.

### **Article (135)**

If the prime minister fails to obtain the confidence of the House of Representatives, the government will be considered resigned, and the president shall resume consultation for the appointment of a new prime minister in accordance with **Article (122)** of the Constitution.

### **Article (136)**

Neither the prime minister nor any ministers before obtaining the confidence of the House of Representatives, performs his duties except precede the duties in limited sense.

### **Article (137)**

The prime minister shall preside over the activities of the government. Every minister shall be answerable to the Cabinet in accordance to the procedures as specified by the constitutional rules. The prime minister and the ministers are individually and jointly responsible before the House of Representatives for the actions of the government.

### **Article (138)**

When making a ministerial change, or adding a minister or filling a vacancy for any reason whatsoever, the new ministers must be presented to the House of Representatives at the first session for a vote of confidence. If the change involves more than one third of the council of ministers, a vote of confidence on the whole cabinet must be taken. No minister may perform the duties of his office until he obtains confidence from the House of Representatives.

### **Article (139)**

After obtaining the confidence, the prime minister and the ministers shall take the following oath before the president of the state and the House of Representatives in a joint session:



“I swear by Almighty God to be faithful to the country, to uphold the rights of the people, nation and its interests, and to respect the Constitution and and to fully carry out my duties. May God be my witness”.

**Article (140)**

The prime minister practices the following competencies:

- He represents the government and speaks in its name, he is responsible for the implementation of the general policies set by the council of ministers.
- He submits the general policy of the government to the House of Representatives.
- He calls the council of ministers to meet, sets its agenda of which he informs the president of the state, he presides its sessions except the ones attended by the president of the state.
- He oversees the work of the authorities and public institutions, coordinates between the ministers and gives general directives to ensure proper execution of work.
- He signs executive and organizational decrees.
- He exercises vigilance for the execution of laws, regulations, coordination of policies and governmental agendas.
- He approves higher level employment appointments per recommendations of the concerned minister in accordance with the basic laws of appointments in ministries and state administrations.
- He proposes draft laws.
- He promulgates laws that have been ratified by the House of Representatives after being endorsed by the president, or after being legally passed.
- Any other competence legally attributed to him.

**Article (141)**

The prime minister or the ministers may not combine work for the ministry with any other work. They may not pursue a liberal profession, nor buy or lease public property, nor rent out or sell any of his property to, or barter it with, the state. A minister may not make use of information obtained by virtue of work, directly or indirectly, in realizing material profit personally or for a third party in violation of the law

**Article (142)**

The prime minister and ministers shall receive monthly compensation and pension established by law.

**Article (143)**

The prime minister and ministers shall individually submit, within thirty days of receiving confidence, a financial statement for him, his spouse, and his minor children detailing movable or non-movable property and cash asset debts or dues in Palestine and abroad. They shall be kept by the Supreme Constitutional Court.

### **Third: The Council of Ministers**

(The Government)

#### **Article (144)**

The Council of Ministers shall be composed of a prime minister and the ministers, of which half of them at most shall be members of the House of Representatives.

#### **Article (145)**

The executive authority shall be entrusted with the council of ministers.

#### **Article (146)**

Upon the invitation of the prime minister, the council of ministers shall convene regularly. If need be, the president may attend and preside over the sessions of the council of ministers which he attends. Legal quorum for its convening is reached with two thirds of its members and decisions are reached by consent or by voting with a majority of the present as long as there is no text in violation of the constitution. The council of ministers practices its competencies in accordance with the provisions of the Constitution, and the regulations governing the activities of the government.

#### **Article (147)**

The council of ministers shall have the following competencies:

- Setting public policy, in the light of the ministerial program approved by the House of Representatives.
- Executing public policy as established, as well as laws and regulations, and ensuring compliance therewith, and proposing new draft laws.
- Preparing the draft general budget to be presented to the House of Representatives for approval.
- Organizing, governing and supervising the offices, agencies and institutions of the state at their various levels.
- Overseeing the performance of the ministries, departments, institutions and agencies and supervising their work.
- Discussing the proposals and plans of each ministry, and its policies in the area of exercising its powers.
- Approving the system of administrative formations.
- Issuance of organizational decrees and necessary regulations by law-implementing procedures, as well as supervisory regulations, and organization of public utilities and general welfare.
- Appointment of civil servants and military personnel, in accordance with and upon the recommendation of the concerned minister.
- Any other competencies granted pursuant to the provisions of the Constitution and the law.

#### **Article (148)**

The organizational regulation of the executive branch shall establish standing

committees at the council of ministers. From among the chairpersons of those committees, two shall be selected as deputies to the prime minister.

**Article (149)**

The council of ministers shall issue the regulations necessary for the exercise of its powers.

**The Ministers**

**Article (150)**

The minister is the supreme administrative director of his ministry. He shall have the following competences within the sphere of the ministry with which he is entrusted, under the supervision of the prime minister:

- Proposing the general policy for his ministry and overseeing its implementation after its adoption.
- Overseeing the course of work at the ministry and issuance of the necessary directives for the performance of his duties.
- Submitting to the council of ministers proposed laws related to his ministry.
- Implementing the general budget within the scope of his ministry according to the allocations approved for his ministry
- Choosing employees and recommending them for appointment by the council of ministers.
- Delegating some of his administrative authority to the deputy minister or other senior officials in his ministry in accordance with the law.
- Chairing the administrative apparatus of his ministry.
- Supervising the implementation of laws and regulations related to his ministry.
- Any competence legally assigned to him.

**Article (151)**

Each minister shall work within the boundaries of his competence to execute the laws and regulations, and governmental plans and programs in the manner indicated by the Constitution and the laws governing the work of the executive branch.

**Article (152)**

The House of Representatives may impeach the speaker of the council of ministers and the ministers with high treason, failure to fulfill duties, by two thirds of its members. They should later appear before the Supreme Constitutional Court.

**Article (153)**

Once the decision to investigate is issued, the person who is placed under investigation shall cease performance of his duties until the matter is decided. The General Prosecutor or his representative shall execute the procedures of investigation and indictment. The termination of his duties or his resignation shall not prevent legal action from being taken or continued against him.

#### **Article (154)**

The government shall be considered to have resigned and will be re-formed:

- At the beginning of a new term of the House of Representatives after every legislative election;
- After withdrawal of confidence from the prime minister, the government or more than one third of the ministers;
- In the case of death of the president of the council of ministers;
- Upon the resignation of the prime minister or at least one third of the ministers; or
- If the prime minister loses his ability and capacity to perform the duties of his office in accordance with a request from the majority of members of the House of Representatives and by decision from the Constitutional Court.

#### **Article (155)**

The previous government shall continue directing governmental affairs, until the new government is formed according to the provisions of the Constitution.

### **Security Forces**

#### **Article (156)**

The national defense forces shall be the property of the Palestinian people. They shall assume the task of protection and security of the Palestinians and defense of the state of Palestine. They are headed by a specialized minister and the head of the state is its supreme commander. Formation of armed groups outside the framework of the national defense forces is prohibited. The law shall regulate the general mobilization for the defense of the nation and the rights of the citizens.

#### **Article (157)**

The police is a civilian department, part of the ministry of the interior. It shall be legally organized to serve the people, defend the society, and exercise vigilance to maintain security, general order, and general morals. It shall perform its duty within the limitations defined by law, and with respect for all the rights and liberties set forth in this Constitution.

### **Public Administration**

#### **Article (158)**

Appointment of civil servants and all persons working for the state and the conditions of their employment shall be according to the provisions of the law.

#### **Article (159)**

All that concerns civil service, including appointment, transfer, delegation, promotion and retirement, shall be regulated by law. The employees department, in coordination with the concerned governmental departments, shall strive to improve and develop the

public administration, from whom advice on draft laws and regulations particular to the public administration and its employees.

### **The General Audit Organization**

#### **Article (160)**

An independent shall be legally established with a legal personality named the “General Audit Organization”. Its jurisdiction and competence shall be governed by law. The director of the “General Audit Organization”. shall be appointed by the president, according to nomination by the council of ministers and approval by the House of Representatives.

### **Local Administration**

#### **Article (161)**

The relation between the government and the local units shall be regulated by law on the basis of administrative decentralization. Units of local administration shall enjoy a legal personality. Their councils shall be elected. The law shall stipulate the methods by which they are established, formed, elected, and their jurisdiction and competence.

### **Section Three**

### **The Judicial Branch**

#### **Article (162)**

The judicial branch shall be independent. It shall have original jurisdiction to perform the judicial function, and shall be entrusted with deciding all disputes and crimes. The law shall define the institutions of the judicial branch, and regulate their structure and the types of courts, and their levels, jurisdictions and procedures. Exceptional courts may not be formed.

#### **Article (163)**

A Supreme Judicial Council shall be entrusted with the affairs of the judicial institutions. shall define the formation and jurisdictions of this council in a manner that ensures its equality and independence in cooperating with the other public authorities. This council shall be consulted on draft laws regulating judicial affairs. This council shall have the right to set its own internal regulation.

#### **Article (164)**

The president of the Supreme Judicial Council shall be appointed by a decision made by the head of the state according to the law, and approved by the House of Representatives. The law regulates the appointment of the members of the supreme judicial council and the preconditions they should meet.

**Article (165)**

In accordance with the law, the Supreme Judicial Council shall establish the regulations governing appointments, assignments, transfers, promotions and disciplinary measures related to judges.

**Article (166)**

A judge shall swear the legal oath before the Supreme Judicial Council in the manner prescribed by of the judicial branch.

**Article (167)**

Upon appointment, a judge shall submit a personal financial statement for himself, his spouse and his minor children. The statement shall explain in detail their transferable or non-transferable possessions, or their cash asset credits and debits inside Palestine and abroad. The statement shall be kept at the Supreme Constitutional Court.

**Article (168)**

Court sessions shall be public, unless the court decides they shall be closed for reasons related to public order or morals or pursuant to a request by the adversaries. In all circumstances, sentences shall be pronounced in a public hearing.

**Article (169)**

Judicial sentences shall be issued, pronounced and executed in the name of the people and according to the law.

**Article (170)**

Litigation procedures shall be regulated by law to guarantee justice and expeditious decisions in cases.

**Article (171)**

Judges are independent. There shall be no authority over them in their judicial duties except and their conscience, and shall not be removed. The law shall arrange disciplinary questioning of judges before the Supreme Judicial Council in cases defined by without infringement on their independence in performing their duties. No person whatsoever shall be permitted to obstruct justice or the execution of final judicial sentences. Obstruction of justice or the execution of judicial sentences shall be considered a crime punishable by law, and any lawsuits arising as a result thereof shall not lapse by prescription.

**Article (172)**

A law shall determine the conditions of appointment, transfer, delegacy, promotion, and regulation affairs of the judges, combining judicial work with any other profession or membership in the representative councils or political parties shall be

prohibited. A judge shall not be permitted, while assuming a judicial profession, to carry any citizenship other than the Palestinian citizenship.

**Article (173)**

A court of cassation shall be constructed with jurisdiction over appeals in criminal and civil matters. Its formation, jurisdiction and operational procedures shall be determined by law.

**Article (174)**

A supreme court of justice shall be established to decide administrative disputes and disciplinary cases as they are defined by their establishing law. Such law shall regulate its rules of operation, the terms of appointment of its judges and employees and the procedures to be followed before it. Lower administrative courts may be established by law.

**Article (175)**

A military court shall be established and entrusted with deciding military disputes. It shall not decide any case outside the military sphere.

**The Office of the General Prosecutor**

**Article (176)**

The Office of the General Prosecutor is an organ of the Judicial Branch, which is part of the Ministry of Justice and governed by of the Judicial Branch.

**Article (177)**

The General Prosecutor shall be appointed at the head of the Office of the General Prosecutor by nomination of the Minister of Justice, and decision by the council of ministers. His competencies, his assistants and their duties shall be defined by Law.

**Article (178)**

The Office of the General Prosecutor shall prosecute public cases in the name of the people in accordance with the provisions of Law.

**Article (179)**

The judicial police shall be directly subject to the supervision of the judicial branch.

**Article (180)**

The Ministry of Justice shall be entrusted with the organization of administrative bodies responsible for the administration of judicial facilities without infringing on the professional supervision of the Supreme Judicial Council over the judiciary, including the Office of the General Prosecutor.

## **Supreme Constitutional Court**

### **Article (181)**

A Constitutional Court shall be established by virtue of the Constitution to exercise its jurisdiction independently in order to preserve the legality of the work of state institutions. It shall be composed of nine judges appointed by the head of state and nominated by the council of ministers, and approved by the House of Representatives. The Court shall set its internal regulation to operational procedures. The judges shall be elected for one term of nine years that shall not be renewed or extended directly.

### **Article (182)**

The judges of the Constitutional Court shall elect one of them as a president for the court for a three year term. The president of the Court and the judges in the Constitutional Court swear the legal oath before the president of the state, the speaker of the House of Representatives and the president of the Supreme Judicial Council at the same time before they start their duties.

### **Article (183)**

A judge on the Constitutional Court may not assume any other public employment or conduct any commercial, political or partisan activities. He must resign from party membership before taking the legal oath.

### **Article (184)**

Membership of a judge in the Constitutional Court shall terminate:

- At the end of the judge's term as stated in the Constitution;
- By voluntary resignation;
- By loss of one of the preconditions of membership; or
- By being judicially convicted of a criminal offense.

A successor shall be appointed within one month of the position becoming vacant.

### **Article (185)**

The Constitutional Court shall examine the constitutionality of the following matters, pursuant to a request from the president of the state, or the Prime Minister, or the speaker of the House of Representatives, or ten members of the House of Representatives, or from the courts, the public prosecutor, or anyone whose constitutional rights have been violated:

- The constitutionality of laws before they are promulgated, whenever requested by the president of the state provided the request was submitted within 30 days of referring to the head of state for ratification and promulgation;
- Deciding disputes related to the constitutionality of laws, ordinances, regulations, measures and decisions issued by the president or the council of ministers which have the force of law;



- Interpretation of constitutional texts when a dispute arises over the rights, duties and competencies of the three branches, and in case of a jurisdictional dispute between the head of state and the prime minister;
- Deciding problems that arise concerning the constitutionality of programs and activities of political parties and associations and the procedures of their dissolution and suspension and their conformity with the Constitution;
- The constitutionality of signing treaties and the procedures of their implementation, and nullification of or some of its articles if it contradicts with the Constitution or an international treaty; and
- Any other jurisdictions assigned to it by the Constitution.

#### **Article (186)**

The Constitutional Court shall render void an unconstitutional law, regulation, ordinance or procedure, or end its effectiveness, as the case may be, and the conditions specified in governing its operation.

#### **Article (187)**

Judicial decisions of the Constitutional Court shall be final and may not be appealed in any manner and binding on all government authorities and natural and legal persons.

### **CHAPTER FOUR**

#### **Concluding Provisions Constitution Revisions and Amendments**

#### **Article (188)**

This Constitution shall be called the “State of Palestine Constitution”. It is based on the will of the Palestinian people. It shall be ratified by the Palestine Central Council and by agreement of a majority of participants in a general popular referendum. This Constitution shall be effective from the date the people agree on it in the referendum.

#### **Article (189)**

The president of the state, or the Prime Minister, or one-third of the members of council of representatives may request an amendment or cancellation of an article or articles in the Constitution. In all cases, two-thirds of the total members of the House of Representatives must agree on the amendment. If the request is rejected, it shall be prohibited to request an amendment or cancellation of the same articles before one year passes on this rejection. The House of Representatives shall discuss the amendments within (60) days after agreeing on the principle of amendment. If one-third of the members approve it, it shall be presented to the people in a referendum. If the majority of voters in the referendum agree on the amendment, it shall be deemed effective from the date of the results of the referendum are declared.

**Article (190)**

Notwithstanding anything contrary to the provisions of this Constitution, the applicable laws, regulations, resolutions, agreements and treaties shall remain in effect before this Constitution comes into effect, until amended or cancelled in accordance with the law.

**Article (191)**

The legislative branch shall prepare the draft laws that are necessary to set up legal and administrative structures for implementing the provisions and requirements of this Constitution, and establish those institutions set forth in its text within a maximum period of six months from the date of promulgating the Constitution.

**Article (192)**

Official institutions shall continue to exercise their powers according to constitutional and legal rules that regulate them until concluding the amendments required by the Constitution.

**Article (193)**

The Basic Law, ratified on May 29, 2002, and anything contrary to the provisions of this Constitution are hereby abolished.

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(The arrangements of names are according to Arabic alphabetical, with surname preserve).

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Rev. Dr. Atallah Hanna  
Ms. Amal Al Imam  
Adv. Anis El Qasem  
Dr. Iyad Al Sarraj

Mr. Bassil Jabir  
Mr. Jamal Al Khatib  
Mr. Jamal Zaqqut  
Dr. Jihad Al Wazer  
Mr. Hassan Asfour  
Mr. Hanna Abu Amireh  
Ms. Dalal Salameh  
Mr. Raji Al Sourani  
Ms. Rawiyah Al Shawwa  
Ms. Randa Siniora  
Prof. Rami Alhamdallah  
Mr. Zahi Khoury  
Ms. Zahira Kamal  
Ms. Samia Bamyeh  
Mr. Sa'edeldin Kharmeh  
Rev. Salloum El Samiri  
Ms. Salwa Abu Khadra  
Mr. Shaher Sa'ed  
Mr. Shawqi Al Issa  
Mr. Salah Abdel Shafi  
Mr. Adnan Abu Layla  
Mr. Azmi Al Shu'eibi  
Mr. Kays Abu Layla  
Mr. Majde El Khaldi  
Dr. Muhammad Ghadiyeh  
Mr. Muhammad Abu Ramadan  
Mr. Muhammad Al Masrouji  
Mr. Mustafa Al Barghuti  
Mr. Nahedh Al Rayes  
Dr. Nabil Al Ja'bari  
Dr. Nabil Qassis  
Mr. Nassar Nassar  
Judge. Eugene Katran  
Ms. Yula Haddadin