

The DRAFT Of the Palestinian Constitution

Preface and Acknowledgement

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Chapter One: Foundations of the State and Rights and Duties

Section One: General Foundations of the State

Article 1

This constitution is based on the will of the Arab Palestinian people. It shall be approved democratically.

Article 2

The Arab Palestinian people believe in the principles of justice, liberty, equality, human dignity, and their right to practice self-determination and sovereignty over their land.

Article 3

The Palestinian people are a part of the Arab and Islamic nations.

Article 4

Palestine is an independent state with complete sovereignty that cannot be

conceded. Its system shall be republican and its lands are unitary and indivisible.

Article 5

Arabic shall be the official language.

Article 6

Islam shall be the official religion of the state. The monotheistic religions shall be respected.

Article 7

The principles of the Islamic Shari`a are a primary source for legislation. The legislative branch shall determine personal status law under the authority of the monotheistic religions according to their denominations, in keeping with the provisions of the constitution and the preservation of unity, stability, and advancement of the Palestinian people.

Article 8

Jerusalem shall be the capital of Palestine and its seat of government.

Article 9

Palestine's flag, motto, seals, emblems, and national anthem shall be determined by law.

Article 10

Sovereignty belongs to the Palestinian Arab people. Its prerogatives shall be exercised by the people directly, by means of elected representatives, by referendum, and through their constitutional institutions.

Article 11

The Palestinian political system shall be a representative democracy based on political pluralism. It shall guarantee the rights and freedoms of minorities without discrimination in their rights and obligations. It shall guarantee their protection and their respect for legitimacy in that which insures the supreme interests of the Palestinian people and their national unity.

Article 12

The institutionalized authority of the Palestinian people shall be exercised in order to realize the general welfare and defend public and individual rights and freedoms.

Article 13

The legal character of the Arab Palestinian people shall be embodied in the state. The state is a symbol of national unity. It shall safeguard respect for the constitution and preserve independence, unity, territorial integrity, and the orderly proceedings of government in adherence with constitutional provisions.

Article 14

The rule of law and justice shall be the basis of governance, the motivation for the work of governing authorities, and the protector of the rights of the people and their democratic values.

Article 15

The provisions of the Constitution and the laws issued in accordance thereof apply to all individuals and governmental institutions. No suspension of these provisions shall be allowed.

Article 16

The state of emergency shall be regulated by the provisions stated in the constitution. During it, the work of the government must be in application of the text of the law.

Article 17

No legal or material activity of state agencies may be made immune. All actions of governmental authorities shall be subject to legal and judicial review. In all circumstances, the state shall remain responsible to compensate for damages, errors, and dangers resulting from measures and actions of state employees.

Article 18

Individuals and public authorities must respect the judicial rulings. Violation of the dignity of the judiciary shall be punishable by law.

Article 19

International conventions and treaties which the state of Palestine signs or joins shall become a part of the Palestinian legal order after they have been adopted by law and have the status of normal legislation. The principles of customary international law shall be considered a part of the legal order insofar as they do not contradict the stipulations of the constitution or the law in force.

Article 20

Natural resources in Palestine are the property of the Palestinian people. They shall exercise their sovereignty over them and do not permit their monopolization. The state shall preserve the historical rights of the Palestinian people to them as they have been established in the rules and principles of international law. Their exploitation shall be governed by law.

Article 21

The economic order in Palestine shall be established on the basis of free market principles. The law shall regulate its supervision in order to protect free economic activity and to preserve the rights of groups in need of care. The state may establish public companies regulated by law.

Article 22

The state shall strive to realize the social, economic, and cultural development of the Palestinian people on the basis of social justice.

Article 23

A clean and sustainable environment is a human right. It shall be a societal and official responsibility to preserve and protect the Palestinian environment for present and future generations.

Section Two: Rights and Duties

Article 24

Palestinians shall equal before the law. They shall enjoy rights and incur duties equally without discrimination for any cause except those constitutionally legitimated

Article 25

Palestinian citizenship is secure and permanent for any Arab who lived in Palestine before May 1948. It is transmitted from father to child. It endures and is not cancelled by the passage of time. The law shall determine the ways of gaining and losing it and the rights and duties of multinational citizens.

Article 26

The constitution guarantees the civil, political, social, cultural, and economic rights and freedoms of all citizens, which they enjoy on the basis of equality and equal opportunity.

Article 27

Human rights and basic freedoms according to international laws, charters, and treaties that become part of domestic law are binding and must be respected.

Article 28

Every person has the right to life and to the protection of his rights, freedoms, and well being in accordance with the provisions of the constitution, the laws issued in application thereof, and the principles of justice.

Article 29

Life shall not be subject to scientific or medical experimentation. No one shall be subject to medical treatment without his consent. Exceptional circumstances shall be regulated by law. Organ transplants and other innovations of scientific progress for legitimate humanitarian purposes shall be regulated by law.

Article 30

People have the right of protection from injury, harsh treatment, and subjugation to torture or inhumane and undignified punishment.

Article 31

The constitution guarantees to every citizen freedom of residency and movement within the state, abroad, and returning to it.

Article 32

The right of the Palestinian refugee to return to his home and the original

home of his ancestors is a natural right which cannot expire. Its exercise may not be delegated nor surrendered.

Article 33

Exiling Palestinians from their homeland or denying them the ability to return is prohibited. Neither may they be extradited to a foreign country except according to a treaty approved by the legislative branch.

Article 34

No Palestinian may be extradited for political crimes.

Article 35

No political refugee may be extradited.

Article 36

No person may be deprived of legal competence, citizenship, or reputation for political reasons.

Article 37

Personal security is guaranteed by the constitution. No one may be arrested, searched, detained, or restricted in his freedom in any way except by a judicial order applying the provisions of the law. The law shall define the conditions of provisional detention.

Article 38

The accused may not be subject to any coercion or torture. The accused must be treated as innocent until his guilt has been proven in a fair trial granting him the guarantees of self-defense and the assistance of an attorney.

Article 39

A convict deprived of his freedom must be treated humanely and appropriately. Arbitrariness in execution shall be punishable by law.

Article 40

There shall be neither crime nor punishment except as stipulated by law. There shall be no punishment except for deeds committed after a law comes into effect. In non-criminal matters, it may be stipulated otherwise in a law that

is approved by a majority of all the members of the Legislative Council.

Article 41

Laws passed by the Legislative Council shall be published in the Official Gazette within one month of their being passed. In accordance with the provisions of Article 137, they become effective after one month from the day following their submission for publication unless another date is set forth by law.

Article 42

Punishment is individual; collective punishment is forbidden.

Article 43

The right of all to litigation shall be guaranteed by the state. Each individual shall have the right to resort to his natural judge to defend his rights and freedoms and to obtain compensation for their injury. No public or private person shall have immunity from appearing before the judiciary. Trial procedures for exceptional instances shall be regulated by law in accordance with the provisions of the constitution.

Article 44

The freedom to practice religion and arrive to places of worship shall be guaranteed insofar as it does not disturb the public order or defame monotheistic religion.

Article 45

Residences shall be inviolable. Search and entry shall not be permitted except according to judicial order given for cause, during the day, and in accordance with the provisions of law.

Article 46

Freedom of thought and expression, in speech or writing or other means, shall be guaranteed. The law shall regulate it to guarantee the equal respect for the rights of others.

Article 47

Freedom of the press, printing, publishing, and media shall be protected by

the constitution. It is not permitted to suspend them except by judicial decision in application of the law. It is not permitted to subject them to censorship. The law regulating these shall guarantee their integrity, the expression of different opinions, encourage scientific, artistic, and literary creativity, and guarantee the freedom of academic opinion.

Article 48

The constitution shall protect the confidentiality and freedom of correspondence and communication. They may not be infringed except in circumstances defined by law.

Article 49

Public property shall be regulated by law in order to protect it and so that it serves the interest of the people. The administration of Waqf funds shall be regulated by law. Private property is protected. It shall be disposed of in a matter that does not conflict with the public interest. It may not be seized or appropriated except for the public benefit, by virtue of law, and in return for just compensation. It may not be confiscated except by judicial decision. Public confiscation of the right of ownership shall be forbidden.

Article 50

The law shall regulate the conditions of transfer of ownership of real estate to foreigners.

Article 51

The state shall protect the private economic activity of individuals in order to realize economic growth and social justice.

Article 52

Each citizen has the right to work. The constitution shall guarantee the freedom to form work-related associations.

Article 53

Slave labor shall be prohibited. The law shall regulate compulsory labor in cases of executing judicial decisions.

Article 54

The right to protest and strike shall be exercised in a way that does not

violate the law. Strikes are forbidden in the army and policy sectors. The law shall regulate the relations of work in order to guarantee justice for all parties and provide for the protection and security of workers.

Article 55

Every Palestinian has equal right to public positions on the basis of merit and aptitude, in according with the law regulating public employment.

Article 56

The state shall guarantee social insurance services, pensions for the disabled and aged, care for the families of martyrs and prisoners and orphans, and care for those wounded and injured in the national struggle. This shall be done to guarantee them training, education, and health and social insurance.

Article 57

The state shall guarantee health insurance as an individual right and a public interest. It shall guarantee basic health care for those financially unable.

Article 58

Education has freedom provided it does not disturb the public order and decency or offend the monotheistic religions. It is a right of every citizen and is supervised by the state. The state shall guarantee education until the secondary level. It is compulsory until the end of the tenth grade.

Article 59

Private education has freedom provided it does not violate the public order and public decency or offend the monotheistic religions. The law shall regulate the supervision of the state over its organization and curricula.

Article 60

The state shall provide assistance to students who are financially unable. It shall support the outstanding.

Article 61

The constitution shall protect the independence of institutions with scientific goals and universities in a manner defined by law in order to guarantee the freedom of scientific research and encourage it.

Article 62

The state and the society shall protect motherhood and childhood. The rights of the child, the mother, and the family shall be regulated by law.

Article 63

Women are the full sisters of men. They have rights and duties as guaranteed by the shari'ah and established in law.

Article 64

Each citizen has public, civil, and political rights and freedoms, which shall be guaranteed by the constitution and regulated by law. Specifically, he has the following rights:

Direct participation in political life.

The right to election and nomination in representation of the people

The right to contribute to political activities, form or join a political party, adopt the platform of a legally established party, idea, or political choices and support them peacefully.

The freedom to gather and demonstrate with others peacefully and without weapons.

The freedom to form public associations according to the legal procedures.

The right to present petitions and complaints.

Article 65

The suspension of any right or freedom among the rights and freedoms is not permitted in any circumstance. The law shall regulate the rights and freedoms that may be restricted temporarily in exceptional circumstances.

Article 66

Any violation of the basic rights and freedoms of the individual guaranteed by the constitution shall be crime for which the resulting civil and criminal lawsuits shall have no statute of limitations.

Chapter Two: The Branches of Government

Article 67

The Arab Palestinian people are the source of authorities. They shall exercise them through the branches of government in the state of Palestine as defined in the constitution, guaranteeing the participation of the Palestinian refugees living abroad in designing national public policies.

Article 68

The exercise of the public authorities of the people in the state of Palestine shall be invested in three branches. The legislative authority shall be invested in a parliament in which the representation of the Palestinians in the state of Palestine and the refugees abroad shall be safeguarded in the manner defined in the constitution. The judicial authority shall be invested in the courts, which are regulated by the constitution and the law of the judicial authority.

Article 69

The relationship among the three branches shall be established on the basis of relative separation with cooperation and mutual oversight among them. None of the branches of government shall have jurisdiction not granted it by the provisions of the constitution.

Section One: The Legislative Branch

Article 70

A parliament shall exercise the legislative authority of the Palestinian people in the matter defined in the constitution. It shall consist of two councils:

The Legislative Council, composed of 150 representatives of the Palestinian people in the state of Palestine; it alone shall be entrusted with the legislative and oversight role in the state. It shall be elected in accordance with the provisions of the Palestinian election law.

The National Council, composed of 150 representatives of the Palestinian refugees abroad. It shall be formed to protect the guarantee of justice in

representation and share with the Legislative Council in legislating laws connected with general national rights. The members of the National Council shall be chosen according to the election system of the National Council until it is amended.

Article 71

The term of membership for the two councils of parliament shall be five years.

Article 72

The President of the state calls for elections for the two councils of parliament at the times determined as regulated by law.

Article 73

The seat of the parliament shall be the city of Jerusalem. Either Council may decide to hold its sessions in other places.

Article 74

The President of the State may not dissolve either of the two Councils.

Article 75

The president may, if disagreement between the executive and legislative branch become grave, reformulate the cabinet or, in solidarity with the government, summon the people to a referendum on dissolving the Legislative Council. This will be considered solidarity with the government. If a majority of those participating in the referendum support the dissolution of the Council it is considered dissolved. The President shall call for conducting elections for the new Council within thirty days of the announcement of the result of the referendum. If the referendum does not decide in favor of dissolution, the president and the government are considered to have resigned. Elections for the new president shall be held within thirty days from the results of the referendum. The president elected shall undertake the formation of the new ministry according to the provisions of the constitution and the election law. The Legislative Council whose dissolution had been requested shall reconvene by the power of the constitution. The former Cabinet continues to administer executive authority until a new Cabinet is formed.

Article 76

The president of the state may not call for a referendum on dissolving parliament or suspend it during the period of the announcement of a state of

emergency or after a motion to censure of the government has been introduced. No request for the dissolution of the Council may take place before one year has passed since its election.

Article 77

The members of parliament swear the legal oath before exercising their duties: -

Article 78

Members of parliament may not hold public employment except for membership in the cabinet during their term representing the people. Representation of the people may not be a source of wealth nor a means of serving private interests.

Article 79

Each member of parliament, during the first month of his first term of membership, must present a statement of personal finances for him, his spouse, and his minor children of what they own inside Palestine and abroad. The statement will be held in sealed and secret envelope at the High Court. It is not permitted to view it except by an order from the court, based on a decision from the Council (Legislative or National) where the member sits.

Article 80

The financial remuneration and benefits granted to the member of parliament shall be according to law. No amendments are allowed except for the members of the parliament elected after the amended law.

Article 81

Each Council of the two councils of the parliament shall elect in its first meeting a speaker, two deputy speakers, and a secretary-general. They shall form the speaker's body for the council. None of them may assume a ministry or any governmental position. A speaker's body shall be elected at the beginning of each annual session.

Article 82

The Speakers of the National and Legislative Councils shall alternate in presiding over joint sessions of parliament.

Article 83

If the position of one or more member of the parliament becomes vacant due to death, resignation, or loss of competence at least six months before the end of the council's term, the seat is filled by whomever followed him in the voting in his district if he is available; otherwise, a successor is elected in the district within one month of the seat becoming vacant.

Article 84

Each Council of parliament shall transfer any challenge to the validity of the representation of any of its members to the Constitutional Court for decision according to the governing law.

Article 85

The law shall define the circumstances under which a representative loses his qualification to serve and the conditions for abrogation of membership.

Article 86

Each of the two Councils of parliament shall decide concerning requests for resignation. The situations in which the parliament accepts the resignation or dismissal of one of its members shall be regulated by law.

Article 87

Each of the two Councils of Parliament shall establish its bylaws to organize its procedures in the execution of legislative and oversight duties and the procedures and rules for questioning its members within the confines of their competencies and without violating the provisions of the constitution.

Article 88

Each of the two Councils of parliament shall preserve its security and order during its sessions and committee meetings. For this purpose, it may have its own special police under the command of its speaker. Security officers in the various agencies shall not be present inside except in accordance with his request.

Article 89

The Legislative Council shall convene by summons from its speaker each year in two ordinary sessions. The first shall begin / / and end / /. The second shall begin / / and end / /.

Article 90

The president of the state, in consultation with the speaker of each of the two Councils of parliament, may summon a joint session. A decision from the speakers of both Councils of the parliament may summon a joint session.

Article 91

The sessions of either of the two Councils of parliament shall not be considered legal if two thirds of all the members of the Council are not present at its opening. The session will remain legal so long as an absolute majority of its members remains present. Decisions shall be taken by a majority vote of those present, except in cases when a special majority is stipulated. A member not present may not cast a ballot or vote by proxy.

Article 92

No meeting of either of the two Councils of parliament is legitimate except with the attendance of the speaker or one of his deputies. Sessions shall be public. The Council may decide to hold a secret session and repeat the public discussion.

Article 93

The speaker of the Council or five members of the Legislative Council have the right to suggest a draft law within the sphere of the Council's jurisdiction. The bylaws of each Council shall regulate the legislative proceedings in this regard.

Article 94

Voting on basic laws or on confidence in the ministry shall be orally by roll call or by counting votes in the case of secret ballots.

Article 95

Any proposal that does not obtain the approval of the required majority may not be submitted for discussion in the same session.

Article 96

The parliament shall discuss the general policy of the government in a joint session and vote confidence in it in a joint session.

Article 97

Each member of the Legislative Council may direct questions or request clarifications from ministers according to the procedures set forth in the bylaws.

Article 98

Each member of the Legislative Council may direct interpellations to the government or to one of the ministers or those under their supervision. It is not permitted to discuss an interpellation before one week after its submission as long as the person being questioned declines a response or discussion in a shorter period. It is permitted to shorten the period by a decision of the Council in urgent cases.

Article 99

After interpellation, ten members of the Legislative Council who are unconvinced of the justifications presented by the person questioned may request the following:

Censure of the minister or the cabinet, if they are convinced that there is a violation of the general policy upon which confidence was granted.

Withdrawal of confidence in the minister or cabinet according to the circumstances.

Voting may not be held until three days at least have passed from the date of the request. Decision will be made by a majority of all members of the Legislative Council.

Article 100

A withdrawal of confidence shall result in the termination of authority of the subject of the withdrawal who must tender his resignation. If the Legislative Council approves a censure of the government, the president of the state shall accept its resignation. In this case, the ministry shall be reformulated without the individuals for whom confidence has been withdrawn in accordance with the provisions of the constitution.

Article 101

Each of the two Council of parliament may form temporary special committees or

commission one of its standing committees to investigate the facts in any other issue that is public or related to the activity of any of the agencies of the executive branch. The committee reports shall be submitted to the Legislative Council to decide on the matter as it sees fit.

Article 102

With the concurrence of two thirds of its members, the Legislative Council may indict the president before the Constitutional court. Indictment of the prime minister shall be before the courts in accordance with the Trials Principles Law and with the concurrence of the majority.

Article 103

It shall be forbidden to delay the work of the legislative branch or infringe on the immunity of its members. The civil and criminal interrogation of members of parliament because of expressing opinions, stating facts, or voting in a particular way in the sessions of parliament, in its committees, or outside of parliament shall be forbidden in order to enable them to perform their representative duties.

Article 104

No member may be subject to criminal proceedings or brought to trial except after the Council he belongs to decides to lift his immunity by a majority of all the members. Unless apprehended while committing a felony, a member of parliament shall not be subject to criminal proceedings until the presidency of the Council is notified to take appropriate action as it sees fit.

Article 105

No member of parliament shall be asked to give testimony in connection with any of his actions or statements or information he obtained as a member during his term or after it, except with his consent and the prior agreement of the Council where membership is held.

Article 106

No member of parliament may relinquish immunity without prior permission from the Council to which he belongs. Immunity does not cease at the end of membership for those statements or actions covered during membership. Immunity shall not cover crimes discovered after the end of service for which the statute of limitations has not expired.

Article 107

Imposition and annulment of taxes shall be by law. Taxes and fees shall be deposited in the public treasury and disposed of by law. They shall be imposed and disposed of safeguarding equality and social justice.

Article 108

Taxation shall not be forgiven except in those cases determined by law.

Article 109

Expenditure and allocation of public funds may only take place by law.

Article 110

The contracting of external loans, granting of concessions and investments shall be pursuant to law and permitted only with the approval of the Legislative Council.

Article 111

Provisions related to preparing the budget, its approval, the disposal of deposited public funds, supplementary and development budgets, budgets of public agencies and institutions, projects in which the public sector contributes no less than fifty percent of the capital shall be regulated by law.

Article 112

The government shall submit the draft budget to the Legislative Council two months before the beginning of the fiscal year. Discussion and voting shall be conducted on the clauses and the chapters of the budget and then on the entire budget so that it may be approved or returned to the government with comments so that the requested requirements may be completed within one month. It shall then be returned to the Legislative Council for approval.

Article 113

During the discussion of the draft budget, imposition or amendment of an imposed tax or an increase in estimates of expenditures and revenues shall be forbidden.

Article 114

Transfer among chapters of the budget without the consent of the Legislative Council shall be forbidden.

Article 115

As an exception to the norm of budgeting annually, and in case of a delay over one month in approving the budget, it shall be permitted with the consent of the Council to designate specified amounts as monthly allocations at the ratio of 12:1 of the amount of the previous budget until the issuing of the new budget law.

Article 116

The final accounting of the budget must be presented to the Legislative Council within a period not more than six months from the date of the end of the fiscal year.

Section Two: The Executive Branch

Article 117

The executive branch shall assume responsibility for establishing the plans and programs necessary to carry out its duties so that they may be approved by the Legislative Council.

Article 118

The president of state shall oversee the executive branch through the council of ministers. The president of state is the head of the republic and the commander-in-chief of the armed forces.

Article 119

Combining the presidency of the state with any other position shall be prohibited.

Article 120

The president of the state shall represent it in foreign relations. His duty shall be to preserve the state and defend the rule of the constitution as the highest law.

Article 121

The president shall be directly elected by the people for a five-year term

which may be renewed once. The provisions for his election shall be regulated by the electoral law.

Article 122

The elected President assumes duties immediately upon the conclusion of the predecessor's term of office.

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

Article 123

The president shall swear the constitutional oath before parliament before exercising the duties of his office.

Article 124

The office of the president shall be considered vacant:

At the end of the elected term

With death

With resignation

With loss of competency based on a ruling of the Constitutional Court.

Article 125

If the Constitutional Court declares the office of the president vacant, the speaker of the Legislative Council shall temporarily assume the presidency of the state for a period not more than sixty days, during which elections for the shall be held in accordance with the electoral law. If he wishes run or if the constitutional court decides that he is legally prevented from serving, the president of the Supreme Judicial Council assumes the presidency of the state temporarily until the election of the president has been completed

Article 126

The president of the state shall charge the council of ministers with drafting public policy. He shall oversee its implementation after the parliament has approved it.

Article 127

The president of the state shall appoint and terminate ambassadors and representatives of the state of Palestine to states and international and regional organizations. The representatives of states and international and regional organizations to Palestine shall offer their credentials to him.

Article 128

The president of the state shall appoint the prime minister who will name the ministers to the president.

Article 129

The president shall submit a financial statement of his property and that of his wife and minor children. The report shall be held by the Constitutional Court. It shall be forbidden to view it except by a decision of the Constitutional Court responding to a request from the Legislative Council.

Article 130

The remuneration of the president shall be determined by law.

Article 131

The president shall deliver a speech to the two Councils of parliament, and it is not discussed.

Article 132

The president shall present draft fiscal laws to the two Councils of Parliament.

Article 133

The following proposals shall be considered fiscal laws:

If the essence of the motion would impose a tax, abolish it, offer exemption, change it, or structure it.

A motion to regulate or guarantee a government loan or amend the law regarding any financial obligation made by or to the government.

A motion designating public funds.

A motion to amend an expenditure, increase the value of an expenditure in the public budget.

Article 134

If any question regarding the fiscal nature of a law, it shall be referred to the Constitutional Court for decision as to its character.

Article 135

The president of the state shall have the right to give special amnesty for a punishment or lessen it. General amnesty from punishment and cancellation of crime shall only be by virtue of law.

Article 136

The president of the state shall promulgate laws after approval of the Council within thirty days of their transmission to him. The president may return them to the Council that issued them for reconsideration, along with the reasons for his opposition within that period. Otherwise they shall be considered promulgated and effective from the date of their publication in the Official Gazette or after thirty days of the request of the Council that they be published in the Official Gazette.

Article 137

In the case of opposition of draft laws approved by the relevant Council within the period defined, discussion shall be resumed on the amendments. If the Council that passed the draft law approves the amendments suggested by the president, the law shall be referred to the president again for promulgation. A law shall be considered promulgated and effective from the date of its publication in the Official Gazette or after thirty days of the request of the Council to publish it in the Gazette. The draft shall be considered void when the president objects to it and returns it to the Council if it does not receive the support of the majority of the Council.

Article 138

In consultation with the speaker of the Legislative Council, the president of the state may declare a state of emergency if the security of the country is exposed to danger of war or natural disaster threatening the well-being of the society. The emergency measures must be necessary to restore public order or the regular proceedings of the state or confront the disasters. The period may be no more than thirty days and may be renewed one time with the agreement of

two-thirds of all the members of Legislative Council. The declaration shall stipulate the goal, area, and duration that it covers.

Article 139

After the declaration of a state of emergency in cases and according to terms stipulated in the constitution, the president may issue proclamations that have the force of law. They are to be presented to the Legislative Council in its first meeting after the declaration of the state of emergency or in the session to extend the declaration, whichever occurs first, which may decide as it wishes regarding the measures and actions. Otherwise they lose their legal force. If the Legislative Council does not approve them their legal effect ends from that date.

Article 140

During a state of emergency it is forbidden to impose restrictions on basic rights and freedoms except to the extent necessary to preserve the public well-being in the country. All actions are subject to judicial review to oversee the terms of the state of emergency and the legitimacy of measures taken to confront it. The competent court shall examine within a period not to exceed three days the complaints presented.

Article 141

The president shall approve treaties approved by the Legislative Council.

Article 142

Before approving a treaty that is connected with the independence of the country or its territorial integrity, the president must consult with the people in a referendum.

Article 143

The president of the state may establish advisory councils from those with qualifications, specialization, and expertise, to participate in giving opinions and to benefit from national capabilities.

Article 144

The president of state may not be held accountable for actions taken and borne by each minister acting within his jurisdiction except for violation of the constitution or high treason.

Article 145

A request to indict the president may not be issued except at the request of a third of the members of the Legislative Council. A bill of indictment may not be issued except by a majority of two-thirds of the members present. Immediately after an indictment is issued, the president shall cease performing his duties. The trial shall be before the Constitutional Court.

Article 146

The Council of Ministers shall be composed of a prime minister and a number of ministers determined by law. The decree of formation shall name and designate the ministry for each minister. The prime minister shall undertake the formation of the ministry after he is named by the president of the state.

Article 147

The prime minister shall present the proposed government and its political program to the president of the state in preparation for presenting it to the Legislative Council to obtain confidence.

Article 148

A prime minister and ministers who do not obtain the confidence of the Council in the following session must be substituted within two weeks of the date of the first session.

Article 149

The prime minister and ministers swear the constitutional oath before the president. The prime minister and the ministers are individually and collectively responsible to the president and the Legislative Council.

Article 150

The prime minister and the ministers shall undertake, within the sphere of their jurisdiction, to apply the public policies of the state, execute the laws and regulations, and exercise its authority in the manner indicated by the constitution and the law organizing the executive branch.

Article 151

In cooperation with the president, the council of ministers shall have competencies as follows:

Designing public policy within the bounds of its competence and in light of the ministerial program as approved.

Implementing public policy as established.

Preparing the draft public budget to be presented (to the Legislative Council) to the parliament for approval

Organizing, governing, and supervising the offices, agencies, and institutions of the state at their various levels.

Executing laws and regulations and safeguarding compliance with them.

Overseeing and supervising the work of the ministries, offices, industries, and agencies.

Discussing proposals and plans of each ministry as well as its policies in the field of execution of its competencies.

Establishing the organization of administrative formations to present them to the Legislative Council for approval.

The council of ministers shall prepare and issue the organizational decrees and regulations necessary for the procedures of executing the implementation of the laws.

Any other competencies granted by virtue of the provisions of the constitution or the law.

Article 152

The Prime Minister shall exercise the following powers:

Chairing the council of ministers

Representing the council before the president and other branches of government

Exercising vigilance over the implementation of laws and regulations

Signing executive and organizational decrees

Exercising vigilance on the proper administration of the state

Coordinating governmental work

Proposing draft laws

Chairing the council of ministers except for those meetings where the president is present.

Article 153

The government shall submit a statement of public policy to the Legislative Council at the beginning of the yearly term for discussion and approval.

Article 154

Each minister shall have competence, within the sphere of the ministry he is entrusted, over:

Proposing public policy for the ministry and overseeing implementation after its approval.

Overseeing the course of work in the ministry and issuing the necessary directives for the performance of its task.

Submitting to the council of ministers proposed laws related to the ministry.

Implementing the public budget within his ministry according to the allocations approved for his ministry.

Delegating some of his administrative authority to the deputy minister or other senior officials in his ministry in accordance with law.

Chairing the administrative apparatus of his ministry.

Supervising the implementation of laws and regulations related to his ministry.

Any authorities legally granted him.

Article 155

The prime minister and the ministry may not combine the ministry with any other work. A minister may not use information gained by virtue of work, directly or indirectly, in realizing material benefit for himself or for any other person, in violation of the law.

Article 156

Ministers shall receive monthly compensation and pension as established by law.

Article 157

The prime minister and the ministers shall submit within a month of receiving confidence a financial statement for them, their spouses, and their minor children. The statements will be kept by the Constitutional Court. They may not be viewed except by permission of the Court pursuant to a request of the president of the state, the speaker of the legislative council, or the attorney general.

Article 158

The president of the state, one third of the members of the Legislative Council, or the attorney general may refer ministers for investigation for crimes they may have committed during or because of their performance of their functions.

Article 159

A minister shall cease performance of his duties when referred for investigation until the matter is decided. The attorney general or his representative shall be entrusted with the procedures of investigation and indictment. The trial shall be held before the legally competent court. The end of his service or resignation shall not prevent legal action from being taken or continued against him.

Article 160

The government shall be reformed after each legislative election, presidential dismissal, or resignation of the ministry, or the death, resignation or loss of competence of the prime minister.

Article 161

The previous ministry shall continue directing the governmental affairs until the new ministry assumes its duties after it receives the confidence of the Legislative Council.

Article 162

The council of ministers shall meet regularly at the invitation of the president or the prime minister and exercise its competencies according to the

provisions of the constitution, law, and regulations regulating the work of the government.

Article 163

The government shall be considered to have resigned:

when the ministry is dismissed

when the prime minister resigned, is dismissed, or dies

when one-third of the council of ministers has resigned or when the government resigns

when it loses the confidence of the Legislative Council

at the beginning of a new term of the Legislative Council.

Article 164

The formation, work, and command of the agencies and administration of the security forces and any other forces shall be regulated by law.

Article 165

The relationship between the government and local unites shall be regulated by law through administrative decentralization.

Article 166

The units of local government shall enjoy legal personality. Their council shall be elected according to law and each unit shall perform its legal competencies and authorities.

Article 167

Civil service and the affairs of those who work in it shall be regulated by law which shall define the principles of the matters of public employment, including appointment, salaries, promotions, and retirement.

Article 168

A bureau shall be established by law for fiscal and administrative oversight on the centralized and decentralized offices and agencies of the state. The

head of the bureau shall initiate criminal cases on violators.

Article 169

The Oversight Bureau shall present an annual report to the president of the state and to the parliament on its work, comments, and suggestions.

Article 170

The chief of the Fiscal and Administrative Oversight Bureau shall be appointed by a decree by the president of the state after nomination by the Legislative Council.

Section Three: The Judicial Branch

Article 171

Judicial authority shall be assumed by the courts under the supervision of the Supreme Judicial Council.

Article 172

The judiciary shall be independent. It shall be the responsibility of the courts, whose varieties, levels, jurisdictions, and conditions for appointment of their judges shall be regulated by law. Care shall be taken to prevent dismissal of judges except in cases defined by law and in a manner that guarantees the independence of the judiciary.

Article 173

A shari'a judicial council shall be established. The law shall define the manner of its formation and its competence.

Article 174

The regular courts shall be entrusted with ruling in all disputes and crimes. Exceptional courts may not be formed.

Article 175

A court may not abstain from ruling on a case within its jurisdiction. A court may not decide in a case not within its jurisdiction according to the law by which it is regulated.

Article 176

Court sessions are public unless the court decides they shall be closed for reasons:

related to public order or morals
pursuant to a request by the opposing parties.

In all circumstances, the judgment shall be pronounced in public session.

Article 177

Judicial judgments shall be issued according to law. They shall be announced and executed in the name of God and in the name of the people.

Article 178

The crime of obstructing execution of a final judicial ruling shall be punishable by law.

Article 179

The state shall guarantee compensation for judicial error according to law. The responsibility of judges for substantial errors shall be regulated by law.

Article 180

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

Article 181

Judges are independent. There is no authority over them in their judicial duties except the law.

Interference in the work of the judiciary or the affairs of justice shall be considered a crime punishable by law in which charges shall have no statute of limitations.

Article 182

Appointment, transfer, seconding, promotion, and regulation of the affairs of judges shall be by law. Combining judicial work with any other profession or membership in the representative Councils or political parties shall be

prohibited.

Article 183

Qualified jurists shall exercise the judicial function. They shall be chosen according to the law regulation the judicial branch. Extraordinary or special judges may not be appointed.

Article 184

Those who have taught law in colleges of law achieving the professorial rank, or attorneys who have practiced the legal profession for a period not less than twentyyears may be appointed justices in the Court of Cassation and the High Administrative Court.

Article 185

The Supreme JudicialCouncil shall make decisions on appointments, assignments, transfers, promotions, and disciplinary measures related to judges in accordance with the law and organizing regulations.

Article 186

A judge shall swear the legal oath before the Supreme Judicial Council in the manner prescribed by the law of the judicial branch. He shall be responsible to it.

Article 187

Upon appointment, a judge shall submit a personal financial statement for himself, his spouse, and his minor children. The statements shall be kept by the Supreme Judicial Council. They may not be viewed except by with the permission of the president of the council.

Article 188

The judicial branch shall be headed by the Supreme Judicial Council, the formation and competencies of which shall be determined by law.

Article 189

Without prejudice to article 173, a court of cassation shall be constructed with jurisdiction over appeal in criminal and civil manners. Its formation and procedures for its operation shall be determined by law.

Article 190

A supreme court of justice shall be constructed to decide in administrative disputes. Its establishment, the regulation of the principles of its operation, the terms of appointment of its judges and employees, and the procedures followed before it shall be defined by law. Lower administrative courts may be established by law.

Article 191

A military court shall be established by law. It shall not decide any case outside the military sphere.

Article 192

A constitutional court shall be established by virtue of the constitution to exercise its authority independently in safeguarding the legality of the work of state institutions. It shall be composed of 9 judges with the following conditions:

The Legislative Council shall select three.

The president of the state shall select three.

The Supreme Judicial Council shall select three.

Their election shall be for one term of 9 years; it shall not be renewed or extended.

Article 193

The selection of judges of the Constitutional Court shall be from among legal figures who have worked in the legal professions, as judges, public prosecutors or attorneys with the condition that they have not less than twenty years of expertise in the fields of law, or from among those who taught law in the universities, provided that they have obtained professorial rank.

Article 194

The judges of the Constitutional Court elect a president for the Court for a three-year term.

Article 195

One-third of the judges of the Constitutional Court shall be replaced every three years in accordance with the law regulating the work of the Constitutional Court.

Article 196

Constitutional Court judges may not be dismissed without a judicial ruling.

Article 197

Constitutional Court judges shall enjoy the same guarantees enjoyed by deputies in the Legislative Council. They may not be tried nor may any procedures against them be taken except after obtaining the consent of the Supreme Judicial Council.

Article 198

The president of the Court and the judges in the Constitutional Court swear the legal oath in front of the president of the state, the speaker of the Legislative Council, and the president of the Supreme Judicial Council.

Article 199

A judge on the Constitutional Court may not assume any other public employment or conduct any commercial, political, or partisan activities, with the exception of academic work.

Article 200

Membership of a judge in the Constitutional Court terminates:

at the end of the nine-year term

by voluntary resignation

by loss of one of the conditions of assuming it

by death

by judicial conviction of a felony

A successor shall be selected within one month of the position becoming vacant by nomination of the authority that appointed the predecessor.

Article 201

The Constitutional Court shall examine the following questions, pursuant to a request from the president of the state, the speaker of the Legislative Council, or five members of the Council, or to a request from the courts, the attorney general, or someone whose constitutional rights have been violated

the constitutionality of laws before they are promulgated by request of the president of the state or five members of the Legislative Council when it is raised during the period of objection to it

the constitutionality of laws, ordinances, and regulations whose constitutionality have been challenged before the courts

deciding jurisdictional disputes among the branches of government or judicial bodies

the constitutionality of measures of indictment of the president of the state or the Legislative Council's request to the court that it decide his loss of competence

the constitutionality of parties and their activities and measures dissolving and suspending them

the constitutionality of legislative or presidential election and the conducting of elections or public referendum on schedule

the constitutionality of signing treaties and the measures implementing them

the constitutionality of procedures of the branches of government that violate basic constitutional rights

any other jurisdiction constitutionally based

Article 202

The Law of the Constitutional Court shall regulate the procedures for the courts to refer constitutional challenges submitted to them when they examine them in disputes falling within their jurisdiction.

Article 203

Judicial decisions of the Constitutional Court shall be final and may not be appealed in any manner and bind all branches of government and individuals. The Law of the Constitutional Court shall regulate the procedures for the

courts to refer constitutional challenges raised before them when they examine them in disputes falling within their jurisdiction.

Article 204

The Constitutional Court shall render void an unconstitutional law, regulation, or measure, or end its effectiveness in accordance with the circumstances and conditions specified in the law organizing its operation.

Article 205

The Constitutional court shall determine its own by-laws.

Article 206

Amendments of the constitutional provisions regulating the Constitutional Court, either by cancellation or additions, shall be by constitutional law adopted according to the same conditions and procedures of amending the constitution and with the agreement of two-thirds of the members of the Legislative Council.

Article 207

The Office of the Attorney General is an organ of the judicial branch governed by the Law of the Judicial Branch which must regulate the method of its formation, its competencies, and the terms of appointment, transfer, promotion, financial status and accountability of its members.

Article 208

The Attorney General shall be appointed at the head of the Office of the Attorney General by nomination of the Supreme Judicial Council and decision by the head of state, to be approved by the Legislative Council. His competencies, his assistants, and their duties shall be defined by law.

Article 209

The Office of the Attorney General shall pursue public cases in the name of the people in accordance with the provisions of law.

Article 210

The judicial police are directly subject to the judicial branch.

Article 211

The Ministry of Justice shall be entrusted with the administration of judicial facilities without infringing on the supervision of the judiciary by the Supreme Judicial Council.

Article 212

The legal profession shall be regulated by law.

Chapter Three:

Revision of the Constitution and Concluding Statutes

Section One: Revision of Constitutional Statutes

Article 213

At the request of the president of the state or at least one-third of the members of both Councils of parliament, a motion to review any of the provisions of this constitution for amendment or cancellation may be made, provided that the proposal does not infringe on the existence of the state, the foundations of Palestinian society, or the integrity of its territory. The motion to review the constitution shall specify the articles whose amendment or cancellation is requested and the reasons for the motion. Debate on the draft motion shall not be valid two thirds of all the members of the Legislative Council participate in the voting. The motion shall be considered adopted if it obtains the agof an absolute majority of all the members in those cases that do not require a special majority.

Article 214

If the Legislative Council approves the motion to change the constitution, the subject of the amendment is presented to the people in a referendum. The motion to amend the constitution shall be considered approved if it obtains a simple majority of votes cast in the referendum.

Article 215

It shall be forbidden to present or initiate procedures on a draft motion to review any constitutional provision if the independence of the country or its territorial integrity is threatened by danger of interruption the course of regular governmental operations.

Article 216

The provisions for a referendum shall be regulated by law.

Section Two: Concluding Statutes

Article 217

This constitution shall be effective from the date of the results of the referendum are declared.

Article 218

So long as they do not conflict with the provisions of this constitution, the laws, regulations, and decisions currently in force in Palestine shall remain effective until amended or cancelled by corresponding legislation in accordance with the provisions of this constitution.

Article 219

The rights and obligations connected to treaties and international agreements remain effective with the promulgation of this constitution as long as they are not changed or cancelled by corresponding legislation in accordance with the provisions of this constitution.

Article 220

All provisions are annulled which regulated the state of emergency in effect in Palestine before the effective date of this constitution, including the Mandatory Civil Defense (Emergency) Regulations of the year 1945 and its amendments.

Chapter Three: Revision of the Constitution and Concluding Statutes

Section One: Revision of Constitutional Statutes

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