

## **Decision of the High Judicial Council No. 2 of 2006 Concerning the Rules of the Commencement by the High Judicial Council of its Powers**

Having reviewed the Law of the Judicial Authority No. 1 of 2002,  
Following the approval of the High Judicial Council, and  
Pursuant to the powers bestowed upon me in Articles 41 and 80 of the Law of the Judicial Authority No. 1 of 2002,

**I hereby promulgate the following:**

### **Chapter I. Definitions**

#### **Article 1**

In applying the provisions of this bylaw, the following terms and expressions shall have the meanings specified below, unless the context determines otherwise:

<b>Law:</b>	The Law of the Judicial Authority No. 1 of 2002.
<b>Council:</b>	The High Judicial Council.
<b>President:</b>	The President of the High Judicial Council.
<b>Rapporteur:</b>	The person whom the Council selects from among its members to record its discussions and decisions.

### **Chapter II. The Convention of the Council and the Commencement of its Powers**

#### **Article 2**

The Council shall exercise its powers in the manner described in the law and its bylaws. It shall put forward the substantive and procedural rules which the nature of such powers requires.

#### **Article 3**

1. The Council shall hold a regular meeting at least once every month at the seat of the High Court in the Southern and Northern Governorates.
2. The Council shall convene when necessary upon the invitation of its President or upon the request of the Minister of Justice or of three (3) of its members. The President shall invite the Council to convene and submit the topic no later than ten (10) days after the date of the submission of the request.

#### **Article 4**

1. The invitation to the convention of the Council shall be served along with a copy of the agenda to the members at least three (3) days prior to the date of the session. Each member shall have the right to view the papers related to the topics presented to the Council prior to its convention.
2. The invitation may be served upon the members of the Council within a period of less than three (3) days prior to the convention of the Council, as occasion may require.
3. In the event of the absence of one of the members of the Council or in case of the presence of an impediment that obstructs him from attending, the invitation shall be forwarded to the person who has the right to replace him pursuant to the law.

#### **Article 5**

The meeting of the Council shall be valid by the attendance of at least seven (7) of its members, provided that the President, or the Vice-President in his absence, is among them. The decisions shall be issued by a majority of the votes of the attendees. In the event of a tie, the side which includes the President, or his representative upon his absence, shall prevail.

#### **Article 6**

The Council shall have the right to choose from among its members one who is responsible for recording its discussions and decisions. He shall draw up minutes thereof, which shall be signed by the President and the attending members and be kept in the registers of the Council.

#### **Article 7**

The discussions of the Council shall be confidential, and its decisions shall be issued without justification, unless the Council decides otherwise.

#### **Article 8**

Pursuant to the provisions of the law, papers, with the exception of its decisions, may not be dispatched to any party except upon its approval.

#### **Article 9**

Governmental and non-governmental parties must submit all that the Council may request, including data, papers or documents pertaining to its powers.

#### **Article 10**

The decisions of the Council that are related to recommendations for the appointment, promotion, secondment, and dismissal of judges shall be submitted to the President of the Palestinian National Authority in order to issue his decision thereon and shall be published in the Official Gazette.

### **Chapter III. The President of the High Judicial Council**

#### **Article 11**

The President shall determine the system of work at the Council. He shall supervise it and assume his powers in the manner set forth in the law and this bylaw.

#### **Article 12**

The President shall determine the issues to be submitted to the Council and its draft agenda, shall preside over its sessions, shall manage the discussions thereat, and shall follow up with the implementation of its decisions. He shall also conduct all correspondences between the Council and other parties and shall represent it before the Judiciary.

### **Chapter IV. The Committees of the Council and their Powers**

#### **Article 13**

The Council may form from among its members other committees to which it may delegate some of its powers, with the exception of those pertaining to appointments, promotions, or transfers.

#### **Article 14**

A committee shall be formed under the presidency of the President and the membership of the Vice-President and one of its members, which committee shall be responsible for examining the following:

1. Issues pertaining to the secondment of judges.
2. Delegation of judges to perform judicial or legal activities other than their own or in addition to their own.
3. Delegation of judges to teach at universities, higher institutes, and the like.

#### **Article 15**

The Committee shall convene at the seat of the High Court upon the invitation of its President. Rules applicable to its meetings and discussions shall also apply to the meetings of the High Judicial Council.

### **Chapter V. The General Secretariat**

#### **Article 16**

The Council shall establish a General Secretariat to be presided over by a Secretary- General, assisted by an Assistant to the Secretary-General. The Secretary-General shall report to the President of the High Judicial Council.

#### **Article 17**

The selection of the Secretary-General and the Assistant to the Secretary-General shall be by means of delegation from among the judges at courts for a period of two (2) years. A decision on the delegation of both shall be issued by the President.

#### **Article 18**

The General Secretariat shall be responsible for the preparation of the draft agenda, the notification of the members thereof, and the collection of all papers submitted to the Council or to its committees. Under the supervision of the President of the Council, it shall also follow up with the implementation of the decisions of the Council with the competent parties.

#### **Article 19**

The General Secretariat shall establish the registers and files necessary for the smooth progress of work and its regularity, as well as the following registers and files in particular:

1. A special register for the Council and its committees, in which the minutes of sessions shall be recorded in the sequence of the dates of their convention as well as the decisions issued therein.
2. A register in alphabetical order of the names of judges and the date pertaining to them.
3. A register for secondments and another register for delegations and the renewal of each. All procedures taken in this regard shall be recorded against the name of a judge.
4. A register for grievances and challenges, in which a summary of each shall be recorded, as well as the procedures taken in their regard.
5. A register for the recording of complaints files with the Council and the procedures taken in their regard, as well as the files related to them.
6. A special register for the correspondence received by the Council and another for the correspondence sent. In each shall be recorded a summary of all correspondences received and sent under serial numbers, the date of receipt or issuing and the number of each, in addition to the procedures taken with regard to the received correspondence and their date.

7. A special register for each session of the Council or its committees, in which the originals of the papers on each topic presented to the Council and the agenda shall be deposited.
8. A file in which a copy of the formations of courts shall be deposited at the onset of every judicial year.
9. A file for the topics which were not examined, along with the collection of the necessary data in order to adjudicate them.
10. A file in which a copy of the papers on the implementation of the decisions of each session of the Council shall be deposited, to be arranged as per the dates of convention.
11. A file for keeping the copies of the issued correspondence to be arranged as per the dates of issuance.

#### **Article 20**

A decision of the President of the Council shall be issued on the regulation of the work at the General Secretariat and the preparation of registers and files.

### **Chapter VI. Procedures and Final Provisions**

#### **Article 21**

1. The applications and subjects of which the Council is competent shall be submitted to the Council, to be supported with the necessary data, papers, and documents to enable it to adjudicate them.
2. Duplicate copies of the documents may be submitted upon review by the General Secretariat to the Council and indication thereon that they conform to the originals.
3. The President of the Council shall be entitled to request from governmental parties and others all data and papers which he deems necessary to adjudicate the subjects submitted to him.

#### **Article 22**

This bylaw shall enter into force as of 10 May, 2006 and shall be published in the Official Gazette.

**Issued in the city of Ramallah on 10 May, 2006 AD, corresponding to 12 Rabi' al Akhar 1426 AH.**

**Judge Isa Abu Sharar  
President of the High Court  
President of the High Judicial Council**