

Decree Law No. 5 of 2006 Concerning the Law Amending the Provisions of the Law of the Formation of Regular Courts of 2001

**The Chairman of the Executive Committee of the Palestine Liberation Organisation,
The President of the Palestinian National Authority,**

Having reviewed Article 43 of the Amended Basic Law of 2003 and its Amendments,
Based upon the powers bestowed upon me, and
In accomplishment of the public interest,

I hereby promulgate the following decree law:

Article 1

This law shall be named the Law Amending the Provisions of the Law of the Formation of Regular Courts of 2006. It shall be read along with the Law No. 5 of 2001, referred to hereinafter as the Original Law, as one law.

Article 2

The provisions of Article 9 of the Original Law is hereby repealed and replaced with the following provision:

The Magistrate Court shall convene before a single judge called the Magistrate Judge.

Article 3

The provisions of Article 11 of the Original Law are hereby repealed.

Article 4

The provisions of Article 14 of the Original Law are hereby repealed and replaced with the following provisions:

The Court of First Instance shall convene in its capacity as a Court of First Instance and in its appellate capacity before a panel of three (3) judges to be presided over by the most senior judge. It shall convene before a single judge in the cases determined by the law.

Article 5

The provisions of Article 15 of the Original Law are hereby repealed.

Article 6

The provisions of Article 17 of the Original Law are hereby repealed.

Article 7

The provisions of Article 18 of the Original Law are hereby repealed and replaced with the following provisions:

1. Two Courts of Appeal shall be established in Jerusalem and Gaza. A President and a number of Deputies to the President and judges shall be appointed for them as necessary. The Court may hold its session in any place within the area of its territorial jurisdiction upon the approval of the President of the High Judicial Council.

2. The seat of the Jerusalem Court of Appeal shall be in the city of Jerusalem. It shall convene temporarily in the city of Ramallah. Its area of jurisdiction shall include the areas of jurisdiction of the Courts of First Instance in the Northern Governorates.
3. The seat of the Gaza Court of Appeals shall be in the city of Gaza. Its area of jurisdiction shall include the areas of jurisdiction of the Courts of First Instance in the Southern Governorates.
4. A Department of Appeals may be established on a permanent basis at one of the centres of the Courts of First Instance by decision of the President of the High Judicial Council following consultation with the General Assembly of the Court of Appeal.

Article 8

The provisions of Article 25 of the Original Law are hereby repealed and replaced with the following provisions:

The general panel of the High Court of Justice shall convene before eleven (11) judges under the presidency of the President of the Court or one of the Deputies to the President, upon the request of its President or one of its departments, in the following cases:

1. To reverse a legal principle previously established by the Court or to remove a contradiction between former principles.
2. If the case brought before it revolves around a new or complex legal point or if it involves a point of particular importance.

Article 9

1. A Technical Office for legal principles shall be established at the High Court. It shall consist of a head to be selected from among the judges of the High Court, as well as a sufficient number of members, judges of the Courts of Appeal, and the Presidents of the Courts of First Instance. The appointment of the head and the members shall be by decision of the President of the High Judicial Council for a period of one (1) renewable year upon the approval of the High Judicial Council.
2. The Technical Office shall be provided with a sufficient number of employees.

Article 10

The Technical Office shall be responsible for the following:

1. Deriving and documenting the legal principles adopted by the High Court in its judgements, classifying them and overseeing their publication upon their submission to the director of the department which issued them.
2. Issuing the collection of the legislative provisions and publications.
3. Preparing technical research.
4. Supervising the table of lawsuits at the Court and submitting similar and linked objections or those objections the adjudication of which requires the determination of a legal principle to the President of the Court in order to be examined by a Department.
5. Supervising the library.
6. All other matters requested by the President of the Court.

Article 11

Article 32 of the Original Law shall be amended so that what is stated therein becomes paragraphs 1 and 2 as added thereto with the following provision:

2. The Attorney-General and the members of the Public Prosecution shall represent the authorities, departments, entities, and institutions subordinate to the Palestinian National

Authority before the High Court of Justice in the actions which it files or which are filed against it.

Article 12

The provisions of Article 35 of the Original Law are hereby repealed and replaced with the following provision:

1. Notwithstanding the provisions of any other law, the President of the High Judicial Council shall have the right to delegate when necessary any judge to a regular or special court, to assume functions of the Public Prosecution upon the request of the Attorney-General, or to perform the duties of inspection for a period not to exceed three (3) months a year.
2. Based upon the recommendation of the President of the Council, the High Judicial Council shall have the right to extend the delegation for a period of time, as occasion may require.
3. It shall be taken into account that, in the delegation, the function or work to which the judge is delegated is not of a lesser rank than his work or the work to which he is assigned.

Article 13

The provisions of Article 37 of the Original Law is hereby repealed and replaced with the following provisions:

The High Court shall temporarily assume the functions assigned to the High Constitutional Court until such court is established, unless they are within the jurisdiction of another judicial authority. Litigation shall be conducted before it pursuant to the provisions of its bylaw.

Article 14

This decree law shall be presented to the Legislative Council for approval in the first session which it holds following its promulgation.

Article 15

Every provision that contradicts the provisions of this decree law is hereby repealed.

Article 16

All competent authorities, each one within its sphere of jurisdiction, shall implement the provisions of this decree law which shall enter into force as of the date of its promulgation and shall be published in the Official Gazette.

Issued in the city of Ramallah on 16 February, 2006 AD, corresponding to 17 Muharram 1427 AH.

**Mahmoud Abbas
Chairman of the Executive Committee of the Palestine Liberation Organisation
President of the Palestinian National Authority**