

## **Judicial Authority Law No. 1 of 2002**

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

Having reviewed the Law on the Independence of the Judiciary No. 19 of 1955 in force in the Governorates of the West Bank,

Having reviewed the Courts Ordinance No. 31 of 1940 in force in the Governorates of the Gaza Strip,

Having reviewed the Law on the Formation of the Courts No. 26 of 1952 in force in the Governorates of the West Bank,

Having reviewed the Civil Service Law No. 4 of 1998,

Having reviewed the Social Insurance and Retirement Law No. 8 of 1964,

Having reviewed the Order No. 473 of 1956 issued by the Administrative Governor-General concerning the Jurisdiction of the Public Prosecution in force in the Governorates of the Gaza Strip,

Having reviewed the Decree No. 286 of 1995 Concerning the Formation of the Consultation and Legislation Department at the Ministry of Justice, and

Based upon the approval of the Legislative Council,

**I hereby promulgate the following law:**

### **Part I. General Principles and Provisions**

#### **Article 1**

The Judicial Authority shall be independent. No other authority shall interfere with the Judiciary or judicial affairs.

#### **Article 2**

Judges shall be independent. They shall not be subject to any authority other than the law in the exercise of their judicial function.

#### **Article 3**

1. The Judicial Authority shall have its own budget, which shall appear as an independent title in the annual General Budget of the National Authority.
2. The High Judicial Council shall prepare the draft budget and transfer it to the Minister of Justice so that the latter may fulfill the legal requirements pursuant to the provisions of the Law of the Organisation of the General Budget and Public Finances.
3. The High Judicial Council shall supervise the implementation of the budget of the Judicial Authority.
4. The budget of the Judicial Authority shall be subject to the provisions of the annual General Budget Law of the National Authority.

#### **Article 4**

Arabic shall be the official language used in the courts. The court shall hear the statements of non-Arabic speaking litigants or witnesses through a sworn interpreter.

## **Article 5**

Judgements shall be issued and executed in the name of the Arab Palestinian people. Judgements shall specify the reasons upon which they are based.

## **Part II. Courts**

### **Chapter I. Types and Levels of Courts**

## **Article 6**

Courts in Palestine shall consist of the following:

First: *Shari'a* and Religious Courts, established by the law.

Second: A High Constitutional Court, established by the law.

Third: Regular courts, which consist of:

1. A High Court, which consists of:
  - a) The Court of Cassation.
  - b) The High Court of Justice.
2. Courts of Appeal.
3. Courts of First Instance.
4. Magistrate Court

Each court shall consider the cases brought before it pursuant to the law.

## **Article 7**

The formation of courts and their circuits of jurisdiction shall be determined by the law.

## **Article 8**

1. The High Court shall consist of a President, one or more Vice-Presidents, and a sufficient number of judges.
2. The permanent seat of the High Court shall be Jerusalem. The High Court shall take a temporary seat in Gaza and in Ramallah as necessary.

## **Article 9**

1. A Technical Office shall be established at the High Court. It shall be headed by one of the judges of the High Court and assisted by a number of judges, retired judges or senior lawyers appointed by the High Judicial Council for two (2) years subject to renewal.
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 President of the High Court.
2. Conducting necessary research.
3. All other matters requested by the President of the High Court.

## **Article 11**

1. The Courts of Appeal shall be established in Jerusalem, Ramallah, and Gaza.
2. Each Court of Appeal shall consist of a President and a sufficient number of judges.

## **Article 12**

1. The seats of Courts of First Instance shall be in the capitals of the Governorates.
2. Each Court of First Instance shall consist of a President and a sufficient number of judges.
3. Courts of First Instance may convene anywhere outside of their circuit of jurisdiction, as necessary, upon the decision of the President of the High Court.

## **Article 13**

1. Within the circuit of jurisdiction of each Court of First Instance, one or more Magistrate Courts shall be established as necessary. The Minister of Justice shall issue a decision determining their seats and circuits of jurisdiction.
2. Magistrate Courts may convene anywhere within their circuit of jurisdiction, as necessary, upon the decision of the President of the Court of First Instance.

## **Chapter II. Jurisdiction of the Courts**

### **Article 14**

Regular courts shall consider and adjudicate all disputes and crimes, except those excluded by a special provision of the law. The authority of the Judiciary shall be exercised over all persons.

### **Article 15**

1. Court sessions shall be open and public, unless the court decides sua sponte or upon the request of one of the litigants that proceedings be held in camera for reasons of morality or to maintain public order. In all cases, the pronouncement of the judgement shall be made in a public session.
2. The President of the Court shall be responsible for the organisation and orderly process of the session.

## **Part III. Judges**

### **Chapter I. Appointment, Promotion and Seniority of Judges**

#### **Article 16**

Any person appointed as a member of the Judiciary shall fulfill the following requirements:

1. Possess Palestinian nationality and enjoy full legal capacity.
2. Hold a license (BA degree) in law or Shari'a and law from a recognized university.
3. Not have been convicted by a court or a disciplinary council on a matter involving a breach of honor, even if he was rehabilitated since or covered by a general amnesty.
4. Be of good conduct and repute, as well as medically fit to assume the position.
5. Terminate membership in any party or political organisation upon his appointment.
6. Have good command of the Arabic language.

#### **Article 17**

The High Judicial Council shall develop a system to train and prepare judges before they assume their judicial functions.

### **Article 18**

1. Judicial positions shall be filled pursuant to a decision of the President of the National Authority, based upon the nomination of the High Judicial Council and in the following manner:
  - a) Initially, by appointment.
  - b) By promotion based upon seniority, while taking competence into consideration.
  - c) By appointment through transfer from the Public Prosecution.
  - d) By secondment from a sister country.
2. A judge on secondment must satisfy all the criteria set forth in Article 16 of this law, except for the requirement of Palestinian nationality, provided that the judge on secondment is an Arab national.
3. Appointment or promotion shall become effective as of the date on which the decision is issued thereof.

### **Article 19**

1. The following may be appointed as judges in Magistrate Courts and Courts of First Instance and Appeal or as members of the Public Prosecution:
  - a) Former judges and members of the Public Prosecution.
  - b) Lawyers.
  - c) Teaching staff of faculties of law and faculties of Shari'a and law.The High Judicial Council shall issue general guidelines regarding the length of experience required for appointment from each category set forth under paragraph 1 above and any other experience deemed comparable to a judicial function.
2. To be appointed as President of a Court of Appeal, one must have sat and worked for a period of not less than five (5) years on a panel of a Court of Appeal.

### **Article 20**

1. A judge appointed to the High Court shall satisfy the following criteria: One must have worked for a period of not less than three (3) years as a judge in a Court of Appeal, for the equivalent time in the Public Prosecution, or for at least ten (10) years as a lawyer.
2. To be appointed as President or Vice-President of the High Court, one must have sat and worked for a period of not less than three (3) years in chambers of the High Court or for at least fifteen (15) years as a lawyer.

### **Article 21**

1. Judges shall swear the oath, before assuming their duties for the first time, as follows:

'I swear by God, the Almighty, to judge among people fairly and to respect the Constitution and the law.'
2. The President of the High Court shall swear the oath before the President of the State. All other judges shall swear the oath before the High Judicial Council.

## **Chapter II. Transfer, Delegation and Secondment of Judges**

### **Article 22**

Judges may not be transferred, delegated, or seconded other than in the manner and cases determined by the law.

### **Article 23**

1. Judges may not be transferred or delegated to perform non-judicial tasks against their will.
2. Transfer or delegation of judges shall be carried out pursuant to a decision by the High Judicial Council. The effective date of transfer or delegation shall be the date of the notification of the decision.
3. As an exception to the preceding two paragraphs, a judge may be temporarily delegated to perform judicial tasks other than his regular work, or in addition to it, or to perform other legal work if so required by the national interest, pursuant to a decision issued by the Minister of Justice and with the approval of the High Judicial Council.

### **Article 24**

Pursuant to the provisions of this law, the High Judicial Council may:

1. Temporarily delegate to the High Court a judge from a Court of Appeal, who fulfills the qualifications for working in the High Court, for a period of six (6) months subject to renewal.
2. Delegate a judge from the Courts of Appeal or First Instance to work in another court of the same level for a period of six (6) months subject to renewal.

### **Article 25**

If the position of President of a Court becomes vacant, or during the absence of a President of a Court, or due to an impediment preventing the exercise of his responsibilities, the most senior judge of the same court, followed by the next most senior judge, shall assume these responsibilities as necessary.

### **Article 26**

1. A judge may be seconded to foreign governments or to international organisations pursuant to a decision of the President of the National Authority, based upon the nomination of the High Judicial Council.
2. The duration of the secondment may not exceed three (3) consecutive years, unless there is a compelling national interest. In order to be seconded, a judge must have spent the previous four (4) years working on a court panel and received favourable performance reports.

### **Article 27**

Judges may not be removed from their offices except pursuant to the provisions set forth in this law.

## **Chapter III. Duties of Judges**

### **Article 28**

1. A judge may not engage in any commercial activity, nor may a judge engage in any activity that is not consistent with the independence and dignity of the Judiciary. The High Judicial Council may prohibit a judge from engaging in any work that it deems in conflict with the duties of the position and its sound performance.
2. A judge shall submit, upon appointment, a financial statement for himself, his spouse, and minor children, which details what they own in real estate, movable property, stocks, bonds, cash money, and debts, whether inside or outside of Palestine, to the President of the High Court, who shall make the necessary arrangements to keep it confidential. Such information shall remain confidential and may be accessed only with the permission of the High Court, as occasion may require.

## **Article 29**

Judges shall be prohibited from:

1. Violating the confidentiality of deliberations or disclosing any confidential information which they obtain while performing their work.
2. Engaging in political activity.
3. Standing for election for the Presidency of the National Authority, the Legislative Council, local councils or political organisations, unless they have submitted their resignations and their resignation have been accepted.

## **Article 30**

1. Judges related by blood kinship or kinship by marriage up to the second degree may not sit in the same circuit of jurisdiction.
2. Judges related to a member of the Public Prosecution, or a representative of a litigant, or related to a litigant by blood kinship or kinship by marriage up to the fourth degree, may not sit in cases involving such persons.
3. The law shall determine the provisions for recusing judges.

## **Article 31**

1. A judge may not be absent or cease working without a valid excuse and without having notified the President of the Court in which the judge is sitting.
2. A judge shall be deemed to have resigned if he ceases working for fifteen (15) consecutive days without an excuse acceptable to the High Judicial Council, even if this occurs after the end of a period of leave, secondment, or delegation.

## **Chapter IV. Salaries and Allowances of Judges**

### **Article 32**

1. Salaries and allowances of judges of all ranks shall be set in accordance with Tables 1 and 2 attached to this law.
2. Allowances specified in the two attached tables shall not prejudice the administrative, social, transportation, and cost of living allowances provided to all governmental officials pursuant to the provisions of the Law of Civil Service.

### **Article 33**

1. The resignation of a judge shall be deemed accepted two (2) weeks from the date of its submission to the President of the High Judicial Council. A decision of acceptance shall be issued by the Minister of Justice as of the date of its submission.
2. The resignation of a judge shall not result in the loss of an entitlement to pension or remuneration.

### **Article 34**

1. No person older than seventy (70) years of age shall be allowed to remain in the position of a judge or be appointed thereto.
2. The pension or remuneration of a judge shall be assessed on the basis of the last salary which the judge received.

## **Chapter V. Vacations**

### **Article 35**

1. There shall be a judicial vacation beginning annually in mid-July and ending at the end of August.

2. The annual leave of a judge shall not exceed, in any case, thirty-five (35) days.
3. During the judicial vacation, courts shall continue to hear urgent matters, the types of which shall be determined by the High Judicial Council.

### **Article 36**

Judges and members of the Public Prosecution shall be entitled to sick leave pursuant to the Law of Civil Service.

## **Part IV. The High Judicial Council**

### **Chapter I. Formation of the High Judicial Council**

#### **Article 37**

1. Pursuant to the provisions of this law, a judicial council shall be established which shall be called the 'High Judicial Council'. It shall exercise its jurisdiction pursuant to the law.
2. The High Judicial Council shall consist of the following:
  - a) The President of the High Court as President.
  - b) The most senior Vice-President of the High Court as Vice-President.
  - c) The two (2) most senior judges of the High Court, selected by the High Court Assembly.
  - d) The Presidents of the Courts of Appeal in Jerusalem, Gaza and Ramallah.
  - e) The Attorney-General.
  - f) The Deputy-Minister of Justice.

#### **Article 38**

1. If the position of the President of the High Court becomes vacant, or during the absence of the President of the High Court, or due to an impediment preventing the exercise of his responsibilities, the presidency shall be filled by the most senior Vice-President of the High Court.
2. The replacement for any of the Presidents of the Courts of Appeal shall be the next most senior judge in the respective court. The Deputy Attorney-General, then the most senior Head of a Prosecutors' District Office, shall replace the Attorney-General.
3. Each of the other members shall be replaced by the next most senior member of their respective offices, followed by the next senior.

#### **Article 39**

As determined by the law, the President of the High Judicial Council shall follow up on the implementation of its decisions. The President shall represent the High Judicial Council in contacts with others and before the Judiciary.

#### **Article 40**

1. The High Judicial Council shall meet at the seat of the High Court at least once every month.
2. The High Judicial Council shall meet whenever necessary, either upon the invitation of its President, upon the request of the Minister of Justice, or upon the request of three (3) of its members.
3. A meeting shall be considered convened with the attendance of at least seven (7) of its members, including the President or, in the absence of the President, the Vice-President. Decisions shall be issued by a majority of those present. In the case of a tie, the side which includes the President shall prevail.



4. Governmental and non-governmental organisations and agencies shall submit to the High Judicial Council upon request all information, documents, and papers that are related to its jurisdiction.

#### **Article 41**

The High Judicial Council shall issue bylaws pursuant to which it shall perform its responsibilities. It may establish one or more committees from among its members, to which it may delegate some of its responsibilities, except for those pertaining to appointment, promotion, and transfer.

### **Chapter II. Judicial Inspection**

#### **Article 42**

1. A Department of Judicial Inspection shall be established and attached to the High Judicial Council. It shall consist of the Head of the Technical Office and a sufficient number of judges of the Courts of Appeal or members of the Public Prosecution of similar rank.
2. The High Judicial Council shall set forth regulations for the Department of Judicial Inspection, determining its responsibilities, the rules and procedures needed to perform its work, and the elements of the performance evaluation, including the results of training courses, and reasons for reversing, canceling, or amending decisions of judges.
3. Performance shall be evaluated at one of the following grades: 'Excellent'; 'Very Good'; 'Good'; 'Average'; and 'Below Average'.

#### **Article 43**

Judges shall be inspected at least once every two (2) years, except for judges of the High Court. The inspection report shall be filed with the High Judicial Council within a maximum of one (1) month from the date of its completion. Judges shall be notified of all comments or other documents kept in their service files.

### **Chapter III. Grievances and Appealing Decisions**

#### **Article 44**

1. The Director of the Department of Judicial Inspection shall notify judges whose performance was evaluated as 'Average' or 'Below Average' as soon as the Department completes its evaluation. Those notified shall have the right to appeal the evaluation within fifteen (15) days from the date of the notification.
2. The Director of the Department of Judicial Inspection shall notify those judges who were eligible for promotion but were not promoted for reasons unrelated to their performance reports. The notification shall specify the reasons for being passed over. Those notified shall have the right to appeal within the deadline set forth under paragraph 1 above.

#### **Article 45**

1. A grievance shall be filed in the form of a petition submitted to the Department of Judicial Inspection, which shall in turn submit the grievance to the High Judicial Council within five (5) days from its submission.
2. The High Judicial Council shall decide upon the grievance after having reviewed the documentation and having heard the statement of the aggrieved party. It shall issue its decision sufficiently in advance of making the judicial promotions. The concerned



individual shall be notified of the decision by a registered letter, including a return receipt.

#### **Article 46**

1. The High Court, and no other court, shall have the sole jurisdiction to adjudicate cancellation, compensation, and suspension requests filed by judges against administrative decisions related to any of their affairs, as well as to adjudicate disputes related to salaries, pensions, and remunerations for them or their hires.
2. Requests related to the matters set forth under the preceding paragraph shall be submitted with a petition, to be filed with the Clerk of the High Court, without the payment of any fee. These shall include the name of the petitioner, the subject of the request and related evidence.

### **Chapter IV. Disciplinary Inquiries of Judges**

#### **Article 47**

1. The Minister of Justice shall have administrative supervision over all courts. The President of each court shall supervise the work of the judges and the progress of the work performed therein.
2. The President of each court shall warn a judge of any act that may constitute a violation of judicial duties or the requirements of the office. The warning may be made verbally or in writing. If the warning is in writing, the judge may object to it within fifteen (15) days from the date of the notification, pursuant to the procedures set forth in Article 45 of this law. In such a case, the court shall either reject the objection or rule that the warning is groundless and cancel it.
3. If the violation is repeated or continues after the warning is confirmed, a disciplinary action shall be filed.

#### **Article 48**

1. Disciplining judges at all levels shall be under the jurisdiction of a Disciplinary Council consisting of the two (2) most senior judges of the High Court and the most senior judge of each Court of Appeal who are not already members of the High Judicial Council. In the event of the absence or incapacity of a member, the absent person shall be replaced with the next most senior judge or those following in seniority in the respective court.
2. The Disciplinary Council shall be presided over by the most senior member of the High Court present. Decisions shall be issued with the absolute majority of the members.

#### **Article 49**

1. A disciplinary action shall be filed by the Attorney-General based upon the request of the Minister of Justice, the President of the High Court, or the President of the Court to which the judge belongs.
2. A disciplinary action shall only be initiated based upon a criminal investigation, following an investigation conducted by a judge of the High Court nominated by its President *sua sponte* for that purpose or upon the request of the Minister of Justice, the Attorney-General or the President of the Court to which the judge belongs. The judge delegated with the investigation shall have the power of a court regarding the authority to take testimony from witnesses.
3. In proceedings before the Disciplinary Council, the Public Prosecution shall be represented by the Attorney-General or any of his assistants.

### **Article 50**

1. A disciplinary action shall be initiated by a petition that includes the charge or charges made after the investigation. The petition shall be filed with the secretariat of the Disciplinary Council.
2. If the Disciplinary Council deems it appropriate to proceed in the action, the judge shall be summoned to attend the trial. The summons shall include an adequate statement on the subject of the action and the evidence of impeachment. A copy of the action shall be delivered to the judge, upon request and without fees, at least one (1) week prior to the hearing.
3. The Disciplinary Council may order to suspend the judge from the commencement of the activities of his function until the trial is concluded. The Council may reconsider the decision of suspension at any time. The suspension of a judge shall not lead to the withholding of his salary during the period of suspension, unless the Disciplinary Council decides otherwise.

### **Article 51**

The Disciplinary Council may seek whatever information it deems lacking in the investigation or delegate one of its members to do so. The Disciplinary Council or the member whom it delegates for investigation shall have the authority given to the courts with regard to the summoning of witnesses whom it deems necessary to hear their statements.

### **Article 52**

1. Sessions of the disciplinary proceedings shall be held in camera, unless the impeached judge requests that they be made public.
2. The impeached judge shall appear in person before the Disciplinary Council. The impeached judge may submit a defense in writing and may appoint a judge or a lawyer for his defense. If he does not attend or delegate a person for the defense on his behalf, he shall be tried in absentia, upon verifying that the impeached judge was properly notified and served.

### **Article 53**

The Disciplinary Council shall issue its decision on a disciplinary case following the hearing of the requests of the prosecution and the defense of the impeached judge. The decision in a disciplinary case must include substantiating grounds, which shall be read when the decision is pronounced in camera. The impeached judge and the Attorney-General shall each have the right to appeal the decision, pursuant to the procedures set forth in Article 45 of this law.

### **Article 54**

A disciplinary action shall terminate upon the resignation or retirement of the judge. A disciplinary action shall have no effect upon a criminal or civil action arising from the same incident.

### **Article 55**

1. The Council may impose the following disciplinary penalties:
  - a) Warning.
  - b) Reprimand.
  - c) Dismissal.
2. The High Judicial Council shall implement the disciplinary decision issued by the Disciplinary Council once it becomes final. If the decision is to dismiss the judge, the

judge shall be considered on leave from the date the decision is issued until it becomes final.

3. Once finalised, a decision to dismiss a judge shall be implemented by a decree of the President of the National Authority. The dismissal shall become effective from the date on which the decision is issued.
4. A decision to dismiss a judge shall not affect entitlements to pension or remuneration, unless the decision determines otherwise.

#### **Article 56**

1. Apart from a case where a judge is apprehended in the immediate commission of a crime, a judge may not be arrested or detained without the special permission of the High Judicial Council.
2. If a judge is apprehended in the immediate commission of a crime, the Attorney-General shall, upon the arrest or detention of the judge, present the matter to the High Judicial Council within the next twenty-four (24) hours. The High Judicial Council shall decide, upon hearing the statement of the judge, either to release him on bail to detain him without bail, or to continue detention for a period to be determined by the High Judicial Council. The High Judicial Council shall have the right to extend such period.
3. The judge shall be detained and the punishment entailing deprivation of liberty shall be implemented in a location that is separate from those assigned to other prisoners.

#### **Article 57**

The High Judicial Council shall have jurisdiction to consider the detention of a judge and the renewal of his arrest, unless the case is heard before the competent criminal court, in which case the latter shall have jurisdiction over the case.

#### **Article 58**

The detention of a judge shall lead to an immediate suspension of his official duties for the period of detention. The High Judicial Council may, upon the request of the Minister of Justice or the judge in charge of the investigation, order the suspension of the judge's official duties for the period of the investigation of the crime attributed to the judge. In such cases, the provisions of Article 50 of this law shall apply.

#### **Article 59**

A criminal case shall not be filed against a judge without the permission of the High Judicial Council. The High Judicial Council may designate a court to hear the case irrespective of the circuit of jurisdiction determined by the law.

### **Part V. Public Prosecution**

#### **Chapter I. Composition of the Public Prosecution**

#### **Article 60**

The Public Prosecution shall consist of the following:

1. The Attorney-General.
2. One or more Deputies to the Attorney-General.
3. Heads of Prosecutors' District Offices.
4. Prosecutors.
5. Deputy-Prosecutors.

### **Article 61**

To be appointed a member of the Public Prosecution, one must satisfy the conditions and requirements set forth in Article 16 of this law.

### **Article 62**

1. Upon soliciting the opinion of the concerned prosecutor, the Attorney-General shall draft a report on the work of the Deputy-Prosecutor, indicating the extent of his qualifications and his suitability for judicial work. The member in question shall be notified of the report.
2. This report, along with any written comments submitted by the member, shall be submitted to the Minister of Justice, who shall decide whether the member is suitable for appointment to the position of Prosecutor, or, if not, whether the member should be given a grace period, not to exceed one (1) year, for a reevaluation of his qualifications and suitability.

### **Article 63**

1. The Attorney-General shall meet the conditions and requirements set forth in Article 16 of this law.
2. The Attorney-General shall be appointed by the President of the National Authority, based upon the nomination of the High Judicial Council. The duties and jurisdiction of the Attorney-General shall be determined by the law.

### **Article 64**

1. Members of the Public Prosecution shall swear the oath before assuming their duties for the first time as follows:

‘I swear by God, the Almighty, to respect the Constitution and the law and to perform my duties honestly and in good faith.’

2. The Attorney-General shall swear the oath before the President of the National Authority and in the presence of the Minister of Justice.
3. The other members of the Public Prosecution shall swear the oath before the Minister of Justice and in the presence of the Attorney-General.

### **Article 65**

1. The designation of the work place for members of the Public Prosecution and transfer outside the circuit of jurisdiction of the court to which they are appointed shall be by decision of the Minister of Justice, based upon the recommendation of the Attorney-General. Transfer within the circuit of jurisdiction of the court or secondment outside of it shall be by decision of the Attorney-General, provided that the period of such secondment does not exceed six (6) months.
2. Except for the Attorney-General and the Deputy Attorney-General, the tenure of members of the Public Prosecution outside the circuits of jurisdiction of the court shall not exceed four (4) years from the time of meeting the requirements to work within a circuit.

### **Article 66**

Members of the Public Prosecution shall report to their superiors in accordance with the sequence and hierarchy of their respective ranks.

## **Chapter II. Jurisdiction of the Public Prosecution**

### **Article 67**

The Public Prosecution shall exercise the jurisdiction and authority granted to it by the law. It shall have the right, alone and solely, to file and initiate criminal cases, unless the law determines otherwise.

### **Article 68**

1. The Attorney-General, or any member of the Public Prosecution, shall perform the function of the Public Prosecution before the courts. Deputy-Prosecutors shall perform the work assigned to them under the supervision and responsibility of those members of the Public Prosecution assigned to train them.
2. If the position of the Attorney-General becomes vacant, or during the absence of the Attorney-General, or due to an impediment preventing the exercise of his responsibilities, the position shall be filled by the Deputy Attorney-General, with all of the powers that it entails, for a period not to exceed three (3) months.
3. In the case of the absence or incapacity of a member of the Public Prosecution, the Attorney-General shall appoint a replacement.
4. No one below the rank of a Head of Prosecutors' District Office shall perform public prosecution functions before the High Court.

### **Article 69**

Judicial officers shall report to the Public Prosecution with respect to their work.

### **Article 70**

The Attorney-General or those delegated by the Attorney-General, as well as judges of the courts, each in their circuit of jurisdiction, shall have access to all correctional and rehabilitation centers (prisons) at any time to inspect and to verify that the law is complied with therein and that court decisions and decisions of the Public Prosecution are implemented. Directors of such centers shall provide them with all information that they may request.

## **Chapter III. Duties of Members of the Public Prosecution**

### **Article 71**

The provisions of PART III, CHAPTER III, of this law, entitled 'Duties of Judges,' shall apply to members of the Public Prosecution.

### **Article 72**

The provisions of PART IV, CHAPTER IV, of this law, entitled 'Disciplinary Inquiry of Judges,' shall apply to members of the Public Prosecution. Disciplinary action shall be instituted against them by the Attorney-General either sua sponte or upon the request of the Minister of Justice.

## **Chapter IV. Salaries and Allowances of Members of the Public Prosecution**

### **Article 73**

Salaries and allowances for members of the Public Prosecution shall be determined pursuant to Article 32 of this law.

## **Chapter V. Promotion and Seniority**

### **Article 74**

1. The seniority of the members of the Public Prosecution shall be determined in accordance with the rules determining the seniority of judges as set forth under paragraph 3 of Article 18 of this law.
2. The promotion of members of the Public Prosecution to higher positions shall be based upon seniority and competence pursuant to paragraph 3 of Article 42 of this law.

## **Part VI. Chapter I. Judicial Auxiliaries**

### **Article 75**

Judicial auxiliaries shall include lawyers, experts, secretaries, clerks, summons servers and translators.

### **Article 76**

The law shall regulate the practice of the legal profession.

### **Article 77**

The law shall determine the expertise required to practice before the Judiciary and the Public Prosecution. The law shall determine the rights and duties of experts and the means for disciplining them.

## **Chapter II. Court Employees**

### **Article 78**

Each court shall be assigned a sufficient number of employees. The law shall determine their duties.

### **Article 79**

Employees of courts shall be subject to the provisions of the Law of Civil Service.

## **Part VII. General and Transitional Provisions**

### **Article 80**

The High Judicial Council shall draft the bylaws necessary for the enforcement of the provisions of this law.

### **Article 81**

1. The Transitional High Judicial Council shall be formed pursuant to a decision of the President of the National Authority and based upon the recommendation of the Minister of Justice. This shall take place within one (1) month from the publication of this law in the Official Gazette. The Transitional High Judicial Council shall consist of:
  - a) The President of the High Court as President.
  - b) Four (4) judges from the High Court.
  - c) The Attorney-General.
  - d) The Presidents of the Courts of Appeal in Gaza and Ramallah.
  - e) The Deputy-Minister of Justice.



2. The Transitional High Judicial Council shall assume the responsibilities of the High Judicial Council as set forth in this law, until the latter is formed within a period not to exceed one (1) year from the publication of this law in the Official Gazette.

### **Article 82**

The implementation of judicial decisions shall be binding. Refraining from implementing them or suspending them in any way shall be considered a crime to be punished by imprisonment or dismissal from the function if the accused is a public servant or assigned to public service. A person whose rights are violated by the improper suspension or non-implementation of a judicial decision shall have the right to file a case immediately before the competent court. The National Authority shall guarantee full indemnification.

### **Article 83**

The High Court shall temporarily assume all functions assigned to the Administrative Courts and the Constitutional Court until such courts are established by law, unless they are included within the jurisdiction of other judicial entities pursuant to the laws in force.

### **Article 84**

The following laws are hereby repealed:

1. The Law on the Independence of the Judiciary No. 19 of 1955 in force in the Governorates of the West Bank.
2. The Courts Ordinance No. 31 of 1940 in force in the Governorates of the Gaza Strip.
3. The Order No. 473 of 1956 issued by the Administrative Governor-General concerning the Jurisdiction of Public Prosecution, in force in the Governorates of the Gaza Strip.
4. Every provision which contradicts the provisions of this law.

### **Article 85**

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

**Issued in the city of Ramallah on 14 May, 2002 AD, corresponding to 2 Rabi' Awal 1423 AH.**

**Yasser Arafat**

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

### **Annexes**

#### **Table No. 1**

Table of Positions, Salaries and Allowances for Judges and Members of the Public Prosecution

<b>Position</b>	<b>Basic Salary*</b>	<b>Allowance for the Nature of Work*</b>	<b>Periodical Annual Allowance*</b>	<b>Total Salary*</b>
President of High Court	2,500	500	50	3,050

Vice-Presidents of High Court and Attorney-General	2,300	460	46	2,806
Judges of High Court and Deputy Attorney-General	2,300	460	46	2,806
Presidents of Courts of Appeal	1,900	380	38	2,318
Judges of Courts of Appeal	1,900	380	38	2,318
Presidents of Courts of First Instance	1,600	320	32	1,952
Judges of Courts of First Instance	1,600	320	32	1,952
Judges of Magistrate Courts	1,400	280	28	1,708
Heads of Prosecutors' District Offices	1,400	280	28	1,708
Prosecutors	1,250	250	26	1,526
Deputy-Prosecutors	1,200	-	24	1,224

\*Note: The above figures are in U.S. Dollars until replaced by equivalent figures based upon the Palestinian Pound.

**Table No. 2**

Representation Allowances for Some Judicial Positions

<b>Position</b>	<b>Amount*</b>
President of High Court	500
Vice-President of High Court and Attorney-General	368
Presidents of Courts of Appeal	285
Presidents of Courts of First Instance	176
Head of Prosecutors' District Office	140
Prosecutor	62

\*Note: The above figures are in U.S. Dollars until replaced by equivalent figures based upon the Palestinian Pound.