

The Amended Basic Law of 2003

In the Name of God, the Merciful and the Compassionate.

Part I.

Article 1

Palestine is part of the larger Arab world, and the Palestinian people are part of the Arab nation. Arab unity shall be an objective that the Palestinian people shall work to achieve.

Article 2

The people shall be the source of power, which shall be exercised through the legislative, executive, and judicial authorities based upon the principle of separation of powers and in the manner set forth in this Basic Law.

Article 3

Jerusalem shall be the capital of Palestine.

Article 4

1. Islam shall be the official religion in Palestine. Respect for the sanctity of all other divine religions shall be maintained.
2. The principles of Islamic Shari'a shall be a principal source of legislation.
3. Arabic shall be the official language.

Article 5

The governing system in Palestine shall be a democratic parliamentary system based upon political and party pluralism. The President of the National Authority shall be directly elected by the people. The Government shall be accountable to the President and to the Palestinian Legislative Council.

Article 6

The principle of the rule of law shall be the basis of government in Palestine. All governmental powers, agencies, institutions and individuals shall be subject to the law.

Article 7

Palestinian citizenship shall be regulated by the law.

Article 8

The flag of Palestine shall be of four colors and in accordance with the dimensions and measurements approved by the Palestine Liberation Organisation. It shall be the official flag of the country.

Part II. Public Rights and Freedoms

Article 9

Palestinians shall be equal before the law and the Judiciary, without distinction based upon race, sex, color, religion, political views or disability.

Article 10

1. Basic human rights and liberties shall be protected and respected.
2. The Palestinian National Authority shall work without delay to become a party to regional and international declarations and covenants that protect human rights.

Article 11

1. Personal freedom is a natural right that shall be guaranteed and may not be violated.
2. It shall be prohibited to arrest, search, imprison, restrict the freedom, or prevent the movement of any person, except by judicial order pursuant to the provisions of the law. The law shall determine the period of provisional detention. Imprisonment or detention shall only be permitted in places that are subject to laws related to the organisation of prisons.

Article 12

Every arrested or detained person shall be promptly informed of the reason for his arrest or detention. He shall be promptly informed, in a language he understands, of the nature of the charges brought against him. He shall have the right to contact a lawyer and to be tried before a court without delay.

Article 13

1. No person shall be subject to any duress or torture. Accused and all persons deprived of their freedom shall receive proper treatment.
2. All statements or confessions obtained through violation of the provisions set forth under paragraph 1 of this Article shall be nullified and of no force or effect.

Article 14

An accused person shall be considered innocent until proven guilty in a court of law that guarantees the accused the right to a defense. Any person accused in a criminal case shall be represented by a lawyer.

Article 15

Punishment shall be personal. Collective punishment shall be prohibited. Crime and punishment shall be determined only by the law. Punishment shall be imposed only by judicial decision and apply only to actions committed after enactment of the applicable law.

Article 16

It shall be prohibited to conduct any medical or scientific experiment on any person without the prior legal consent of the person or a court. No person shall be subject to medical examination, treatment or surgery, except pursuant to the law. Transplantation of human organs and new scientific developments shall be regulated by the law in order to serve legitimate humanitarian purposes.

Article 17

Homes shall be inviolable; they may not be subject to surveillance, broken into or searched, except pursuant to a valid judicial order and in accordance with the provisions of the law. Any legal consequences resulting from violations of this article shall be considered invalid. Individuals who suffer from such a violation shall be entitled to a fair remedy, guaranteed by the Palestinian National Authority.

Article 18

Freedom of belief, worship and the performance of religious functions shall be guaranteed, provided that public order and public morals are not violated.

Article 19

Freedom of opinion may not be violated. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law.

Article 20

Freedom of residence and movement shall be guaranteed within the limits of the law.

Article 21

1. The economic system in Palestine shall be based upon the principles of a free market economy. The Executive may establish public companies that shall be regulated by the law.
2. Freedom of economic activity shall be guaranteed. The law shall determine the rules governing its supervision and the limits of those rules.
3. Private property, both real estate and movable assets, shall be protected and may not be expropriated except in the public interest and for fair compensation in accordance with the law or pursuant to a judicial decision.
4. Confiscation of property shall be pursuant to a judicial decision.

Article 22

1. Social, health, disability and retirement insurance shall be regulated by the law.
2. Maintaining the welfare of the families of martyrs, prisoners of war, injured and disabled is a duty that shall be regulated by law. The National Authority shall guarantee these persons education, health and social insurance.

Article 23

Every citizen shall have the right to proper housing. The Palestinian National Authority shall secure housing for those who are without shelter.

Article 24

1. Every citizen shall have the right to education. Education shall be compulsory until at least the end of the basic level. Education shall be free in public schools and institutions.
2. The National Authority shall supervise all levels of education and its institutions and shall strive to upgrade the educational system.
3. The law shall guarantee the independence of universities, institutes of higher education and scientific research centers in a manner that guarantees the freedom of scientific

research as well as literary, artistic and cultural creativity. The National Authority shall encourage and support such creativity.

4. Private schools and educational institutions shall comply with the curriculum approved by the National Authority and shall be subject to its supervision.

Article 25

1. Every citizen shall have the right to work, which is a duty and an honor. The National Authority shall strive to provide work for any individual capable of performing it.
2. Work relations shall be organised in a manner that guarantees justice to all and provides workers with welfare, security, and health and social benefits.
3. The organisation of unions is a right that shall be regulated by the law.
4. The right to conduct a strike shall be exercised within the limits of the law.

Article 26

Palestinians shall have the right to participate in political life, both individually and collectively. They shall have the following rights in particular:

1. To form, establish and join political parties in accordance with the law.
2. To form and establish unions, associations, societies, clubs and popular institutions in accordance with the law.
3. To vote, to nominate candidates and to run as candidates for election, in order to have representatives elected through universal suffrage in accordance with the laws.
4. To hold public office and positions in accordance with the principle of equal opportunities.
5. To conduct private meetings without the presence of police members and to conduct public meetings, gatherings and processions within the limits of the law.

Article 27

1. The establishment of newspapers and all media means shall be a right for all, guaranteed by this Basic Law. Their financial resources shall be subject to the scrutiny of the law.
2. Freedom of audio, visual, and written media, as well as freedom to print, publish, distribute and transmit, together with the freedom of individuals working in this field, shall be guaranteed by this Basic Law and other related laws.
3. Censorship of the media shall be prohibited. No warning, suspension, confiscation, cancellation or restriction shall be imposed upon the media, except by the law and pursuant to a judicial decision.

Article 28

No Palestinian may be deported from the homeland, prevented or prohibited from returning to it or leaving it, deprived of his citizenship, or handed over to any foreign entity.

Article 29

Maternal and childhood welfare shall be national duties. Children shall have the right:

1. To comprehensive protection and welfare.
2. Not to be exploited for any purpose whatsoever and not to be permitted to perform work that might damage their safety, health or education.
3. To protection from harmful and cruel treatment.
4. Not to be subjected to beating or cruel treatment by their relatives.

5. To be segregated from adults, if the children are sentenced to a penalty entailing deprivation of liberty, and to be treated in a manner that is appropriate to their age and aims at their rehabilitation.

Article 30

1. Filing an action before a court shall be a protected and guaranteed right for all persons. Every Palestinian shall have the right to seek redress in the judicial system. Litigation procedures shall be regulated by the law to guarantee the prompt resolution of cases.
2. Laws may not contain provisions that provide immunity to any administrative decision or action or that bars judicial review.
3. Judicial error shall result in a remedy by the National Authority. Conditions and methods of such remedy shall be regulated by the law.

Article 31

An independent commission for human rights shall be established pursuant to a law that shall determine its formation, duties and jurisdiction. The commission shall submit its reports to the President of the National Authority and to the Palestinian Legislative Council.

Article 32

Any violation of personal freedoms, of the sanctity of the private life of human beings, or of any of the rights or freedoms that are guaranteed by the law or by this Basic Law shall be considered a crime. Criminal and civil actions resulting from such violations may not be subject to any statute of limitations. The National Authority shall guarantee a fair remedy to those who suffer from such damage.

Article 33

Enjoying a balanced and clean environment is a human right. The preservation and protection of the Palestinian environment from pollution for the sake of present and future generations shall be a national duty.

Part III. The President of the National Authority

Article 34

The President of the National Authority shall be elected in a general and direct election by the Palestinian people, pursuant to the Palestinian Election Law.

Article 35

Before assuming office, the President shall swear the following oath before the Legislative Council and in the presence of the Speaker of the Palestinian National Council and the President of the High Court:

‘I swear by God, the Almighty, to be faithful to the homeland and to its sacred places, to the people and its national heritage, to respect the constitutional system and the law, and to safeguard the interests of the Palestinian people fully, as God is my witness.’

Article 36

The initial term of the presidency of the National Authority shall be the interim phase, after which the President shall be elected pursuant to the law.

Article 37

1. The office of the President shall be deemed vacant in any of the following cases:
 - a. Death.
 - b. A resignation submitted to the Palestinian Legislative Council, if accepted by two-thirds (2/3) of its members;
 - c. Loss of legal capacity, as per a decision issued by the High Constitutional Court and subsequently approved by a majority of two-thirds (2/3) of the members of the Palestinian Legislative Council.
2. If the office of the President of the National Authority becomes vacant due to any of the above cases, the Speaker of the Palestinian Legislative Council shall temporarily assume the powers and duties of the Presidency of the National Authority for a period not to exceed sixty (60) days, during which period free and direct elections to elect a new President shall take place pursuant to the Palestinian Elections Law.

Article 38

The President of the National Authority shall exercise his executive duties as determined in this law.

Article 39

The President of the National Authority is the Commander-in-Chief of the Palestinian Forces.

Article 40

The President of the National Authority shall appoint and terminate the services of delegates of the National Authority to foreign countries, international organisations and foreign agencies. The President shall accept the accreditation of foreign delegates to the National Authority.

Article 41

1. The President of the National Authority shall promulgate the laws approved by the Palestinian Legislative Council within thirty (30) days from being referred to him. The President may refer a draft law back to the Legislative Council with his comments and the reasons for his objection within the same period. Otherwise, the law shall be deemed promulgated and published in the Official Gazette.
2. If the President of the National Authority returns a draft law to the Legislative Council in conformity with the time limit and conditions set forth under the preceding paragraph, the Legislative Council shall discuss the law again. If the Legislative Council approves the law a second time by a majority of two-thirds (2/3) of its members, the proposed law shall be deemed promulgated and published in the Official Gazette.

Article 42

The President of the National Authority shall have the right to grant special pardons or to commute sentences. However, general amnesties or amnesties for crimes may not be granted except by the law.

Article 43

The President of the National Authority shall have the right, in cases of necessity that cannot be delayed and when the Legislative Council is not in session, to issue decrees that have the power of law. These decrees shall be submitted to the Legislative Council in the first session convened after their issuance; otherwise they shall cease to have the power of law. If these decrees are submitted to, but not approved by, the Legislative Council but not approved, they shall cease to have the power of law.

Article 44

The salary, allowances, and remuneration of the President shall be determined by the law.

Article 45

The President of the National Authority shall appoint the Prime Minister and authorise him to constitute his Government. The President shall have the right to dismiss the Prime Minister or to accept his resignation and to request him to convene the Council of Ministers.

Article 46

The Council of Ministers shall assist the President in the performance of his duties and the exercise of his powers in the manner set forth in this Basic Law.

Part IV. The Legislative Authority

Article 47

1. The Palestinian Legislative Council shall be the elected legislative authority.
2. The Legislative Council shall assume its legislative and oversight duties as determined in its bylaws, insofar as they do not contradict the provisions of this law.
3. The term of the Legislative Council shall be the interim period.

Article 48

1. The Legislative Council shall consist of eighty-eight (88) members elected pursuant to the law.
2. If the position of one or more members becomes vacant due to death, resignation or loss of capacity, interim elections shall be conducted in the relevant district to elect a successor, pursuant to the law.

Article 49

Before commencing work, every member shall swear the following oath before the Legislative Council:

‘I swear by God, the Almighty, to be faithful to the homeland, to preserve the rights and interests of the people and the nation, to respect the law, and to perform my duties in the best manner, as God is my witness.’

Article 50

In its first session, the Legislative Council shall elect a Speaker, two Deputies to the Speaker, and a Secretary-General. Together, they shall make up the Office of the Legislative Council. No member of the Office shall at the same time hold the position of the President of the National Authority, or a minister, or any other governmental position.

Article 51

The Legislative Council shall accept the resignation of its members and establish its own bylaws, as well as procedures for questioning its members, in a manner that does not contradict the provisions of this Basic Law or general constitutional principles. The Legislative Council shall be solely responsible for maintaining order and security during sessions and committee meetings. Security personnel may not be present on the Legislative Council premises unless requested by the Speaker or the Chairman of a committee, as occasion may require.

Article 52

The President of the National Authority shall open the first ordinary session of the Legislative Council and shall deliver an opening address.

Article 53

1. Members of the Legislative Council may not be questioned in civil or criminal proceedings due to opinions they express, facts they mention, their voting in sessions of the Legislative Council or committee meetings, or because of any action they perform outside of the Legislative Council in the course of performing their parliamentary duties.
2. No member shall be interfered with in any manner, nor shall any search be made of a member's possessions, home, place of residence, vehicle, office, or any real estate or movable property belonging to the member, throughout the period of immunity.
3. No member of the Legislative Council shall be required during the period of membership, or subsequently, to testify on any subject regarding actions or statements in the Legislative Council or information obtained as a result of membership therein, unless the member voluntarily agrees to do so and has the prior consent of the Legislative Council.
4. No penal measures shall be taken against any member of the Legislative Council unless he is found in the immediate commission of a crime. The Legislative Council shall be notified immediately about measures taken against a member so that it may decide upon its proper course of action in the matter. If the Legislative Council is not in session, the Office of the Legislative Council shall assume this responsibility.
5. No member of the Legislative Council shall relinquish parliamentary immunity without the prior permission of the Legislative Council. Immunity shall not lapse after membership in the Legislative Council ceases but shall be subject to the limits prevailing during the period of membership.

Article 54

1. No member of the Legislative Council shall exploit membership in the Legislative Council for any type of private business or in any manner whatsoever.
2. Each member of the Legislative Council shall submit a financial statement for himself, his spouse and each of his minor children that details what each owns in wealth, including, but not limited to, real estate and movable property inside of Palestine and abroad, as well as debts. Each such statement shall be kept in a sealed confidential envelope at the High Court of Justice and may not be accessed unless permitted by the Court and within the limits set forth by the law.

Article 55

Each member of the Legislative Council shall receive a monthly salary determined by the law.

Article 56

Each member of the Legislative Council shall have the following rights:

1. To submit to the Executive all legitimate requests necessary to enable the member to carry out parliamentary functions.
2. To propose laws. Rejected proposals may not be submitted again within the same term.
3. To address inquiries and interpellations to the Government, to any minister or to others of similar rank. Interpellations may not be discussed until seven (7) days after submission, unless the addressee agrees to reply immediately or within a shorter period. However, the period of seven (7) days may be shortened to three (3) days in urgent cases and with the approval of the President of the National Authority.

Article 57

1. Following an interpellation, a minimum of ten (10) members of the Legislative Council may submit a request to withdraw confidence from the Government or from any minister. Voting on such a request may not be held earlier than three (3) days after its submission. A decision may be issued by the approval of the majority of the members of the Legislative Council.
2. Withdrawal of confidence shall result in the termination of the term of the party from whom confidence was withdrawn.

Article 58

The Legislative Council may form special committees or entrust one of its committees to conduct information gathering and fact-finding regarding any public matter or any public institution.

Article 59

The Legislative Council shall approve the General Development Plan. The law shall determine the way to prepare and submit the General Development Plan to the Legislative Council.

Article 60

The law shall regulate the specific rules governing the preparation and approval of the General Budget and disbursement of funds appropriated in it, as well as all attached budgets,

developmental budgets, budgets for public institutions and services, and budgets for each project in which the investment of the Government comprises at least fifty (50%) percent of its capital.

Article 61

Taking into consideration the provisions of Article 90 of this Basic Law:

1. The Government shall submit the annual draft General Budget to the Legislative Council at least two (2) months prior to the beginning of each fiscal year.
2. The Legislative Council shall convene a special session to discuss the annual draft General Budget. Within a period not to exceed one (1) month from the date of receipt, the Legislative Council shall either approve the annual draft General Budget with the necessary amendments prior to the beginning of the new fiscal year or send it back to the Government. The returned draft General Budget shall include the comments of the Legislative Council so that its requirements can be fulfilled and the draft General Budget can be resubmitted to the Legislative Council for approval.
3. The voting of the Legislative Council on the General Budget shall be title by title.
4. Transfer of funds between the various budget titles shall not be permitted unless agreed upon by the Legislative Council and the Executive.

Article 62

The final accounts of the General Budget of the National Authority shall be submitted to the Legislative Council no later than one (1) year from the end of the fiscal year to which the accounts pertain. The Legislative Council shall vote on the final accounts title by title.

Part V. The Executive Authority

Article 63

The Council of Ministers (the 'Government') shall be the highest executive and administrative instrument; it shall shoulder the responsibility for implementing the programme approved by the legislative branch. Except for the executive powers of the President of the National Authority, as set forth in this Basic Law, executive and administrative powers shall be within the competence of the Council of Ministers.

Article 64

1. The Council of Ministers shall comprise a Prime Minister and ministers, not to exceed twenty-four (24) in number.
2. Each minister's appointment shall identify to which ministry each minister shall be assigned.

Formation of the Government

Article 65

1. Within three (3) weeks of his appointment by the President of the National Authority, the Prime Minister shall form a government. There shall be a right to an extension of a period not to exceed two (2) weeks.
2. If the Prime Minister fails to form a government within the prescribed deadline or does not obtain the confidence of the Legislative Council, then the President of the National Authority shall appoint another Prime Minister within two (2) weeks from the

passing of the deadline or the date of the session of confidence, whichever first occurs. The provisions set forth under the preceding paragraph shall apply to the new Prime Minister.

Confidence in the Government

Article 66

1. Once the Prime Minister selects the members of the Government, the Prime Minister shall submit a request to the Legislative Council to hold a special session for a motion of confidence. The motion of confidence shall take place upon hearing and discussing the written ministerial declaration, which specifies the programme and the policies of the Government. The session shall be held no later than one (1) week from the date of submission of the request.
2. The motion of confidence shall be cast for the Prime Minister and the members of the Government together, unless the absolute majority of the members of the Legislative Council decide otherwise.
3. Confidence shall be granted to the Government if it obtains the affirmative vote of the absolute majority of the members of the Legislative Council.

Article 67

After obtaining the motion of confidence and before assuming their offices, the Prime Minister and members of the Government shall swear the constitutional oath, set forth in Article 35 of this Basic Law, before the President of the National Authority.

Powers of the Prime Minister

Article 68

The Prime Minister shall exercise the following powers:

1. To form or modify the composition of the Council of Ministers, to dismiss or accept the resignation of any of its members, and to fill a vacant position.
2. To convene the Council of Ministers for weekly meetings, or as occasion may require, or upon the request of the President of the National Authority, as well as to set its agenda.
3. To preside over sessions of the Council of Ministers.
4. To manage the affairs of the Council of Ministers.
5. To oversee the work of the ministers and public institutions dependent upon the Government.
6. To issue necessary decisions within the competence of the Prime Minister pursuant to the law.
7. To sign and issue regulations approved by the Council of Ministers.
8. Appoint a minister to serve as the Prime Minister's Deputy and to assume the duties of the Prime Minister if the Prime Minister is absent or unable to perform such duties.

Powers of the Council of Ministers

Article 69

The Council of Ministers shall exercise the following powers:

1. To devise general policies within the limits of its jurisdiction and in light of the ministerial programme approved by the Legislative Council.

2. To implement general policies adopted by the competent Palestinian authorities.
3. To prepare the General Budget for submission to the Legislative Council.
4. To prepare the administrative apparatus, set its structure, and provide it with all necessary means, as well as to supervise it and follow up on it.
5. To follow up on the enforcement of laws and to ensure compliance with their provisions, taking necessary actions in this regard.
6. To supervise the performance of the ministries and all other components of the administrative apparatus regarding their duties and functions, as well as to coordinate between them.
7. To be responsible for maintaining public order and internal security.
8. To discuss with various governmental bodies competent with regard to the preceding paragraphs 6 and 7 their proposals and policies regarding the implementation of their respective responsibilities.
9. (a) To establish or dissolve agencies, institutions, authorities and similar administrative units belonging to the executive apparatus of the Government, provided that each such unit shall be regulated by law.
(b) To appoint heads of institutions and agencies set forth under the preceding subparagraph (a), and to supervise them pursuant to the provisions of the law.
10. To determine the respective areas of responsibility of all ministries, agencies and institutions that report to the Executive, and others of similar status.
11. To assume each other responsibility assigned to it pursuant to the provisions of the law.

Article 70

The Council of Ministers shall have the right to submit draft laws to the Legislative Council, to issue regulations, and to take necessary actions to enforce laws.

Article 71

A minister shall exercise the following powers and functions with regard to his ministry:

1. To propose the general policy for the ministry and to supervise its implementation after approval.
2. To supervise the conduct of affairs in the ministry and to issue necessary instructions therefor.
3. To implement the General Budget within the funds allocated for the ministry.
4. To propose bills and legislation related to the ministry and to submit them to the Council of Ministers.
5. A minister may delegate certain powers to the deputy-minister or to other senior officers in the ministry, within limits set forth by the law.

Article 72

A minister shall submit detailed reports to the Council of Ministers on the activities, policies, plans and achievements of his ministry in comparison with the objectives specified for the ministry within the framework of the General Plan, including the ministry's proposals and recommendations concerning its future policies. These reports shall be submitted regularly every three (3) months, so that the Council of Ministers remains well informed and has sufficient information about the activities and policies of each ministry.

Meetings of the Council of Ministers

Article 73

1. Upon invitation of the Prime Minister, the Council of Ministers shall meet periodically every week, or as occasion may require. No persons other than ministers may attend these meetings, unless there is a prior invitation from the Prime Minister.
2. The meetings of the Council of Ministers shall be documented.

Accountability of the Prime Minister and the Ministers

Article 74

1. The Prime Minister shall be accountable to the President of the National Authority for his actions and the actions of his Government.
2. Ministers shall be accountable to the Prime Minister, each within the limits of his jurisdiction and for the actions of his ministry.
3. The Prime Minister and members of the Government shall be jointly and individually accountable to the Legislative Council.

Article 75

1. The President of the National Authority shall have the right to refer the Prime Minister to investigation as a result of crimes attributed to the Prime Minister during or due to the performance of his official duties, pursuant to the provisions of the law.
2. The Prime Minister shall have the right to refer any minister to investigation based upon any of the reasons set forth under the preceding paragraph 1, pursuant to the provisions of the law.

Article 76

1. Every indicted minister shall be suspended from the performance of official duties immediately upon the issuance of an indictment. Such a suspension shall not prevent the continuing of the investigation or follow-up procedures.
2. The Attorney-General or a representative of the Public Prosecution shall perform the investigation and indictment procedures. If a trial ensues, it shall be conducted before an appropriate tribunal and shall follow the provisions and procedures determined in the Penal Code and the Law of Penal Procedure.
3. The above provisions shall apply to deputy-ministers, assistant-ministers, and others of similar rank.

Motion of Non-Confidence

Article 77

1. A minimum of ten (10) members of the Legislative Council may submit a request to the Speaker to hold a special session to withdraw confidence from the Government or from any minister after an investigation.
2. The date of the first special session shall be determined three (3) days from the date of submitting the request. The special session shall not be held later than two (2) weeks from the date of the submission of the request.

Article 78

1. Adoption of a motion of non-confidence in the Prime Minister and the Government shall require the absolute majority of the members of the Legislative Council.
2. A motion of non-confidence in the Prime Minister and the Government shall result in the immediate termination of their term.
3. Upon the termination of the term of the Prime Minister and the Government as provided in paragraph 2 above, they shall temporarily exercise their powers in the capacity of a caretaker government, during which they may make decisions only insofar as they are necessary for the conduct of executive affairs until a new government is formed.

Article 79

1. If the Legislative Council, by absolute majority, adopts a motion of non-confidence in the Prime Minister or in the Prime Minister and the members of the Government collectively, the President of the National Authority shall present a new Prime Minister, who shall take over from the former within a period not to exceed two (2) weeks from the date of the adoption of the motion of non-confidence. The new Prime Minister shall be subject to the provisions of this title.
2. If the Legislative Council adopts a motion of non-confidence in one or more members of the Government, the Prime Minister shall present the new member or members in the following session, provided that such presentation shall take place within two (2) weeks from the date of the adoption of the motion of non-confidence.
3. (a) Any addition or change that may affect a portfolio, a minister, or more than one minister shall be considered a ministerial reshuffle, so long as it affects less than one-third (1/3) of the members of the Council of Ministers.
(b) Upon a ministerial reshuffle, the addition of a minister, or the filling of a vacancy for any reason, the new minister or ministers shall be presented in the very next session of the Legislative Council, which shall occur no later than two (2) weeks from the date of the reshuffle or the occurrence of the vacancy for a motion of non-confidence pursuant to the provisions of this Article.
4. Neither the Prime Minister nor any of the ministers shall assume their duties until they obtain the confidence of the Legislative Council.

Financial Liability of Members of the Council of Ministers

Article 80

1. The Prime Minister and each minister shall submit a financial statement for himself, his spouse and his minor children that details what each owns in real estate, movable property, stocks, bonds, cash money and debts, whether inside of Palestine or abroad, to the President of the National Authority, who shall make the necessary arrangements to maintain their secrecy. Such information shall remain confidential and may not be accessed unless permitted by the High Court, as occasion may require.
2. Neither the Prime Minister nor any minister may purchase or lease any property belonging to the State or to any public entity, or have a financial interest in any contract concluded with any governmental or administrative body, nor may they, during their terms of office, be board members in any company, or practice commerce or any other profession, or receive a salary or any other financial reward or remuneration from any

person in any capacity whatsoever, other than the single salary determined for ministers and the relevant allowances.

Remuneration and Allowances of the Prime Minister and the Ministers

Article 81

Remuneration and allowances for the Prime Minister, ministers and others of similar rank shall be determined by the law.

Article 82

The appointed Prime Minister and all ministers must be Palestinians, who enjoy full civil and political rights.

Article 83

The Government shall be considered dissolved and shall be formed again pursuant to the provisions of this title in the following cases:

1. Upon the commencement of a new term of the Legislative Council.
2. Upon the adoption by the Legislative Council of a motion of non-confidence in the Prime Minister, in the Prime Minister and the Government, or in one-third (1/3) or more of the number of ministers.
3. Upon any addition, change, vacancy, or dismissal that involves at least one-third (1/3) of the Council of Ministers.
4. Upon the death of the Prime Minister.
5. Upon the resignation of the Prime Minister or the resignation of one-third (1/3) or more of the members of the Government.
6. Upon the dismissal of the Prime Minister by the President of the National Authority.

Security Forces and Police

Article 84

1. The Security Forces and the Police shall be regular forces. They shall be the armed forces in the country. Their functions shall be limited to defending the country, serving the people, protecting society and maintaining public order, security and public morals. They shall perform their duties within the limits determined by the law, with full respect for rights and freedoms.
2. The law shall regulate the Security Forces and the Police.

Local Administration

Article 85

1. The law shall organise the country into local administrative units, which shall enjoy juridical personality. Each unit shall have a council elected directly, as determined by the law.
2. The law shall determine the areas of responsibility of the local administrative units, their financial resources, their relations with the central authority and their roles in the preparation and implementation of development plans. The law shall regulate the aspects of oversight over these units and their various activities.

3. Demographic, geographic, economic and political parameters shall be taken into consideration at the time of defining the administrative divisions so as to preserve the territorial unity of the homeland and the interests of the communities therein.

Public Administration

Article 86

The appointment of public officials and governmental staff and the conditions of their employment shall be pursuant to the law.

Article 87

The law shall regulate all affairs related to civil service. The Civil Service Department shall, in coordination with the competent governmental bodies, upgrade and develop the public administration. Its advice shall be sought upon drafting laws and regulations that deal with public administration and civil servants.

Public Finance

Article 88

Public taxes and duties shall be imposed, amended and repealed only by the law. No one may be fully or partially exempted, except in circumstances determined by the law.

Article 89

The law shall determine the provisions regarding the collection of public funds and the procedures for spending therefrom.

Article 90

The law shall determine the beginning and the end of the fiscal year and regulate the General Budget. If the General Budget is not approved by the beginning of the new fiscal year, expenditures shall continue on the basis of a monthly allocation of one-twelfth (1/12) of the budget of the previous fiscal year, for each month.

Article 91

1. All revenues received, including, but not limited to, taxes, duties, loans, grants and profits accruing to the National Authority from managing its property or activities, shall be paid to the General Treasury. No part of the General Treasury funds may be allocated or spent for any purpose whatsoever, except pursuant to the law.
2. The National Authority, pursuant to the provisions of the law, may form a strategic financial reserve, to encounter fluctuations and emergency situations.

Article 92

Public borrowing shall be concluded by law. It shall not be permitted to commit to a project which would require spending funds from the General Treasury at a later stage, unless approved by the Legislative Council.

Article 93

1. The law shall regulate the Monetary Authority, banks, the securities market, foreign exchange, insurance companies, and all financial and credit institutions.

2. The Governor of the Monetary Authority shall be appointed by decision of the President of the National Authority and approved by the Legislative Council.

Article 94

The law shall determine the rules and procedures for granting privileges or imposing obligations related to the utilisation of natural resources and public facilities. The law shall also detail the ways and means of dealing with real estate owned by the State and other public legal personalities, and the rules and procedures regulating them.

Article 95

The law shall determine the rules and regulations for granting wages, remuneration, pensions, subsidies and allowances incurring to the General Treasury. The law shall also determine the bodies that will be responsible for their implementation. No exceptional funds shall be spent except within the limits determined by the law.

Article 96

1. A 'Bureau of Financial and Administrative Control' shall be established by law to provide financial and administrative oversight to all bodies and units of the National Authority, which shall include the monitoring of the collection of public revenues and the spending therefrom, within the limits of the budget.
2. The Bureau of Financial and Administrative Control shall submit to the President of the National Authority and to the Legislative Council an annual report or a report upon request about its work and comments.
3. The Chief of the Bureau of Financial and Administrative Control shall be appointed by decision of the President of the National Authority and approved by the Legislative Council.

Part VI. The Judicial Authority

Article 97

The Judicial Authority shall be independent and shall be exercised by the courts of different types and at different levels. The law shall determine the way in which they are constituted and their jurisdiction. They shall issue their decisions pursuant to the law. Judicial decisions shall be announced and executed in the name of the Palestinian Arab people.

Article 98

Judges shall be independent and shall not be subject to any authority other than the authority of the law while exercising their duties. No other authority may interfere in the Judiciary or in judicial affairs.

Article 99

1. Appointment, transfer, secondment, delegation, promotion and investigation of judges shall be determined in the Judicial Authority Law.
2. Judges may not be dismissed, except in the cases set forth in the Judicial Authority Law.

Article 100

A High Judicial Council shall be established. The law shall determine the way it is constituted, its responsibilities, and its rules and procedures. The High Judicial Council shall be consulted about draft laws relating to the Judiciary, including the Public Prosecution.

Article 101

1. Matters governed by Shari'a law and matters of personal status shall come under the jurisdiction of Shari'a and Religious Courts, pursuant to the law.
2. Military Courts shall be established by special laws. Such courts shall not have any jurisdiction beyond military affairs.

Article 102

Administrative Courts may be established by the law to consider administrative disputes and disciplinary complaints. Any other jurisdiction of such courts and the procedures to be followed before them shall be determined by the law.

Article 103

1. A High Constitutional Court shall be established by law to consider:
 - (a) The constitutionality of laws, bylaws, and other enacted rules.
 - (b) The interpretation of the Basic Law and legislation.
 - (c) Resolution of jurisdictional disputes which might arise between judicial entities and administrative entities having judicial jurisdiction.
2. The law shall determine the manner in which the High Constitutional Court is formed and structured, the operating procedures it shall follow, and the effects of its decisions.

Article 104

The High Court shall temporarily assume all duties assigned to Administrative Courts and to the High Constitutional Court, unless they fall within the jurisdiction of other judicial entities, pursuant to the laws in force.

Article 105

Court hearings shall be public, unless a court decides to hold them in camera due to considerations related to public order or public morals. In all cases, the sentence shall be pronounced in a public hearing.

Article 106

Judicial decisions shall be implemented. Refraining from or obstructing the implementation of a judicial decision in any manner whatsoever shall be considered a crime carrying a penalty of imprisonment or dismissal from position if the accused individual is a public official or assigned to public service. The aggrieved party may file an action directly to the competent court, and the National Authority shall guarantee a fair remedy for him.

The Public Prosecution

Article 107

1. The Attorney-General shall be appointed by decision of the President of the National Authority, based upon a nomination submitted by the High Judicial Council.

2. The Attorney-General shall handle and assume public cases in the name of the Palestinian Arab people. The jurisdiction, functions and duties of the Attorney-General shall be determined by the law.

Article 108

1. The law shall determine the manner of forming the Public Prosecution service and its jurisdiction.
2. The law shall determine the conditions for appointing, transferring and dismissing members of the Public Prosecution service and the rules and procedures of their accountability.

Article 109

A sentence of capital punishment pronounced by any court may not be enforced unless approved by the President of the National Authority.

Part VII. State of Emergency Provisions

Article 110

1. The President of the National Authority may declare a state of emergency by decree when there is a threat to national security caused by war, invasion, armed insurrection, or in times of natural disaster, for a period not to exceed thirty (30) days.
2. The state of emergency may be extended for another period of thirty (30) days if a majority of two-thirds (2/3) of the members of the Legislative Council votes in favor of the extension.
3. The decree declaring the state of emergency shall state its purpose, the region to which it applies, and its duration.
4. The Legislative Council shall have the right to review all or some of the procedures and measures adopted during the state of emergency, at the first session convened upon the declaration of the state of emergency or in the session of extension, whichever comes earlier, and to conduct the necessary investigations in this regard.

Article 111

It shall be prohibited to impose restrictions upon fundamental rights and freedoms when declaring a state of emergency except to the extent necessary to fulfill the purpose set forth in the decree declaring the state of emergency.

Article 112

Any arrest resulting from the declaration of a state of emergency shall be subject to the following minimum requirements:

1. Any detention carried out pursuant to a state of emergency decree shall be reviewed by the Attorney-General or the competent court within a period not to exceed fifteen (15) days from the date of detention.
2. The detained individual shall have the right to select and appoint a lawyer.

Article 113

The Legislative Council may not be dissolved or its work be hindered during a state of emergency, nor shall the provisions of this title be suspended.

Article 114

All provisions regulating the state of emergency that were applicable in Palestine prior to the entry into force of this Basis Law shall be cancelled, including the British Mandate Defense (Emergency) Regulations issued in the year 1945.

Part VIII. General and Transitional Provisions

Article 115

The provisions of this Basic Law shall apply during the interim period and may be extended until the entry into force of the new Constitution of the State of Palestine.

Article 116

Laws shall be promulgated in the name of the Palestinian Arab people and shall be published immediately in the Official Gazette. These laws shall enter into force thirty (30) days from the date of their publication, unless the law determines otherwise.

Article 117

Laws shall apply only to what occurs after their entry into force. It may be determined otherwise as occasion may require, except for criminal matters.

Article 118

Laws, regulations, and decisions in force in Palestine before the enforcement of this law shall remain in force to the extent that they do not contradict the provisions of this Basic Law, until they are amended or repealed pursuant to the law.

Article 119

All legal provisions that contradict the provisions of this Amended Basic Law is hereby repealed.

Article 120

The provisions of this Amended Basic Law may not be amended except by a majority vote of at least two-thirds (2/3) of the Members of the Legislative Council.

Article 121

This Amended Basic Law shall enter into force as of the date of its publication in the Official Gazette.

Issued in the city of Ramallah on 18 March, 2003 AD, corresponding to 15 Muharam 1424 AH.

Yasser Arafat

Chairman of the Executive Committee of the Palestinian Liberation Organisation

President of the Palestinian National Authority