

Compilation of Reference Texts

Palestinian Media Legislation and Security Sector Governance



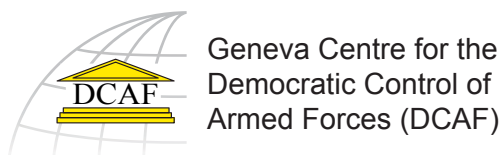
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Geneva Centre for the
Democratic Control of
Armed Forces (DCAF)

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About DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security services such as police, judiciary, intelligence agencies, border security services and the military.

DCAF has worked in the Palestinian Territories since 2005. It assists a wide range of Palestinian actors such as ministries, the Palestinian Legislative Council, civil society organisations and the media in their efforts to make Palestinian security sector governance democratic, transparent and accountable.

About AMIN

Established in 1996, the AMIN Media Network is a non-profit Palestinian organisation which promotes the development of media. AMIN supports the participation of professional media in building a democratic society based on the principles of freedom of expression, transparency and objectivity. AMIN also works to strengthen the relationship between local media and civil society organisations. In this framework, AMIN assesses the needs of the local media institutions and seeks to propose solutions to overcome their difficulties. Further information on AMIN is available at: www.amin.org

Note

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Introduction

In established democracies, free and independent media play an important role in ensuring democratic governance. They contribute to keeping the government and other powerful state actors accountable for their actions and to increasing transparency in political decision making processes. Specifically, media institutions report on policy debates in the security sector and on decisions related to the security of the people. The media also investigate allegations of human rights abuses and misuse of public resources. In this way, media institutions complement the work of official oversight institutions such as the parliament or the judiciary. Likewise, engaging with the media allows the authorities to enhance their own legitimacy as well that of the security and justice providers.

In 2008, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and AMIN Media Network started a project entitled '*Strengthening the Role of Media in Palestinian Security Sector Governance*'. The project has so far entailed a series of workshops and working group sessions, which have brought together Palestinian media practitioners and representatives of the Palestinian National Authority (PNA) and its various security forces. Between 2008 and 2009, participants identified and discussed challenges to a stronger media involvement in good governance of the security sector in the following areas:

- The legal framework governing the Palestinian media;
- Communication with the Palestinian authorities and their security forces;
- Self-censorship and capacity building within media institutions; and
- Media independence and the authorities' censorship.

Among other recommendations,¹ participants suggested reforming the legal framework governing the media. They believed it was one of the most important steps towards a stronger role of the Palestinian media in ensuring good governance of the security sector.² More specifically, participants identified the following issues in the Palestinian legal framework as major obstacles to freedom of press, opinion and expression:

- Absence of a law on access to information;
- Lack of legal protection for professional journalists; and
- Restrictions imposed by specific norms of the Palestinian security sector legislation on media's work.³

Participants believed that addressing these points would enable the media to report on topics related to security sector governance, help limit arbitrary attacks against journalists, and ensure a better protection of media practitioners working in the field.

What does media legislation comprise?

The legal framework for the media is usually composed of different pieces of legislation

¹ Participants also identified the need to improve the flow of information between the media institutions and the PNA as well as its various security forces as an important step to strengthen the role of the Palestinian media. See *The Palestinian Media and Security Sector Governance*, DCAF-AMIN, Geneva, 2009, p. 28.

² *Ibid.*, p. 27.

³ See Art. 90 [10] of the *Law of Service in the Palestinian Security Forces No. 8 of 2005* and Art. 35 [3] of the *General Intelligence Law No. 17 of 2005* which forbid security officers to share information with media representatives without the consent of the relevant Minister or authorised officers.

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governing the work of the national media outlets. In democratic countries, the state's international human rights obligations and its constitution guarantee the respect for basic rights:

- **The International Human Rights Conventions**, which include treaties such as the United Nations Universal Declaration of Human Rights (1948).
- The **Constitution**, which establishes freedom of press, expression and opinion as irrevocable civil rights of the citizens (e.g. the First Amendment of the United States Constitution).

The laws which specifically concern the media are:

- **Press laws**, which organise and provide guidance to the written press (newspapers, magazines and revues). Press laws protect the rights of the individuals (journalists and citizens alike) to freely express their opinion in the print media;
- **Broadcasting laws**, which organise and regulate the work of radio stations and TV stations. Broadcasting laws grant the same protections as press laws with regards to freedoms of opinion and expression.
- **Telecommunication laws**, which regulate the emission, transmission and reception of signals in the form of radio waves, text, images, or sound through wires (such as the ones used for internet or satellite and cable TV connections).

Press, broadcasting and telecommunication laws are often complemented by laws regulating the functioning, rights, duties and purposes of media regulatory bodies, such as Ministries of Information or national audio-visual councils.

Furthermore, the laws that regulate public access to official information have also a direct impact on the work of the media. These laws are mainly:

- **Access to information laws**, which oblige the government to publish information on its activities and to respond to requests for official information from the public (e.g. Mexico's Freedom of Information Law of 2002);

- **Protection of information laws**, which set out the criteria and procedures for the classification and de-classification of official information. Sometimes also called Official State Secret Acts, they also prohibit the release of certain government-held information without permission and set out the sanction scheme (e.g. South Africa's Protection of Information Bill of 2008);
- **Data protection acts**, which protect personal data and the right to privacy, especially when these personal data are processed (e.g. the UK Data Protection Act of 1998);⁴
- **Copyright laws**, which grant the author's sole and exclusive right to publish, to reproduce, to record and to disseminate written or audio-visual work and its adaptations or translations in the media, and to authorise any such acts (e.g. the New Zealand Copyright Act of 1994).

Why is the reform of media legislation important?

Media legislation which is in line with democratic standards enables free and independent media to complement the work of official oversight institutions, such as the executive, legislative and judiciary authorities. Thus, the reform of the media's legal framework offers the opportunity to build a legal system that:

- Protects freedom of the press and freedom of opinion and expression;
- Fosters citizens' participation and representation in decision-making processes;
- Improves accountability and limits corruption and mismanagement in the security sector;
- Reduces censorship
- Reduces impunity for attacks against journalists; and

⁴ For more background information on these laws, see: Banisar, David, "Public Oversight and National Security: Comparative Approaches to Freedom of Information" in: Born, Hans and Caparini, Marina, *Democratic Control of Intelligence Services. Containing Rogue Elephants*, London, Ashgate, 2006, pp. 217-235.

- Helps ensure citizens' access to information held by core security and justice providers and their management and oversight bodies.

What are the main principles and elements of good media laws?

Good media laws put in place an enabling legal framework, which organises the media's work and provides guidance to media practitioners. Such laws aim to protect the fundamental rights of media practitioners and of the citizens to access official information and to freely express their opinion in the media. Key principles of media laws guarantee:

- The right for the media to access official information, legislative and judicial proceedings as well as all other types of deliberative public meetings;
- The right for the media to disseminate information and ideas to the public, and the right of the public to receive information and ideas via any medium, including foreign sources;
- The protection of sources;
- The freedom of expression and opinion and the prohibition of any form of censorship;
- The right of natural and legal persons to own and manage written and audio-visual media outlets;
- The right of public and private media entities to operate freely and independently of state control;
- The transparency of licensing criteria and procedures;
- The protection of journalists against intimidation and physical attacks;
- The right of reply;
- The protection of pluralism against media concentration.⁵

⁵ Adapted from: CIMA, *Media Law Assistance: Establishing an Enabling Environment for Free and Independent Media to Flourish*, May 2007, p. 18, Available at www.ned.org/cima/CIMA-Legal_Enabling_Environment-Working_Group_Report.pdf

What is the status of the media under current Palestinian law?

The Palestinian *Amended Basic Law* of 2003 guarantees freedom of information, expression and publication. It safeguards media outlets against interventions of state actors in the management, licensing and funding of media institutions, as well as against censorship on written publications. Article 27 of the *Amended Basic Law* states that:

"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.

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."

To date, the *Law on Printed Materials and Publications* (1995) remains the only enacted Palestinian law regulating the written media. It reaffirms the rather liberal provisions of the *Amended Basic Law* and confirms that the press is free to address any issues of public interest "within bounds of the law" (Art. 3). Yet, it prohibits the publication of "classified information about the police and security forces and about their weapons, equipment, locations or movements" (Art. 37 [a]). These restrictions are also reflected in the legal framework of the Palestinian security forces. In particular, the *General Intelligence Law No. 17 of 2005* (Art. 35 [3]), and the *Law of Service in the Palestinian Security Forces No. 8 of 2005* (Art. 90 [10]) both prohibit security officers to provide information to journalists without prior approval by the competent Minister.

In 1996, the Ministry of Information drafted a broadcasting law, the *Draft Audio-Visual Law*. This draft law has not been enacted so far. If enacted, this law would require Palestinian media outlets and practitioners to contribute to the "preservation of public order, [the] needs of national security, and [the] requirements of public interest" (Art. 4 [4]). Members of civil society and the media have proposed amendments to the *Draft Audio-Visual Law* in order to address its restrictive character. The

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Draft Audio-Visual Law continues to be subject to discussion and a new amended Draft has been debated by civil society and academic institutions in 2010.

In 2005, a team of Palestinian and international experts started preparing a Palestinian law to set the basis for the establishment of a National Council for the Audiovisual Media and the progressive abrogation of the Ministry of Information. The drafting process was conducted in English and there is no official Arabic translation of this draft law. The draft, which was never debated publicly, largely meets international standards of media freedoms and enshrines the principle of media independence, guarantees broadcasting diversity, sets standards for content publication and for licensing procedures.⁶

Finally, since the establishment of the Palestinian National Authority (PNA) in 1994, members of the Palestinian Legislative Council (PLC) as well as members of civil society – including Coalition for Accountability and Integrity (AMAN) and the Palestinian Independent Commission for Human Rights (PICHR) - and media editors have made many attempts to promote the adoption of a Palestinian law on access to information. The PLC debated a draft law in 2005 but has never adopted it.⁷

Against this background, Palestinian media and civil society practitioners continue to lobby in favour of a thorough media law reform.

Why is reforming Palestinian media legislation important?

Reforming the legal framework for Palestinian media has long been on the agenda of Palestinian executive authorities, the Palestinian Legislative Council (PLC) and civil society organisations. Since the establishment of the Palestinian National Authority (PNA) in 1994, the Palestinian Council of Ministers, the Ministry of Information, as well as local civil

society and media development institutions such as AMIN Media Network, the Palestinian Center for Development and Media Freedoms (MADA) and the Bir Zeit Media Development Centre have repeatedly sought to modernise the legal and regulatory framework for the media in order to bring it in line with international law and standards. Yet, despite these efforts, the *Law of Printed Materials and Publications* (1995) remains to date the only enacted piece of legislation for the media sector.

Since the beginning of 2010, Palestinian authorities, civil society organisations, media outlets and research centres have been making new attempts to reform the Palestinian media sector. Their aim is to promote the following institutional and legal reforms:

Institutional reforms:

- Abolish the Ministry of Information and replace it by a National Audio-Visual Council which will formulate media policies and oversee the licensing of private radio and television stations;
- Encourage the appointment of a new head of the Palestinian Journalists' Union and push for new elections within the Union.

Legal reforms:

- Review the *Law of Printed Materials and Publications* (1995) in order to bring it in line with international standards;
- Amend the *Draft Audio-Visual Law* (1996) and develop it into a modern broadcasting law;
- Develop the legal basis for the future National Council for the Audiovisual;
- Develop a law regulating the work of the official Palestine News Agency (WAFA).

These efforts are complemented by the emergence of local civil society organisations that monitor violations of the media's rights and provide Palestinian journalists with legal aid. Training and advocacy organisations such as the Bir Zeit Media Development Centre, AMIN Media Network and the Palestinian Center for

⁶ See: Mendel, Tony and Khashan, Ali: *The Legal Framework for Media in Palestine Under International Law*, 2006, available at: <http://www.article19.org/pdfs/analysis/palestine-media-framework.pdf>

⁷ For more details, see also: *Access to Information and Security Sector Governance. Reference Text Reader*, DCAF, 2010.

Development and Media Freedoms (MADA) have expanded their professional capacity building and legal counselling programmes.

What is the purpose of this reader?

This reader is the first comprehensive collection of current legislation and draft legislation related to the Palestinian media. It aims at providing Palestinian practitioners with an overview of the existing Palestinian laws, draft laws and executive decisions regulating the work of Palestinian journalists and media institutions. More specifically, this reader aims to:

- Provide the PLC, civil society and the media, as well as the Palestinian security forces with a bilingual reference manual on media legislation;
- Invite Palestinian practitioners to study, review and amend existing media legislation and draft legislation with a view to promoting legal reform in this field;
- Foster an informed debate about the importance of developing a modern legal framework for Palestinian media in line with international standards.

How is this reader structured?

The first section of this reader contains the Palestinian *Amended Basic Law* of 2003 and the latest *Draft Law on the Right to Access Information* as the main legal texts enabling media freedoms. The second section presents legislation and draft legislation on printed and audio-visual media. The third section introduces draft legislation and executive decisions related to the establishment and functioning of Palestinian media institutions. The fourth section introduces Palestinian telecommunication legislation.

DCAF remains available to support national efforts to establish or reform the legal media framework in line with democratic values and international standards.

Part I: Constitutional Framework and Draft Legislation Enabling Media Freedoms

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

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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 law.
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

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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:

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'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.

Compilation of Reference Texts

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.
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.

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.

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.

Compilation of Reference Texts

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.

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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

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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.

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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 *Basic 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* are 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 Palestine Liberation Organisation

President of the Palestinian National Authority

Draft Law of 2005 on the Right to Access Information⁸

In the Name of God, the Most Gracious, the Most Merciful

Chapter I

General Provisions

Article 1

For the purposes of the enforcement of the provisions of this Law, the following words and expressions shall have the meanings designated thereto below unless the context determines otherwise:

The Authority

The Palestinian National Authority.

The Commissioner General:

The Commissioner General of Information.

The Office:

The Office of the Commissioner General of Information.

The public institution:

All Ministries, departments, agencies, legislative, judicial and executive authorities, local bodies, and private institutions which manage a public facility or perform public works or possess information pertaining to the environment or public health and safety, or any other institution which the Commissioner General deems to be a public institution for the purposes of the enforcement of this Law.

The competent functionary:

The functionary who is appointed by the public institution to view the requests to access information.

The piece of information:

The piece of information which is available in any of the registers and written or electronically-saved documents, or drawings, maps, tables, pictures, films, microfilms, sound recordings, video tapes, charts, or any data read with special devices, or any other forms which the Commissioner General deems that they fall under the scope of the piece of information in accordance with this Law.

The alternative formula:

The formula which enables the persons with special needs to view the required piece of information.

Article 2

This Law shall aim to:

1. Enable the citizen and resident in Palestine to exercise the right to access information which is available at the public institutions in accordance with the provisions of this Law.
2. Promote the spirit of transparency and accountability at the Palestinian public institutions and encourage openness with the people.

⁸ This Draft Law was submitted to the PLC plenary in 2005, but has so far not been adopted.

Compilation of Reference Texts

Article 3

All information which is in the possession of public institutions shall be deemed to be subject to be accessed, except for those which fall within the scope of the exceptions set forth in this Law.

Article 4

The public institution must appoint a competent functionary to examine the requests to access information and shall grant him or her the powers necessary to search for and access the requested piece of information.

Article 5

Public institutions must keep the information which is in their possession in a regulated manner and in an arrangement which makes it easy for the competent functionary to extract it. Public institutions must also keep the information electronically when possible.

Article 6

Public institutions must organise training courses for their functionaries that are related to the importance of the right to access [information] and enable the citizen to exercise it, along with the manner of the keeping of information and the best and fastest methods to extract them.

Chapter Two

Principles of the Right of Access

Article 7

Public institutions must publish annual reports entailing at least:

1. Administrative information about the mechanism of the function of the public institution, to include the costs, objectives, audited accounts, rules and accomplishments.
2. The procedures on the basis of which the individuals can be familiar with the public policy and projects of the public institution.

3. The types of information which the public institution keeps and the circumstances under which it is kept.
4. The content of any decision or policy that may affect the people and the reasons behind the taking of the decision and the objectives anticipated therefrom.
5. Any other information which the Commissioner General deems to be necessary to be published.

Article 8

The industrial institution, both public and private, must publish semi-annual reports in which they state at least the following information:

1. The locations of the utilised toxic materials as well as their nature and risks.
2. The quantity of the discharges resulting from manufacturing.
3. The manner of the disposal of wastes.

Article 9

Each public institution, which intends to hold a public meeting, must announce the date and venue of such meeting and the objective therefrom. The public may not be prohibited from attending such meeting except in accordance with the exceptions set forth in this Law.

Article 10

No penalty may be imposed upon the functionary who reveals information about contraventions or violations that are perpetrated against the Law.

Chapter Three

The Request to Access Information

Article 11

The request to access information shall be submitted in writing to the institution which possesses the piece of information. Such request must include sufficient details that enable the

competent functionary to extract the piece of information with minimum effort.

Article 12

The competent functionary, immediately after he or she receives the request, give a notice to the person submitting the request, in which he or she states the date on which the request has been submitted, the type of the requested piece of information and the period of time required for responding to the request.

Article 13

The competent functionary must respond to the request within 15 days from the date on which it was submitted. The competent functionary may extend such period once for a period of time not exceeding 15 days in the event the request entails a large number of pieces of information, or because the accessing of the piece of information requires the consulting with a third party or another public institution. Non-response within that period shall be deemed to be a rejection of the request.

Article 14

In case the request is approved, the competent functionary must enable the person submitting the request to access the information which he or she detailed in the request and define for him or her the cost associated with the accessing of the required piece of information. In the event the request includes more than one piece of information, the competent functionary may allow the person submitting the request to view a portion of the information if the other information fall within the scope of exceptions defined in this Law.

Article 15

Upon approval of the request, the competent functionary must present the piece of information to the person submitting the request in accordance with the formula which is available at the public institutions. The functionary may not only inform the person

submitting the request with the piece of information verbally without presenting to him or her the document containing such piece of information. The instructions to be issued forth by the Commissioner General shall define the manner by which the person submitting the request can obtain copies of the required information.

Article 16

In case the person submitting the request is with special needs, the competent functionary must present the piece of information with an alternative formula that is suitable to the disability of the person submitting the request, if such formula is available at the institution. The competent functionary may convert the piece of information into an alternative formula in case he or she deems it necessary. He or she must conduct the conversion in the event the person submitting the request accepts that the conversion is conducted at his or her own expense.

Article 17

The competent functionary may refer the request to another institution, after having notified the person submitting the request thereof, in case he or she finds that the relation of such institution to the piece of information is closer. This covers the fact that the other institution has prepared the piece of information or that it possesses alternative formulas of the piece of information. In such case, the request shall be deemed as if having been submitted to the public institution to which the request has been referred.

Article 18

In the event the request is rejected, the competent functionary must state in a written response which he or she shall hand to the person submitting the request the reason behind the rejection of the request. The reason may not be beyond [the following]:

1. That the piece of information is not in the possession of the institution.

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2. That the required piece of information falls within the scope of the exceptions set forth in this Law.

Chapter Four

The Exceptions

Article 19

The competent functionary must refuse to reveal any piece of information in the event such revealing is proved to cause damage to the defence capabilities and national security of the state. This includes:

1. Weapons, tactics, strategies and military forces as well as the military operations which aim to protect the homeland.
2. The intelligence information which pertains to the blocking of aggressive acts and crimes perpetrated against the internal and external security of the state in pursuance of the Laws in force.
3. The international communications and correspondences which are related to the defence affairs and military alliances.
4. Any piece of information which the Commissioner General is convinced that it causes damage to the public security and order.

Article 20

The competent functionary must refuse to reveal any piece of information that is related to a state or international organisation with which it has been agreed to keep such piece of information classified.

Article 21

The competent functionary may not refuse to disclose information in the cases mentioned under Articles (19 and 20) above in the event such information is still in the possession of the institution and date back to more than twenty years, except in cases in which the Commissioner

General is convinced of the necessity to keep such information classified for another renewable period of time.

Article 22

The competent functionary at the institutions which assume the task of investigation in crimes and control of contraventions and performance of Police functions shall be entitled to refuse to disclose information in the event such disclosure causes damage to the investigations and implementation of required tasks, or in the event such disclosure jeopardises the reputation of persons whose conviction is not proved yet.

Article 23

The competent functionary may refuse to reveal any piece of information containing:

1. Professional or commercial secrets that pertain to the institution.
2. Secrets the revealing of which leads to causing material damages to the economic interests of the state or its ability to manage the national economy, or results in personal gains for a person or body. This includes:
 - A. The prices of the currency in circulation in Palestine.
 - B. The anticipated changes in the fees of the customs tariff, taxes, fees and any other sources of revenues.
 - C. The anticipated changes in the rates of interest related to governmental loans.
 - D. The anticipated changes in the prices of governmental properties, including shares, movable properties and real estate.
 - E. Transactions which the public institution intends to conclude in regard of a merchandise, the revealing of which may lead to the influencing of the prices of such merchandise in the market.

Article 24

The competent functionary must refuse to disclose any piece of information that feature professional secrets of a third party, or the disclosing of which leads to the weakening of the competitive status of a third party unless the third party agrees to the disclosure.

Article 25

The competent functionary may refuse to disclose the piece of information in the event it is related to the internal affairs of the institution and its functionaries as well as the internal orders, discussions and preliminary proposals.

Article 26

The competent functionary may refuse to disclose the piece of information in the event it pertains to unconfirmed anticipations about natural disasters or epidemic diseases the possibility for the occurrence of which is weak.

Article 27

The competent functionary may refuse to reveal any piece of information the revealing of which may harm or cause damage to the safety of individuals.

Article 28

The competent functionary must refuse to disclose any piece of information that pertains to a third party and which is related to his or her private life except in the following cases:

1. If the concerned person agrees to such disclosure.
2. If such piece of information is publicly disseminated.
3. If such disclosure has been requested by a judicial judgement or under an approval from the Commissioner General.
4. If the person submitting the request is a custodian of the third party.
5. If the person submitting the request is a relative to the third party and submits the request following his or her death by at least twenty years.

Chapter Five

The Commissioner General of Information

Article 29

In pursuance of the provisions of this Law, an office for the Commissioner General of Information shall be established. It shall enjoy the judicial character and the independence necessary to exercise its functions. The Office shall be allocated a special budget within the public budget of the Palestinian National Authority.

Article 30

The Office shall be deemed to an authority of appeal for each person whose request to access information has been rejected. The Office shall aim to the ensuring of the enforcement of the provisions of this Law and accomplish the goals anticipated therefrom. Thus, it shall be entitled to exercise the following powers:

1. Put forward, regulate and implement the programmes, plans and policies pertaining to the defence of the right of the individual to access and view information.
2. Educate and raise awareness of the citizen about the importance of the right of access and the positive results of the exercising of it on the level of the individual, the society and the state.
3. Contribute to the training of functionaries and officials at the public institutions on the manner and significance of the enabling of individuals to access information.
4. Monitor the contraventions and publish the reports and studies which entail the impediments to the exercise of the right of access and how to overcome them.

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Article 31

The main headquarters of the Office shall be in Jerusalem. It may establish branches throughout governorates.

Article 32

The Office shall be deemed to an authority of appeal for each person:

1. whose request to access information has been rejected;
2. on whose request high charges have been imposed;
3. whose request to access the piece of information in an alternative formula has been rejected;
4. the period of time required to respond to his or her request has been extended in a manner contravening the provisions of Article (13) above;
5. whose request has been referred to more than one institution without approval thereof; and
6. any other cases which the Commissioner General of Information admits.

Article 33

The appeal must be submitted to the Office within 30 days from the date on which the request was rejected, or from the date on which the institution took the measure which the person submitting the request wishes to appeal.

Article 34

The Office must respond to the appeal within a period of time not exceeding three months from the date on which it was submitted thereto. The Office must, immediately after it receives and admits the appeal, send a letter to the competent functionary at the institution which rejected the request to access information, in which it notifies him or her of the appeal and requires that the reasons behind rejection be made clear.

Article 35

The Commissioner General of Information shall preside over the Office. He or she shall be appointed by a decision from the Council of Ministers and approval of the Palestinian Legislative Council for a period of four years that is renewable for one time only. His or her salary and other financial entitlements shall be defined in the decision.

Article 36

The Commissioner General shall be responsible for the following up with and issuing forth of the decisions pertaining to the appeals to the Office, the appointing of functionaries at the Office and setting forth of a regulation thereto.

Article 37

The Commissioner General of Information must be devoted to his or her work at the Office. He or she may not, during the assumption of his or her function, perform any work or occupy any position or function with or without pay.

Article 38

The services of the Commissioner shall, legally, expire in the following cases:

1. In case he or she is convicted with a crime or misdemeanour which involves moral or trust turpitude.
2. In case he or she exercises the acts of any other function or position.
3. In case he or he is confined or he or she is declared bankrupt.

Article 39

The recommendations issued forth by the Commissioner General shall be deemed to be binding to all public institutions.

Article 40

For the purposes of the implementation by the Commissioner General of his or her tasks, the following powers shall be bestowed upon him or her:

1. The right to enter any public institution and inspect its registers and papers and any documents that are connected to the required information.
2. Investigate any functionary in private in order to access the required information.
3. Refer to the judiciary the persons responsible for the concealing or damaging of the information or modifying it in a manner that contravenes its truth with the intention to evade from presenting it.
4. Inquire the senior state officials such as Ministers and those alike about the reason behind their concealing of the information in the event such concealing is resultant from orders issued forth by them directly. The Commissioner General, in this case and as he or she is not convinced of the submitted justifications, shall be entitled to submit an immediate report to the President of the Authority or the Chairman of the Council of Ministers or the Legislative Council to take the appropriate measures.

Article 41

The Commissioner General shall adhere to the submitting of regular reports every six months to each one of: the President of the National Authority, the Chairman of the Council of Ministers and the Palestinian Legislative Council. The reports must entail the following:

1. The cases of unjustified abstention from the submitting of information.
2. The executive problems which he or she faces during the implementation of his or her tasks.
3. Any other recommendations which the Commissioner deems fit.

Chapter Six

The Fees

Article 42

The fees associated with the requests to access information shall be defined in a bylaw to be developed by the Commissioner General and issued forth by the Council of Ministers. The fee must not exceed ten Jordanian Dinars or its equivalent of the currency in circulation, with the exception of the following cases:

1. The covering of the cost of photocopying or required copies as per their market value.
2. The covering of the alternative formulas of the information as per their market value.
3. In the event the request incorporates more than one piece of information.

Article 43

The fees associated with the appeal must not exceed ten Jordanian Dinars or its equivalent of the currency in circulation.

Chapter Seven

Conclusive Provisions

Article 44

Each provision which contradicts the provisions of this Law shall be repealed.

Article 45

The Council of Ministers must issue forth the bylaws necessary for the enforcement of this Law within a period of time not exceeding six months from the date on which it is published.

Article 46

All competent authorities – each one within its sphere of jurisdiction – shall implement the provisions of this Law which shall enter into force one year following its publication.

Part II: Legislation and Draft Legislation on Printed and Audio-Visual Media

Law No. 9 of 1995 Concerning Printed Materials and Publications

The Chairman of the Executive Committee of the Palestine Liberation Organisation;

The President of the Palestinian National Authority;

Having reviewed Law No. 5 of 1995 Concerning the Transference of Authorities and Powers;

The Law on Printed Materials No. 3 of 1933, which is in force in the Gaza Strip;

The Law on Printed Materials and Publication No. 16 of 1967, which is in force in the West Bank;

Following approval of the Council of the Authority, dated on June 17th, 1995; and

Based on the presentation of the Minister of Information;

I hereby promulgate the following Law:

Article 1

The following words and expressions wherever they are mentioned in this Law shall have the meanings designated thereto hereunder unless the context determines otherwise:

The Ministry:

The Ministry of Information.

The Minister:

The Minister of Information.

The Director:

The Director General of Printed Materials and Publication.

The party:

The legally recognised party which holds a licence from the Palestinian Authority.

The person:

The natural or juridical person.

The printed material:

Each means of publication, in which words or shapes are recorded in letters, pictures or in drawings by pressure or engraving.

The periodical printed material:

The specialised press printed material of all types, which is issued over regular periods, including:

- A. The press printed material, which includes the following:
 1. The daily printed material: The printed material that is issued daily on a continuous basis under a defined name and serial numbers and which is designed for distribution to the public either free of charge or with a price.
 2. Non-daily printed material: The printed material that is issued in a regular manner once a week or over shorter or longer periods and designed for distribution to the public either free of charge or with a price.
- B. The specialised printed material: The printed material which specialises in one or more theme(s) in specified fields, and which is designed for distribution to the concerned persons or to the public in accordance with the provisions of its respective issuance licence.

C. Bulletin of the news agency: The printed material which is designed to provide press institutions with news, articles, pictures and drawings, regardless of whether it is issued every day, week, month, season, et cetera.

The press:

The profession of editing and issuing press printed materials.

The journalist:

Each person who takes the press as a profession or a means of living in accordance with the provisions of this Law.

The printing press:

The devices of the production of printed materials of various types and forms. This definition shall not include photocopying machines, typewriters, copiers, and cameras.

The bookshop:

The commercial premise which is licensed to sell books, stationery, newspapers, magazines and other printed materials.

The publishing house:

The institution which is responsible for the preparation, production and sale of printed materials.

The distribution house:

The institution which is responsible for the distribution or sale of printed materials.

The press office:

The office which is responsible for the collection of information, news and press reports from their various sources with different means as well as the distribution of them to the media means.

The advertising and publicity office:

The office which is responsible for activities of commercial advertising and publicity, production of relevant materials, publishing or broadcasting them by means of media outlets.

Studies and research house:

The institution which is responsible for conducting studies and research and for delivering consultations in social, cultural, economic, humanitarian and other areas.

Public opinion measurement house:

The institution which is responsible for conducting field research for the purpose of surveying public opinion trends about a particular subject by means of questionnaires or lawful means of survey.

Translation house:

The institution which is engaged in the activities of translation from one language to another, including simultaneous interpreting.

Article 2

The press and printing shall be free and the freedom of opinion shall be safeguarded to each Palestinian, who shall be entitled to express his opinion freely in speech, writing, photography and drawing in the means of expression and media.

Article 3

The press shall exercise its mission freely in the presentation of news, information and comments and shall contribute to disseminating thoughts, culture and sciences within bounds of the Law and within the framework of safeguarding public freedoms, rights and duties as well as respect of the freedom and sanctity of the private lives of others.

Article 4

Freedom of the press shall entail the following:

- A. Inform the citizen of facts, thoughts, trends and information on the local, Arab, Islamic and international levels.
- B. Allow room to the citizens to disseminate their opinions.
- C. Search for information, news and statistics which are of interest to the citizens from their various sources, as well as analyse, circulate, publish and comment on them within limits of the Law.

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- D. The right of the press printed material, news agency, editor and journalist to keep the sources of information or news, which are obtained, secret unless the Court decides otherwise during the hearing of penal actions for the protection of the State security, prevention of crime or realisation of justice.
- E. The right of citizens, political parties, cultural and social institutions and unions to express opinion, thoughts and achievements in their various fields of activity by means of the printed materials.

Article 5

Any person, including political parties, shall be entitled to own press printed materials and issue them in pursuance of the provisions of this Law.

Article 6

Official bodies shall work towards facilitating the mission of the journalist and research in relation to viewing their programmes and projects.

Article 7

- A. The printed materials must refrain from publishing anything that contradicts the principles of freedom, national responsibility, human rights and respect of the truth. They must deem that the freedom of thoughts, opinion, expression and access to information to be a right of citizens as much as it is a right of their own.
- B. The periodical printed materials which address children or adolescents must not contain any pictures or stories or news that violate Palestinian morals, values and traditions.

Article 8

The journalist and each person who works in the press must fully adhere to the ethics and morals of the profession, including the following:

- A. Respect constitutional rights and freedoms of individuals and not to prejudice the freedom of their private lives.
- B. Present the press material in an objective, integrated and balanced manner.
- C. Maintain accuracy, impartiality and objectivity in the commenting on news and events.
- D. Refrain from publishing anything that may agitate violence, intolerance and hatred or that may induce racism and sectarianism.
- E. Not to exploit the press material for the promotion of a commercial product or depreciate its value.

Article 9

- A. The periodical printed material must depend in its resources on lawful, declared and defined sources. It shall be prohibited from receiving any financial support or directives from any foreign state.
- B. Any periodical printed material that wants to receive support from external nongovernmental bodies must submit an application to the Ministry of Information and receive approval of such support before it obtains it.

Article 10

The journalist and each person who works in the press shall be prohibited from engaging in a working relationship with any foreign body unless such was in accordance with the Regulation on the Correspondents of Foreign Media Outlets, which is issued forth in pursuance of this Law.

Article 11

1. Each press printed material must have a responsible editor-in-chief, who shall meet the following conditions:
 - A. To be a journalist.

- B. To master the language of the periodical printed material, of which he works as the responsible editor-in-chief, in reading and writing. If it is issued in more than one language, he must master in such case the primary language of the printed material and be adequately familiar with the other languages.
 - C. Not to be in charge of more than one periodical printed material.
 - D. Not to exercise any other function in the press printed material, of which he functions as the editor-in-chief, or in another [press printed material].
 - E. Not to have been convicted with a crime or misdemeanour of honour or moral turpitude.
 - F. To be effectively resident in Palestine unless the need requires otherwise.
 - G. Not to be from among the persons who enjoy judicial immunity in accordance with the Law.
2. With the exception of the provisions of Clauses B, E and F above, the provisions of the clauses of the previous Paragraph shall not be applicable to the editor-in-chief of the printed material, which a party issues.

Article 12

The editor-in-chief shall be responsible for what is published in the printed material, of which he is the editor-in-chief. The owner of the printed material and author of the article, which was published in it, shall also be responsible for its content.

Article 13

- A. The specialised printed material shall have an editor-in-chief, who will be responsible for what is published therein. He shall be required to fulfil the following conditions:
 - 1. To be Palestinian.

- 2. To be from among those who served in the Palestine Liberation Organisation in respect of those who do not hold the Palestinian nationality.
 - 3. Not to have been convicted with a crime or misdemeanour of honour or moral turpitude.
 - 4. To hold an academic qualification in relation to the subject matter in which the printed material specialises or to have expertise in such a subject matter, which qualifies him to work in the printed material, with the exception of the printed material which a party issues.
- B. A person who is not a journalist shall have the right to be an editor-in-chief in charge of a specialised printed material, the subjects of which fall within the area of his specialisation.

Article 14

Each publishing house, studies and research house, public opinion measurement house, press office, translation house, advertising and publicity house, printing press, distribution house and bookshop must have a responsible director, who shall meet the following conditions:

- A. To be Palestinian.
- B. To be from among those who served in the Palestine Liberation Organisation in respect of those who do not hold the Palestinian nationality.
- C. Not to have been convicted with a crime or misdemeanour of honour or moral turpitude.
- D. To hold the Certificate of General Secondary Education and have proper experience in the field in which he works, and which he gained after he had obtained such an academic qualification in the event he was to be appointed a responsible director of a publishing or distribution house, printing press, bookshop, translation house or advertising and publicity office.
- E. To hold at least the first university degree and have proper experience in the field in

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which he will work, and which he gained after he had obtained such an academic qualification in the event he was to be appointed a responsible director of a studies and research house, public opinion measurement house or press office.

Article 15

One person may not be a responsible director of more than one institution of those provided under Article 14 of this Law.

Article 16

The owner of the periodical printed material shall be required to fulfil the following conditions:

- A. To be of Palestinian nationality and resident in Palestine.
- B. The non-resident Palestinian must receive the approval of the Ministry of Interior.
- C. Not to have been convicted with a crime or misdemeanour of honour or moral turpitude.

Article 17

- A. The licence to issue a printed material shall be granted to the following bodies:
 1. The journalist who is defined under this Law and who fulfils the conditions prescribed thereunder.
 2. The press company which was incorporated and registered for the purposes of issuing press printed materials.
 3. The political party.
- B. The Minister, based upon the recommendation of the Director, shall be entitled to grant licences to issue bulletins to the following bodies:
 1. To a Palestinian news agency.
 2. To a foreign news agency on condition of reciprocal treatment, provided that the

editor-in-chief in charge of the bulletin is a Palestinian journalist.

Article 18

The application for obtaining a licence to issue a press printed material must include the following:

- A. The name of the applicant for the licence as well as his place of residence and address.
- B. The name of the printed material and the place of its issuance and printing.
- C. Dates of its issuance and whether it is daily, weekly, semi-monthly, seasonal, *et cetera*.
- D. Its specialisation and whether it is political, literary, economic, *et cetera*.
- E. The language or languages in which it will be issued.
- F. The name, age, place of residence, address, academic certificate and working experience of the responsible editor-in-chief.
- G. The authorised capital of the press printed material.
- H. Signature on a bank pledge to guarantee the salaries and expenditures for workers to a period of at least half a year, with the exception of the literary and artistic periodicals which are issued by cultural, literary and artistic unions and associations.

Article 19

The application for obtaining a licence for the issuance of a specialised printed material shall be submitted to the Director using the form developed for this purpose. The Minister, based upon the recommendation of the Director, must issue forth his decision within a period that does not exceed thirty days from the date on which the application was presented. The decision on rejection shall be reasoned and subject to objection before the High Court of Justice.

Article 20

- A. The application for obtaining a licence for the establishment of a printing press, a publishing house, a distribution house, a studies and research house, a public opinion measurement house, a press office, a translation house or an advertising and publicity house shall be submitted to the Director using the form developed for this purpose. The Minister, based upon the recommendation of the Director, must issue forth his decision within a period that does not exceed thirty days from the date on which the application was presented. The decision on rejection shall be reasoned and subject to objection before the High Court of Justice.
- B. The data and procedures relating to the submission of the application to obtain the licence prescribed under Paragraph A above, including the introducing of a change or amendment to the content of the licence as well as the procedures of the transfer thereof, shall be defined in accordance with a regulation to be issued forth in pursuance of this Law.
- C. Printing presses, publishing houses, bookshops and printed materials which have existed prior to the date on which this Law was published in the Official Gazette shall be deemed to be in rightful existence even if their status was not in harmony with provisions of this Law, provided that their owners submit to the Ministry of Information within a period of 60 days from the commencement of the enforcement of this Law an application for the confirmation of their status, together with the supportive documents and information.

Article 21

- A. To be granted the licence, the registered capital of the daily press printed material shall not be less than twenty five thousand Dinars.
- B. To be granted the licence, the registered capital of the non-daily press printed material shall not be less than ten thousand Dinars.

- C. The daily and non-daily press printed material, which any political party wishes to issue, shall be excluded from the minimum capital prescribed in Paragraphs A and B under this Article.

Article 22

The owner of the press printed material must publish in a clear manner and on a visible place thereon his name, the name of its responsible editor-in-chief, place and date of its issuance, fees of subscription thereto and name of the printing press, in which it is printed. He must also present a notice to the Director in regard of any change or amendment introduced to the content of the licence within thirty days from the occurrence of such change or amendment.

Article 23

With the exception of the press printed materials which are issued by political parties, the licence for issuing the printed material shall be deemed to be annulled, *ipso jure*, in any of the following cases:

- A. In case the press printed material is not issued within six months from the date on which the licence was granted.
- B. In case the press printed material described below ceases to be issued without a lawful excuse to be admitted by the Minister:
 - 1. The daily printed material for a period of three consecutive months.
 - 2. The weekly printed material for twelve issues consecutively.
 - 3. The printed material which is issued in a regular manner over a period that is longer than a week for four consecutive issues.

Article 24

Subject to the conditions provided for under this Law, the licence to issue a press printed material shall be granted to the owner of the press printed material. He shall have the right to transfer it to

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another party in whole or in part, provided that the following conditions are observed:

- A. The transferor shall submit a notice to the Director on his desire to such transfer by thirty days prior to the date allocated for its occurrence.
- B. The transferee shall fulfil the conditions prescribed under this Law, which allow him to own the printed material or own any part thereof.
- C. The transferee shall submit an application to the Director by 30 days prior to the date designated for the occurrence of the transfer, in which he explains his desire thereto.
- D. The transfer shall take place at the Ministry in accordance with the procedures, which the Minister determines through directives he issues forth for this purpose.

Article 25

In the event the press printed material publishes an incorrect item of news or an article that includes incorrect information, the person to whom the item of news or article relates shall have the right to respond to the news or article or demand that it be rectified. The responsible editor-in-chief must publish the response or rectification, free of charge, in the issue that ensues the date on which the response is received in the selfsame place and letters in and with which the item of news or article was published in the press printed material.

Article 26

In the event the press printed material publishes an incorrect piece of news or article, which includes incorrect information pertaining to the public interest, the responsible editor-in-chief must publish, free of charge, the written response or correction which is dispatched to him from the concerned entity in the issue that ensues the date on which the response or correction is received and in the selfsame place and letters in and with which the item of news or article appeared in the press printed material.

Article 27

The provisions of Articles 25 and 26 under this Law shall be applicable to any press printed material issued outside Palestine and distributed inside it.

Article 28

The editor-in-chief in charge of the press printed material shall be entitled to refuse to publish the response or correction which is dispatched to him in pursuance of the provisions of Articles 25 and 26 under this Law in any of the following cases:

- A. If the press printed material had corrected the item of news or article before the response or correction was dispatched to it in an accurate and sufficient manner.
- B. If the response or correction was signed by a pseudonym or written in a language other than that in which the piece of news or article, to which he responds, was written.
- C. If the content of the response or correction violates the Law or public order or in contravention of public morals.
- D. If the response is dispatched by at least two months following the publication of the piece of news or article, to which the response is made, unless a convincing excuse is provided.

Article 29

In case the entity in charge of any printed material issued outside Palestine and distributed inside it abstains from publishing the response or correction in accordance with the provisions of Article 27 above, the Minister shall be entitled, based upon the recommendation of the Director, to take the measure which he deems to be fit.

Article 30

To be recorded in each printed material shall be the name of its author and the printing press in which it was printed as well as the date of its printing.

Article 31

The name of a press printed material which had been issued and then ceased to be issued may not be used as a name of a new press printed material except after at least five years have elapsed from its cessation unless the persons concerned, or their heirs, relinquish such a name prior to the expiration of that period.

Article 32

The responsible editor-in-chief may not publish any article for any person under a pseudonym unless its author presents to him his real name.

Article 33

The owner of the printing press or its responsible director must abide by the following:

- A. Keep a register in which he records in a serial manner the titles of publications which he prints, along with the names of their authors and number of printed copies of each.
- B. Deposit at the Department of Printed Materials and Publications four copies of each non-periodical printed material, which is printed in his printing press, before it is distributed.

Article 34

Each person who wants to import a periodical printed material from abroad must notify the Ministry of Information by a minimum of two weeks in advance.

Article 35

The distribution house or each person who wants to import periodical printed materials, including magazines, newspapers and the like, must obtain a licence thereof for once from the Ministry of Information.

Article 36

Each person who wants to sell newspapers, books, magazines, pictures, drawings or other printed materials must obtain a license from the Ministry of Information.

It shall be given based upon a statement which he submits to it, including his name, surname, profession, age and place or residence. This statement shall be enclosed with copies of the identity documentation as well as two personal photographs.

Article 37

- A. The printed material shall be prohibited from publishing the following:
 - 1. Any confidential information about the Police and public security forces, or about their weapons, equipment, locations, movements or training activities.
 - 2. The articles and materials that contain contempt of religions and doctrines, the freedom of which is safeguarded by Law.
 - 3. The articles which may jeopardise the national unity, instigate the commission of crimes, or disseminate grudges, dissension and aversion, and arouse sectarianism amongst individuals of the society.
 - 4. Minutes of *in camera* sessions of the National Council and Council of Ministers of the Authority.
 - 5. The articles or items of news which are intended to undermine confidence in the national currency.
 - 6. The articles or items of news which may prejudice the dignity or personal freedoms of individuals or harm their reputation.
 - 7. The items of news, reports, letters, articles and pictures which are in contravention of public ethics and morals.
 - 8. The advertisements which promote medicines, pharmaceuticals, cigarettes and the like unless their publication had

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been permitted in advance by the Ministry of Health.

- B. Printed materials may not be entered from abroad in the event they contain anything, the publication of which is prohibited in accordance with the provisions of this Law.

Article 38

This provisions of this Law pertaining to the printed materials, the importing of which is prohibited, shall not be applicable to those imported by government institutions, universities and scientific research centres, provided that the approval of the Minister as to import them is taken in advance.

Article 39

Publication of the records of courts in any case lodged before them shall be prohibited before the definitive ruling is entered thereon as well as in each case that pertains to a citizen who is under 16 years of age unless the court allows that it be published.

Article 40

In the event any printed material publishes press investigations or news relating to any individual or entity in consideration of a wage, the printed material must indicate therein in a clear and explicit manner that it is an advertising material.

Article 41

The owner of the printing press and its responsible director shall be prohibited from printing any printed material, the printing, publication, distribution, circulation or selling was banned or printing a print a printed material, the issuance of which is not licensed or the publication of which inhibited.

Article 42

- A. The competent court shall hear all the contraventions committed in violation of the provisions of this Law. The Attorney General shall investigate them in pursuance of the powers and procedures provided for under the penal laws in force.
- B. The public right action in offences of the periodical printed materials, which are prescribed under this Law, shall be lodged against the responsible editor-in-chief of the printed material as well as against the author of the article in their capacity as original actors. The owner of the press printed material shall be liable jointly with them for the personal rights arising from such offences and for expenses of the trial. He shall not be subject to any penal liability unless his participation or actual intervention in the offence has been established.
- C. The public right action in offences of the non-periodical printed materials, which are provided for under this Law, shall be filed against their author in his capacity as an original actor as well as against their publisher as an accomplice with him. In the event the author of the printed material or publisher is not identified, the owner of the printing press shall be prosecuted.
- D. Owners of printing presses, bookshops and publishing and distribution houses shall be liable jointly for the personal rights and expenses of the trial, a ruling on which is issued against their employees in the cases of printed materials, to which the provisions of this Law are applicable.

Article 43

- A. The Court which enters the ruling may order the convict to publish the ruling, which acquires the definitive status, in whole free of charge or publish an excerpt thereof in the first issue of the periodical printed material, which will be issued after serving of the ruling, in the same place of the printed material, in which the article, the subject of the complaint, was published and with the selfsame letters.

The court shall be entitled, in case it deems necessary, to judge that the ruling or an excerpt thereof be published in other two newspapers at the expense of the convict.

- B. In the event the convict violates the provisions of Paragraph A above, he shall be punished with either or both imprisonment for a period of not less than one month or a fine that is not less than (500) five hundreds Dinars and not more than (1500) one thousand and five hundred Dinars along with the publication of the ruling, which he abstained from publishing, at his own expense.

Article 44

In the event the responsible editor-in-chief of the press printed material violates the provisions of any of the Articles 25 and 26 under this Law, he shall be penalised with either or both imprisonment for a period that is not than one month or with a fine of not less than (500) five hundred Dinars and not more than (1500) one thousand and five hundred Dinar based upon a complaint from the aggrieved party.

Article 45

- A. Each person who contravenes the provisions of Article 9 under this Law shall be penalised with confinement for a period that is not less than four months and not more than six months or with a fine of not less than (4000) four thousand Dinars and not more than (6000) six thousand Dinars.
- B. The Court shall rule for the redemption of any amount paid to the convicts or to others for the benefit of the Treasury.

Article 46

Each person who contravenes the provisions of Article 41 under this Law shall be penalised with a fine of not less than (500) five hundred Dinars and not more than (2000) two thousand Dinars. In case the owner of the printing press is a juridical person, it shall be penalised with either or both a fine of not less than (2000) two thousand Dinars

and not more than (5000) five thousand Dinars or with confinement for two months.

Article 47

In addition to any other prescribed penalty, and in the case of any person who impinges upon the provisions of Article 37 under this Law, the competent authority shall upon an administrative decision seize and confiscated all copies of the printed material published on that day. The Court shall be entitled to order that the issuance of printed material be disrupted on a temporary basis for a period that does not exceed three months.

Article 48

In cases where a provision for a penalty is not prescribed, each person who commits any other violation of the provisions of this Law shall be penalised with either or both a fine not exceeding (1000) one thousand Dinars or confinement for one month.

Article 49

The Minister of Information may promulgate the regulations and decisions which are expedient for the enforcement of the provisions of this Law.

Article 50

To be repealed shall be the Law on Printed Materials No. 3 of 1933, which is in force in the Gaza Strip, the Law on Printed Materials and Publication No. 16 of 1967, which is in force in the West Bank, and any provision that contradicts the provisions of this Law.

Article 51

All competent authorities, each within the sphere of its jurisdiction, must enforce this Law, which shall enter into force thirty days from the date of its publication in the Official Gazette.

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Promulgated in the city of Gaza on June 25th, 1995
Anno Domini.

Yasser Arafat

**The Chairman of the Executive Committee of
the Palestine Liberation Organisation**

**The President of the Palestinian National
Authority**

Draft Law of 2010 Concerning the Press, Printed Materials, Publication and Broadcast⁹

Chapter I

Name and definitions

Article 1

This Law shall be entitled the *Law Concerning the Press, Printed Materials, Publication and Broadcast*. Once approved, Law No. 9 of 1995 Concerning Printed Materials and Publication shall be repealed.

Article 2

The following words and expressions wherever they are mentioned in this Law shall have the meanings designated thereto hereunder unless the context determines otherwise:

The Ministry:

The Ministry of Information.

The Minister:

The Minister of Information.

The Director:

The Director General of Printed Material and Publication.

The party:

The legally recognised party which holds a licence from the Palestinian Authority.

The person:

The natural or juridical person.

The media:

A human field of activity that is based upon the circulation of written or audio or visual information, still pictures, or film motion pictures, including writing, editing, correspondence, photography, sound recording and satellite broadcasting, with the aim of transmitting information and impressions to the public.

Media means:

The institutions which secure the process of producing information and news, or reproducing or organising them, in a written, visual or audio format, in a periodical or non-periodical manner, whereby these are distributed, sold or broadcast to the public by means of transmission or publication, in the form of either or both a film material, which is visual, audible, printed, copied or compacted. This shall be applicable to the newspaper, magazine, television, computer and radio.

The press:

The profession of the persons who work on the assessment of news, thoughts and information as well as the actors therein by means of establishment, publication, editing, correspondence, photography or drawing in the existent or new media means at the local and international news agencies.

The journalist:

Each person who works in the media field in general, and in journalism in particular as is prescribed under the provisions of this Law, including the collection, editing or dissemination of the news, information, still and film motion pictures, and who takes this work as a profession and primary source of income.

⁹ This Draft Law was discussed in Summer 2010 by representatives of the media sector, academic and research centres with a view to submitting it to the President's Office for adoption as a Decree Law in replacement of the 1995 *Law No. 9 Concerning Printed Materials and Publications*.

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The printed material:

Each means of publication, in which words or shapes are recorded in letters, pictures or drawings or by pressure or engraving.

The periodical printed material:

The specialised press printed material of all types, which is issued over regular periods, including:

- A. The press printed material, which includes the following:
 1. The daily printed material: The printed material that is issued daily on a continuous basis under a defined name and serial numbers and which is designed for distribution to the public either free of charge or with a price.
 2. Non-daily printed material: The printed material that is issued in a regular manner once a week or over shorter or longer periods and designed for distribution to the public either free of charge or with a price.
- B. The specialised printed material: The printed material which specialises in one or more theme(s) in specified fields, and which is designed for distribution to the concerned persons or to the public in accordance with the provisions of its respective issuance licence.
- C. Bulletin of the news agency: The printed material which is designed to provide press institutions with news, articles, pictures and drawings, regardless of whether it is issued every day, week, month, season, et cetera.

The printing press:

The devices of the production of printed materials of various types and forms. This definition shall not include photocopying machines, typewriters, copiers, and cameras.

The bookshop:

The commercial premise which is licensed to sell books, stationery, newspapers, magazines and other printed materials.

The publishing house:

The institution which is responsible for the preparation, production and sale of printed materials.

The distribution house:

The institution which is responsible for the distribution or sale of printed materials.

The press office:

The office which is responsible for the collection of information, news and press reports from their various sources with different means as well as the distribution of them to the media means.

The advertising and publicity office:

The office which is responsible for activities of commercial advertising and publicity, production of relevant materials, publishing or broadcasting them by means of media outlets.

Studies and research house:

The institution which is responsible for conducting studies and research and for delivering consultations in social, cultural, economic, humanitarian and other areas.

Public opinion measurement house:

The institution which is responsible for conducting field research for the purpose of surveying public opinion trends about a particular subject by means of questionnaires or lawful means of survey.

Translation house:

The institution which is engaged in the activities of translation from one language to another, including simultaneous interpreting.

Radio transmission:

Transmission by means of electromagnetic waves or by any other means, which enables the public to receive it by means of various receiving machines.

Television broadcast:

The broadcast of pictures on the air, whether they were motion or still pictures, in or without company of a sound, by means of electromagnetic waves or any other means that enables the public to receive it.

Radio or television broadcast device:

All types of movable or immovable broadcast devices, or the devices of relay, transposers or amplifiers, as well as the networks on the ground or in the space, which allow tracking radio or television broadcast immediately.

The audiovisual broadcast institution:

Each institution that functions as a station of televised or radio audio transmission and is concerned with the collection, circulation, editing and dissemination of news, information and artistic programmes of culture or entertainment or both, in sound or in picture or in both, by means of a spectrum broadcast "transmission" in a periodical or non-periodical manner, including dissemination through the Internet.

The audiovisual production house:

The institution which is concerned with the development and production of audiovisual or audio-visual materials with the aim of distribution, presentation, broadcast, or so forth.

Computer information:

The news, reportage and informational journal which combines the media, including visual, audio, journalistic, *et cetera*.

The Court:

The High Court of Justice.

Chapter II

General Provisions

Article 3

The media means of all types shall be free and the freedom of expression shall be safeguarded for each Palestinian. Each Palestinian shall have the right to express his opinion freely in speech, writing, photography and drawing in the means of expression and media.

Article 4

- A. The media and press shall be a popular, independent fourth authority, which promote the principle of the freedom of opinion, thoughts, expression and exchange of information in order to create contact with civilised and human cultures.
- B. The media means shall exercise their mission freely in the presentation of news, information and comments, and shall contribute to disseminating thoughts, culture and sciences within the framework of preserving public freedoms, rights and duties as well as respect of the freedom and sanctity of the private lives of others in a manner that does not contradict the freedom of access to information.

Article 5

Freedom of the media shall include the following:

- A. Inform the citizen of facts, thoughts, trends and information on the local, Arab, Islamic and international levels.
- B. Allow room to the citizens to disseminate their opinions.
- C. Search for information, news and statistics which are of interest to the citizens from their various sources, as well as analyse, circulate, publish and comment on them.
- D. The right of the media means, news agency, editor and journalist to keep the sources of information or news, which are obtained, secret unless the Court decides otherwise during the hearing of penal actions for the protection of the State security, realisation of justice or prevention of crime.
- E. The right of citizens, political parties, cultural and social institutions and unions to express opinion, thoughts and achievements in their various fields of activity by means of various media means.

Article 6

Any person or entity, including political parties, institutions and civil society organisations,

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shall have the right to own media means or an audiovisual broadcast institution, as well as to broadcast materials that conform to the nature of its work and produce and publish a press printed material.

Article 7

- A. The journalist shall have the right to search with complete freedom for information, facts, documents, news and statistics from their various sources, as well as to analyse, disseminate, broadcast or comment on them.
- B. The journalist shall have the right to attend public meetings, gatherings, court sessions, sessions of the Legislative Council and local councils as well as each meeting pertinent to the public life, with or without an invitation, unless the sessions or meetings were held *in camera* upon a judicial decision only.
- C. All official bodies and civil society institutions shall pledge to give journalists and researchers all the information required, without hesitation, obstruction or withholding of the public right to view their programmes, projects and progress of work. Such shall take place within a maximum of one week following submission of a written request.
- D. The journalist or researcher shall have the right to address the Judiciary in the event the entity abstains from providing information required to him following the elapse of the period of time prescribed under Paragraph C above.

Article 8

- A. The media means must refrain from publishing anything that contradicts the principles of freedom, national responsibility, human rights and respect of the truth. They must deem that the freedom of thoughts, opinion, expression and access to information to be a right of citizens as much as it is a right of their own.
- B. The media means which address children or adolescents must not contain any pictures or stories or news that violate Palestinian morals, values and traditions.

Article 9

The journalist and each person who works in the press and media must fully adhere to the ethics and morals of the profession as they are identified by the union institutions of media representatives, including the following:

- A. Respect constitutional rights and freedoms of individuals and not prejudice their private lives.
- B. Transmit information in a trustworthy and accurate manner and make every possible effort to ensure that the informational and analytical content enjoys a maximum level of documented accuracy.
- C. Independence and impartiality.
- D. Assess the significance of the news content on the basis of professional considerations, not as a consequence of any external influences.
- E. Obtain and present information without cajole or intimidation by any entity whatsoever and ensure that not an entity manipulates the content, regardless of its influence.
- F. Objectivity and non-exaggeration in the coverage of events or in the addressing of any component of the society or its public personalities.
- G. Integrity in the work, relation of the truth as it is in a trustworthy manner and avoidance of any conflict of interest. The journalist shall be answerable to the public for this.
- H. Deal in an honourable manner and with elevated morals with the information sources, public and colleagues.
- I. Abide by honest investigation, obtain accurate information and make effort for the sake of materialising these prior to the dissemination of information, as well as refrain as much as possible from accusing any person whosoever without support or proof.
- J. The journalist shall act speedily to correct each error he detects after he publishes information as soon as he views the correct information, as well as give the right to response to each person addressed by

the journalist in the information which he presented.

- K. Refrain from exploiting information about the private life of any person whatsoever for the purpose of defaming or distorting the reputation of the concerned person.

Article 10

The journalist and each person who works in the media shall be prohibited from the following:

- A. Engaging in a working relationship with any foreign body unless such was in accordance with the Regulation on the Correspondents of Foreign Media Outlets, which is issued forth in pursuance of this Law
- B. Publishing news about secret information or meetings or which are withheld from the press and which have been declared as such in a fully clear manner in advance in pursuance of a judicial decision.
- C. Publishing the records of courts in any case lodged before them shall be prohibited before the definitive ruling is entered thereon and in each case that pertains to a citizen who is under 16 years of age unless the court allows that it be published.
- D. Carrying out any activity that may undermine his integrity and defending his independence vis-a-vis other journalists and any other body that attempt to influence or oversee the content of information.
- E. Being biased towards racist or sectarian calls, or those which prejudice religions or those which call for intimidation and discrimination.
- F. Disseminating expressions of defamation, libel or slander against any personality, whether it was a natural or juridical personality.
- G. Working in the procurement of advertisements or obtaining a special honorarium for publishing them, and publishing any advertisement that bears any material of incitement or contradicts the values and general principles of the society

or the mission of the media and the press in general.

- H. Publishing any advertising material that harm public health.

Article 11

- A. Official and civil society institutions and bodies must facilitate the mission of media representatives, journalists and researchers in order to inform the public about their programmes, projects and progress of their work as well as to ensure successful operation of the media means in accordance with the provisions of this Law.
- B. The journalist shall have the right search with complete freedom for information, facts, documents, news and statistics which are of interest to the citizens from their various sources, as well as to analyse, disseminate, broadcast or comment on them.
- C. Any entity from outside the media institution shall be prohibited from exercising direct or indirect oversight or any activity, the aim of which is to control or interfere with the type and form of the media coverage in a legal manner. The production of media means shall be subject to the provisions of this Law only.

Chapter III

General Principles of Licensing

Article 12

The owner of the media means shall be required to meet the following:

- A. To be of a Palestinian nationality and residing in Palestine.
- B. The Palestinian who is not residing in Palestine must obtain the approval of the Ministry of Interior in the event the owner of the media means was a Palestinian, but is residing in Palestine.
- C. In the event the owner of the media means is not Palestinian, he must secure a partnership

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with a Palestinian residing in Palestine with a percentage of not less than 51% of the property of the newspaper or printed material, thereby serving the development and enhancement of the Palestinian society.

- D. Not to have been convicted with a crime or misdemeanour of honour or moral turpitude.

Article 13

The licence for establishment or issuance of a media means shall be granted to the following entities:

- A. The journalist defined in this Law and who fulfils the conditions prescribed thereunder.
- B. The press company which was established and registered for the purposes of issuing press printed materials.
- C. The political party or civil society organisation.
- D. A Palestinian news agency.
- E. A foreign news agency on condition of reciprocal treatment, provided that the responsible chief editor of the bulletin is a Palestinian journalist.

Article 14

The application for obtaining the licence of the issuance or establishment of a media institution must contain the following:

- A. The name of the applicant for the licence, his place of residence and address.
- B. The name of the media means, place of its issuance or its main office.
- C. Dates of its issuance and production.
- D. Its specialisation.
- E. The language or languages in which it will be issued.
- F. The name of the responsible editor-in-chief, his age, place of residence, address, academic certificate and practical experience.

- G. The capital of the media means.
- H. Signature on a bank pledge to guarantee the salaries and expenditures for workers to a period of at least half a year, with the exception of the literary and artistic periodicals which are issued by cultural, literary and artistic unions and associations.

Article 15

The application for obtaining a licence for the issuance of a media product shall be submitted to the Director using the form developed for this purpose. The Minister, based upon the recommendation of the Director, must issue forth his decision within a period that does not exceed thirty days from the date on which the application was presented. The decision on rejection shall be reasoned and subject to objection before the High Court of Justice.

Article 16

- A. The application for obtaining a licence for the establishment of a printed material, printing press, a publishing house, a distribution house, a studies and research house, a public opinion measurement house, a press office, a translation house or an advertising and publicity house shall be submitted to the Director using the form developed for this purpose. The Minister, based upon the recommendation of the Director, must issue forth his decision within a period that does not exceed thirty days from the date on which the application was presented. The decision on rejection shall be reasoned and subject to objection before the High Court of Justice.
- B. The data and procedures relating to the submission of the application to obtain the licence prescribed under Paragraph A above, including the introducing of a change or amendment to the content of the licence as well as the procedures of the transfer thereof, shall be defined in accordance with a regulation to be issued forth in pursuance of this Law.
- C. Printing presses, publishing houses, bookshops and printed materials which

have existed prior to the date on which this Law was published in the Official Gazette shall be deemed to be in rightful existence even if their status was not in harmony with provisions of this Law, provided that their owners submit to the Ministry of Information within a period of 60 days from the commencement of the enforcement of this Law an application for the confirmation of their status, together with the supportive documents and information.

Article 17

- A. To be granted the licence, the registered capital of the daily media means shall not be less than twenty five thousand Dinars.
- B. To be granted the licence, the registered capital of the non-daily media means shall not be less than ten thousand Dinars.
- C. The daily and non-daily media means, which any political party wishes to issue, shall be excluded from the minimum capital prescribed in Paragraphs A and B under this Article.

Article 18

- A. The media means must depend in its resources on lawful, declared and defined sources. It shall be prohibited from receiving any financial support or directives from any foreign state.
- B. Each media means that wants to receive support from external nongovernmental bodies must submit an application to the Ministry of Information and receive approval of such support before it obtains it.

Article 19

The owner of the media means must publish – in a clear manner – and on a visible place thereon his name, name of its responsible editor-in-chief, date of its publication, fees of subscription thereto, and name of the printing press in which it is printed. He must also present a notice to the Director in regard of any change or amendment introduced to the content of the licence within

thirty days from the occurrence of the change or amendment.

Article 20

With the exception of the press printed materials which are issued by political parties, the licence for issuing the printed material shall be deemed to be annulled, *ipso jure*, in any of the following cases:

- A. In case the press printed material is not issued within six months from the date on which the licence was granted.
- B. In case the press printed material described below ceases to be issued without a lawful excuse to be admitted by the Minister:
 - 1. The daily printed material for a period of three consecutive months.
 - 2. The weekly printed material for twelve issues consecutively.
 - 3. The printed material which is issued in a regular manner over a period that is longer than a week for four consecutive issues.

Article 21

The owner of the media means shall have the right to transfer it to another party in whole or in part, provided that the following conditions are observed:

- A. The transferor shall submit a notice to the Director on his desire to such transfer by thirty days prior to the date allocated for its occurrence.
- B. The transferee shall fulfil the conditions prescribed under this Law, which allow him to own the printed material or own any part thereof.
- C. The transferee shall submit an application to the Director by 30 days prior to the date designated for the occurrence of the transfer, in which he explains his desire thereto.
- D. The transfer shall take place at the Ministry in accordance with the procedures, which the Ministry determines for this purpose.

Chapter IV

Administration of the Media Means

Article 22

- A. Each media means must have a responsible editor-in-chief, who shall meet the following conditions:
1. To be a journalist.
 2. To master the language of the media means, of which he works as the responsible editor-in-chief, in reading and writing. If it is issued or broadcast in more than one language, he must master the primary language of the media means and be adequately familiar with the other languages.
 3. Not to be in charge of more than one periodical printed material or audio or visual broadcast means.
 4. Not to exercise any other function in the media means, of which he functions as the editor-in-chief, or in another.
 5. Not to have been convicted with a crime or misdemeanour of honour or moral turpitude.
 6. To be effectively resident in Palestine unless the need requires otherwise.
 7. Not to be from among persons who enjoy judicial immunity in accordance with the Law.
- B. With the exception of the provisions of Clauses 2, 5 and 6, the provisions of the clauses of the previous Paragraph shall not be applicable to the editor-in-chief of the media means that belongs to a political party.

Article 23

The editor-in-chief shall be responsible for what is published or broadcast in the media means, of which he is the chief editor. The owner of the media means and author of the press material, which was published in it, as well as the producer of radio and television reports shall also be responsible for its content.

Article 24

- A. The media means shall have an editor-in-chief to be responsible for what is published or broadcast therein. He shall be required to fulfil the following conditions:
1. To be Palestinian.
 2. Not to have been convicted with a crime or misdemeanour of honour or moral turpitude.
 3. To hold an academic qualification in relation to the subject matter in which the printed material or broadcast means specialises, and to have expertise in such a subject matter, which qualifies him to work in the media means, with the exception of the media means which belong to a political party.
- B. A person who is not a journalist shall have the right to be an editor-in-chief in charge of a specialised printed material or broadcast means, the subjects of which fall within the area of his specialisation.

Article 25

Each publication house, studies and research house, public opinion measurement house, press office, translation house, advertising and publicity house, printing press, distribution house, bookshop and audio and visual broadcast means must have a responsible director, who shall meet the following conditions:

- A. To be Palestinian.
- B. Not to have been convicted with a crime or misdemeanour of honour or moral turpitude.
- C. To hold the Certificate of General Secondary Education and have proper experience in the field in which he works, and which he gained after he had obtained such academic qualification in the event he was to be appointed a responsible director of a publication or distribution house, printing press, bookshop, translation house or advertising and publicity office.
- D. To hold at least the first university degree and have proper experience in the field in which

he works, and which he gained after he had obtained such academic qualification in the event he was to be appointed a responsible director of a studies and research house, public opinion measurement house, press office or audio and visual broadcast means.

Article 26

One person may not be a responsible director of more than one institution of those provided under Article 16 of this Law.

Chapter V

The Relationship between the Media, Journalists and the Society

Article 27

- A. The relationship between workers at the media institution shall be subject to an employment contract to include: the duration and type of the press work, place of work, salary and its accessories and complementary privileges in a manner that does not contradict the basic rules of the Law on the Individual Employment Contract or Collective Employment Contract in the event it is in place.
- B. The following guarantees shall be confirmed in the employment contract concluded between the two parties: health insurance, press security, and retirement.
- C. The provisions of the Labour Law shall be enforced in regard of the relationship between employees at the media means and its owners.

Article 28

In the event the media means publishes an incorrect item of news or article that includes incorrect information, the person concerned with the item of news or article shall have the right to respond to the item of news or article or demand that it be rectified. The responsible editor-in-chief must publish the response or rectification, free of charge, in the issue that ensues the date on which the response or correction is received and

in the selfsame place and letters in and with which the item of news or article appeared in the press printed material.

Article 29

In the event the media means publishes an incorrect piece of news or media material, which includes incorrect information pertaining to the public interests, the responsible editor-in-chief must publish, free of charge, the written response or correction which is dispatched to him from the concerned entity in the issue that ensues the date on which the response or correction is received and in the selfsame place and letters in and with which the item of news or article appeared in the press printed material.

Article 30

The provisions of Articles 28 and 29 under this Law shall be applicable to any "printed materials" published outside Palestine and distributed inside it.

Article 31

The editor-in-chief in charge of the media means shall be entitled to refuse to publish the response or correction which is dispatched to him in pursuance of the provisions of Articles 28 and 29 under this Law in any of the following cases:

- A. If the media means had corrected the item of news or "media material" before the response or correction was dispatched to it in an accurate and sufficient manner.
- B. If the response or correction was signed by a pseudonym or written in a language other than that in which the piece of news or article, to which he responds, was written.
- C. If the content of the response or correction violates the Law or public order or in contravention of public morals.
- D. If the response is dispatched by at least two months following the publication of the piece of news or article, to which the response is made, unless a convincing excuse is provided.

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Article 32

To be recorded in each printed material shall be the name of its author and the printing press in which it is printed and the date of its printing.

Article 33

The name of a press printed material which had been issued then ceased to be issued may not be used as a name of a new press printed material except after at least five years have elapsed from its cessation unless the persons concerned, or their heirs, relinquish such name prior to the expiration of that period.

Article 34

The responsible editor-in-chief may not publish any article for any persons under a pseudonym unless its author presents to him his real name.

Chapter VI

Provisions on Printing Presses and Distribution Houses

Article 35

The owner of the printing press or its responsible director must abide by the following:

- A. Keep a register in which he records in a serial manner the titles of publications which he prints, along with the names of their authors and number of printed copies of each.
- B. Deposit at the Department of Printed Materials and Publications four copies of each non-periodical printed material, which is printed in his printing press, before it is distributed.

Article 36

Each person who wants to import a periodical printed material from abroad must notify the Ministry of Information by a minimum of two weeks in advance.

Article 37

The distribution house or each person who wants to import periodical printed materials from magazines, newspapers and the like must obtain a licence thereof for once from the Ministry of Information.

Article 38

Each person who wants to sell newspapers, books, magazines, pictures, drawings or other printed materials must obtain a licence from the Ministry of Information. It shall be given based upon a statement which he submits to it, including his name, surname, profession, age and place or residence. This statement shall be enclosed with copies of the identity documentation as well as two personal photographs.

Chapter VII

Prohibitions

Article 39

The media means shall be prohibited from publishing the following:

- A. The articles or programmes that contain contempt of religions and doctrines.
- B. The articles or programmes which may instigate the commission of crimes, or disseminate grudges, dissention, aversion and arousal of sectarianism amongst individuals of the society.
- C. Minutes of secret sessions of the National Council and Council of Ministers of the Authority.
- D. The articles or items of news which are intended to undermine confidence in the national currency.
- E. The articles or items of news which may prejudice the dignity or personal freedoms of individuals or harm their reputation.
- F. The items of news, reports, letters, articles and pictures which are in contravention of public ethics and morals.

- G. The advertisements which promote medicines, pharmaceuticals, cigarettes and the like unless their publication had been permitted in advance by the Ministry of Health.
- H. Printed materials may not be entered from abroad in the event they contain anything, the publication of which is prohibited in accordance with the provisions of this Law.

Article 40

This provisions of this Law pertaining to the printed materials, the importing of which is prohibited, shall not be applicable to those imported by government institutions, universities and scientific research centres.

Article 41

Publication of the records of courts in any case lodged before them shall be prohibited before the definitive ruling is entered thereon and in each case that pertains to a citizen who is under 16 years of age unless the court allows that it be published.

Article 42

In the event any printed material or broadcast means publishes press reportages or news belonging to any individual or entity in consideration of a pay, the printed material must indicate therein in a clear and explicit manner that it is an advertising material.

Article 43

The owner of the printing press and its responsible director shall be prohibited from printing any printed material, the printing, publication, distribution, circulation or selling was banned or printed a print a printed material, the issuance of which is not licensed or the publication of which inhibited.

Article 44

Any entity from outside the media institution shall be prohibited from exercising direct or indirect oversight or any activity, the aim of which is to control or interfere with the type and form of the media coverage in a legal manner. The printed materials and media means shall be subject to the provisions of this Law and judicial decisions only.

Chapter VIII

Violations and Penalties

Article 45

- A. The High Court of Justice shall hear all contraventions which are committed in violation of the provisions of this Law. The Attorney General shall investigate them in pursuance of the powers and procedures provided under the penal laws in force.
- B. The public right action in offences of the periodical printed materials and broadcast, which are prescribed under this Law, shall be lodged against the responsible editor-in-chief of the media means as well as against the author of the media material in their capacity as original actors. The owner of the media means shall be liable jointly with them for the personal rights arising from such offences and for expenses of the trial. He shall not be subject to any penal liability unless his participation or actual intervention in the offence has been established.
- C. The public right action in offences of the non-periodical printed materials, which are prescribed under this Law, shall be filed against their author in his capacity as an original actor as well as against their publisher as an accomplice with him. In the event the author of the printed material or publisher is not identified, the owner of the printing press shall be prosecuted. The selfsame matter shall be applicable to the audio and visual broadcast means.
- D. Owners of printing presses, bookshops, publishing and distribution houses and radio and television broadcast means shall be liable

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jointly for the personal rights and expenses of the trial, in which their employees are litigated in the cases of printed materials, to which the provisions of this Law are applicable.

Article 46

- A. The Court which enters the ruling may order the convict to publish the ruling, which acquires the definitive status, in whole free of charge or publish an excerpt thereof in the first issue of the periodical printed material, which will be issued after serving of the ruling, in the same place of the printed material, in which the article, the subject of the complaint, was published and with the selfsame letters. The court shall be entitled, in case it deems necessary, to judge that the ruling or an excerpt thereof be published in other two newspapers at the expense of the convict or in the radio or television broadcast means in the selfsame programmes and in the first show thereof following the service of the ruling.
- B. In the event the convict violates the provisions of Paragraph A above, he shall be punished with a fine that is not less than five hundreds Dinars and not more than one thousand and five hundred Dinars along with the publication of the ruling, which he abstained from publishing, at his own expense.

Article 47

In the event the responsible editor-in-chief of the media means violates the provisions of any of the Articles 28 and 29 under this Law, he shall be penalised with a fine of not less than one thousand and five hundred Dinars and not more than three thousand and Dinars based upon a complaint from the aggrieved party.

Article 48

- A. Each person who contravenes the provisions of Article 18 under this Law shall be penalised with a fine of not less than four thousand Dinars and not more than six thousand Dinars.

- B. The Court shall rule for the redemption of any amount paid to the convicts or to others for the benefit of the Treasury.

Article 49

Each person who contravenes the provisions of Article 44 under this Law shall be penalised with a fine of not less than five hundred Dinars and not more than two thousand Dinars. In case the owner of the printing press is a juridical person, it shall be penalised with a fine of not less than two thousand Dinars and not more than five thousand Dinars.

Article 50

In addition to any other prescribed penalty, and in the case of any person who impinges upon the provisions of Article 40 under this Law, the competent authority shall upon an administrative decision seize and confiscated all copies of the printed material published on that day.

Article 51

In cases where a provision for a penalty is not prescribed, each person who commits any other violation of the provisions of this Law shall be penalised with a fine not exceeding one thousand Dinars.

Article 52

All competent authorities, each within the sphere of its jurisdiction, must enforce this Law, which shall enter into force thirty days from the date of its publication in the Official Gazette.

Part III: Legislation and Draft Legislation Concerning the Establishment and Functioning of Palestinian Media Regulatory Bodies

Law No. 17 of 1952 Concerning the Union of Journalists¹⁰

Article 1

This Law shall be entitled the *Law of the Union of Journalists of 1952* and shall enter into force by one month after its publication in the Official Gazette.

Article 2

A union of journalists shall be constituted in the Hashemite Kingdom of Jordan. Its main office shall be in Amman and it shall have a branch office in Jerusalem. Only those registered on the Union's Register shall be members thereon.

Article 3

1. Work towards safeguarding the rights of journalists, improve their status and identify their duties.
2. Regulate the relationships between the press and the Government and the public.
3. Empower and consolidate ties between journalists.
4. Regulate amiable relations between the Union of Journalists in the Kingdom and Unions of Journalists in the Arab and foreign countries.
5. Regulate the method of joining the press profession and set for the correct rules for the exercise of the press profession.
6. Penalise those who deviate from the principles of the profession, Bylaw of the Union and customs observed thereat.

7. Freedom of the press shall be sacred and the duty of the Union shall be to defend it.
8. The Union shall not obstruct the freedom of any of its members in his political opinions.

Article 4

The Union shall be prohibited from exercising any function that deviates from the purposes of the Union, which are set forth under the previous Article.

Article 5

The Union shall be deemed to be a Jordanian juridical person. Its two bodies which commence its activity shall be the General Assembly and Board of the Union.

Article 6

The General Assembly: The General Assembly shall consist of all the journalists, whose names are registered on the Register of the Union.

Article 7

The General Assembly of the Union shall convene within thirty days from the date on which this Law enters into force. Thenceforth, it shall convene in a regular manner during the month of December of each year. It shall convene in an irregular manner based upon a request submitted by one third of the journalists who are registered on the Union's Register or based

¹⁰ This Law was enforced by the Jordanian authorities and still applies today in absence of a law adopted by the PNA.

upon a decision to be made by the Board of the Union with a majority vote of two thirds.

Article 8

The President of the Union or his Deputy shall call for the meetings of the General Assembly through personal letters as well as through an announcement to be published in local newspapers. In regard of the first meetings mentioned under the previous Article, it shall be called by a preparatory committee, which consists of three journalists from the Capital. All invited journalists shall take part in it even if they did not pay the annual subscription fee addressed under the next Article.

Article 9

Only the registered journalists who have satisfied the annual subscription fee by at least fifteen days prior to the convention of the General Assembly shall have the right to participate in the General Assembly.

Article 10

The General Assembly shall be chaired by the President of the Union. His Deputy, the secretary and then the eldest member shall represent him in the event he was absent or his attendance was excusable. The preparatory meeting, which is convened for the election of the first Union Board, shall be chaired by the eldest member of the Preparatory Committee.

Article 11

The General Assembly shall convene in case quorum with the attendance of the majority of registered members. In the event the quorum is incomplete, the meeting shall be postponed for a period of fifteen days. All members shall be informed of the date of the next session by means of an announcement to be published in the newspapers. In this last case, the meeting shall be deemed to be in case quorum regardless of the number of attendants and decisions shall

be made with a majority vote. The quorum of the preparatory meeting shall be in place with the attendance of at least twenty journalists from among those whom the Preparatory Committee invited to attend the meeting and to elect the first Board of the Union.

Article 12

The General Assembly shall have the following capacities:

1. Elect the Union Board.
2. Hear and discuss the report of the Union Board in relation to its administrative functions, as well as express opinion on the annual budget, which the Board presents thereto.
3. Review and endorse the accounts of the previous year.
4. Elaborate on the issues that concern the Union, which are presented thereto by the Board or which are listed on the agenda based upon a request submitted by at least ten members. Such a request shall be presented to the Board by at least fifteen days before the General Assembly convenes.
5. Set the Union's fees.
6. Agree to bylaws, which are developed by the Union Board.

Article 13

The Union Board: The Union Board shall consist of the President of the Union and ten members, whom the General Assembly elect by means of a secret ballot for a period of one year. The President of the Union shall be elected first, and then the ten members. Thereafter, the Board shall elect the rest of the Office staff from among its members. Of these members, five shall be from among owners of press institutions in the Kingdom or their official representatives and the other five from among editors-in-chief, editors and correspondents of news agencies, provided that they are not owners of press institutions or their official representatives.

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The Office staff shall comprise the President of the Union, his Deputy, the Secretary and his assistant, and the Treasurer and his assistant. The distribution of these functions shall be equal between owners of newspapers and editors.

Article 14

The phrase 'press institution' shall mean, wherever it is mentioned in this Law, the daily newspaper, weekly institution, weekly or monthly magazine or news agency that issue daily news bulletins in the Kingdom. Vocational and scholastic magazines shall be excluded therefrom.

Article 15

The President of the Union shall chair the General Assembly and sessions of the Union Board; develop the agenda of sessions; sign along with the Secretary on the minutes; supervise the implementation of decisions; sign on all correspondence and special papers; represent the Union before judicial and administrative bodies; and sign together with the Secretary or his assistant on the financial decisions.

Article 16

The President of the Union may not combine the Union of Journalists and the presidency of any other union or association.

Article 17

The Union Board shall convene at least once a month upon a call from the President of the Union or his Deputy. It shall also convene whenever necessary upon a call from the President of the Union or his Deputy or in the event one third of its members request the meeting in writing. The Board's procedures shall be correct in the event at least seven members attend it. When votes are equal, the vote of the President of the Union shall be given preponderance.

Article 18

In case the President of the Union is absent or his attendance is excusable, his Deputy, the security and then the eldest member shall substitute him in his jurisdictions.

Article 19

1. In case the position of the President of the Union becomes vacant by death or resignation or by any other cause, the Deputy of the President of the Union shall become to be the President in his place until the date of the next general election is due.
2. In case the position of a member on the Office Staff becomes vacant by death or resignation or by any other cause, the Board shall appoint another member in his place.
3. A member of the Union who fails to attend three consecutive sessions of the Board meetings without a reasonable cause that is admitted by the majority of the Board members shall be deemed to have resigned. He shall be substituted by [the member] who won the largest number of votes following the winners in the former election. This Article shall be applicable to all the cases, in which a member of the Union Board loses his membership.
4. The member, whom the Union Board decides to deem to be resigning because of his absence from attending the sessions, shall be notified of the Board's decision. He shall have the right to challenge it before the Appeals Committee referred to under Article 27 of this Law within the period allotted under Article 34 of the selfsame.

Article 20

Jurisdictions of the Union Board:

1. Represent the Union and defend its rights, interests and dignity.
2. Develop the Bylaw.
3. Set forth and record the rules pertaining to the exercise of the press profession as well as state the customs heeded in its affairs.

4. Implement decisions of the General Assembly.
5. Manage funds of the Union, supervise its accounts, and prepare the annual budget.
6. Register subscribing members and send a list of the names to the Ministry of Interior.

Article 21

In addition to its jurisdictions stated under the previous Article, the Union Board shall be responsible for settling disputes regarding the exercise of the press profession which arise between members of the Union. The Board shall appoint for this purpose a tripartite committee, two members on which shall represent the two parties to the dispute and the third shall be neutral. This committee shall be entrusted to investigate the facets of the dispute and submit a report thereon, which includes its recommendations. The Board shall be an arbitrator and commissioned of conciliation.

Article 22

No member of the Union shall be entitled to lodge a complaint against a colleague of his or to refer the matter to the judiciary in a complain that pertains to the profession except after reporting the matter to the Board in order to proceed with the arbitration and conciliation referred to under the previous Article.

Article 23

1. The Treasurer shall supervise the collection of subscriptions from members, deliverables of the Union, satisfaction of its debts and depositing of its funds in the bank, which the Board appoints. The funds shall be withdrawn in line with cheques to be signed by the Treasurer together with the President of the Union or his Deputy.
2. The Treasurer may not disburse any amount that exceeds five Dinars except upon a decision from the Union Board.

Article 24

The Union Board shall set forth a list of rules to regulate conditions of the exercise of the profession as well as any other rules that may secure the purposes addressed under Article 3 of this Law.

Article 25

The Conditions of Membership: The following conditions must be met by each person who desires to register his name on the Register of the Union:

1. To be Jordanian.
2. To be a non-Jordanian Arab who has exercised the press profession in the Jordanian Kingdom for a period of three years consecutively prior to the promulgation of this Law and is still exercising it upon its promulgation.
3. To be a non-Jordanian Arab who is registered at the Union of Journalists of his country on condition of mutual treatment.
4. To be an owner of a press institution, or a representative or director of a newspaper or news agency, or an editor-in-chief, editor, local reporter or correspondent in any press institution, for a period of not less than two years.
5. Not to be of less than 21 years of age.
6. Not to have been convicted of an offence of honour or moral turpitude that is punishable by confinement.

Article 26

The application for registration, enclosed with documents, shall be submitted to the Union Board. The Board shall be entitled to decide to register the name on the Register if it appears to it that the applicant fulfils the conditions to be met by the applicant for registration. In case the application is rejected, the decision on rejection shall be summoned to the applicant, who shall be entitled in this case to appeal the decision before the Appeals Committee mentioned under the

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next Article within fifteen days from the date of the summons. The Committee shall issue forth a reasoned decision, which shall be final.

Article 27

The Appeals Committee shall be composed of the Presiding Judge of the Court of Appeals in Amman as a Head; a judge at the Court of Appeals, who shall be appointed each year by the Minister of Justice; the Attorney General or his Assistant and a member, who shall be appointed each year by the Minister of Interior; and the President of the Union of Journalists or his Deputy and the person whom the Union Board delegates.

[The Committee] shall adjudicate the appeals filed against decisions of the Board on condition that the President of the Union and his Deputy had not taken part in the issuance of the challenged decision.

Article 28

Members of the Union alone shall have the right to bear the title 'Journalist' and to exercise the press profession in the Kingdom, with the exception of foreign correspondents who arrive at the country for temporary press activities.

Article 29

Members of the Union alone shall have the right to benefit from the privileges and grants conferred by the public authorities with the aim to facilitate the exercise of the profession, such as travel tickets, movement and facilities relating to the activities of the post, telegraph, telephone, and railways.

Article 30

The Disciplinary Authority: The Union Board shall be the body that is empowered to discipline and litigate journalists for their conduct when they violate duties of the profession or when the journalist behaves in a dishonourable manner that prejudices the honour of the profession with which he is affiliated or jeopardises its dignity.

Article 31

The disciplinary action shall be instituted in one of the following forms:

1. Based upon a request by the Ministry of Interior or Control of Publications.
2. Based upon a written complaint submitted by a journalist.
3. Based upon a written complaint submitted by a person.
4. Based upon a request by the President of the Union when a conduct that is inconsistent with the duties of the journalist is ascribed to a journalist.

Article 32

1. The journalist shall be called to appear before the Union Board in its capacity as a Disciplinary Council and shall be notified in writing of the acts ascribed to him prior to the date of the session by a period of not less than one week. He must attend the session in person and may seek assistance from a lawyer to defend him. A proxy shall not be admitted in the event the journalist, against whom a complaint is filed, is not present in the session. Sessions of the Disciplinary Council shall be held *in camera*.
2. Following the trial, the President of the Union shall summon the issued Board's decision, which shall entail either the acquittal of the complainee or [establishing] his behavioural responsibility. In this case, he shall be sentenced to one of the following disciplinary penalties:
 - A. Admonish the journalist to the order by a letter to be dispatched to him in the event the act ascribed to him does not prejudice morals of the profession.
 - B. Reproach before the Council.
 - C. Warning.
 - D. Suspension from work for a period that does not exceed one year.

E. Striking the name off the Union Register.

Article 33

In absentia disciplinary decisions shall be subject to objection within five days to commence from the second day following service [of the decision].

Article 34

Inter praesentes disciplinary decisions, which include the temporary suspension from work or striking off the name, may be appealed before the Appeals Committee prescribed under Article 27 for those to whom the decision of the Council relates within ten days that follow the summoning of the *inter praesentes* judgement or serving the *in absentia* judgement in the event it was not subject to an objection.

Article 35

Decisions of the Disciplinary Council may be appealed by the Controller of Publications in all cases even if a decision on discipline has not been issued forth or the penalty was an admonition or reproach within a period of ten days following the date on which the decision of the Council is served to him.

Article 36

Decisions of the Union Board, which it issues forth in its capacity as a Disciplinary Council, shall be executable after they acquire the definitive status. Decisions of the Appeals Committee shall be executable immediately after they are issued forth. Execution shall be vested in the Controller of Publications.

Article 37

The fees which are collected from journalists under this Law shall belong to the budget of the Union. The matter of their being fixed shall be vested in the General Assembly and their being

collected to the Union Board in the manner to be identified under the Bylaw, which will be drawn up following approval of this Law.

Article 38

The Union of Journalists shall develop from time to time and upon the approval of the Minister of Interior regulations to govern affairs of the Union as well as to secure the purpose of this Law.

Article 39

Membership on the Union shall be revoked from each member of the Union who loses a condition of those provided for under Article 25 above. Also to lose the right to membership shall be the member who refuses to pay the subscription in case three months elapse from admonishing him to pay by a decision from the majority of the Union Board.

Article 40

The member, against whom a decision on suspending him from work or striking him off from the Union Register is issued forth, shall lose all of the privileges and grants explicated under Article 29 above. However, the members, whose names the Board decides to strike off from the Register, may request from the Appeals Committee that they be registered once again thereon in pursuance of the provisions of Articles 34 and 35 above.

Article 41

In the event the Union Board contravenes that purposes for which the Union was established, the Minister of Interior may raise the matter to the Council of Ministers, who shall issue forth a decision on the dissolution of the Union Board and entrust the Appeals Committee to call the General Assembly to hold an election of a new Board within thirty days from the date on which the decision on dissolution was issued forth. Until the new Board is elected, the Appeals Committee shall preserve the funds of the Union

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and manage its functions on condition that a journalist member, whom the Minister of Interior appoints, joins it.

Article 42

To be repealed from the provisions of previous laws, whether they are Jordanian or Palestinian, shall all that contradict the provisions of this Law.

Article 43

The Prime Minister and Ministers of Interior and Justice shall be assigned to enforce the provisions of this Law.

December 29th, 1952

Abdul Rahman ar Rusheidat
Minister of Justice
Rawhi Abdul Hadi

Suleiman Abdul Razzaq Touqan
Minister of Interior
Sa'id al Mufti

Ibrahim Hashem
Prime Minister
Tawfiq Abul al Huda

Draft Law of 2010 on the Palestine News Agency (WAFA)¹¹

The Chairman of the Executive Committee of the Palestine Liberation Organisation;

The President of the Palestinian National Authority;

Having reviewed the Amended Basic Law of 2003 A.D. and its Amendments, particularly Article 43 thereunder;

The Law No. 9 of 1995 A.D. Concerning Printed Materials and Publication;

The Penal Law No. 16 of 1960;

The Law of Civil Service No. 4 of 1998;

The Law on the Regulation of the Public Budget No. 7 of 1998;

The Law on the Financial and Administrative Control Bureau No. 15 of 2004;

The Decision of the Chairman of the Executive Committee of the Palestine Liberation Organisation – the President of the Palestinian National Authority No. 29 of 2006;

The Decision on the Incorporation of the Agency of October 6th, 1972, issued forth by the Palestine Liberation Organisation;

Based upon the powers bestowed upon me by Law; and

For the purposes of the public interest,

Hereby promulgate the following Decree Law:

Chapter I

Definitions

Article 1

The following words and expressions wherever they are mentioned shall have the meanings designated thereto hereunder unless the context determines otherwise:

The President:

The Chairman of the Executive Committee of the Palestine Liberation Organisation – the President of the Palestinian National Authority.

The Authority:

The Palestinian National Authority.

The Organisation:

The Palestine Liberation Organisation.

The Committee:

The Executive Committee of the Palestine Liberation Organisation.

The Ministry:

The Ministry of Finance.

The Minister:

The Minister of Finance.

The Agency:

The Palestine News Agency, which shall be known as the WAFA Agency.

The Board:

The Board of Directors of the Agency, which is composed in accordance with the provisions of this Law.

¹¹ This Draft Law was discussed in Summer 2010 by representatives of the media sector, academic and research centres with a view to submitting it to the President's Office for adoption as a Decree Law.

The Board Chairman:

The Chairman of the Board of Directors of the Agency and its Director General.

Chapter II

General Provisions

Article 2

This Law shall be applicable to the Palestine News Agency (WAFA), to any branch thereof or the offices belonging thereto wherever they exist, and to all the employees thereat.

Article 3

This Law shall aim at:

1. Regulating the work of the Agency, thereby achieving its goals.
2. Developing the work of the Agency both quantitatively and qualitatively.
3. Enhancing the capacity of employees at the Agency as well as regulating their functions.
4. Regulating the mechanism of the passage of the press news in consistency with the effective laws on the protection of the intellectual property.
5. Protecting the Agency and its mission in congruence with the objectives, for which it has been established.

Article 4

1. In accordance with the provisions of this Law, an agency to be named the "Palestine News Agency" shall be incorporated. It shall be known as the WAFA Agency.
2. The Agency shall enjoy the juridical personality as well as financial and administrative independence. To this effect, it shall be entitled to possess movable and immovable properties and perform all legal dispositions that are expedient to materialise its objectives.

Article 5

1. The Agency shall report to the Chairman of the Executive Committee of the Palestine Liberation Organisation and shall be subject to his supervision and control.
2. The main office of the Agency shall be in Jerusalem. It may also establish a temporary office in any place, which it deems to be fit.
3. The Agency may open branches and offices inside and outside the territory of the Authority, whenever the occasion may require. It may also delegate temporary working teams whenever such is needed.

Article 6

1. The Agency may delegate one or more correspondent(s) to work in the areas, in which the inauguration of an office or branch of the Agency is not needed.
2. For the purposes of the enforcement of Paragraph 1 above, the period of the delegation of correspondent as well as his remunerations, leaves and any other entitlements shall be defined by a regulation.

Chapter III

Objectives and Powers of the Agency

Article 7

For the sake of reaching the goal for which it has been established, the Agency shall aim to accomplish the following:

1. Cover and follow up on various event, issues and activities and obtain them from their source on the national, Arab and international levels, especially in relation to the Palestinian affair.
2. Present a brilliant image of Palestine to the world.
3. Build a national information system.

4. Provide the decision maker with the informational environment that is appropriate for decision making.
5. Contribute to promoting the media and press professionalism in Palestine as well as keep pace with professional and technical developments and variables in the field of telecommunications and information technology.
6. Document the Palestinian event of all facets and forms.
7. Deliver media services and publish news inside and outside on a continuous basis, thereby serving the supreme Palestinian goals and interests.

Article 8

For the sake of realising its objectives and goals, the Agency shall exercise the following tasks and powers:

1. Collect news, produce information and studies, and conduct, broadcast and distribute investigations in accordance with the provisions of this Law.
2. Work towards developing and creating a press and professional cadre in order to achieve objectives and trends of the Agency.
3. Contribute to materialising the State's public policies in a manner that is consistent with the supreme Palestinian interests.
4. Exchange information and news with local, Arab and international news agencies in line with a professional framework in order to achieve the objectives of the Agency.
5. Develop the function of the National Information Centre in a manner that serves objectives of the Agency.
6. Establish and develop multimedia services as well as any other necessary services.
7. Work towards developing and rehabilitating professional cadres in the Agency.
8. Develop periodical and non-periodical specialised studies, research papers and

bulletins, either with a broad or limited circulation.

9. Work towards consolidating and developing the Agency's financial resources by presenting, marketing and selling news, footage, technical and training services.
10. Collect the price of services, subscriptions and any other wages or revenues from beneficiaries from the Agency's services.

Chapter IV

Regulation of the Agency

Article 9

1. The general administrative structure of the agency shall be composed of the following:
 - A. The Board of Directors.
 - B. Office of the Board Chairman, which consists of a number of units.
 - C. The News Sector, which comprises a number of general directorates.
 - D. The Information Sector, which comprises a number of general directorates.
 - E. The Service Sector, which comprises a number of general directorates.
2. The general directorates consist of a number of departments, which are in turn divided into sections and divisions.
3. The administrative structure and formations of the Agency shall be regulated and the powers and jurisdictions of each shall be stated in accordance with a regulation to be issued forth by the Council of Ministers based upon a recommendation from the Board of Directors.

Article 10

1. Assuming management of the Agency shall be by a Board of Directors, to be composed of nine members as follows:

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- A. The Board Chairman as the Head of the Agency. He shall also be its Director General and shall be appointed by a decision from the President.
 - B. Head of the News Sector.
 - C. Head of the Information Sector.
 - D. Head of the Support Services Sector.
 - E. Editor-in-Chief.
 - F. Director General of Central Photography.
 - G. Director General of Administrative and Financial Affairs.
 - H. Director General of the Information Centre.
 - I. Director General of Multimedia.
2. Board members shall be appointed by a decision from the President and upon a recommendation from the Board Chairman.
 3. The Board Chairman shall be entitled, or based upon a request submitted by at least two thirds of the Board members, to invite an official or expert to attend meetings and deliberations of the Board without having the right to vote.

Article 11

To the effect of achieving the objectives and goals of the Agency, the Board shall be entitled to exercise the following tasks and powers:

1. Manage affairs of the Agency, make public policies, develop its own strategy and endorse the programmes and plans necessary for the progress of its work.
 2. Approve the administrative and organisational structure; approve and amend the employment structure table of the Agency; and define the detailed jurisdictions of sectors, general directorates, departments and sections as well as submit it to the Council of Ministers for approval.
 3. Approve the financial system of the Agency's employees and contracting parties on a permanent or temporary basis, conduct necessary amendments whenever necessary,
- and submit it to the Council of Ministers for approval.
 4. Prepare and approve the draft annual budget of the Agency in coordination with the Public Budget Department at the Ministry of Finance and submit it to Council of Ministers.
 5. Develop the rules and criteria of performance appraisal at the Agency.
 6. Approve the annual administrative and financial report and submit it to the President of the Authority and Council of Ministers.
 7. Approve the Agency's work programme on the local, Arab and international levels.
 8. Define the amount of subscriptions, wages, price of services and commissions which the Agency collects from the selling of its services, as well as develop the criteria on the exemption of such subscriptions, wages and price of services.
 9. Develop the rules and bases of the collection, distribution, commenting and editing of the news, investigations, photo news and other materials in accordance with the requirements of the Agency's activity.
 10. Constitute any committee which the Board deems fit for the exercise of its tasks.
 11. Draw up, archive and document meeting minutes in a special register.
 12. Carry out any other activities or dispositions that may accomplish the Agency's objectives.

Article 12

1. By a call from the Board Chairman, the Board shall hold its regular meetings in a periodical manner at least once a month.
2. The Board Chairman shall send the invitation to the member to attend the meeting, enclosed with the agenda, by at least three days prior to the date on which the session will convene.

Article 13

1. The Board Chairman shall be entitled, or based upon a request submitted by two thirds of

its members and when needed, to hold an irregular session.

2. The Board Chairman shall call for the irregular session within two days from the date on which he receives the request.

Article 14

1. The meeting of the Board shall be in case quorum with the attendance of two thirds of its members, provided that the Chairman, or the person whom he delegates, is among them.
2. The Board Chairman shall announce the postponement of the session in the event the quorum of the regular meeting is not complete for any reason whatsoever, provided that a second session is held within one week from the date of the first session, which shall be in case quorum with those who are present is reached.
3. Decisions of the Board shall be issued forth with the majority of the votes of the present members. Should the cast votes be equal, ruling shall be in favour of the party who has the vote of the Chairman.

Article 15

1. The Board Chairman shall assume the administration of the Board meetings.
2. The Board Chairman shall delegate, in case of his absence, a head of a sector to preside over the meeting on his behalf, provided that the delegation is written. He shall exercise all the powers and jurisdictions which the Board Chairman enjoys.
3. Deputies of the head of sectors shall substitute in attending the Board meetings the heads of sectors in the event they are absent.

Article 16

The person to be appointed as a Chairman of the Board shall be required to meet the following conditions:

1. To be of Palestinian nationality.
2. To enjoy legal eligibility.
3. Not to have been convicted a crime or misdemeanour that violates public order or public morals.
4. To be from among those who possess expertise and competence in the media field.

Article 17

1. The Board Chairman shall exercise the following tasks and powers:
 - A. Call the Board to convene on the allotted dates.
 - B. The Board Chairman shall be deemed to be the head of the Agency and shall represent it before third parties and before all bodies.
 - C. Follow up on the implementation of the decisions of the Board of Directors.
 - D. Attend international meetings or fora relating to the function of the Agency.
 - E. Any other tasks to which he is assigned by the Council.
2. The Board Chairman shall be entitled to delegate the person whom he deems to be fit to represent the Agency before a third party or to attend international meetings and fora.

Article 18

1. The Board Chairman shall the Director General of the Agency.
2. The Board Chairman shall exercise, in his capacity as the Director General of the Agency, the following tasks and powers:
 - A. Follow up on the implementation of the Agency's strategy and public policies in consistence with the development plans and programmes of the Agency.
 - B. Prepare the annual budget of the Agency and submit it to the Board for approval.

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- C. Develop the employment structure table and organisational structure of the Agency and submit them to the Board for approval.
 - D. Manage and follow up on implementation of the financial, administrative and technical affairs of the Agency as well as coordinate between various sectors in light of the Agency's objectives.
 - E. Develop the bases and criteria of the collection, editing, analysis, commenting on and transmission of the news, as well as submit them to the Board for approval.
 - F. Supervise the Agency's functionaries and employees and manage their affairs.
 - G. Implement decisions of the Board of Directors.
 - H. Develop the plans and programmes of the Agency's functions and submit them to the Board.
 - I. Submit reports that the Board requests on the Agency's various functions and activities and propose methods of development.
 - J. Issue forth decisions on delegation to official or temporary missions of journalists and photographers from among employees of the Agency inside or outside the territory of the Authority.
 - K. Develop techniques of the Agency's work in conformity with the development aspects of its operation.
 - L. Develop the annual report and final financial accounts on the Agency's employees and submit them to the Board.
 - M. Any other tasks or powers assigned thereto by the Board.
3. The Director General shall be answerable to the Board for the implementation and following up on the Board's decisions and supervision of the Agency's operation.

Article 19

1. The service of the Chairman of the Board of Directors or any Board member shall expire in any of the following cases:
 - A. Retirement.
 - B. Death.
 - C. Submission of a written resignation to the Board of Directors and the entity that appointed him. The resignation shall be deemed to be effective from the date on which it is approved.
 - D. Issuance of a decision on exempting him from his position.
2. The Board Chairman or any Board member shall be exempted from his position in any of the following cases:
 - A. Physical unfitness.
 - B. His being convicted of a crime that violates honour, public morals or trust.
 - C. In case a sentence is issued against him by a court, considering him to be incapacitated.
3. A member shall be appointed in the vacant position with the selfsame conditions and procedures under which appointment takes place in the Board membership.

Chapter V

Financial Regulation of the Agency

Article 20

1. The Agency's functionaries shall be subject to a respective financial and administrative regulation to be issued forth by the Council of Ministers upon a recommendation from the Board. It shall define the scale of salaries, increments, honoraria, promotions and any other entitlements for the employees.
2. To be observed in the salary scale shall be the persons with creative professions, along with granting them the incentives and privileges which the nature of their work requires.

3. The Agency's correspondents abroad shall be conferred the selfsame privileges which are given to the administrative staff at the Palestinian embassies in terms of the high cost of living, increments and privileges.

Article 21

The financial resources of the Agency shall be composed of the following:

1. The financial accreditations which the Authority allocates to the Agency in the Public Agency.
2. Wages, subscriptions or allowances which it earns in consideration of the services which it delivers and other revenues accrued thereto from its assets or activities.
3. The donations, gifts, grants and assistance which the Agency receives.
4. Returns of the Agency's investment of its works, including still and motion pictures and news.
5. Any other resources which are approved by the Board.

Article 22

All resources of the Agency shall be channelled to the Single Treasury Account, provided that a percentage that is not less than 50% of the revenues is designated to development projects and training at the Agency.

Article 23

1. The Agency shall have a special budget in the Annual Public Budget of the Authority. It shall be prepared in accordance with the accounting rules and sound bases in consistence with the effective Law of the Public Budget.
2. The Agency shall prepare its annual budget in coordination with the Public Budget Department at the Ministry. It shall contain the operational, capital and development expenditures, in addition to the accreditations designated for the recruitment of new functionaries.

3. The accreditations allocated for the appointment of functionaries shall be a right of the Agency in case a functionary resigns or his service is terminated or expires.
4. The fiscal year of the Agency shall commence on the first of January and expire on the thirty first of December of each calendar year.
5. The expenditures and revenues of the Agency shall be subject to the control and supervision of the Ministry of Finance, Financial and Administrative Control Bureau and oversight regulations which are endorsed in accordance with the Law.

Article 24

1. The Agency shall cooperate with the public bodies which exercise regulatory, oversight or supervisory jurisdictions over public institutions.
2. All persons and functionaries at ministries and government directorates and institutions shall respond to the Agency's requests and provide it with necessary documents and information for the purposes of implementing its duties and activities in pursuance of the provisions of the Law.
3. The Agency shall be entitled to be a member on Arab and international unions of news agencies.
4. The Agency shall be entitled to take part in the activities of national and international organisations.

Article 25

1. The properties of the Agency shall be deemed to be public properties.
2. The Agency's assets as well as the devices and equipment related to its purposes shall be exempted from any taxes, fees or customs. The Agency shall enjoy all exemptions and facilities granted to ministries and government bodies, institutions and directorates.

Compilation of Reference Texts

Chapter VI

Conclusive Provisions

Article 26

1. The Agency shall be deemed to be the legal and real successor of the Palestine News and Information Agency (WAFA). All the rights and obligations pertaining to the Palestine News and Information Agency shall devolve to the Agency.
2. All functionaries and employees of the Palestine News and Information Agency shall be transferred to the cadre of the Palestine News Agency (WAFA), whilst they will preserve all their former functional rights.

Article 27

1. Without prejudice of any other penalty, in case it is proven that the functionary commits any violation of the Law and the regulations and instructions issued forth in accordance with it, he shall be punished with one of the disciplinary penalties applicable in accordance with the Law of Civil Service in force.
2. The Board shall issue forth the List of Penalties, which includes the violations and disciplinary procedures applicable at the Agency.

Article 28

The Council of Ministers shall promulgate the regulations expedient for the enforcement of the provisions of this Law upon a recommendation from the Board of Directors.

Article 29

All that contradicts the provisions of this Law shall be repealed.

Article 30

All competent authorities, each within the sphere of its jurisdiction, must enforce the provisions of

this Law, which shall enter into force as of the date of its publication in the Official Gazette.

Promulgated in the city of Ramallah on __ / __ / 2009 *Anno Domini*,

Corresponding to __ / __ / 1430 *Anno Hegira*

Mahmoud Abbas

The Chairman of the Executive Committee of the Palestine Liberation Organisation

The President of the Palestinian National Authority

Draft Law of 2011 on the Higher Media Council¹²

The President of the State of Palestine,

The Chairman of the Executive Committee of the Palestine Liberation Organisation,

The President of the Palestinian National Authority,

In reference of the Amended Basic Law of 2003 A.D. and its Amendments, particularly the provisions of Articles 43 and 69/9/A thereunder;

Having reviewed Law No. 3 of 1996 A.D. Concerning Wired and Wireless Telecommunications and the Law of Printed Materials and Publication No. 9 of 1995 A.D.;

Based upon the recommendation of the Council of Ministers in its session, which convened on / / 2011 A.D.;

Based upon the powers bestowed upon me by law; and

In realisation of the public interest,

I hereby promulgate the following Law,

Article 1

The words and expressions mentioned in this Law shall have the meanings designated thereto hereunder, unless the context determines otherwise:

The State:

The State of Palestine.

The Council:

The Higher Media Council.

The Secretary General:

The Secretary General of the Higher Media Council.

The Board of Directors:

The Board of Directors of the Higher Media Council.

The Chairman:

The Chairman of the Higher Media Council.

Article 2

To be established in accordance with this Law shall be a council, which shall be named the *Higher Media Council*. It shall have a juridical personality, enjoy financial and administrative independence, have a special budget within the Public Budget of the Palestinian National Authority, and report to the Council of Ministers.

Article 3

The Council shall enjoy the legal capacity to commence all of the functions and actions, which ensure that it fulfils its purposes, including the ownership of movable and immovable properties and the disposition thereof, conclusion of contracts with a third party, and performing all of the legal actions expedient to achieve its goals, including the acceptance of gifts, donations and grants. It shall also have the right to litigation in pursuance of the provisions of the Law.

¹² The preliminary draft law was presented to the Council of Ministers in March 2011.

Compilation of Reference Texts

Article 4

The main office of the Council shall be in Jerusalem. It may take a temporary main office and establish offices thereof in any place it deems fit.

Article 5

The provisions of this Law shall be applicable to all media means in the Palestinian territory, with the exception of the official media.

Article 6

Mission of the Council:

1. To contribute to promoting the spirit of national affiliation and adherence to national goals and principled values.
2. To contribute to creating the appropriate environment to ensure that the Palestinian media keep pace with the life of the Palestinian people throughout economic, political, intellectual and social aspects.

Article 7

The Council shall aim to accomplish the following:

1. To regulate the operation of media means.
2. To [ensure that] the Palestinian media advocate the values of freedom, progress, justice, fraternity and peace amongst peoples, as well as the principles of democracy, pluralism and respect of the rights of individuals and minorities.
3. To emphasise the optimal use of the multiple communications means in all spheres, alongside keeping pace with the spirit of the age, including developments and changes, and to work towards consolidating the competitive capability of the Palestinian media means with other media outlets in light of the technological and technical changes, which the world is witnessing.

4. To assist the media institutions to play their role in the society within a climate of freedom and on advanced, professional grounds.
5. To encourage the multiplicity of media agencies and institutions; to confirm the independence of their managements, respect of the freedom of opinion and expression and human rights; and to prepare an investment enabling environment to engage the private sector in all media activities and aspects.
6. To develop, preserve and invigorate human resources in the media sector, mainly safeguarding the following:
 - a. Developing the media performance so that it is grounded on professionalism, distinction, creativity and freedom.
 - b. Abiding by professional ethics and respect of the rights of others.
7. To help the Palestinian society reach a pluralistic environment that safeguards the freedom of expression and opinion and compliance with the law, encourages creativity, and promotes the values of democracy and accountability.
8. To consolidate the legal framework, which regulates the media and protects intellectual property.
9. To attain the highest levels of coordination with various official and nonofficial media agencies and to contribute to establishing the infrastructure of the national media.

Article 8

1. The Chairman shall be appointed by a decision from the President of the Palestinian National Authority based upon a recommendation from the Council of Ministers.
2. The Board of Directors shall be composed of thirteen members under presidency of the Chairman and with membership of:
 - a. A representative of the Ministry of Telecommunications.
 - b. A representative of the Ministry of Interior.

- c. A representative of the Ministry of Education and Higher Education.
 - d. A representative of the Union of Journalists.
 - e. A representative of the visual media sector.
 - f. A representative of the audio media sector.
 - g. A representative of the Government Media Centre.
 - h. A representative of the Palestinian Independent Commission for Human Rights.
 - i. A representative of civil society organisations operating in the media sector.
 - j. A media personality.
 - k. An academic personality to be selected on a regular basis from the faculties of media at local universities.
 - l. A representative of the private sector to be nominated by the Coordinating Council of the Private Sector.
3. The Secretary General shall attend sessions of the Board of Directors without having the right to vote.
 4. Representatives of the ministries, provided for in Paragraph 2 under this Article, shall be required to be from among employees of the Higher Category.
 5. The Council of Ministers shall issue forth a decision on the nomination of the representatives provided for under this Article based upon a recommendation of the Chairman after they are nominated by their respective represented bodies to the Chairman.
 6. The chairman of the government department, to which the member on the Board of Directors reports, shall be entitled to replace him by another member from the same ministry in tandem with the

mechanism prescribed in Paragraph 5 under this Article.

Article 9

1. Contribute to making the media policy and contribute to developing plans which regulate the media sector in conformity with the Council's goals. Such policy and plans shall be reviewed and evaluated in light of developments in the media sector.
2. Contribute to developing national plans for the multiple media sectors, whereby they take account of modern changes in a manner that allows an open and credible contribution by the media to the realisation of the political, economic, social and cultural development.
3. Grant licences to media means in accordance with the provisions of this Law based upon the Council's recommendation.
4. Revoke the licences of media agencies in accordance with the provisions of this Law based upon recommendation of the Council.
5. Propose legislation relating to the media sector and submit it to the Council of Ministers in order to take legal exigent procedure.
6. Represent Palestine at relevant official and civil Arab and international bodies and organisations, as well as organise media exchange and sign agreements with them in pursuance of legislation in force.
7. Establish the committees which it deems fit to assist it in the implementation of its tasks.
8. Approve the Council's annual budget and submit it to the Council of Ministers in order to include it within the Public Budget in line with the Law.
9. Ensure the freedom of the press and journalists to access and publish information in accordance with applicable laws.
10. Contribute to safeguarding the freedom of opinion and expression for all.
11. Any other matters which it deems necessary to perform its functions.

Compilation of Reference Texts

Article 10

The Board of Directors shall hold its sessions in the following manner:

1. A periodic, regular session at least once every month upon an invitation from the Chairman.
2. An irregular session based upon an invitation from its Chairman or based upon a written request submitted by one third of the members, in which they make clear the reasons of such convention.
3. Convention of the Board of Directors shall be correct with the attendance of the absolute majority of its members.
4. Decisions shall be issued forth by a majority vote of the present members. Should the cast votes be equal, ruling shall be in favour of the party that has the vote of the Chairman.
5. Proxy voting in meetings of the Board of Directors shall not be allowed.
6. Meetings of the Board of Directors shall be recorded on minutes, which shall be documented in a special register.
7. The Board of Directors shall have the right to invite to attend its sessions consultants and specialists in order to hear their opinions on the subjects proposed on the agenda, provided that they shall not have the right to vote.

Article 11

Based upon a recommendation from the Board of Directors, the Council of Ministers shall define the honorariums of members on the Board of Directors.

Article 12

The Chairperson of the Board of Directors shall assume the following tasks and powers:

1. Presiding over the sessions of the Board of Directors.

2. Inviting the Board of Directors to convene on the allotted dates.
3. Following up with the implementation of the decisions of the Board of Directors.
4. Any other tasks assigned to him by the Board of Directors.

Article 13

1. The Board of Directors shall select a Deputy Chairman from among its members in its first meeting.
2. The Deputy Chairman shall exercise the tasks and powers of the Chairman in the event of his absence or the vacancy of his position.
3. The Board of Directors shall elect from among its members a secretary.

Article 14

The term of membership on the Board of Directors shall be four years that are renewable once. Upon termination of the membership of a member for any reason prior to the expiration of the period designated for his membership, another member shall be appointed in his place in order to complement the remaining period in accordance with the mechanism provided for under Article 8 of this Law.

Article 15

Membership on the Board of Directors shall terminate in any of the following cases:

1. Loss of legal capacity.
2. Death.
3. Removal of the functional capacity of the members, who was nominated by the respective ministry or body.
4. Replacement of the membership by the relevant government department in accordance with the mechanism provided for under Article 8 of this Law.

5. Expiration of the term of membership.
6. Resignation, which the Board of Directors approves.

Article 16

1. The Secretary General shall be appointed and dismissed by a decision from the President of the Palestinian National Authority, based upon a commendation from the Council of Ministers and the recommendation of the Board of Directors, provided that he is in the grade of Undersecretary and the term of his appointment is four years.
2. In the event the Secretary General was dismissed or the term of his appointment expired, in pursuance of Paragraph 1 under this Article, a new Secretary General shall be appointed in his place in accordance with the provisions of this Article.

Article 17

The Secretary General shall assume the following tasks and powers:

1. Implement the Council's policies as they are approved by the Board of Directors.
2. Manage functions of the Council and supervise its activities.
3. Supervise functions of the Council's employees.
4. Implement decisions of the Board of Directors.
5. Develop proposals of the Council's operational policies and development plans and submit them to the Board of Directors.
6. Submit periodic reports every three months to the Board of Directors on the Council's functions and activities.
7. Submit the draft annual budget to the Board of Directors.
8. Submit the Council's organisational structure to the Board of Directors for approval, as well

as submit it to the Council of Ministers for endorsement.

9. Any other tasks approved by the Board of Directors.

Article 18

The Council shall assume the following capacities:

1. Submit proper recommendations to the Board of Directors in relation to licensing media means through the Secretary General.
2. Receive and examine the applications for licences from media institutions and grant licences in accordance with the provisions of this Law and the relevant legislation.
3. Develop the legislation pertaining to the media.
4. Implement media legislation after they enter into force.
5. Contribute to developing plans and programmes, which ensure development of the media.
6. Compile the draft annual budget of the Council.
7. Develop the Council's organisational structure and submit it to the Board of Directors for approval in due form.
8. Conduct and publish studies, research and assessments relating to the functions of the Council.
9. Work towards consolidating relations, exchanging expertise with Arab and international media bodies and agencies, and concluding mutual cooperation agreements with them in accordance with [applicable] laws.
10. Encourage journalistic and media activity through contributing to promoting the provisions of incentives.
11. Any other tasks assigned to it by the Board of Directors.

Compilation of Reference Texts

Article 19

The freedom of media means shall be safeguarded by the Basic Law. They may not be warned, suspended, confiscated or cancelled, or have restrictions imposed on them, except in pursuance of the provisions of this Law and under a judicial ruling entered by a competent court.

Article 20

Establishment of media means shall be a right for all, guaranteed by the Basic Law. Their financing resources shall be subject to the scrutiny of the law.

Article 21

Media means shall have the right to keep the sources of the information or news, which are obtained confidential unless a judicial judgement ruling otherwise is entered.

Article 22

The right to access information by the media means shall be safeguarded under this Law.

Article 23

The Board of Directors shall assume, based on the recommendation the Council, the licensing, regulation and monitoring of the media means. To this avail, and in accordance with the provisions of this Law, it shall be entitled to exercise the following powers:

1. Regulate the operation of the media means and follow up with their performance and the quality of their technical production through the Council.
2. Issue licences to the licensees in accordance with the provisions of this Law based upon the recommendation of the Council and the respective legislation.
3. Accredite offices of the media means.

Article 24

The right to establish religious stations shall be a prerogative right of the Council of Ministers.

Article 25

The financial resources of the Council shall consist of the following:

1. The proceeds of investments designated to materialising the Council's goals in pursuance of the legislation in force.
2. The gifts, donations, grants, presents and wills presented to it, provided that the Council of Ministers approves them in the event they are from a foreign source.
3. The sums earmarked to it in the Public Budget.
4. Any other resources which the Council of Ministers approves.

Article 26

1. The donations, grants, presents and wills which are presented to the Council's Fund shall be exempted from the income tax in accordance with the provisions and conditions provided for under the effective Law of Income Tax.
2. The Fund shall be exempted from taxes, and from revenue stamp duties, and any other financial duties and returns due to government departments and local bodies.

Article 27

The Board of Directors shall adhere to submitting periodic reports every three months on its functions and all of its activities and achievements to the Council of Ministers.

Article 28

As of the date of the enforcement of the provisions of this Law:

1. All staff members and employees at the Ministry of Information shall be transferred to the cadre of the Council. Their services, [job] titles and functional grades shall be deemed to be a continuation of their previous services at the Ministry of Information.
2. Employees of the Council shall be subject to the Law of Civil Service and the bylaws issued forth in accordance with it as well as to the Law of Public Retirement and any other legislation that is applicable to civil servants.

Article 29

The Council of Ministers shall promulgate the regulations necessary to implement the provisions of this Law based on a recommendation from the Council.

Article 30

All that contradicts the provisions of this Law shall be repealed.

Article 31

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

Promulgated in the city of Ramallah on / / 2011
Anno Domini

Corresponding to // 1432 Anno Hegira

Mahmoud Abbas

The President of the State of Palestine

**The Chairman of the Executive Committee of
the Palestine Liberation Organisation**

**The President of the Palestinian National
Authority**

Part IV:

Telecommunication Legislation

Law No. 3 of 1996 Concerning Telecommunications¹³

Chapter Four

Frequency Management

Article 14

The frequency spectrum shall be deemed to be a national wealth, the use of which shall be managed by the Ministry in accordance with this Law. It shall develop a special register of the frequency spectrum to be called the *National Frequency Register*, in which all information pertinent to the radio frequencies and to their use and designation will be recorded.

Article 15

The Ministry shall manage the frequencies, whether they were ground or through satellites, which are designated for Palestine in conformity with the conventions and by means of respective international terms of references.

Article 16

The Ministry of Telecommunications shall set forth a comprehensive plan on wireless frequencies, or reorganise or revoke the set of audiovisual frequencies or grant them to the Ministry of Information, which shall be responsible for distributing them to radio and television operators in accordance with the applicable law.

Article 17

The wireless frequencies which are granted or designated by the Authority to investors in wireless networks shall remain to be a property of the Ministry. Their being sold or waived shall be prohibited. The granting of wireless frequencies to users shall be subject to fees to be defined in accordance with the conditions, which a decision from the Council of Ministers will determine.

Article 18

The Ministry shall control the use of frequencies (waves) in order to avoid any wireless disruption and interference. It shall be entitled to cease each unlawful use of the wireless waves (frequencies) or each use of licensed frequencies, which causes wireless disruption or interferences.

Chapter Six

Renewal, Amendment and Revocation of Licenses

Article 29

- a. The duration of the public telecommunications network shall be defined by a decision from the Council of Ministers.
- b. The license for the use of frequencies shall be restricted to a period that does not exceed one year and shall be renewed per annum as per directives to be issued forth by the Ministry.
- c. The importation license shall be limited to a period of not more than one year and shall be renewed per annum in pursuance of directives to be issued forth by the Ministry.

¹³ Only articles pertaining to the media are included here. These include provisions on licensing, management of frequencies and role of the Ministry of Information in this respect.

Decree No. 15 of 2009 Concerning the Palestinian Telecommunications Sector Regulatory Commission

The Decree Law No. 15 of 2009 Concerning the Palestinian Telecommunications Sector Regulatory Commission was promulgated in 2009 to regulate the telecommunications sector. It empowers the Commission to grant frequency licences to licensees. As explicitly provided by the Article 28 under this Decree Law, the Commission will also have the power to manage frequencies, which are granted to it by the Ministry of Telecommunications.

6. All licences and permissions of the radio frequencies shall be issued forth in accordance with this Chapter in a transparent manner and without discrimination.

Article 28

1. The spectrum of radio frequencies shall be deemed to be a national wealth. The Commission shall assume the management of what is designated of such spectrum to civilian uses.
2. The Ministry shall grant the available frequency spectrum to the Commission, so that it allocates it to operators as well as manage and oversee it.
3. The Commission shall abide by the publications and bylaws of the International Telecommunications Union in relation to the management of the frequency spectrum.
4. The Ministry shall negotiate with the International Telecommunications Union or its institutions and with the neighbouring countries in regard of all that pertains to the management and use of the spectrum of radio frequencies.
5. The Commission shall coordinate with the Ministry in relation to the outcome of the negotiations and agreements referred to in Clause 4 under this Article.

Decision of the Council of Ministers No. 182 of 2004 Concerning the Regulation on the Licensing of Radio, Television, Satellite and Wireless Stations

The Council of Ministers

Having reviewed Law No. 9 of 1995 Concerning Printed Materials and Publication;

Law No. 3 of 1996 Concerning Wired and Wireless Telecommunications;

Decision of the Council of Ministers No. 15/10/CoM/AQ of 2004 dated on January 26th, 2004 A.D. on the Formation of a Ministerial Committee from: the Ministry of Telecommunications and Information Technology, Ministry of Information and Ministry of Interior to Develop a Mechanism of Licensing of Radio, Television, Satellite and Wireless Stations and to Adjust their Current Status;

The Draft submitted by the Ministerial Committee; and

Based upon approval of the Council of Ministers in its session that convened on September 14th, 2004 A.D.

Hereby decides as follows:

Chapter I

Definitions and General Provisions

Article 1

The following words and expressions shall have the meanings designated thereto hereunder unless the context determines otherwise:

The Ministries:

The Ministry of Telecommunications and Information Technology, Ministry of Information and Ministry of Interior.

The Tripartite Committee:

The Ministerial Committee which is composed of the three Ministries.

Station:

The centre of broadcasting and transmission of sounds and pictures by means of the radio or television.

License:

The permission or warrant to establish and operate the radio, television or satellite station.

Licensee:

Each person who obtains a licence to establish or operate a radio, television or satellite station, whether an individual or a group, a limited or shareholding company, a party, a civil society organisation or union, or a government or private institution.

Frequencies:

The electromagnetic vibration resulting from the contact of a conductor with the quartz.

Chapter II

Jurisdictions of the Three Ministries

Article 2

Each of three Ministries shall be competent in regard of licensing the station of the following:

1. The Ministry of Interior: The security aspects and legal status of the capital of the station.
2. The Ministry of Telecommunications and Information Technology: Defining the

required frequency as well as technical aspects pertaining to the operation and establishment of the station, identifying its specifications, and issuing the technical licence.

3. The Ministry of Information: Setting the development necessities for the establishment of the station as well as its nature, media content, qualifications and expertise of the staff, and issuing the professional licence.

Chapter III

The Mechanism of Licensing

Article 3

The three Ministries – each within the sphere of its jurisdiction – shall prepare relevant forms relating to the application for licence and establishment of the station.

Article 4

The applicant for the licence shall receive the forms of licensing and establishing the station from the Ministry of Interior or from the Ministries' sites on the Internet.

Article 5

The applicant for the licence must submit to each Ministry the respective form after having fulfilled all the required documents.

Article 6

Each Ministry shall examine the application for the licence, which is submitted to it in accordance with its own jurisdiction.

Article 7

1. The Ministries shall refer the applications submitted thereto to the Tripartite Committee.

2. The Committee shall set forth a bylaw thereof, in which it shall describe the manner and location of the convening of its meetings as well as any other matters pertinent to its function.

Article 8

1. The Tripartite Committee shall examine and adjudicate the applications remitted to it from the three Ministries and issue forth its decision on the approval or refusal of granting the licence.
2. If its decision is one of approval, the Ministry of Telecommunications and Information Technology shall issue forth the technical licence and the Ministry of Information the professional licence.
3. If the Committee's decision is one of refusal, it must be reasoned and subject to objection before the competent judicial authorities.

Chapter IV

Conditions of Granting the Licence

Article 9

The Ministry of Telecommunications and Information Technology, upon granting the licence, shall take account of the following:

1. That the conditions and specifications, which must be met by the station, are in conformity with the provisions of international agreements and legislation in force in Palestine.
2. That the capacity of broadcasting by the major or minor station does not exceed what the Ministry decides.
3. That the station abides by using and changing the frequencies which the Ministry determines for transmission and receipt and not to alter them except upon approval of the Ministry.

Compilation of Reference Texts

Article 10

The licensee may not carry out any of the following acts:

1. Commence to making preliminary tests before the station is examined by technical specialists and licensed frequencies are tested.
2. Use the station in purposes other than those for which the licence was issued forth.
3. Use the devices in a manner that influences other wireless devices or as to cause disruption or interference with other stations or to cause damage to public health or the environment.

Article 11

The Ministry of Telecommunications and Information Technology shall be entitled to change the station's licensed frequency for regulatory reasons or in case the Radio-communication Bureau of the International Telecommunications Union does not agree to register the frequency. It may also oblige the licensee to devise any amendment or change, which it deems to be expedient, within the framework of this Decision in accordance with a written letter to the licensee.

Article 12

The Ministry of Information, upon granting the licence, must observe the following:

First: Regarding the owner of the station:

1. To be Palestinian and residing in Palestine. In case he was not a resident or was foreigner, he must obtain the approval of competent authorities in accordance with the Law on Investment Promotion and other laws in force.
2. Not to have been convicted with a crime or misdemeanour of honour or moral turpitude.

Second: Regarding the director of the station:

1. To be Palestinian and residing in Palestine.
2. To be a journalist or media representative.

3. Not to have been convicted with a crime or misdemeanour of honour or moral turpitude.
4. To hold the first university certificate as well as a proper working experience of not less than five years. In the event the first university certificate is not available, his professional experience must not be less than ten years at a station.

Third: Regarding the staff of the station:

1. The number of journalists working at the radio station must not be less than 6 persons and in the television station not less than 8 persons.
2. Each one of them must hold the appropriate academic certificates as well as relevant experience.

Fourth: Regarding the production and broadcasting of the station:

1. Adhere to a production that is exclusive to the station or broadcast a local production, provided that the duration of such production is not less than 40% of the general volume of broadcast production.
2. Define the percentage of advertising during transmission, whereby it does not exceed 8 minutes per transmission hour, while committing to the media quality and adhering to the legislation pertaining to advertising in force in Palestine. Such shall include the placement of a sign that announces the start of the advertisement and separates between media programmes and advertisements.
3. Abide by Law No. 9 of 1995 Concerning Printed Materials and Publication.
4. Abide by the legislation on the protection of intellectual property, including the obtaining of a special permission from any other station to allow the broadcast or rebroadcast of its programmes in Palestine.
5. Materials of all types (which target children and adolescents) which have been broadcast may not contain any pictures, stories or news that lead to harming them or instigate an inclination of violence amongst them.

6. Abide completely by the ethics and morals of the media profession through:
 - a. Respecting rights and freedoms of individuals and not to prejudice their private lives.
 - b. Present the media material in an objective and integrated manner.
 - c. Maintaining accuracy and objectivity in commenting on events, news and issues.
 - d. Abstain from all that which may agitate intolerance and hatred or that may induce racism and sectarianism or that which may lead to the slander and libel against individuals.
 - e. Correct any material or information which had been published or issued in error in its programmes, provided that the correction will be of the selfsame volume and time in which the item of new or subject that contained the error had been broadcast.

Article 13

In addition to the conditions provided for under the previous Articles, the following shall be observed upon the licensing of the station:

1. The technological and technical capacities and specifications of the broadcast devices by means of the channels and frequencies designated thereto.
2. Availability of the specialised human cadre and realisation of the operational conditions, including programmes, equipment, studios and stations.
3. Adhere to respecting the human personality, others' freedom and rights, pluralistic nature of the expression of ideas and opinions, objective transmission of news, and safeguarding of the public decision, needs of the national security and requirements of the public interest.
4. Contribute to consolidating and deepening the national policy.

5. Not to broadcast any racist ideas or opinions, whether they were associated with race, ethnicity, sex, religion, colour, and so forth.

Chapter V

Control

Article 14

Each Ministry shall be committed to monitoring, controlling and inspecting the station in order to identify the extent to which it complies with and implements the technical and regulatory specifications expedient for the conditions on licensing stations in accordance with the relevant pieces of legislation. To this avail, the relationship between the three Ministries shall be complementary.

Chapter VI

Violations

Article 15

1. In the event the licensee violates any condition of licensing, the competent Ministry shall as the occasion may be refer the matter to the judicial body in order to initiate the legal proceedings provided for under effective laws.
2. Upon the occurrence of any violation that necessitates an immediate intervention and temporary cessation of transmission, the Tripartite Committee shall convene on an exceptional basis.

Chapter VII

Conclusive Provisions

Article 16

All the stations operating in Palestine must adjust their status in pursuance of the provisions of this Decision within six months after it enters into force, to be extended to another period based upon a decision from the Tripartite Committee.

Compilation of Reference Texts

Article 17

Establishment of religious radio and television stations shall be a prerogative right of the Palestinian National Authority.

Article 18

Licensing of stations shall be an exclusive and immediate matter of the persons and groups to whom it is granted. It may not be transferred to a third party except with a written authorisation from the Tripartite Committee – each within the sphere of its jurisdiction.

Article 19

This Decision shall be a legal terms of reference until the General Information Law is promulgated.

Article 20

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

Promulgated in the city of Ramallah on September 14th, 2004 *Anno Domini*,

Corresponding to Rajab 29th, 1425 *Anno Hegira*

Ahmed Qurei'

The Prime Minister

Decision of the Council of Ministers No. 6 of 2009 Concerning the Amending Regulation of the Regulation on the Licensing of Radio, Television, Satellite and Wireless Stations of 2004

The Council of Ministers

Having reviewed the Amended Basic Law of 2003 A.D. and its Amendments, particularly the provisions of Article 70 thereof;

Law No. 9 of 1995 A.D. Concerning Printed Materials and Publication;

Law No. 3 of 1996 A.D. Concerning Wired and Wireless Telecommunications;

Regulation on the Licensing of Radio, Television, Satellite and Wireless Stations, promulgated on September 14th, 2004 A.D.;

Based upon the recommendation of the Secretary General of the Council of Ministers;

Based upon what the Council of Ministers approved in its session, which convened on September 7th, 2009 A.D.;

Based upon requirements of the public interest; and

Based on the powers bestowed upon us by law,

Hereby promulgates the following Regulation:

Article 1

The Regulation on the Licensing of Radio, Television, Satellite and Wireless Stations of 2004 A.D. shall be referred to under this Regulation for the purposes of amendment as the Original Regulation.

Article 2

Article 1 under the Original Regulation shall be amended by the addition of the following definitions:

The Ministry:

The Ministry of Information

The Minister:

The Minister of Information

The Director:

The General Director of the Publications and Media Department.

Article 3

The term "Tripartite Committee" shall be deleted wherever it appears in the Original Regulation.

Article 4

Article 2 under the Original Regulation shall be amended so as to become as follows:

Each of the three Ministries shall be competent, in relation to the licensing of the station, of the following:

1. The Ministry of Information: To be responsible for licensing, regulation and monitoring of the station. It shall be entitled, for this cause, to exercise the following powers:

Compilation of Reference Texts

- A. Regulate the operation of media means and work towards developing them.
 - B. Set the development necessities for the establishment of the station as well as its nature, media content, and qualifications and expertise of the staff working thereat.
 - C. Issue broadcasting licenses.
2. The Ministry of Telecommunications and Information Technology: The body which shall be responsible for managing, regulating and licensing the use of frequencies, renew relevant licences in coordination with the Ministry of Information, and grant the licenses necessary to import the technical devices and equipment in accordance with respective laws.
 3. The Ministry of Interior: To control the sources of the capital of the station as well as the security aspects.

Article 5

Article 4 under the Original Regulation shall be amended so as to become as follows:

The application for obtaining the licence shall be submitted to the General Directorate of Printed Materials and Affairs of Media Means at the Ministry using the designated forms, provided that the following papers are enclosed with the application:

- A. Sufficient information about the applicant.
- B. A statement of the applicant's capital, which is approved by a licensed bank.
- C. Data and documents which make clear the applicant's competence.
- D. Nature of services which the applicant will deliver as well as the geographical area which he will cover.
- E. Any other documents the Ministry requests for the purposes of licensing.

Article 6

Articles 5, 6, 7, 8 under the Original Regulation shall be repealed.

Article 7

A new Article to bear number 4 *bis* 1 as follows:

The Director shall send the licence application to the Ministry of Telecommunications and Information Technology and to the Ministry of Interior within a period of ten days from the date on which the application was received.

Article 8

A new Article to bear number 4 *bis* 2 as follows:

1. The Ministry of Telecommunications and Information Technology shall examine the licence application remitted thereto and notify the Ministry of its initial approval of granting the licence or refusing it within two weeks from the date on which the application was remitted to it.
2. The Ministry of Interior shall confirm the validity of the capital and security soundness, and notify the Ministry of its opinion within two weeks from the date on which the application was referred to it.

Article 9

A new Article to bear number 4 *bis* 3 as follows:

1. The Director shall report his recommendation to the Minister following a review of the application which meets the conditions, enclosing with it the opinion of the Ministry of Telecommunications and Information Technology and Ministry of Interior.
2. The Minister shall issue forth his decision on the application which fulfils the licensing conditions either with approval or with refusal within sixty days from the date on which the application had been submitted.

3. In the case of approval, the Ministry of Telecommunications and Information Technology shall issue the licence for the use of frequencies. Then, the Ministry of Information shall issue the licence for broadcasting.
4. The decision, in the case of refusal, must be reasoned. In accordance with the procedures prescribed under relevant laws, the applicant shall have the right to objection.

Promulgated in the city of Ramallah on September 7th, 2009 *Anno Domini*,

Corresponding to Ramadan 17th, 1430 *Anno Hegira*

Salam Fayyad

The Prime Minister¹⁴

Article 10

A new Article to bear number 4 *bis* 4 as follows:

The Ministry shall issue the licence after it obtains the environmental approval, which is issued forth by the Environment Quality Authority.

Article 11

Article 15 under the Original Regulation shall be amended by deleting Paragraph 2 thereunder.

Article 12

Article 18 under the Original Regulation shall be amended by deleting the phrase "Tripartite Committee – each with the sphere of its jurisdiction" and replacing it with the word "Ministries".

Article 13

All that contradicts the provisions of this Regulation shall be repealed.

Article 14

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

¹⁴ This Decision amends Decision No. 182 of 2004.

Decree No. 2 of 2010 Concerning the Palestinian Public Radio and Television Corporation

The President of the State of Palestine,
The Chairman of the Palestine Liberation
Organisation,
The President of the Palestinian National
Authority,
Having reviewed the Amended Basic Law of 2003
A.D. and its Amendments,
Based upon the powers bestowed upon me, and
In realisation of the public interest,
I hereby promulgate the following Decree:

Article 1

For the purposes of the enforcement of the provisions of this Decree, the following words and expressions shall have the meanings designated thereto hereunder unless the context determines otherwise:

The President:

The President of the State of Palestine/
Chairman of the Palestine Liberation
Organisation.

The Corporation:

The Palestinian Public Radio and Television
Corporation.

Board of Trustees:

The Board of Trustees of the Corporation.

Board of Directors:

The Board of Directors of the Corporation.

General Supervisor:

Chairman of the Board of Directors of the
Corporation.

Article 2

1. To be established in conformity with the provisions of this Decree shall be a public corporation to be called the "Palestinian Public Radio and Television Corporation". It shall report to the President and enjoy the juridical personality, financial and administrative independence and legal eligibility in order to implement all actions and dispositions to realise its purposes, including the possession of movable and immovable properties in accordance with the Law.
2. The permanent seat of the Corporation shall be in Jerusalem. The Corporation shall be entitled to take a temporary seat thereof in the city of Ramallah and in the city of Gaza as the occasion may require. It shall also be entitled to inaugurate branches and offices inside and outside Palestine.

Article 3

The Corporation shall seek to achieve the following objectives:

1. Provide the radio and television service at the required competence and ensure that it is guided to the service of the homeland, citizen and public interest within the framework of the authentic values and traditions of the Palestinian people.

2. Support the national unity and social peace, safeguard individuals' dignity and freedoms, and work towards the dissemination of the democratic national culture.
3. Raise the citizens' awareness on the Palestinian, Arab and human history and heritage.
4. Inform and educate the citizens, develop their thoughts and tastes, and provide purposeful entertainment to them by various means of television broadcast.
5. Introduce public issues, contribute to expressing the citizens' demands and problems, and support their right in the expression of opinion, participation and knowledge.

Article 4

The Corporation shall exercise the following tasks and powers:

1. Develop radio and television transmission, circulate it throughout the homeland and deliver it to the outside world.
2. Develop radio and television production, rendering the Corporation capable of an equitable exchange with specialised media institutions and corporations.
3. Establish, operate, maintain and equip facilities, transmission stations and ground communications networks, and rebroadcast their services, as well as [promote] the right to possess, use and register necessary radio frequencies of various activities and protect them in coordination with the competent authorities.
4. Rehabilitate and train the radio and television cadre as well as promote their cultural, technical and professional level.

Article 5

1. To be appointed by a decision from the President shall be a Board of Trustees for the Corporation.
2. Members on the Board of Trustees shall be chosen from among public personalities of effective participation in the intellectual,

religious, artistic, scientific, cultural, journalistic, economic, engineering, financial and legal activity as well as of those interested in the activity of the youth, women, childhood and other activities.

Article 6

The Board of Trustees shall be responsible for the following tasks:

1. Offering consultation and advice to the Board of Directors in order to enable it to carry out its tasks.
2. Exercising guidance and oversight over functions of the Corporation.
3. Submitting recommendations to the Presidents in regard of the conclusion of its consultations in order to take the proper measures.

Article 7

To assume the management of the Corporation shall be a Board of Directors, which consists of 9–13 members, to be presided by the General Supervisor. These shall be appointed by a decision from the President based upon a recommendation from the General Supervisor for a renewable period of four years.

Article 8

The following shall be required [to be fulfilled] by persons to be members on the Board of Directors of the Corporation:

1. To be Palestinian.
2. To enjoy legal eligibility.
3. To be of good conduct and repute.
4. Not to have been convicted a crime or misdemeanour of moral turpitude.

Compilation of Reference Texts

Article 9

Membership of the chairperson and members on the Board of Directors shall be expire in any of the following cases:

1. Resignation or dismissal.
2. Death.
3. Contravention of any of the membership conditions provided under Article 8 of this Decree.

Article 10

The Board of Directors shall assume the following tasks and powers:

1. Manage affairs of the Corporation in all the activities it implements.
2. Approve the general policies of the Corporation.
3. Develop the financial and administrative report and submit to the President.
4. Develop a financial and administrative regulation on the Corporation and its employees in consistence with the nature of media activity, and without adherence to the regulations and rules pertinent to the civil servants of the National Authority and submit it to the President.
5. Prepare the annual budget of the Corporation as well as the final account of the expiring fiscal year and submit them to the President.
6. Conclude a contract with one or more legally certified auditor(s) and define his salary.
7. Develop a bylaw for the administration of its sessions.
8. Develop the regulations necessary to govern and administer the affairs of the Corporation.

Article 11

The Chairperson of the Board of Directors shall assume the following tasks and powers:

1. General supervision of all affairs of the Corporation and manage it along with its sections.
2. Represent the Corporation and Board of Directors before all official and nonofficial bodies.
3. Implement decisions of the Board of Directors.
4. Call the Board of Directors to convene.
5. Manage sessions of the Board of Directors.
6. Any other tasks assigned to him by the President.

Article 12

Properties of the Corporation shall consist of the following resources:

1. Financial allocations designated thereto in the Public Budget.
2. Unconditional grants, wills and donations.
3. Revenues accrued by its activities.

Article 13

The Corporation and its functions and activities shall be exempted from taxes, fees and revenues, including all the devices, tools, equipment, spare parts, raw materials, audiovisual programme materials and any other materials which are expedient for the Corporation to perform its activities.

Article 14

Employees of the Palestine Radio and Television Corporation shall be transferred along with all their entitlements, obligations and assets to the Corporation. Employees' rights shall be preserved in accordance with the Law of Civil Service.

Article 15

The President shall promulgate the regulation necessary to enforce the provisions of this

Decree based upon the recommendation of the Chairperson of the Board of Directors.

Article 16

The Board of Directors shall issue forth the instructions and decisions necessary to administer functions of the Corporation until the expedient regulations are bylaws are promulgated.

Article 17

In relation to provisions not prescribed under this Decree, the Corporation shall be subject to the laws and regulations in force in Palestine.

Article 18

All that contradicts the provisions of this Decree shall be repealed.

Article 19

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

Promulgated in the city of Ramallah on March 9th, 2010 Anno Domini,

Corresponding to Rabee' al Awwal 23rd, 1431 Anno Hegira.

Mahmoud Abbas

President of the State of Palestine,

Chairman of the Palestine Liberation Organisation,

President of the Palestinian National Authority.

