

## **Palestinian Constitutional Court Interpretative Decision No. 3, 2016**

During a session on Thursday, 3 November 2016, the Palestinian Constitutional Court issued Interpretative Decision No. 3 of 2016; Pursuant to the 26 September 2016 request by the Minister of Justice to Supreme Judicial Council president and former Supreme Court president Sami Sarsur for an interpretation of the text of the Basic Law; Based on the 1 September 2016 decision of the Court of Cassation in penal case 326/2015.

The text of the Constitutional Court decision:

In the matter of interpreting articles 47, 47*bis*, 51, and 53(1) of the 2003 [Amended Basic Law](#) with its 2005 [amendments](#), and Article 96 of the [Standing Orders](#) of the Palestinian Legislative Council (PLC), the Court has decided as follows:

1. The specified temporal mandate for members of the PLC is four years from the date of election.
2. The expiring terms of PLC members have been temporarily extended until new members can take the constitutional oath.
3. The president of the Palestinian National Authority did not exceed his authority in issuing the decree lifting the immunity on any PLC member while the PLC is not in session. Such a decision is not subject to a fixed standard, but rather varies with the circumstances and in accordance with any material or other effects on the economic or social circumstances in the country; and in accordance with the necessity to preserve the existence of the state, including the adoptions of rules permitting the enactment of exceptional legislation in cases when the PLC is not in session or unable to convene.

Therefore the High Constitutional Court finds that [Decree No. 4](#) of 2012, issued on 3 January 2012 to lift the immunity of PLC member Muhammad Yusuf Shakir Dahlan (the appellee) in penal case 326/2015 was issued in accordance with the principles and powers authorized to the President under the law.