

# Constructive Critical Accountability for The Compatibility Between the Palestinian Constitutional Framework and International Human Rights Agreements

Sanaa Maher Totah<sup>1</sup>

## Abstract

*The constitution establishes the foundations upon which the law, in all its branches, is based. Due to this organic relationship between the constitution and ordinary laws, all legal principles are classified according to their hierarchy, with the constitution holding the highest rank. Consequently, rights and freedoms in the Palestinian legal system constitute a central axis emphasized by most of its constitutional texts. Human rights are inherent in the constitutional framework of modern states, influencing not only the relationships between individuals and the state but also extending to the structures of the state, decision-making processes, accountability, and oversight. Therefore, if the state aims to balance freedom and the public interest, the constitution's role is to regulate the peaceful coexistence between authority and freedom within the state. This can only be achieved by aligning constitutional and legislative texts with international agreements, based on the Universal Declaration of Human Rights of 1948, in order to promote human rights.*

**Keywords:** *Constitution, Rights and Freedoms, International Agreements, Protection Guarantees, Internal Violations.*

## INTRODUCTION

Human rights and freedoms are the supreme goal that humanity seeks to protect and achieve. Recognizing the dignity and inherent rights of all members of the human family and their equal and unchanging rights is the foundation of freedom and peace in a world where nothing is guaranteed except for rights and freedoms. The present time has proven that respecting, ensuring, and protecting rights and freedoms is the basis for any constitutional amendment and the only way to achieve security and stability in society. Therefore, the state bears the responsibility of protecting the rights and freedoms of individuals and refraining from encroaching upon them, through regulating and ensuring their exercise. This responsibility has been affirmed through various political systems to the extent that rights and freedoms have become the true purpose of the existence of the state.

In the Palestinian legal system, rights and freedoms constitute a fundamental axis. The legal system for public freedoms in Palestine has its essence and unique situation due to the presence of occupation and the issue of conflicting laws, not to mention internal divisions in the Palestinian context. Unfortunately, these divisions have solidified the violation of human rights and the neglect of public rights and freedoms stipulated by constitutions and international agreements around the world.

Public freedoms are the foundation of the development and progress of nations, and they form the core of our discussion in this research paper. According to Professor Colliard, these freedoms are "legal and legitimate situations where individuals are allowed to act as they wish within the framework of limits set by positive law and under the control of a police force tasked with maintaining public order." He further added that this law is protected by judicial action by placing controls on legitimacy. This definition raises questions and challenges regarding the compatibility of constitutional texts with public rights and freedoms, which the world has agreed upon and appreciated. It also raises questions about the criticisms directed at the ruling authority in the present time regarding its inclusion of these rights and freedoms, not only in terms of texts but also in terms of application. Does signing and joining international agreements suffice without genuine alignment in both text and application?

---

<sup>1</sup> Al-Quds University. E-mail: [sanatotah@staff.alquds.edu](mailto:sanatotah@staff.alquds.edu)

The importance of this study lies in highlighting the legal framework of public rights and freedoms, as well as the boundaries of their exercise and the violations they face. It also aims to demonstrate the role that the constitution plays in enhancing rights and freedoms. Within this study, we will follow the analytical approach, and to provide a clear picture of this subject, we have divided the study into two axes:

Axis One: The legislative framework for public rights and freedoms (constitutional expression and protection guarantees).

Axis Two: The principles that guide the state's commitment to regulating rights and freedoms.

## **Section One**

The Legislative Framework for Public Rights and Freedoms (Constitutional Expression and Protection Guarantees)

Every constitution worldwide includes provisions and principles related to basic freedoms and human rights. Within this framework are the commitments that Palestine has accepted through its accession to international covenants and treaties, followed by the level of constitutional guarantees and, finally, the primary laws governing the exercise of public rights and freedoms. While these guarantees may not necessarily dictate practical implementation, they remain influential in shaping the official acceptance of human rights and the quality of guarantees available for their protection. They also clarify the nature of restrictions that regulate human rights (Mohsen Awad,1991).

As the constitution represents the primary and original source of legal principles, and due to its stability and superiority over various legal rules, it serves as a general foundation that enshrines principles and specific provisions regarding public rights and freedoms. Legislation is responsible for organizing and detailing these rights, alongside the executive authority's intervention in some cases through subsidiary legislation. Moreover, the scope extends beyond this, as treaties and international agreements also serve as a regulated source for the concept of rights and freedoms.

Therefore, the first section will discuss the Palestinian constitution as a primary source for public rights and freedoms. It will also explore the organization and detailing of rights and freedoms according to legislation in the second section, and the third section will consider international covenants as a regulated source for the concept of rights and freedoms.

### **The First Requirement**

The Palestinian Constitution is a primary source of rights and public freedoms. The

First constitution applied in Palestine was the Ottoman Basic Law of 1876, which borrowed most of its provisions from the Belgian Constitution of 1831. This constitution came within the context of the wide-ranging reform movement undertaken by the Turkish authorities in the first half of the nineteenth century. The constitution established a governance system based on three main powers: legislative, executive, and judicial. However, its failure to establish a balanced separation of powers initially did not allow for the optimal exercise of basic rights and freedoms, nor the existence of an independent judiciary capable of playing any role related to the protection of individuals' rights and basic freedoms.

Following that constitution, there was the Palestinian Constitution Decree of 1922 and its amendments, which outlined the main features of the constitutional document. Despite being issued as a royal decree by a British monarch in implementation of the mandate over Palestine, primarily based on the Balfour Declaration of 1917 with the aim of establishing a Jewish national homeland in Palestine, the texts of this constitution were largely consistent with that objective. (Fathi Al-Wahidi, 2004).

The mention must be made of the Palestinian Constitution Decree, which did not include regulated texts for basic rights and freedoms, except for its text on the right to equality and freedom of belief, as stated in Article (83) (Article 83). In this context, the decree prohibited the Legislative Council from issuing any law that restricts

the freedom of creed or the freedom to perform religious rituals, or any law that discriminates against the people of Palestine based on race, language, or religion. In summary, the Palestinian Constitution Decree did not provide any guarantees for the rights and freedoms of the Palestinian people, as it did not specify the principles of democratic constitutional order or the means to achieve them, such as popular sovereignty, the rule of law, constitutional supremacy, and the separation of powers.

Following the departure of the British mandate in 1948, Palestine disintegrated into three entities. The first was established by the Zionist entity, the second fell under Jordanian rule in the West Bank, where a hereditary individual monarchy system was established, along with some texts related to basic rights and freedoms. The functions of the three authorities were under the king's sovereignty, with his absolute right to disable all authorities. Consequently, discussions about the principles of the democratic constitutional system, separation of powers, judicial independence, or the protection of basic rights and freedoms are mere slogans intended to beautify the appearance of governance, nothing more. The third entity in Gaza came under Egyptian administration, and the reality did not differ much from the West Bank.

Following the Arab defeat in 1967, Israel took control of the remaining Palestinian territories. As a result, the issue of rights and basic freedoms lost its significance during that period, as the occupation itself governed various authorities, especially the judicial authority.

In summary, the authoritarian regimes that Palestine was subjected to, and the subsequent occupation system under which it remained, directly influenced the nature of the judicial authority and its relationship with other authorities. This authority suffered from the dominance of the ruling power over it, and the principles related to the separation of powers or the independence of the judiciary had no value under those systems.

## **The Second Requirement**

Organization of Rights and Freedoms and its details according to Palestinian legislation.

The existence of appropriate modern laws is a crucial necessity for preserving public rights and freedoms. The role of legislation is not limited to preserving them but also involves regulating and ensuring their exercise by individuals and groups, protecting them from arbitrary authority. It also governs the relationship between the ruler and the ruled. Therefore, the law holds special importance and utmost necessity in diverse societies, contributing to the safety and stability of political and social life in the community. (Sayed Narration, 2013).

As mentioned earlier, the legal structure in Palestine is weak due to the unique circumstances resulting from the succession of powers that have governed Palestine, from Ottoman rule to the Israeli occupation imposing its military laws. The establishment of the Palestinian Authority, assuming administrative tasks, has also influenced the Palestinian Authority and its various institutions, including the legislative council responsible for enacting laws and regulations. Four external factors have affected the Palestinian Authority, including the Oslo framework, the Palestine Liberation Organization, Israeli policies, and the international donor community. These factors directly impact the performance of the Authority's institutions, (Sayer Yazid & Khalil Al-Shaqqai, 1999). Including the legislative council. In addition to these longstanding and current factors, a fifth factor must be added, namely corruption in all its forms within all institutions of the Authority. Therefore, it is necessary to clarify that the Palestinian legal structure has not reached a state of stability and maturity for several Factors:

The tyranny of negotiating with the Zionist entity to establish the Palestinian state, including the issue of legal construction in Palestine.

The internal Palestinian situation has been and remains unsupportive, as the first legislative council did not reflect fair representation for Palestinians.

The modernity of the Palestinian parliamentary experience, due to Palestinians living under the occupation for decades, they have not experienced parliamentary life and legislation before. (Ahmad, Abudia,2004).

The restrictions imposed by Oslo and its derivatives, such as the Taba Agreement and the Cairo Agreement, which prevented the legislative council from issuing legislation conflicting with the provisions of agreements with Israel.

Violations suffered by laws from the executive branches of the Palestinian Authority.

With the arrival of the Palestinian Authority and the election of the Palestinian Legislative Council, attempts began to legislate laws regulating public life, regulating the exercise of public freedoms, and addressing the issue of rights. However, this process still faces many obstacles. The late President Arafat refused to approve many projects referred to him by the legislative council because they violated agreements with Israel. Nevertheless, several laws related to rights and public freedoms, such as the election law and the press and publication law, were enacted. Despite the negative factors affecting the regulation of these freedoms in various legislations, even the freedoms that were found and legislated are only ink on paper in reality.

### **Third Requirement**

The international covenants are an organized source for the concept of rights and freedoms.

The text of the United Nations Charter emphasizes the promotion of respect for human rights and the fundamental freedoms of all individuals without discrimination based on sex, religion, or language. In 1948, the United Nations issued the Universal Declaration of Human Rights, which includes the fundamental principles of civil, political, social, economic, cultural rights, and individual freedoms. Human rights encompass various rights that every individual in the world deserves, and these rights must be protected. The protection of human rights refers to a set of measures taken at the national level by relevant authorities in a country, demonstrating the extent of the responsible authorities' commitment to human rights and revealing violations against those rights.

As for the definition of human rights, there are numerous definitions, each differing from the others. (René Cassin, 1968) one of the drafters of the Universal Declaration of Human Rights, defined them as "a self-standing science and a special branch of the social sciences that focuses on studying the relationships between individuals according to human dignity, while identifying the rights and necessary choices to unfold the personality of every human being." Despite the abundance and diversity of definitions of human rights, they converge on important and necessary facts, including:

Rooted in human dignity.

It may be written or unwritten.

Based on freedom and equality for all without discrimination.

Constantly renewable and evolving.

May be reflected in international or regional conventions or national legislation.

Encompasses individual and collective rights.

It is known that these conventions and agreements, which fall under the umbrella of international law, are the result of the international community. They express the common elements of human will, and as a result, some consider them superior to other laws, whether international or national. It is akin to a constitution in its relationship with ordinary national legislation. Dr. Abdul Rahman Abu Al-Nasr believes that the reason behind the superiority of international human rights law over other laws is that it "concerns humans as humans. (Karam Nashwan, 2011).

One of the most important indicators of the superiority of international human rights law includes the following:

The commitment of member states to adhere to international human rights agreements.

The commitment of states to change their legislation and policies to align with international human rights agreements.

Therefore, the legislative authority in each country, which has jurisdiction, is no longer unrestricted in enacting legislation. Instead, it is constrained by human rights.

Consequently, the commitment of countries to respect human rights and fundamental freedoms is a general and comprehensive commitment for all countries, regardless of their political, economic, and cultural systems. Respect for human rights has become one of the components of the legitimacy of governments, where respect for human rights is no longer just an international commitment of states but also a measure of the legitimacy of their rule.

## **The Second Topic**

The principles on which the state's commitment to regulating rights, freedoms, and the mechanism of supervision is based

(The constitution as the primary source).

The principles underlying the commitment of a state to regulate rights and freedoms and the mechanism of oversight (the constitution as a primary source). If the modern state is based on the idea of virtuous practice in serving its people and providing the basic framework for public rights and freedoms, most modern constitution's guarantee these rights and freedoms as an expression of the concern of states and constitutional systems for them. This is achieved by establishing mechanisms for constitutional protection, not limited to constitutional and legislative framing but extending to the enforcement of guarantees in practice.

As human rights and public freedoms derive their human value from proper application in reality, these rights and freedoms must be judicially protected. This can be achieved through constitutional councils or independent judicial bodies capable of annulling, amending, or compensating for measures and legislation taken by public authorities when they unjustly affect the basic rights and freedoms of citizens.

## **First Requirement**

Judicial oversight in Palestine for protecting human rights and freedoms.

The judicial authority in Palestine is entrusted with judicial oversight to protect human rights and freedoms. However, this authority lacks real power in oversight, making it difficult to establish a genuine and effective guarantee for the protection of human rights and freedoms. This is compounded by the relative novelty of the Palestinian judicial experience in this oversight, significantly influenced by constitutional and political epochs in Palestinian history.

The research into judicial protection of public rights and freedoms necessitates an understanding of the sources of these rights and freedoms, serving as a binding and reference framework for the judiciary in applying human rights principles in legal applications. These sources can be summarized into two main categories: international sources with a legal and agreement dimension, and national sources represented by constitutional documents that include general rights and freedoms. Human rights originated from the idea of natural law after shedding its religious connotations, notably through the work of the jurist Grotius. (Ahmad Al-Ashqar,2013).

The Universal Declaration of Human Rights, as an international source, includes fundamental principles that have significantly influenced modern national constitutions. Consequently, public rights and freedoms acquire the formal and substantive dignity possessed by constitutional principles. Constitutional judicial oversight is thus responsible for protecting these constitutional principles, including public rights and freedoms, their guarantees, and ensuring their respect and accessibility. In this regard, Thomas attempted to.

In his book "Al-Nizam" (The System), Kook defines the relationship between law and the state when he indicates that the social contract includes a number of principles and fundamental rules directly related to the ideas of justice and rights. General legislation further encompasses the expression of these higher principles. Therefore, the law transcends the state as a constraint on its authorities. This constraint assumes the existence

of an entity to monitor the abuse of power, whether it be the parliament, the monarch, or the president adhering to the constitution.

It appears that the concept of constitutional control of laws is based on considering constitutional rules as a constraint on public authorities, elevating them above the state. Legislation or practices must not contradict these constitutional rules. Accordingly, the Palestinian Authority must ensure in its constitution the rights and public freedoms. However, this has been only partially implemented on the ground due to various factors, including corruption. Therefore, the oversight is not merely on the constitutionality of laws but on the constitutional practice of the state concerning rights and public freedoms. This aligns with Jean-Jacques Rousseau's argument in his study of civil government, emphasizing the need for the state to be ethical in its dealings with the people and accountable to them. . (Ahmad Al-Ashqar,2013).

## **The Second Requirement**

"The extent of the commitment of the executive authority to implement the judgments of the judiciary and the consequences of non-compliance.

Contemporary states seek to build a legal state based on the rule of law as a clear expression of the state's democracy and its respect for rights and freedoms. This can only be achieved by the submission of all individuals in the state, both rulers and ruled, to the rule of law, making respect for the law a common interest for both individuals in society and public authorities in the state alike. This is emphasized by the Palestinian Basic Law in Article (6), which states: "The principle of the rule of law is the basis of governance in Palestine. All authorities, agencies, bodies, institutions, and individuals are subject to the law."

Since the executive authority is the one that exercises the most activity related to the rights and freedoms of individuals, its activities and actions are considered more dangerous to these rights and freedoms if the authority is misused and exceeds its jurisdiction. A true democratic state is one that adheres to the principle of the separation of powers in its political system, ensuring that the state does not combine the public authorities and distributing responsibilities among them based on clear constitutional rules. Through these rules, the role of each authority is defined individually, as well as the boundaries of the relationship between these authorities. This principle is one of the most effective and ensuring means to achieve balance among the three powers and create a climate of moderation between them, ultimately leading to the realization of freedom and democracy. (Abdul Azim, 2006).

The principle of the separation of powers is one of the pillars upon which the concept of the rule of law is built, representing a fundamental guarantee for freedoms in modern democratic states. In this framework, the legislative authority is responsible for shaping legislative policies, the executive authority is tasked with implementing the law and executing judicial decisions, while the judicial authority applies the law to resolve disputes brought before it (Tharwat Badawi,1986). The Palestinian Basic Law embodies this principle in its texts as the foundation for protecting freedoms in Palestine. Article 2 of the Basic Law states, "The people are the source of authority, which they shall exercise through the legislative, executive, and judicial authorities on the basis of the principle of the separation of powers as specified in this Law. This principle and its implications necessitate the role of the executive authority, which must always be vigilant in implementing the law in all its aspects, whether through direct practice in applying legal texts or through the immediate execution of judicial judgments without interference, obstruction, or delay. This is the primary role of the executive authority and the democratic approach among the three branches of government, where the guarantees of freedoms in the state lie and are protected. This is the role that the executive authority must adhere to.

The Judicial Authority Law No. (1) Of the year 2002 constitutes the fundamental law for the judiciary, establishing rules that prevent interference in judicial affairs to protect the judicial authority and citizens from the encroachment and assaults of the executive authority on the jurisdiction and independence of the judiciary. One of the most important rules is stated in Article (1) of the same law, which emphasizes that "the judicial authority is independent, and interference in the judiciary or matters of justice is prohibited."

In the context of our discussion, what is most important is what Article (82) of the Judicial Authority Law No. (1) Of 2002 stipulates. The article establishes a legal basis commanding compliance with judicial decisions and prohibits their non-enforcement, obstruction, or hindrance in any way. Offenses in this regard are punishable by imprisonment and dismissal from public office if the accused is a public servant or holds a public position, etc. Failure to execute judicial judgments, regardless of the reasons and justifications, constitutes a violation of the principle of the rule of law and the legitimacy of decisions and judgments issued by the judiciary towards all individuals. It also represents a departure from the principle of the separation of powers in the state, with serious repercussions on the independence of the judicial authority. Consequently, it amounts to a waste and violation of constitutional provisions, leading to a complete collapse of rights and public freedoms guaranteed by the constitution and international agreements to which the State of Palestine is a party.

In the absence of any legislative role due to political division, and the complete monopoly of the executive authority over legislative and executive policies in the country, there has been a noticeable growth and increase in the non-execution of judicial decisions, or their deliberate neglect, sometimes delayed under various subjective pretexts that contradict the role assigned to the executive authority. This phenomenon poses a serious, even extremely serious, threat to the political system and freedoms in Palestine. It negatively impacts Palestinian citizens, their lives, and their trust in the judiciary and the state as a whole. Citizens find themselves powerless against the dominance and power of the executive authority."

By referring to judicial rulings and reports issued by the Independent Commission for Human Rights (Complaints chapter, the report 20220) , we find that the phenomenon of non-compliance with judicial decisions, while relatively low, still poses a threat to individual rights and freedoms in Palestine.

The continued suspension of the execution of judicial rulings in Palestine remains a prevailing approach within some administrative institutions without restraint or a sense of responsibility. The Supreme Court, in its decision number 167 issued on 30-10-2005 in case number 119/2005, stated, "Since the respondent, the first defendant (Governor of Nablus), remained detained in Nablus prison despite the issuance of a Nablus Court of First Instance decision to release him on bail, he has refused to implement a judicial decision that must be executed. By doing so, he has violated the principle of the separation of powers, infringed upon the judiciary's authority, and rendered his decision in this matter null and void.

Similarly, in case number 112/2005, the Supreme Court issued decision number 169 on 30-10-2005, stating, "Jurisprudence and administrative justice have established that refusing to implement judicial decisions constitutes an assault on the constitution due to the independence of the judiciary from the executive branch. The executive's refusal to execute a judicial decision is an attack on the principle of the separation of powers. This refusal amounts to challenging the judicial decision, depriving it of its legal validity imposed by the law. Respecting court decisions requires their implementation even if they are incorrect. Moreover, the executive branch is not allowed to exert control over the procedures and decisions of the courts. Legal scholars unanimously agree that refraining from the executive branch's interference in pending lawsuits before the courts is one of the most crucial factors in establishing the principle of judicial independence and enforcing respect for it by everyone. The executive branch must remain restrained even if there is a mistake in the application of the law committed by the judge during the course of the lawsuit because the correct means to rectify and remedy such an error is through appealing those judgments through legally prescribed procedures, not through the executive branch intervening in the proceedings and decisions of the courts."

The principles have settled in the judgments of the Supreme Court, as well as the Administrative Court of Cassation, in establishing their existence and recalling them in the past and recently. The judiciary has even reached a point where it criticizes the executive authority for not implementing judgments, using words that go beyond the context of the judgment and its causes. It decided that "many of its judgments have not been executed, despite being the highest court in the country, and these judgments have remained mere ink on paper. Some, unfortunately in positions of responsibility, have ignored them, and some have appointed themselves as a judiciary in a court higher than the one that issues those decisions, either out of ignorance of the law or unjustifiable justifications.

What is even more alarming is that the approach they have adopted has become an example and a guide for the general public to emulate, endangering the prestige of the judicial system and disregarding the decisions of the Palestinian courts issued in the name of the Palestinian people (Palestinian Supreme Court of Justice, Resolution No. 26/1998 ). The danger of not implementing judicial judgments, as mentioned earlier, reflects on the existing governance system, turning the state into a police state. This poses the most dangerous threat to human rights and freedoms, as emphasized by the Palestinian constitutional legislator. Therefore, Article 106 of the Basic Law of 2003 specifically addressed this issue within the framework of the highest and most authoritative legal document, which is the Basic Law that enjoys formal and objective dignity, leaving no room for interpretation or means to evade this serious matter.

The constitutional text came to put an end to all authorities by stating that judicial rulings are the true authority, and their immediate implementation is a duty. Failure to implement them can only be described as a crime, subject to severe penalties. The constitutional text directs the legislative authority to deal with legislation in accordance with this principle when enacting laws. At the same time, it puts a limit to any administrative entity, regardless of its position or influence, by stating that standing in the way of implementing a judicial ruling results in dismissal from service, imprisonment, and compensation. This is stipulated in Article 106 of the Palestinian Basic Law, which states that "judicial judgments must be implemented, and failure to implement or obstruct their implementation in any way is a crime punishable by imprisonment and dismissal from office if the accused is an employee A public servant, or one entrusted with public service, has the right to file a lawsuit directly with the competent court, and the national authority guarantees full compensation for them.

This advanced text constitutes crucial guarantees for the implementation of judicial rulings, as well as in the realm of rights and public freedoms. No administrative entity can arbitrarily or improperly use its authority, leading to a violation of these rights and freedoms. However, as a researcher, I still observe administrative obstacles imposed by the executive authority in the state that hinder or, one might say, refuse to execute judicial rulings under unjustifiable pretexts. This constitutes a genuine departure from all constitutional texts and norms. Yet, the lingering question at this juncture is: What can be done to enforce judicial judgments, and what are the alternatives and solutions?

As a researcher, I believe that the existence of the constitutional provision in Article (106) is the foundation for guarantees, punishment, and the integrity of administrative officials. What is required is simply to activate criminal accountability by the public prosecutor towards any administrative entity obstructing and refusing to implement a judicial ruling, considering it a corruption crime. If any administrative body that hinders the execution of a judgment is held accountable, this would immediately impact the integrity of the executive authority and its immediate respect for judicial rulings. Imprisonment, isolation, and compensation are important legal consequences if applied and enforced against those responsible for obstructing the implementation of judicial judgments. This would make us a state based on the principle of the separation of powers and genuinely respect the rule of law.

## **CONCLUSION**

It has become evident to us that constitutional justice and the judiciary in general in Palestine are still in the early stages of providing the expected judicial protection for public rights and freedoms. This is attributed to various factors, including the recent establishment of constitutional justice, which has not allowed for the development of a judiciary capable of ensuring constitutional protection. The real problem lies in the failure to implement the provisions, whether in the constitution or legislation, regarding rights and public freedoms in practice. This can be attributed to various factors, with the most significant and dangerous being the phenomenon of corruption.

The results can be summarized as follows:

The Palestinian constitutional system has been significantly influenced by successive constitutional eras in Palestine, which varied in their ability to safeguard public rights and freedoms.



Palestine has not been heavily influenced by the international dimension of human rights, despite its accession to many treaties and conventions.

Constitutional justice in Palestine is still in the early stages concerning providing the desired and expected judicial protection for public rights and freedoms.

Judgments issued by the administrative judiciary in Palestine are still a subject of consideration and debate by the executive authority during implementation.

The Public Prosecution does not fulfill its role in holding criminally responsible the inactive entities and administrative authorities for failing to execute judicial decisions, leading to a high percentage of unimplemented judgments in Palestine, especially in the field of individual rights and freedoms.

Citizens' trust in the judiciary has declined due to the non-execution of its judgments related to public rights and freedoms by competent authorities within the executive authority.

## REFERENCES

- Palestinian Supreme Court of Justice. Resolution No. 26/1998, issued on 10-6-1998, Ramallah.
- Palestinian Supreme Court of Justice. Complaints chapter. Report on the twenty-sixth, January 1 to December 31, 2020.
- Palestinian Supreme Court of Justice. Complaints chapter. Report on the twenty-fifth, January 1 to December 31, 2019.
- Badawi, T. (1986). *Political Systems*. Cairo: Dar Al-Nahda Al-Arabiya, pp. 30-32.
- Abdul Salam Abdul Majid, A. A. (2006). *The Evolution of Constitutional Systems*, Vol. 1. Cairo: Dar Al-Nahda Al-Arabiya, p. 231.
- Al-Wahidi, F. (2004). *Constitutional Developments in Palestine with an Explanation of General Constitutional Principles*. Gaza: Without a Publishing House, pp. 181-183.
- Awad, M. (1991). "The Future of Human Rights in the Arab World." Issue 151, p. 50.
- Thesis:
- Narration, S. (2013). "Individual Freedom in Palestinian Law and Its Impact on Political Development." Master's Thesis, An-Najah National University, p. 38.
- Yazid, S., & Al-Shaqqai, K. "Team Report, Strengthening Palestinian Authority Institutions." Council on Foreign Relations, New York, 1999, p. 29.
- Nashwan, K. (2011). "Mechanisms for Protecting Human Rights in International Human Rights Law." Master's Thesis, Al-Azhar University - Gaza, p. 27.
- Al-Ashqar, A. (2013). "The Role of Constitutional and Administrative Judiciary in Protecting Public Rights and Freedoms in Palestine." Master's Thesis, Birzeit University, p. 2.
- Cassin, R. (1968). One of the drafters of the Universal Declaration of Human Rights in 1948 and the recipient of the Nobel Peace Prize.
- Abudia, A. (2004). "Towards an Effective Legislative Council, the Legislative Council's Relationship with the Public." Coalition for Integrity and Accountability - Aman (Safety), Ramallah, p. 5.