



NEWSLETTER

April 2019

MUSAWA Approves its Annual Administrative and Financial Reports of 2018 in General Assembly Meeting

On the 20th of April, MUSAWA's general assembly held its periodic meeting to discuss the center's administrative and financial reports of 2018, in addition to the M&E and PR reports. The meeting also addressed the need to attract youth and women members to join the GA. A number of decisions resulted from the meeting including approving MUSAWA's administrative and financial reports of 2018, forming an internal financial oversight committee including the treasurer, Adv. Yousuf Bakhtan, Adv. Samir Barghouthi, and Adv. Sharhabil Za'eem, and entrusting the financial manager with the task of preparing a policy paper or a system on the mechanism of applying the duties of MUSAWA's internal financial oversight committee.

Lawyers for the Rule of Law (MUSAWA's Friends) Discuss the Practical Issues of the Decree Law on the High Criminal Court

The Lawyers for the Rule of Law (MUSAWA's Friends) group has held a meeting, in which a number of its members discussed the decree-law on the High Criminal Court, its implications, negativities and practical issues that faced lawyers litigating before the High Criminal Court. The meeting was held on Thursday, 25/4/2019, at MUSAWA's headquarter in Ramallah, with the participation of 8 lawyers.

During the meeting, the members discussed the provisions of this decree-law, indicated the aspects in which it violated the fair trial guarantees and its contraction with the Basic Law, the Judicial Authority's Act, the covenants and international agreements signed by Palestine and to which it is bound, then addressed the practical issues facing lawyers before the High Criminal Court as a result of the pre-mentioned decree-law. The meeting resulted in agreeing on the need to have a community pressure in order to abolish the decree-law and dissolve the High Criminal Court.



This meeting was part of the regular meeting held by the group to anchor the culture of legal awareness and monitor the violations of the justice system, document and address them.



Legal Memos and Position Papers

4/4/2019 - [Position Paper](#) "The New Decree Law Entails a Direct Contravention of the Constitutional Court Act Provisions".

7/4/2019 – [Memo](#) to the Head and members of the Bar Association in Gaza entitled "Violating the Professional Code of Conduct and Impersonating an Agent in Contravention of the Rule of Law".

7/4/2019 – [Memo](#) to the CEO of the Palestinian Monetary Authority and the CEO of Bank of Palestine entitled "Negative Discrimination in Financial Transactions is a Violation against the PWD's Constitutional Rights".

7/4/2019 – [Memo](#) to the head and members of the High Judicial Council entitled "Imposing Fees without Legal Basis".

7/4/2019 – [Memo](#) to the president and members of the Palestinian Bar's Association on the complaint fees at the association.

11/4/2019 – [Memo](#) to the President and Members of the High Judicial Council / Gaza entitled "Memo on Preventing MUSAWA's Team from Monitoring Court Sessions".

14/4/2019 – [Memo](#) to the Head of the Supreme Shariah Court, Attorney General, the Secretary-General of the Legislative Council, and the President of the Sharia Bar Association in Gaza, entitled "The Recurrence of Unlawful Detentions, Introducing Penalties in Contradiction with the Law, the Arbitrary Exercise of Power, and Separating Jurisdictions in a Manner that Prevents Legitimacy Monitoring & Human Rights' Protection".

20/4/2019 – [Position Paper](#) "MUSAWA Supports and Endorses the Decision of the Bar Association to Suspend Work Before the High Criminal Court".

20/4/2019 – [Position Paper](#) "Palestine's Decline on the World Press Freedom Index is a Normal Consequence of Enforcing the Legislation of Cyber Crimes and the High Criminal Court".

21/4/2019 – [Memo](#) to the Prime Minister Dr. Mohammad Ishtayya on "The Suffering of the People of al-Jeflik".

30/4/2019 – [Memo](#) to the head and members of the High Judicial Council entitled "Releasing a Fugitive from Justice in Contradiction with the Rule of Law".

MUSAWA's Interventions

During April, MUSAWA received 10 complaints on: 1) Unlawful Arrest; 2) Affecting the employment rights and the human dignity of the medical profession ; 3) two memos on prolonging the litigation; 4) Demanding the deletion of a lawyer's name from the records of practicing lawyers ; 5) Refraining from implementing a release decision; 6) A security member attacks lawyer's office; 7) releasing a fugitive in contradiction with law provisions; 9) Discrimination in the pension rights of the legislative council's members; 10) deducting an amount of money from a public employee's pension rights.

MUSAWA demanded to visit the detainee, the complainant of the first complaint, provided five legal consultations, sent a memo concerning the seventh complaint, and still following up with the rest of the complaints.

MUSAWA Published More Videos on the Findings of the Fifth Monitor Report

Since the begging of 2019, MUSAWA has launched a series of Facebook videos titled "The Fifth Monitor Report", in which it presents the report's results, click [here](#) to watch. In addition, MUSAWA published a [video](#) on its Facebook page, in which it illustrated its position on the government's decision to assign a driver for the ministers after the end of their service, and its [position](#) on the litigant's inadmissibility to choose his/her judge.

Field Visits to the Pillars of Justice

In cooperation with the Lawyers for the Rule of Law Groups (friends of MUSAWA), MUSAWA carried-out a series of field visits to the pillars of justice in the West Bank and Gaza Strip, including the regular court and the Supreme Court of Justice in Ramallah, the Regular Court of Nablus, the Regular Court of Tulkarem, the Regular and Sharia Courts of Jenin, the Regular and Sharia Courts of Qalqilya, the Regular and Sharia Courts of Salfit, the Magistrate's Court of Tubas, the Regular and Sharia Courts of Bethlehem, the Regular and Sharia Courts of Jericho, Dura's Magistrate's Court, Yatta's Magistrate's Court, and Hebron's regular court in the West bank. In Gaza, the team visited Gaza's Court Compound, the magistrate's court, the court of first instance of the Al Wusta Governorate where 6 violations were monitored and documented, and two complaints were filed. These visits come as part of MUSAWA's work as a watchdog organization which monitors law-violations and promotes the rule of law.

MUSAWA Participated in the Community Consultations on Reforming the Justice System

MUSAWA participated in the first community meeting of the community consultations on reforming the justice system, which are being organized by SAWASYA. The meeting was held on Saturday, 6/4/2019, in Nablus, and it covered the governorates of Nablus, Jenin, and Tubas. The meeting included representatives of the official justice system, the Bar's Association, and the Civil Society organizations, noting that this meeting is part of a series of community meetings that will cover all the governorates in the West Bank and Gaza Strip.

MUSAWA's Mobile Legal Clinique

Strengthening its oversight role on the performance of the justice sector and raising the awareness of marginalized groups about their rights and the available mechanisms to attain them, as well as building the capacities of young lawyers and law students, MUSAWA, along with its volunteering groups and partner CBOs conducted 4 workshops in the West Bank (Al-Khan Al Ahmar Bedouin community, Tulkarem camp, Jaba' Bedouin community), and 8 workshops in the Gaza Strip (Jabalya Al-Balad, Al-Daraj Neighborhood, Gaza Governorate, Beit Hanoun, Jabalya Camp, Rafah Governorate, Khuza'a, Johr Al-Deek). The workshops addressed the following topics: Women's Sharia rights, Cybercrimes and safe use of the internet, Children's rights, Children's right and bullying among children, courts in Palestine, the right to fair trial guarantees, the right of equality before the law and the courts, the personal status law as provided by the Basic Law, combating gender-based violence, financial, social and cultural rights, a comparison between the personal status act, CEDAW agreement and the Convention on the Rights of the Child. A total of 383 people participated in the workshops, 317 of them were women. These workshops come as part of the Legal Clinic program, under which MUSAWA conducts awareness workshops and offers legal counseling in marginalized areas, both in the West Bank and Gaza Strip. Two videos on the participants' opinions in the workshops were published on MUSAWA's Facebook page.



MUSAWA Conducts Legal Meeting Concerning Militarizing the Police & How Would it Affect the People Right to Access to Justice

MUSAWA- the Palestinian Center for the Independence of the Judiciary and the Legal Profession has conducted a round table meeting to discuss militarizing the police and how would it affect the people's right to access to justice. The meeting was held on Thursday, 11/4/2019, at MUSAWA's office in Gaza, and it was attended by Dr. Abdulkareem Shbeir, MUSAWA's General Assembly member, Adv. Rule Musa, MUSAWA's Legal Monitoring Coordinator in Gaza, who both moderated the panel and discussion, in addition to representatives of official, civil and legal organizations. The meeting resulted in the following recommendations, most prominently taking the initiative of demanding the cancelation of the provisions of article 63 of the Code of Military Justice of 2008, and ending the contradiction between the two texts, identifying the dependencies, and adhering to the Basic law, especially to its provisions on the competences of the military judiciary. [Find More Here.](#)



MUSAWA Holds Legal Meeting on the Privatization of Judicial Services and the Delegation of the Chamber of Commerce to Settle the Financial Disputes between Traders

With an initiative from MUSAWA- The Palestinian Center for the Independence of the Judiciary and the Legal Profession, 34 legal and community figures, including 11 women, have discussed the results and implications of the two circulars issued by the head of the High Judicial Council in Gaza, one of which provides for referring the executive suits filed with the executive department to the Chamber of Commerce, which was granted the power of settling the disputes between traders as subjects of executive proceedings, the circular also obligates the executive department to refer such cases to the Chamber of Commerce. The other circular provided for delegating a private company called “Mirsal Company” to deliver judicial services, noting that the meeting took place at the hall of the Sharia Bar’s Association In Gaza on 25/4/2019. The mentioned workshop was attended by the Ministry of Justice’s representative, the head of the sharia judiciary-inspecting department in Gaza, the judge of the Sharia High Judicial Court, a number rights and academic organizations’ representatives, civil society organizations and a number of lawyers and law teachers. [Find More Here.](#)



MUSAWA an Observing Member on the Bar Association’s Finals

MUSAWA received an invitation to participate in the monitoring process on the Bar Association’s finals, which was held on 29/4/2019, from 2 pm- 3 pm, in the halls of the arts and law faculties and Kamal Naser’s hall. In response to the invitation of the Palestinian Bar’s Association, the Center appointed a team of 15 members to carry out the task and sent their names to the bar association, but the custodian body asked MUSAWA to lower the number to 5 observers. MUSAWA has committed to the instructions of the custodian and published its perspective on that regard in its [report](#). However, a memo was sent to the custodian including names of five observers: Rana Obeid, Moayyad Abu Assad, Mahmoud Abdulrahim, Shorouq Abu Qare’ and Angham Mansour, who in their turn observed the exam from the beginning to the end. MUSAWA acknowledges some general positive aspects of the exam, despite the examinees’ large number, as most halls visited by MUSAWA’s observing team were calm and displayed, in addition to the positive attitude of the official exam observers. However, the team recorded a number of observations and published them in its observing [report](#).

MUSAWA Congratulates the Attorney General



On his appointment to Palestine's Attorney General, a delegation from MUSAWA visited the office of Adviser, Akram Al-Khatib. The delegation was headed by MUSAWA's CEO, Dr. Taleb Awad, the Board of directors' members, Adv. Yasser Jaber, and Adv. Yousuf Bakhtan, the General Assembly members, Adv. Faisal Jasser, and Adv. Fadi Jabir, the general manager, Adv. Ibrahim Barghouthi, and the Executive Director, Ahlam Tarayra. The meeting discussed the means for cooperation between MUSAWA and the Public Prosecution, on basis of independence in preservation of the citizens' rights and freedoms.

TV and Radio Interviews

10/4/2019 – [TV Interview](#) on the freedom of expression as provided in the Palestinian legislation and international agreements (Baladna TV/ Adv. Kamal Hجازي, a member of lawyers' for the rule of law (Friends of MUSAWA).

14/4/2019 – [Radio Interview](#) on the newly formed government. (Al-Najah FM/ Adv. Ibrahim Barghouthi, MUSAWA's general manager).

14/4/2019 – [Radio Interview](#) on the newly formed government. (Nissa FM/ Adv. Ibrahim Barghouthi, MUSAWA's general manager).

21/4/2019 – [Radio Interview](#) on the Privatization of Judicial Services and the Delegation of the Chamber of Commerce to Settle the Financial Disputes between Traders. (Al-Ra'y FM/ Adv. Ibrahim Barghouthi, MUSAWA's general manager).

24/4/2019 – [Phone Interview](#) on the implementation of judicial rulings. (Al-Kufeyya TV/ Adv. Ibrahim Barghouthi, MUSAWA's general manager).

25/4/2019 – [Radio Interview](#) on the High Criminal Court and the need to dissolve it. (Alam Hebron/ Adv. Ibrahim Barghouthi, MUSAWA's general manager).

28/4/2019 – [Phone Interview](#) on the factors of the increasing number of crimes and the ways to address this problem. (Al-Kufeyya TV / Adv. Ibrahim Barghouthi, MUSAWA's general manager).

Other Activities

Attending the conference of presenting key findings of "2018 integrity and anti-corruption report" and preparing for the national consultations on the governmental work plan on their regard. The meeting was held on 17/4/2019, and MUSAWA was represented by the Legal Monitoring Officer, Adv. Angham Mansour.



Participating in a workshop organized by the Independent Commission for Human Rights entitled “Analyzing school textbooks from the perspective of human rights and gender”. MUSAWA was represented by the Legal Awareness & Training Officer, Adv. Shorouq Abu-Qare’.

Participating in the annual conference of the Public Prosecution Titled “Digital evidences within the context of the requirements of investigation and human rights”. The meeting was held on 11/4/2018 at the Millennium Hotel. MUSAWA was represented by the executive director, Ahlam Tarayra, and the general director, Adv. Ibrahim Barghouthi.

Participating in a brainstorming session held by the donor states’ secretariat on improving their communication channels. The session was held on 15/4/2019. MUSAWA was represented by the executive director, Ahlam Tarayra.

Participating in a meeting with the national team for SDG 16, which was held on 18/4/2019. MUSAWA was represented by the executive manage, Ahlam Tarayra, and the general director, Adv. Ibrahim Barghouthi.

Participating in two information sessions for UN women on two grants openings (call for proposals). MUSAWA was represented by the finance manager, Marina Qaqish.

Participating in the meeting of the general assembly of the Palestinian Bar’s Association, which was held on 24/4/2019. MUSAWA was represented by the general director, Adv. Ibrahim Barghouthi.

Participating in an activity held in cooperation with Gaza University on harmonizing the school textbooks with the principles of the rule of the law and human rights. The activity was held on 30/4/2019, and MUSAWA was represented by the Legal Monitoring Officer / Gaza, Adv. Rula Mousa.

Participating in the Netherland’s King’s Day, at the invitation of the Netherland’s representative to attend the event of the King’s day held at the garden of Netherlands Representative Office in Ramallah on 25/4/2019 and at the Light House restaurant in Gaza on 30/4/2019. MUSAWA was represented by Adv. Sharhabeel Al-Zaeem in Gaza, and the CEO, Dr. Taleb Awad, the board member, Adv. Yousuf Bakhta, the general director, Adv. Ibrahim Barghouthi, and the executive director, Ahlam Tarayra in Ramallah.

MUSAWA’s
Partners
2019



The Netherlands
Representative Office to
the Palestinian Authority