



# NEWSLETTER

November 2018

## MUSAWA Releases Justice and Law (33)

MUSAWA announces the publishing of [issue no. \(33\) of "Justice and Law"](#); a journal which contains academically assessed legal studies and research, aimed at identifying the weaknesses of the existing Palestinian legislation or administrative policies in order to induce decision-makers to enact legislative amendments and rectify administrative imbalances. The journal also contains comments on the final rulings issued by the Palestinian courts. More details [here](#).

## MUSAWA Reveals the Draft Decree-Law Amending Judicial Authority's Act

MUSAWA – The Palestinian Center for the Independence of the Judiciary and the Legal Profession obtained a copy of the draft decree-law amending the judicial authority's act, which consists of 27 articles, none of them had mere reference to the judiciary and the prosecution member's Appraisal Committee. The Draft was attached with a memo entitled "The Recommendations of the national committee for the development of the justice sector". Official well-informed sources assured MUSAWA that the draft decree-law was transmitted, along with its attachments, to the president to issue it. MUSAWA intervened and published both the draft and the recommendations, what re-stimulated the dialogue on the crises of the justice system and how the means to overcome it. Media personnel and civil society institutions reported that some officials at the official justice system denied any knowledge of the draft, yet none of them formally announced their denial.

On 29/11/2018, the civil society's coalitions and institutions met to discuss the draft decree-law, but the meeting did not result in issuing a unified position regarding the draft decree-law, and the report of the national committee for the development of the justice sector that was issued by the Independent Commission for Human Rights, shortly after releasing the aforementioned drafts.

## Success Story: The Anti-Corruption Commission Responds to MUSAWA's View on Public Officials' Gifts

Proceeding from its conviction that public officials should not accept gifts what so ever, as it falls under the corruption umbrella, on 11/7/2018, MUSAWA sent a [memo](#) to the anti-corruption commission, in which it demanded legal action to be taken regarding depositing the gifts of public officials in the public treasury, and stressed the importance of implementing a system that deals with such gifts, in a retroactive manner, and on 12/8/2018, MUSAWA sent a reminder note to the Anti- Corruption Commission on the same subject.

On 15/9/2018 the Anti- Corruption Commission in cooperation with the Ministry of Transportation, announced a proposal sent to the Prime Minister on the gifts presented to public officials. The Anti- Corruption Commission stated that this proposal is in response for "The absence of the clear legislative provision on the way public officials should deal with gifts presented to them" [Find more here](#).





## Legal Memos and a Position Paper

4/11/2018 – Reminder note to the minister of high education regarding MUSAWA's memo "The Rejection of a Master's Degree Equivalence Although It Meets the Conditions required", which was sent one month before the date of the reminder.

5/11/2018 – Reminder note to the president and members of the high judicial council regarding MUSAWA's memo "The Resolution of Land Issues" which was sent one month before the date of the reminder.

5/11/2018 – [Memo](#) sent to the Anti-corruption commission on the Need for a legislation to govern the Public Officials' Gifts, and the aspects of dealing with them, and undertaking the tasks of the public office.

5/11/2018 – [Memo](#) sent to the Prime Ministry "System Proposal for the Gifts Presented to Public Officials"

12/11/2018 – [Position paper](#) "MUSAWA Condemns the Violation of the Citizens' Rights to Movement, to Peaceful Assembly, and to Express Opinions"

14/11/2018 – [Memo](#) to Al-Azhar University on "Violating the Rights of Persons with Disabilities and their Humane Dignity", and on 18/11/2018 a [memo](#) to the head of the Ministry of High Education/ Gaza, on the same subject.

18/11/2018 - Reminder note to the attorney general and the Director of the Ombudsman and human rights' Office at the Palestinian Police regarding our [memo](#) "Violating the Sanctity of the Home and a Humiliating Arrest", which was sent one month before the date of the reminder.

22/11/2018 – [Memo](#) to the Head of the Military Judiciary in Gaza on "Violating Detainees' Constitutional Rights".

25/11/2018 – [Memo](#) to Attorney General on the judicial police's negligence in discharging its duties and arrest ordered by a governor. The Public Prosecution has responded to MUSAWA's memo and released the detainee.

25/11/2018 – [Memo](#) to the Military Judiciary on "Violating the lawyer's Right to Copy the Case File and Discharge his Professional Duty". On 27/11/2018, MUSAWA received a reply on the memo from the military judiciary.

26/11/2018 – [Memo](#) to the Attorney General in Gaza on "Children's Organized Begging".

## 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 Gaza, including the military court, where a violation was recorder, and the Sharia court. These visits come as part of MUSAWA's work as a watchdog organization which monitors law-violations and promotes the rule of law.



## MUSAWA's Interventions

During November, MUSAWA received 8 complaints: 1) Violating Detainees' Constitutional Rights; 2) Children's Organized Begging; 3) Violating the Rights of Persons with Disabilities and their Humane Dignity; 4) Arrest Ordered by a Governor; 5) the Judicial Police's Negligence in Discharging its Duties; 6) Violating the lawyer's Right to Copy the Case File and Discharge his Professional Duty; 7) The Rejection of a Master's Degree Equivalence Although It Meets The Conditions Required; 8) Appeal against the written exam of trainee lawyers

MUSAWA sent five legal memos in response to the first six complaints; as one memo included the subjects of two complaints at the same time, and two legal consultations were provided regarding seventh and eighth complaints.

## TV & Radio Interviews

2/11/2018 – [Radio Interview](#) about “Legislation’s amending, before or after executing? (General Manager Adv. Ibrahim Barghouthi / Alam-Hebron).

22/11/2018 – [Media Interview](#) on the High Judicial council’s Advisor for planning and international Cooperation, whose appointment decision was not considered for not applying the academic diplomas that prove his experience after practicing the work for a few months, and who was lately accused of selling Palestinian lands in Jerusalem to Israelis. (General Manager Adv. Ibrahim Barghouthi / Wattan News Agency).

28/11/2018 – [Radio Interview](#) about the draft decree-law amending the Judicial Authority Law. (General Manager Adv. Ibrahim Barghouthi / Ajyal FM).

## Training Workshops for the Graduates of Palestinian Universities and Law Students

MUSAWA organized a workshop on the Social Security decree-law, the impacts of its implementation, and the right to work, 28 graduates attended the workshop, and 14 among them were females. The center also conceived two days of training on the legitimate rights of the inheritors, where the concepts of the inheritance’s definition, its impediments, and the shares of the inheritors. The training workshop was attended by 19 of the law students, 11 among them were females, and the training material was lectured by Adv. Mohammad Allouh, the member of the Lawyers for the Rule of Law Groups (friends of MUSAWA) and the Palestinian Human Rights Defenders Network. The workshop comes as part of the legal clinic program, which MUSAWA conducts in the West Bank and Gaza Strip throughout the year.





## MUSAWA's Mobile Legal Clinic

Strengthening its oversight role on the performance of the justice sector and raising the awareness of marginalized groups about their rights, as well as building the capacities of young lawyers and law students, MUSAWA along with its volunteers' network conducted awareness workshops in the West Bank (Salbit) and the Gaza Strip (Aldaraj, Qaa' Qrein, Jabalya ALbalad and Absan). During the workshops, legal advice was given mainly on matters related to the resolution of Land Issues, women an law, violence against women, fair trial, the persons with disabilities and claiming their rights, protecting battered women. 112 people participated in the workshops, 83 among them were women, and on the margins of these workshops, seven legal advice were provided to the audience.



## MUSAWA Conducts Meetings for the Lawyers for the Rule of Law (Friends of MUSAWA) Group

MUSAWA conducted a number of meetings for The Lawyers for the Rule of Law (Friends of MUSAWA) Groups in the West Bank. The first meeting was held on 10/11/2018 at MUSAWA's headquarters in Ramallah, where the secretary of the Palestinian General Federation of Trade Unions discussed the Social Security decree-law with the group. The second meeting was held on 14/11/2018 at the office Adv, Ghassan Massad in Jenin, who discussed with the group, the relationship between the lawyer and the judge between theory and practice. As for the third meeting, it was held on 19/11/2018 at MUSAWA's headquarters in Ramallah and Gaza through the video conference technology, where Adv. Nathem Oweida, from Gaza, discussed with the group the basis for written and oral pleadings. 39 lawyers attended the three meetings, 19 of them were females.

On the other hand, MUSAWA conducted the monthly meeting of the group on 6//11/2018 at its headquarter in Gaza. The meeting included a special meeting with both the Adviser. Rushdi Abu Sido, the judge of the military court, and the head of the military prosecution in Gaza, commander. Fadi Rodwan, where they discussed the fair trial guarantees (The natural judge principle), and the procedures of investigation and prosecution before the judiciary and the military prosecution. 62 of the group member attended the meeting.







## Other Activities

**Participating in the training workshop on supervising courts and hearings, conducted by Sawasya 2 (the program of Strengthening the Rule of Law in Palestine),** for two consecutive days 7-8/11/2018. MUSAWA's team in Gaza, the Lawyers for the Rule of Law (Friends of MUSAWA) Group, and members of the Palestinian Human Rights Defenders Network attended the workshop, with the participation of the trainer and international expert in supervising courts and hearings, Mr. Alberto Baquero.

**Participating in a discussion session on "The collapse of the world order expected fallouts on the Palestinian cause in the light of Mr. Antonio Guterres's statements during the launch of the United Nations General Assembly's activities at its 73rd session",** on 8/11/2018, at the headquarter of The Palestinian Initiative for the Promotion of Global Dialogue and Democracy "MIFTAH". MUSAWA was represented by the executive director, Ms. Ahlam Tarayra.

**Participating in a meeting on assessing the implementation of the national strategy for combating corruption,** on 19/11/2018. MUSAWA was represented by the general director, Adv. Ibrahim Albarghouthi.

**Participating in a discussion session entitled "Reforming and Uniting the Judicial System",** at the invitation of Al-Mizan center for human rights in Gaza, on 21/11/2018. MUSAWA was represented by the general director, Adv. Ibrahim Albarghouthi and the executive director, Ahlam Tarayra in the West Bank, and by the legal monitoring officer, Adv. Rula Mousa in Gaza.

**Participating in a meeting on the barriers of women's access to justice and the means of overcoming them,** on 22/11/2018. MUSAWA was represented by the general director, Adv. Ibrahim Albarghouthi.

**Participating in a conference entitled "The national strategy for combating corruption: Bridging the gap between reality and the intended"** at the invitation of Aman's coalition, on 26/11/2018, at the Palestinian Red Crescent's halls. The conference resulted in issuing Alquds petition for combating corruption. MUSAWA was represented by the financial manager, Marina Qaqish.

**Participating in a meeting that discussed the terms of reference for finding Police and civil society institutions' accountability work groups,** on 27/11/2018. MUSAWA was represented by the general director, Adv. Ibrahim Albarghouthi.

MUSAWA's  
Partners  
2018



The Netherlands  
Representative Office to  
the Palestinian Authority