



19th Issue of Eye on Justice **Brief Overview**

MUSAWA – The Palestinian Center for the Independence of the Judiciary and the Legal Profession published issue no. (19) of Eye on Justice magazine. Eye on Justice is considered to be one of MUSAWA’s monitory tools which deals with the monitoring and documentation of law violations and infringements of the right to fair trial guarantees, the right to equality before the law and judiciary, and the right to access to justice.

The eighty-four page publication documents the aforementioned violations as well as MUSAWA’s interventions in order to address these issues, ask decision-makers/duty-bearers and the persons responsible to put an end to these violations, and hold the persons who go against the law accountable administratively and/or criminally in accordance with the law and based on the nature of the violation.

On its first page, Eye on Justice addressed the phenomenon of unlawful killing in reference to the incident where a number of police officers physically assaulted a detainee and beat him to death. This event represents one of the most serious violations of the rule of law. Under the same section, the magazine talks about the Electoral Charter of Honor which was signed by factions competing in the local elections, which were cancelled pursuant to a judgment that was commented on by experts in the field of general law from Jordan and Egypt. Their comments were published, along with the text of the Charter itself, in MUSAWA’s 28th issue of Justice and Law magazine, put out in November 2016.

This publication also tackles a memo which was signed by the Palestinian Bar Association and over 160 Civil Society Organizations both in the West Bank and Gaza. The memo was sent to the Minister of Justice and Minister of Foreign Affairs, demanding the endorsement of MUSAWA’s Palestinian Human Rights Defenders Declaration (PHRDD) proposal, which was duly delivered to them and is available on MUSAWA’s website as well as in the booklet of the Palestinian Human Rights Defenders (PHRDs) Network.

Another legal memo published in this issue of Eye on Justice deals with the funds and bank interests of litigants, which are being used by the High Judicial Council in violation of the law as well as the rights of their owners. In its memo, MUSAWA demands the announcement of the action taken by the High Judicial Council regarding the matter, which still unjustifiably collects the revenues of this money for its own benefit.

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Complaints that MUSAWA received and duly documented through its Monitoring Department and the members of the Lawyers for the Rule of Law Groups and the PHRDs Network can also be found in the publication in hand.

These complaints talk about numerous instances where the rule of law is violated, such as the interference in the work of judges; the absence of political factions when it comes to MUSAWA and other CSOs' call for the withdrawal of the presidential decree to establish a Supreme Constitutional Court (MUSAWA issued a memo indicating its position concerning the matter); the issuance of the Palestinian gazette (official newspaper) including content in the English language in violation of the newspaper's legal and constitutional norms; the unlawful seizure of property; and cases of failure to implement court rulings both in the West Bank and Gaza.

Moreover, the publication contains the President's response in writing to MUSAWA's Legal and Technical Adviser's demand to withdraw an administrative order given by the President to calculate pension for a judge whose appointment was decided to be illegal, which represents a violation of the law. In the publication, one can find the memo demanding the withdrawal of the decision mentioned above as well as a copy of the withdrawal order. The publication also contains the response of Gaza's Public Prosecutor to MUSAWA's request not to publish investigation reports and recordings in a memo concerning the matter. In addition, it addresses the success of some CSOs, including MUSAWA, in stopping the implementation of death sentences against ten citizens from Gaza, while mentioning the details of MUSAWA's memo to the competent authorities.

This issue of Eye on Justice magazine contains documentations of procedures and decisions by the Public Prosecution and courts concerning trialing indictees in criminal cases in absentia as fugitives for not attending the trial at court due to their arrest by the occupation authorities. The publication mentions examples of such actions in the courts of Ramallah and Jenin as well as their prosecutions while reflecting the variation in dealing with MUSAWA's demand to reverse these actions; while a court responded to MUSAWA's demand, there are other courts that are still committing such violations.

Also, it contains documentations of a series of workshops that aimed at raising the public's awareness, particularly women and marginalized groups in rural areas and camps in the West Bank

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and Gaza, about their legal rights and the legal tools available for them to protect these rights. The workshops were conducted throughout the first six months of the year 2016 by MUSAWA and the PHRDs Network, with the support of the European Union. The number of beneficiaries reached 604, including 402 women.

In the 19th issue of Eye on Justice, one can also find legal articles, prepared by members of the Lawyers for the Rule of Law Groups (friends of MUSAWA) and the PHRDs Network, tackling a number of social phenomena which have been increasingly spreading throughout the West Bank and Gaza. Examples are: the community's lack of awareness when it comes to reaching the alimony fund to claim their rights; death sentences and the relevant legal action that should be taken regarding the issue; screenplays where children carry weapons and the consequent social and psychological effects; detention of citizens for expressing their opinions; arrest upon request from the Governor as a form of administrative detention; the unconstitutionality of Gaza's fees law; the phenomenon of using Tramadol; the recently increasing phenomenon of suicide in the Gaza Strip; and the CSOs' memo, including MUSAWA, demanding the improvement of the learning environment for people with disabilities.

This is in addition to new judicial interpretations related to civil rights and obligations, and others that deal with withholding the immunity granted to the members of the judiciary and Public Prosecution. The main purpose of these opinions is to raise legal awareness amongst both lawyers and litigants.

Other topics include cases of human rights violations; such as events of unlawful detention, assault on detainees by members of the judicial police, obstructing lawyers while fulfilling their duties and defending their clients in both the West Bank and Gaza, the decision to limit access to information by Gaza's Ministry of Health and prohibit communication with media agencies, the community's opposition to a circulation on family conflicts, and the accreditation of MUSAWA as a local monitoring body over the local elections comprising of a total of 164 observers in the West Bank and Gaza.

Additionally, the publication contains a memo sent by MUSAWA to the Prime Minister to demand the fulfillment of the requirements of an agreement to financially support the building of court houses in Tulqarm and Hebron, so as not to miss the chance of constructing a decent court house in Hebron.

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Also, it includes a letter written by the Minister of Justice and sent to MUSAWA, demanding its commitment to the Council of Ministers' decision to consult with the Minister of Justice, High Judicial Council, Public Prosecution, Bar Association and relevant legal organizations about reviewing the legislation regulating the justice sector and the judiciary. The Public Prosecutor's suggestions regarding the matter and MUSAWA's response to them can be found there as well.

The publication lists the names of Gaza's legal, judicial and social figures who have recently joined MUSAWA's General Assembly.

To end with, Eye on Justice (19), issued in the month of August of this current year, contains the principles of fair trial and proper administration of justice (Articles 9, 10, 11, 14 and 15) in the International Covenant on Civil and Political Rights (1966), to which the State of Palestine has acceded and committed. It is highly essential that Palestinian citizens become aware of their rights and that duty-bearers are reminded of the vitality of adhering to these principles and provisions.

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