



NEWSLETTER

July 2019

MUSAWA & the PALESTINIAN ANTI-CORRUPTION COMMISSION Explore Avenues for Collaboration



On 15/7/2019, MUSAWA held a meeting with the president of the Palestinian Anti- Corruption Commission, Dr. Ahmad Barrak, at the Commission's headquarter in Ramallah. During the meeting, MUSAWA reiterated its professionalism and impartiality and its right to monitor the justice system's performance, including the performance of the Palestinian Anti- Corruption Commission itself. As a member at the Arab Anti-Corruption and Integrity Network, MUSAWA stressed on its position on the gifts presented to public employees, which was mentioned in MUSAWA's [memo](#) to the commission on this regard. MUSAWA also brought up the matter of unlawfully raising the ministers' salaries, and the need to revise the commission's law to ensure its conformity with the provisions of the United Nations Convention against Corruption. Finally, MUSAWA demanded the commission to respond to its memos and to take the needed legal action in their regard. In another context, MUSAWA called the commission to activate its role in the national team to prepare Palestine's reports on corruption, while reiterating its willingness to contribute to raise societal awareness on combating corruption, especially in the Gaza Strip, as the commission does not have an office there, pointing out the importance of serious dealing with the suspicions of corruption at all authorities, especially the executive and judicial ones. Both parties signed a memorandum of understanding to be activated by the end of this month, and to embody their interest in joint cooperation that respect the independence of both parties, especially that MUSAWA is dedicated to combatting corruption at the justice system while respecting human rights and strengthening the good governance rules, the state sovereignty based on the principles of the rule of law and separation between authorities. [For more Information.](#)

MUSAWA Published Issue no. (34) Of Justice and Law Journal

MUSAWA published issue No (34) 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 to induce decision-makers to enact legislative amendments and rectify administrative imbalances. The journal contains commentaries/views on the final rulings issued by the Palestinian courts. A soft copy can be found [here](#).



MUSAWA and the Law Faculty of Al-Isra University held a Meeting on the Study Plans and Courses Provided by Law Faculties and their Compatibility with the Basic Law and the Human Rights Covenants

In cooperation with the Law Faculty in Al-Isra University, MUSAWA held a meeting with representatives of Palestinian Universities to discuss the compatibility of the study plans and courses provided by the Palestinian law faculties with the Basic Law and human rights agreements. Twelve academics from various Palestinian Law Faculties, including Al-Isra



University, Al-Azhar University, Gaza University, Islamic University of Gaza, and a number of human rights activists attended the meeting, where they exhorted the necessity of consensus and joint work between universities to unify their plans and academic courses and harmonize them with the international standards of human rights, and called the universities administrations and the Ministry of Higher Education to form a committee to come up with a unified vision in this regard. [For more details.](#)

MUSAWA Holds Legal Meeting on Combating Torture



On 18/7/2019, MUSAWA held a legal meeting entitled “The mechanism to monitor the torture crime – The torture crime is imprescriptible”, at its headquarter in Gaza. The meeting targeted the employees of the judiciary, the military prosecution in Gaza, the intelligence service, the Drug Enforcement Agency and the Homeland Security, noting that 14 participants attended the meeting, including Dr. Jamal Abdullah, the head of the technical office at the Military Judiciary in

Gaza, and Major. Fadi Rodwan, the head of the military prosecution in Gaza. The workshop included a presentation on the definition of torture, its implication, and the legal grounds that criminalize torture as provided in the national legislation, including the provisions of the Basic Law, international covenants, and especially the Optional Protocol on Combating torture, which was promulgated by the International Covenant on Civil and Political Rights, which is joined by the State of Palestine. At the end of the meeting, the participants recommended implementing an awareness-raising program on sensitizing the investigators at security bodies to the risks of torture, its implications, and the controls during investigation, especially those related to the defendant/ detainee rights as provided by the Basic Law and the related International Covenants and Conventions, and to the importance of amending the legislation governing the work of security bodies and the Military Prosecution. [For more information.](#)

Legal Memos and Position Papers

22/7/2019 – [Memo](#) sent to the Attorney General entitled “Refraining from Implementing Judicial Decisions is a Cruel Violation of the Provisions of the Basic law and the Judicial Authority Act that Demands Accountability”. On 29/8/2019, MUSAWA received a response to it.

10/7/2019 – [Memo](#) to the head and members of the High Judicial Council entitled “The Internal Advertising on Appointing Magistrate's Judges at Regular Courts & the Vacant Post of the Director of the Justice Training Institute”.

18/7/2019 – [Position Paper](#) entitled “Reform of the Judiciary May Turn into a Massacre”.

7/7/2019 – [Memo](#) to the head of the Judicial Inspection Department entitled “Rapid Adjudication in Legal Cases Does Not Justify Prejudicing the Fair Trial Guarantees”.



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 Gaza Strip, including the Sharia Courts, the Military Court in Gaza, the Justice Palace compound in Al-Zahra city, the courts compound in Khanyounes, Gaza's court of first instance, and Al-Shaja'iya Sharia Court. During those visits, three violations were documented, whereas four legal consultations were provided.

MUSAWA's Interventions

During July, MUSAWA received three complaints on refraining from implementing a judicial decision, the Prosecution's delay in the investigation, and the retroactive application of circular No. 6/2019. MUSAWA sent a legal memo regarding the first complaint, provided legal consultation for the second complaint, while the third complaint is still being followed up.

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 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 6 workshops in the West Bank (Jericho, Tubas, and Jenin) and in Gaza (Qaa' Ar-Qrein, Gaza, Beit Lahia) which dealt with the following topics: Combating Violence against Women, Sharia Courts and their Jurisdiction, the torture crime, marriage and divorce. 108 participants attended the aforementioned workshops, 93 of them were women. On the margins of those workshops, several legal consultations were provided for the participants.



MUSAWA and the Law Faculty in Gaza University Initiate a Legal Clinic

On 15/7/2019, MUSAWA and the Law Faculty of Gaza University initiated a legal clinic in the university campus during a special ceremony attended by Dr. Seif Al-Din Bala'wi, the Dean of the Law Faculty and the University's Administrative and Academic Deputy, and a number of the faculty members and students. MUSAWA was represented by Adv. Islah Hassania, MUSAWA's BoD member, Adv. Rula Mousa, the Legal Monitoring Officer, and Adv. Mo'men Al-Hattab, the Legal Awareness & Training Officer, who affirmed the importance of this joint cooperation with the Law Faculty and the need for a legal clinic in Gaza, which will contribute to raising the legal awareness of the Law Faculty students, in addition to empowering them with skills of monitoring, documentation, following-up with violations, and expressing their opinions regarding public opinion issues from a legal professional perspective, which shall contribute to the embodiment of the rule of law culture through the meetings, legal dialogues and workshops that will be held by MUSAWA. [For More Information.](#)



MUSAWA Hosts the Canadian Ambassador to Prepare for the Meeting of the Justice System Working Group

Last month, MUSAWA was honored to host the Canadian Ambassador, Douglas Scott Proudfoot, to prepare for the high-level meeting of the Justice System Working Group, to be held on the 30th of July, noting that Canada shares the lead of Justice System Working Group with the Palestinian Ministry Of Justice, and that MUSAWA has joined the team in representation of the Civil Society Organizations, side to side with Al-Haq Organization and Jerusalem Legal Aid and Human Rights Center. MUSAWA is glad to share the Ambassador's tweet on twitter "Meeting Adv. Ibrahim Barghouthi & Ahlam Tarayra of at MUSAWA together with my colleague Dr. Khaled Rajab to prepare for the High-Level meeting of the Justice Sector Working Group; seeking to promote the independence, accountability, and effectiveness of Palestinian justice institutions".

MUSAWA Arranges a Meeting on the Reality of Trainee Lawyers in Gaza



On July 14, 2019, MUSAWA organized a meeting hosted by the substantive office at the Justice Palace in Gaza. The main purpose of the meeting was to discuss the reality and the challenges that face trainee lawyers in Gaza according to their understanding and in attempt to document and announce their demands, which shall be met and fulfilled by the Palestinian Bar Association, High Judicial Council, Public Prosecution, Sharia High Judicial Council, and the lawyers and advocates who are in charge of the training; ensuring that the training is achieving its goals. This training will set into the world qualified legal personas who will perform their roles and achieve their message. The meeting was attended by about 50 lawyers, 17 of them were female lawyers. [For more Information.](#)

MUSAWA Arranges Two legal Meetings on Human Rights Covenants & Amending the Judicial Authority Act

On 25/7/2019, MUSAWA organized a meeting to discuss Human Rights Covenants and the available procedures that can be followed in case these rights were violated". The meeting, which was attended by eight female lawyers and 5 male lawyers from Lawyers for the Rule of Law Groups (friends of MUSAWA), was presented by Dr. Said Abu Fara, Professor of International Law at the Arab American University. On 28/07/2019, MUSAWA organized another meeting on the two decree-laws amending the Judicial Authority Act and forming a Transitional Higher Judicial Council under the Basic Law and Constitutional principles. The meeting was held at MUSAWA's headquarter in Ramallah and Gaza via videoconference, with the attendance of 34 participants, 15 of them were females and two reporters. Mohammed Khader, Instructor of the Constitutional Law at Birzeit University, moderated the meeting, where he explained how these two resolutions violate the Basic Law, Constitutional Principles, and Public Rights. In their turn, the participants expressed their views on the usefulness of these amendments in reforming the judicial system, and on the feasibility of resorting to justice in this current situation. These meetings are part of the awareness programs organized by MUSAWA to establish the legal awareness culture among lawyers and human rights activists, and to enhance the efficiency of MUSAWA's monitoring role.



MUSAWA & the Ministry of Social Development Discuss Combating the Begging Crises in Gaza

On 29/7/2019, the legal Monitoring Officer at MUSAWA's office in Gaza, Adv. Rula Musa has met the Director of Social Welfare at the Ministry of Social Development, Adv. Riad Albitar, and the Coordinator of the committee for the Begging Crises at the ministry, Adv. Jasem Alsa'afeen. The meeting, which was held at the ministry's headquarter in Gaza, discussed the begging crises and its implications as shown by MUSAWA's monitoring report on the crises, and based on which a legal [memo](#) was sent to the competent official bodies, including the Attorney General, who was sent the legal memo on 26/11/2018, including suggestions for mechanisms to prevent begging from becoming a dangerous social phenomenon. On 15/1/2019, MUSAWA received a [response](#) from the Public Prosecution, including the decision to form a governmental committee that consists of the Ministry of Social Development, the General Intelligence, and the Ministry of Culture, to address the begging phenomenon, and to take the needed legal and indicative actions to limit and combat it. [For more Information.](#)



MUSAWA Participates in a Sit-in Organized by the Blank Passports Holders in Gaza



Following the [memo](#) sent by MUSAWA to the Palestinian Ambassador to the Arab Republic of Egypt, representatives of MUSAWA have participated in a sit-in organized by Blank Passports Holders in Gaza. The protest that took place on 18/7/2019 has received the attention of mass media, including [NAWA Network](#), [Al-Kofeyye TV](#), [Watania Agency](#), [Safa News Network](#), [Pal Today TV](#), [Al-Ghadd TV](#), [Quds News Network](#), and [Al-Bayan Website](#), which all covered the activity and MUSAWA's position regarding this case.

MUSAWA Launches a Training Program on the Role of Forensic Photography in Documenting Human Rights Violations and the Crime Scene

In collaboration with the Rule of Law Groups (friends of MUSAWA), and the Palestinian Human Rights Defenders, MUSAWA's office in Gaza launched a training course on the role Forensic Photography in documenting the crime scene and the violations monitored against human rights. The course, which was attended by 24 lawyers, 8 among them were female, consists of seven meetings by 14 hours of practical and theoretical training that will be provided by Adv. Kamal Hijazi, the crime and armed conflicts researcher. The course aims to develop the participants' expertise in the Forensic Photography field, and to introduce them to its importance in incriminating or exonerating a certain crime, in addition to developing their skills in interrogating witnesses, and discussing the technical evidence archived in the investigation files and provided during the prosecution proceedings. [For more Information.](#)



MUSAWA Holds a Moot Court on the Fair Trial Guarantees



In collaboration with the law faculty at Al-Isra University, MUSAWA held a moot court on the fair trial guarantees through presenting the facts and proceedings of prosecuting two criminal cases that were addressed and adjudicated by a Magistrate Court and a Court of First Instance. The moot court was held on 25/7/2019 at the conferences hall inside the campus, and it was carried out by as a number of law students, trine lawyers and newly licensed lawyers, who participated in the Moot Court Training that was provided by the prosecutor, Dr. Shareef Ba'loushah, and the Professor of criminal law and the deputy dean of the law faculty, Dr. Tareq Aldirawi, has lasted for three days by three hours for each day. The first two days of the Moot Court training took place at law faculty at Al-Isra University, whereas the third day of training took place at MUSAWA's Office, joining 16 trainees, including nine female trainees. [For more Information.](#)

Media Interviews

1/7/2019 – Press Interview on the Privatization of Legal Services. (NAWA Newspaper/ General Director, Adv. Ibrahim Al-Barghouthi).

10/7/2019 - [Press Interview](#) on reforming the justice system. (Watan Newspaper/ General Director, Adv. Ibrahim Al-Barghouthi).

11/7/2019 – [Radio Interview](#) on appointing magistrate judges and the vacant post of the Director of the Justice Training Institute. (Alam Hebron/ General Director, Adv. Ibrahim Al-Barghouthi).

The decree-law No 17 of 2019, which was issued on 16/7/2019, on amending the Judicial Authority Act and forming a transitional High Judicial Council, has created confusion among CBOs. However, MUSAWA was the first to refute its provisions as provided in MUSAWA's [position paper](#), which caught the attention of many national mass media, including, [Alhayat Aljadida](#), [Wattan News Network](#), [Alam FM](#), [Albalad FM](#), [Nissa FM](#), and [Alnajah TV](#), in addition to regional newspapers, like Al-Akbar, a Lebanese newspaper.

MUSAWA Celebrates Oday AlBarghouthi's Success in Passing the Tawjihi Examination



MUSAWA's team celebrated the success of their colleague, Oday AlBarghouthi, in passing the Tawjihi examination with a G.P.A of 85% after ten years of dropping out of school. We are proud of Oday, who became an example for many young people, and we wish him well in his journey of studying law.



Other Activities

Participating in the observance events held by the Canadian Embassy in celebration of the 152nd Canadian Day. Celebrations were held on 1/7/2019, and MUSAWA was represented by both the Executive Director, Ahlam Tarayra, and the General Director, Ibrahim Al-Barghouthi.

Attending the opening of the First Book Fair at the invitation of the Palestinian Bar Association. The opening took place on 1/7/2019 at the association's headquarter. MUSAWA was represented by the Legal Monitoring Officer, Adv. Angham Mansour.

Attending a workshop entitled "Policy Dialogue – Justice for the Agricultural Sector", which was organized on 9/7/2019 by the Social and Economic Policies Monitor (Al-Marsad). MUSAWA was represented by the Executive Director, Ahlam Tarayra.

MUSAWA had a meeting with the director of the Attorney General's Office to discuss the mechanisms of address complaints and legal memos, and the ways of developing them. MUSAWA was represented by the Legal Monitoring Officer at MUSAWA's office in Gaza, Adv. Rula Musa.

Participating in the meeting of the Civic Coalition for Monitoring the Legislative Process to discuss the decree-laws No. 16 and 17 of 2019 on amending the Judicial Authority Act and forming a transitional High Judicial Council. The meeting was held on 29/7/2019, and MUSAWA was represented by both the Executive Director, Ahlam Tarayra, and the General Director, Ibrahim Al-Barghouthi.

Participating in a training course provided by Hi organization on supporting the inclusion of disability mainstreaming in the working environment of the different sectors of Gaza. The training session was presented on 29/7/2019. MUSAWA was presented by the Legal Awareness and Training Officer at MUSAWA's office in Gaza, Adv. Momen Al-Hattab.

Holding several meetings with Lawyers for the Rule of Law Groups and the Palestinian Human Rights Defenders Network (friends of MUSAWA), to assess the violations monitored in courts.

Attending the High-Level meeting of the Justice Sector Working Group, which was held on 30/7/2019. MUSAWA was represented by the General Director, Ibrahim Al-Barghouthi.

Attending the two-day meeting of the National Team to discuss the State of Palestine's role in achieving Goal 16 of the proposed international development goals of 2030, which was held on 31/7/2019 in Jericho. MUSAWA was represented by the General Director, Ibrahim Al-Barghouthi.

MUSAWA's
Partners
2019



The Netherlands
Representative Office to
the Palestinian Authority