



NEWSLETTER

January 2018

MUSAWA Launches Initiative to Unify, Rebuild, and Improve the Justice System



Following MUSAWA's [Eighth Palestine Justice Conference: "Where is the Justice System Heading in Light of the Reconciliation?"](#), held in December 2017, MUSAWA analyzed the findings of the conference and examined the possibility of presenting a practical national vision to unify the justice system in the West Bank and Gaza Strip away from any political, sectoral, or regional considerations. In the cover page of [issue no. 21 of "Eye on Justice"](#), MUSAWA presents guidelines for solving the crisis of the justice system based on the fact that this crisis is not

only a legislative crisis, but one that has to do with the persons in charge of the system in the first place. MUSAWA then translated these guidelines into an [initiative](#) with practical and detailed steps in order to move towards the unification, reconstruction and development of the justice system from a national and unitary perspective, based on standards that are professional, impartial, and do not aim at exclusion, revenge, or curtail individual rights, but rather to evaluate and arrive at reform, applicable to those who are in charge of the justice system as well as the legislation relating thereto.

MUSAWA aspires to mobilize institutional and popular support to adopt this nationwide initiative on behalf of the Palestinian people and the various Palestinian organizations to start with, and reaching the formal institutions in the West Bank and the Gaza Strip, calling for a genuine political will to do so... *(article continued on page 5).*

CSOs Demand Abolition of Decree-Law on High Criminal Court

Representatives of over 200 Civil Society Organizations (CSOs) – the Civic Coalition for Monitoring Legislation, the Palestinian Human Rights Organizations Council, PNGO, and the Coalition for Economic and Social Rights– called a meeting at Al-Haq organization to discuss the Decree-Law on the High Criminal Court, which was ratified by Mr. President, and was published in the Palestinian official Gazette in complete secrecy and without community consultation, which signals the insistence of the executive authority to continue working alone and to establish hegemony over the legislative process, particularly in the absence of the PLC, in contradiction with the national policies' agenda and the government's legislative framework, which stressed the vitality of adopting a participatory approach to the legislative process. *Read the full paper [here](#).*



MUSAWA's Interventions

During January, MUSAWA received seven legal complaints: 1) violation of fair trial guarantees; 2) overstepping the rule of law and lines of authority; (3) forgery and selling shares of a company partner without their consent or knowledge; 4) damage from malicious cases; 5) claiming alimony; 6) the failure of the court staff to perform their duties and the failure of the Public Prosecution to perform its duty in appealing a judgment; 7) a lawyer violating the attorney's code of ethics.

MUSAWA responded to the first and second complaints by sending out legal memos; the fifth complaint was referred to the competent authority; and the rest of the complaints were addressed by providing the complainants with legal advice, as necessary.

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, MUSAWA along with its volunteers' network offered legal consultations for marginalized groups in Al-Dheisheh refugee camp. The consultations were preceded by an introduction to legal consultations, and then legal advice was given mainly on matters related to the law on the protection of juveniles. In addition, groups of lawyers were trained in Gaza to build their capacities on the Insurance Law and Penal Procedures Law as part of MUSAWA's legal clinic program.

Legal Memos

04/01/2018 – [legal memo](#) to the Attorney General, Counsel Dia' Al-Din Madhoun/ Gaza, regarding the violation of authority lines and the rule of law.

09/01/2018 – [legal memo](#) to the Head and members of the High Judicial Council/ Gaza, concerning the violation of 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 West bank and Gaza throughout the month of January 2018. The visits included the Magistrate Court and Court of First Instance of Ramallah and Jericho, Deir Al-Balah's Magistrate Court, Khan Yunis' court complex, Gaza's court complex, and the Magistrate Court of North Gaza. These visits come as part of MUSAWA's oversight role in monitoring law-violations and promoting the rule of law in Palestine.



TV & Radio Interviews

MUSAWA took part in a number of interviews to talk about the Landlord-Tenant Draft Decree-Law. The interviews were as follows:

- 11/01/2018 –MUSAWA’s General Manager, Adv. Ibrahim Barghouthi, participated in a [radio interview](#) through Alam Radio/ Hebron.
- 14/01/2018 –MUSAWA’s General Manager, Adv. Ibrahim Barghouthi, participated in a [radio interview](#) through Ajyal FM.
- 15/01/2018 – MUSAWA’s General Manager, Adv. Ibrahim Barghouthi, was interviewed by Palestine Economy Portal. Click here to [watch](#) the interview.

Other Activities

Participating in a roundtable discussion on Human Rights and the Democratic Space with the Representative Mr. Peter Mollema and First Secretary for Human Rights Mrs. Annemieke van Soelen. The discussion took place on 09/01/2018 in preparation of a visit by the Minister of Foreign Affairs of Kingdom of the Netherlands, Mr. Halbe Zijlstra, to the Palestinian Territories and Israel. MUSAWA was represented by Executive Manager Ahlam Tarayra.

Taking part in the conference of Al-Awda University College and the House of Wisdom, titled “Legislation Issued during the Division in Light of the Reconciliation”, and held on 14/01/2018. MUSAWA was represented by Legal Monitoring Officer in Gaza, Adv. Rula Musa.

Contributing to a roundtable discussion conducted by the Civic Coalition for Monitoring Legislation about the Decree-Law on the High Criminal Court to discuss the steps to be taken against the ratification of the decree-law and the formation of the court, given that the comments of the CSOs, submitted to the President in August 2017, were not addressed in the ratified copy of the decree-law. MUSAWA was represented in the discussion conducted on 11/01/2018 by Executive Manager Ahlam Tarayra.

Attending the Palestine Digital Activism Forum 2018, which was held on 17/01/2018. The conference addressed an array of topics, including the protection of digital rights in Palestine, global trends in digital rights, inspiring and innovative use of digital tools, etc. MUSAWA was represented by Public Relations Officer Shadha Musallam, Translation and Media Officer Yara Istanbouli, and Monitoring and Evaluation Officer Ruba Bakeer.





Participating in a meeting with a delegation from the Crisis Management and Planning Directorate in EU Headquarters, held on 16/01/2018, the purpose of which was to prepare the strategic review for EUPOL COPPS and EUBAM Rafah missions. Executive Manager Ahlam Tarayra and General Manager Adv. Ibrahim Barghouthi represented MUSAWA in the aforementioned meeting.

Attending the conference “Activating Tools of Civil Monitoring and Community Accountability over the Security Sector”, at the invitation of SHAMS organization. The conference took place on 17/01/2018, where Legal Monitoring Officer Angham Mansour represented MUSAWA.

Joining a meeting held by the Civic Coalition for Monitoring Legislation about the Draft Decree-Law on Landlords and Tenants, on 23/01/2018, where the attendees agreed on issuing a position paper demanding the President not to ratify the said decree-law. General Manager Adv. Ibrahim Barghouthi represented MUSAWA in the meeting.

Contributing to a workshop about arrests upon governors’ orders, which Al-Haq organization carried-out on 30/01/2018. MUSAWA, represented by Executive Manager Ahlam Tarayra and Public Relations Officer Shadha Musallam, presented their views on the matter asserting the need to put an end to arrests of this kind.

Taking part in a moot-court workshop, which MUSAWA organized along with deputy prosecutors and Haidar Abdel Shafi Center in Gaza, on 07/01/2018. MUSAWA’s General Manager, Adv. Ibrahim Barghouthi, was the one to join the said workshop.



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Represented by its General Manager Adv. Ibrahim Barghouthi, Board of Directors member Adv. Islah Hassanieh, General Assembly member Dr. Abdul Kraeem Shbeir, and Legal Awareness and Training Officer Adv. Momen Hattab, MUSAWA conducted several meetings with representatives of formal justice bodies in Gaza to demonstrate MUSAWA's initiative. The first meeting was with the Attorney General of Gaza, Dr. Dia' Al-Din Madhoun; the second meeting was with the Head of the Higher Sharia Court Council/ Gaza, Dr. Hasan Al-Joujou; and the third meeting brought together judges from the High Judicial Council in Ramallah. All three meetings were held on 03/01/2018, and were followed by a fourth meeting with the Head of the High Judicial Council/ Gaza, Counsel Abd Al-Raouf Halabi. A fifth meeting was held on 04/01/2018 with Deputy Minister of Justice/ Gaza, Dr. Mohammad Al-Nahhal.

In addition, meetings were held with the Council of the Gaza Bar Association, the deans of the Faculty of Law at Gaza University and Al-Azhar University, grassroots organizations, Haydar Abdul Shafi Center, Aisha Association for the Protection of Women and Children, and representatives of people with special needs. The purpose of the meetings was to present MUSAWA's initiative and seek opportunities for cooperation in this regard. It was agreed to list MUSAWA's publications, particularly "Constitutional Order in Palestine" and "The Code of Professional Conduct" as academic courses to be taught in both of the said faculties, in addition to publishing research and studies prepared by the law professors of the faculties in MUSAWA's journal "Justice and Law", and cooperating in addressing and responding to complaints submitted to the Bar Council. The meeting with the Bar Council was held on 02/01/2018 on the same day that the meeting with the Dean of the Faculty of Law at the University of Gaza was held. In terms of the meeting with the Dean of the Faculty of Law at Al-Azhar University, it took place on 04/01/2018. The meeting with the grassroots organizations, including the Youth Development Association/ Jabalia, the Palestinian Organization for Development/ Deir Al-Balah, the Rural Women's Development Society / East of Deir Al-Balah, Al-Najada Society /Al-Fakhoura, and Childhood & Palestinian Family Services/ Al-Daraj, was held on 03/01/2018 to find ways of cooperation and decide on a set of joint activities in this field. On 04/01/2018, a meeting was held with Haydar Abdul Shafi Center and its team of volunteers, where the mechanisms of adopting the initiative by the youth sector were discussed, as well as the implementation of joint activities targeting the youth sector and the development of the team's capacities in monitoring and documenting the violations that may affect their rights, and then reporting them to MUSAWA's legal monitoring unit. On 08/01/2018, a meeting was held with the Be Human team for persons with disabilities to discuss and agree on a joint work plan that would contribute to community integration. On 09/01/2018, a meeting was held with the Aisha Association for the Protection of Women and Children to present MUSAWA's initiative and to explore future opportunities of cooperation in the field of women's access to justice, and it was agreed to implement joint activities in this regard.



In addition, MUSAWA convened with the trade union bodies of Bar Association: the first meeting was conducted on 03/01/2018 with the representative of the Islamic Unity Trade Union, Adv. Murad Bashir; the second meeting was held on 06/01/2018 with the representative of the Democratic Union of Lawyers, Adv. Alaa' Skafi, and it addressed MUSAWA's initiative and possible mechanisms for joint action to encourage as many lawyers as possible to support this initiative. On 08/01/2018, a meeting was held with the Chairman of the Sharia Bar in Gaza, Adv. Ayman Abu-Eisheh, to introduce him to MUSAWA's initiative and push for its adoption by Sharia lawyers.

Furthermore, a meeting was held on 07/01/2018 with the Head of the Legal Department in the Legislative Council/ Gaza, Mohammad Faraj Al-Ghoul, to explain MUSAWA's initiative for the unification, reconstruction, and development of the justice system. A similar meeting was held with the elders' local council for the same purpose.

On 08/01/2018, MUSAWA convened with the members of the Palestinian Human Rights Defenders' Network (PHRDs) and the Lawyers for the Rule of Law Groups (friends of MUSAWA) to discuss MUSAWA's initiative with them and find new ways of cooperation, in addition to explore means by which these members can contribute to the implementation of MUSAWA's action plan.

Moreover, MUSAWA's General Assembly members in Gaza convened on 08/01/2018, including Ms. Zainab Al-Ghonaimy, Ms. Amal Syam, and Dr. Abdul Kareem Shbeir, with the purpose of discussing ways to adopt MUSAWA's initiative to unify, rebuild, and develop the justice system, as well as to discuss MUSAWA's action plan for the year 2018.

A meeting was also held with Ms. Wafaa Al Kafarneh from the United Nations Development Program (UNDP) on 09/01/2018 to review the initiative and discuss ways to activate the role of CSOs in promoting the rule of law and human rights in Gaza.

MUSAWA's Partners
2018



The Netherlands
Representative Office to
the Palestinian Authority