



NEWSLETTER

December 2018

MUSAWA Releases Eye on Justice (23)

MUSAWA – The Palestinian Center for the Independence of the Judiciary and the Legal Profession released [issue no. 23 of the Eye on Justice Gazette](#). The Gazette consists of 84 pages, and documents the daily performance of the justice system, the complaints MUSAWA receives regarding law-violations, the legal memos through which MUSAWA addresses the relevant authorities to demand the cancellation of anything contradictory to the rule of law, and the authorities' response to these memos.

MUSAWA Announces the Results of the fifth Monitor Report in a Press Conference Held in the West Bank and Gaza Strip

With the participation of over 260 official and civil persons, MUSAWA- the Palestinian Center for the Independence of the Judiciary and the Legal Profession, in cooperation with Sawasya-Strengthening the rule of law in the state of Palestine, and with support from the Netherlands Representative office in Palestine, announced its [Fifth Monitor Report](#), which represents the first comprehensive survey based on the widest database established with contribution of 16,000 citizens of nine community groups that are related and interested in the justice institutions and their performance. The results were announced during a press conference conducted by video conference in both Al-Bireh and Gaza in the Palestinian Red Crescent halls.

MUSAWA will assume the responsibility of raising these recommendations to the competent officials in the justice system, attached with the comprehensive report and its executive summary, to demand, on behalf of the conference's audience, the duty and decision holders to accelerate the process of adopting the policies, decisions, legislative, executive and administrative procedures that ensure the implementation of the mentioned recommendations in a faithful, practical, explicit, and publically announced manner. (Find more on page 5).

MUSAWA renews its Demand to Publish the Recommendations of the Presidential Committee for the Development of the Justice Sector and to identify the procedures taken in their regard

On the 31/ Oct/ 2018, MUSAWA- the Palestinian Center for the Independence of the Judiciary and the Legal Profession sent a [legal reminder memo](#) to the Legal Department at the Office of the President, asking to declare these recommendations, identifying the procedures taken in their regard, presenting them to citizens and civil partners, in order to bring the social dialogue to maturity on the future of the Justice System, and the most effective mechanisms for reforming it. Noting that on the 7th of October 2018, the center has made the [official request that you announce and publish the recommendations of the Presidential Committee for the Development of the Justice Sector and the Revision of the Judicial Legislations](#), in keeping with the rules of transparency and integrity, and in safeguarding the right of the community to examine the outcomes of its work, considering the Justice System a basic right of citizen. However, no response was received.



MUSAWA's Interventions

During December, MUSAWA received 6 complaints: 1) Violating the Lawyer's Right to Communicate with his Client; 2) Unlawful judicial decision; 3) The High Education Ministry's reluctance to complete the procedures of a scholarship ; 4) Violating the right to freedom of opinion and expression; 5) The issuance of a jurisdiction despite the death of the condemned ; 6) A judge neglects the witnesses' testimonial.

MUSAWA sent one legal [memo](#) in response to the first complaint, and five legal consultations were provided regarding the rest of the complaints.

MUSAWA Renews its Request to Adopt the Palestinian Human Rights Defenders Declaration

MUSAWA- the Palestinian Center for the Independence of the Judiciary and the Legal Profession sent a new legal [memo](#) to the Minister of Justice to adopt its proposal regarding the Palestinian Human Rights Defenders Declaration of 2016 and to issue it as a statute or regulation that provides the legal basis that guarantees the rights of Palestinian Human Rights Defenders while fulfilling their mission, and to hold whoever hampers the functioning of that mission or affects their basic constitutional rights as a result of their mission or because of it accountable.

MUSAWA noted that it has repeatedly outreached the Minister of Justice on the center's proposal, which agrees with the covenants and conventions signed by the State of Palestine, including Palestinian Declaration of Independence, and the Basic law.

Success Story: The Grievance and Human Rights Office at the Palestinian Police Responds to MUSAWA's MEMO

"After viewing the judicial orders and the medical report provided by the Military Medical Services, and as we found some suspicions of legal transgressions, the file was referred to the commission of inquiry and the disciplinary councils, and we will update you with the results promptly". This is the Grievance and Human Rights Office at the Palestinian Police's response to MUSAWA's memo on [violating the Sanctity of the Home and a Humiliating Arrest](#), in addition, they previously informed MUSAWA that they are going to contact the complainant's brother to get his statement, which was confirmed by the complainant's family.

On 16/October/2018, MUSAWA sent a legal [memo](#) to the Attorney General, Dr. Ahmad Al-Barrak, and Director of the Ombudsman and human rights' Office at the Palestinian Police, Colonel Rodaina Bani Odeh, regarding the complaint submitted by the citizen, Ahmad Nathif Abd AlMajid Mansour concerning violating the sanity of his brother's house and arresting him in a humiliating way. MUSAWA's memo induced addressing the case in a way that ensures the citizen's rights and ensures avoiding infringing the basic rights of the citizens in the future. MUSAWA sent a reminder memo to the two-mentioned bodied one month after the date of the first memo. [Find more here](#).



Legal Memos and Position Papers

16/12/2018 – [Memo](#) to the Attorney General entitled “Violating the Lawyer's Right to communicate with his Client”.

17/12/2018 – [Memo](#) entitled “The Police's Failure in Implementing its Duties and Refrain from Implementing the Orders of the Public Prosecution for Almost a Year”.

3/12/2018 – [Position Paper](#) entitled “MUSAWA Demands Mr. President Not to Adapt the Recommendations of the Presidential Committee for Developing the Justice System and the Draft Decree Law Amending the Judicial Authority Law”.

20/12/2018 – [Position Paper](#) entitled “Assaulting the Lawyers with Electric Prods Represents an Intolerable Suppression”.

23/12/2018 – [Position Paper](#) entitled “Dissolving the Legislative Council is a Dangerous Step towards Secession”.

27/12/2018 – [Position Paper](#) by Palestinian Civil Society Organizations and the Independent Commission for Human Rights on the Decision by the Supreme Constitutional Court to Dissolve the Palestinian Legislative Council and to Call for Legislative Elections.

31/12/2018 – [Position Paper](#) entitled “To Strengthen Unity and Avoid Chaos: It is time to Stop All Forms of Assault on the Rights of Citizenship and Hold the Perpetrators Accountable”.

MUSAWA and Palestine University Sign a Memorandum of Understanding

A new Memorandum of understanding was signed by MUSAWA and the law faculty at Palestine University. The Memorandum of Understanding aims at implementing joint activities within the framework of building the legal capacities of the university's law students, and promoting a faithful cooperation between the two parties in the areas of teaching and training of law students, in addition to the areas of research and development both from an academic and a practical standpoint, and seeking to enhance and support the common understanding frameworks, empower the relationships between the two parties and activate the role of expertise exchanging in joint cooperation.



MUSAWA and an External Jury Announce the Winner of the Short Video Competition in Gaza

On 24/12/2018, an external jury held a meeting at MUSAWA's headquarter in Gaza to announce the winner of the short video competition, as part of the creative competitions that MUSAWA organizes for the members of the Lawyers for the Rule of Law groups- Friends of MUSAWA and the Palestinian Human Rights Defenders Network in both the West Bank and Gaza Strip. The jury, which consists of the media specialist, Ansam Al-Qattaa', Adv. Faraj Al-Shorafa and Adv. Kamal Hjazai has evaluated the videos of the contestants to pick a winner. The first rank was shared by Adv. Mohammad Al-Dahdouh's team, and the team of Adv. Kawthar Seder and Adv. Mo'men Al-Natour, where both the teams produce a video on medical errors and their investigation procedures.



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 two awareness workshops in the Gaza Strip. The first one was provided by Adv. Faraj Al-Shorafa in Al-Katiba prison in Gaza, which discussed the prisoners' rights and guarantees in the Palestinian legislation and international conventions, and the second one was provided by Adv. Kawthar Seder, a member of the Lawyers for the Rule of Law groups- Friends of MUSAWA and the Palestinian Human Rights Defenders Network, and the workshop discussed the labors' rights according to the Palestine labour Act, and it was implemented in cooperation with the Palestinian Crescent Commission for Relief and Development in Gaza. 73 people participated in the workshops, 15 among them were women, and on the margins of these workshops, four legal advice were provided to the audience.



Media Interviews

1/12/2018 – [Radio Interview](#) about “Draft Decree Law Amending the Judicial Authority Law”. (General Manager Adv. Ibrahim Barghouthi / Alam-Hebron).

10/12/2018 – [Radio Interview](#) about the need to have a network that takes care of the Palestinian human rights defenders in Palestine and protects them from the violations they encounter. (Sawt Gaza FM, Legal Awareness, & Training Officer, Adv. Mo'men Al-Hattab).

24/12/2018 – [Radio Interview](#) about dissolving the Palestinian legislative council. (General Manager Adv. Ibrahim Barghouthi / Alam-Hebron).

29/12/2018 – [Radio Interview](#) about dissolving the Palestinian legislative council. (General Manager Adv. Ibrahim Barghouthi / Radio Mawwal, Bethlehem).

31/12/2018 – [Radio Interview](#) about the decree law on Medical, Health Protection, and Safety. (General Manager Adv. Ibrahim Barghouthi / Nissa' FM).

Other Activities

Participating in the meeting of CSOs and representatives of the EU Civil Society Working Group on the Decree-law amending the Associations Act. The meeting was held at Al-Haq headquarters on



5/12/2018. MUSAWA was represented by the general director, Adv. Ibrahim Albarghouthi and the Executive Director, Ahlam Tarayra.

Participating in the second meeting of the European Union with the CSOs on the EU joint strategy in Palestine, which was held at the Grand Park Hotel in Ramallah on 11/12/2018. MUSAWA was represented by the Executive Director, Ahlam Tarayra.

Participating in a workshop on the need to publish the international conventions that Palestine has acceded to in Al-Waqa'e official Gazzete, on 24/12/2012. MUSAWA was represented by the general director, Adv. Ibrahim Albarghouthi.

Participating in a press conference on the civil society institution's position on the constitutional court's resolution to dissolve the legislative council. The conference was held at the headquarters of the Palestinian Non-Governmental organizations Network on 27/12/2018. MUSAWA was represented by the general director, Adv. Ibrahim Albarghouthi and the Executive Director, Ahlam Tarayra.

Participating in a meeting on the Decree law on Medical, Health Protection, and Safety. The meeting was held at the headquarters of the Palestinian Non-Governmental organizations Network on 31/12/2018. MUSAWA was represented by the general director, Adv. Ibrahim Albarghouthi.



MUSAWA Announces the Results of the fifth Monitor Report in a Press Conference Held in the West Bank and Gaza Strip/ Complement

The proceedings of the Conference included several opening remarks, followed by setting out the survey's methodology and implementation mechanisms and a comprehensive explanation of the results of the Palestinian community's views on the justice

institutions and their performance, and then an open discussion started to take the views and recommendations of the conference's audience, noting that MUSAWA will assume the responsibility of raising these recommendations to the competent officials in the justice system, attached with the comprehensive report and its [executive summary](#). [More details](#).

MUSAWA was hosted in several radio and TV interviews following the denunciation of the fifth monitor report's results, and MUSAWA was represented by several persons, including the chairperson of MUSAWA's Board of Directors, Dr. Taleb Awad, the General Director, Adv. Ibrahim Albarghouthi, the Executive Director, Ahlam Tarayra, and the Legal Monitoring Officer in Gaza, Rula Musa. Some of these interviews were with [Alam Radio- Hebron](#), [Al-Balad Radio- Jenin](#), [Raya FM](#), [Ajyal Radio](#), [Falastiniya TV](#), [Ro'ya TV](#), [Kofeyya TV](#), [Wattan TV](#), in addition to two interviews with [24 FM](#) and [Ramallah FM](#).



MUSAWA published a [position paper](#) including the recommendations of the Fifth Monitor Report as follows:

1. There is a need for an explicit and practical political will towards unifying the justice system in the West Bank and Gaza Strip, as one unified, impartial, active, and independent judicial authority.
2. Commencing to take all necessary measures guaranteeing the unification and reform of the justice system, with independent community participation.
3. Applying the performance evaluation policy to everyone working in the justice system, as an effective tool to combat corruption and ensure the development of performance.
4. Promoting the rule of law culture and respecting it as a credible alternative to conflicts resolutions apart of anarchy and chaos.
5. Enforcing the principle of separation of powers to counteract the phenomenon of interference in the work of the justice systems' institutions, and to account its perpetrators.
6. Adopting incorrupt alternative conditions and mechanisms of the hiring and promotion of the justice system's employees.
7. Waiving the immunity of the ones accused of corruption, and to refer them to fair trials as it is vital for the success of the anti-corruption policy applied in the justice system institution.
8. Empowering the institutional hierarchy and the professional code of conduct, and respecting the competencies and powers inside the justice system's institutions, their relationships, and their relationship with the executive authority in a way that maintains the professional independence of these institutions and their employees, and ensure that they are only subjected to the law and conscience.
9. On the academic level, identifying the weakness in scientific research' phenomenon in the law colleges in Palestinian universities, which play a weak role in monitoring and developing legislation.

MUSAWA also recommend to the right holders for:

1. The civil society institutions should identify the justice system's reality as revealed in the fifth monitor report, and set out their priorities and visions of the actions that need to be taken against the barriers of justice in Palestine, and avoid solutions that could deepen the crises instead of resolving it.
2. To pool the visions and efforts of the civil society institutions regarding the mechanism of unifying, reforming and developing the judicial system.



3. To activate the CSO's role in the embodiment of the rule of law, and enabling the citizens, especially the marginalized groups, to obtain their legal and constitutional rights, and introducing them to the legal means to protect their rights.
4. We recommend the Palestinian Bar Association, the Ministry of High Education; the Universities' managements take the practical actions needed to assess the levels of law students and graduates, who seek becoming lawyers after graduation.
5. We recommend the Bar Association's council activate the role of disciplinary councils and promote their professionalism in addressing any manifestation or practice that contradicts with the professional code of conduct, negatively affects the citizens' trust in the association and blocks its mission of ensuring the access to justice. Disciplinary councils can address the mentioned problems by combating corruption, bribes, and patronage, while paying close attention to build the capacities of training lawyers, including reconsidering the training system and the relationship between training lawyers and practicing lawyers, the bodies of the official legal system and the agents.
6. All competent bodies should promote reading and comparative research among those who work in the legal profession and conduct motivational events and activities.

MUSAWA's
Partners
2018



The Netherlands
Representative Office to
the Palestinian Authority