



NEWSLETTER

January 2019

MUSAWA Releases the Fifth Legal Monitor Report



MUSAWA - The Palestinian Center for the Independence of the Judiciary and the Legal Profession released the Fifth Legal Monitor Report, a national report on the perceptions of the Palestinian Community on the performance of the justice system in Palestine, which was announced in a press conference held on 19/12/2018.

The Legal Monitor is MUSAWA's tool to record the attitudes of the Palestinian public and several specialized groups towards the justice system and its institutions, as well as track changes over the years. Furthermore, it is a tool that has been used to ensure transparency and citizen oversight of the justice sector in Palestine for over a decade. In

2007, MUSAWA prepared and published the first monitoring survey report, which was used as a baseline survey for all the following reports, published under the title "The Legal Monitor", thus allowing for comparing and contrasting the results between years. To ensure obtaining valuable results, the report is published once every two years and is presented to Palestinian decision-makers, legislative council, the civil society, and the donor community. It is worth noting that MUSAWA issued a [position paper](#) on the recommendations of the center and the participants of the conference, which were based on the results of the report.

For more, the [full report](#) is available on MUSAWA's website, in addition to the executive summary, which is available in both [English](#) and [Arabic](#).

When Will the Government Reservation Regarding the Truth of Dissolving the Joint Security Committee Come to an End?

Following her release, Suha Jbara was quoted as saying that she was investigated by the Joint Security Committee in Jericho. Regardless of the details and the truth of the remarks attributed to her, what was reported indicates that the government has failed to meet its decision declared by the Prime Minister to dissolve the mentioned committee, what entails establishing the truth and announcing it officially.

On the other hand, the act of publishing an arrest extension protocol including a criminal indictment indicating the name of the defendant even before being convicted by the final judicial ruling, is an offense, a violation of the presumption of innocence, and a prejudice to reputation that demands accountability, particularly as these verdicts can be appealed and canceled, which entails investigating in the mentioned publishing incidents and holding their perpetrators accountable. Noting that MUSAWA has released a [statement](#) following the publication of Amnesty International report on subjecting Suha Jbara to torture and ill-treatment.



MUSAWA's Interventions

During January, MUSAWA has received three complaints on 1) The Public Prosecution's dereliction of duty; 2) Dismissing a complaint without legal justification; 3) Violating the equality principle in public service appointments. MUSAWA provided three legal consultations regarding the mentioned complaints.

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 Public Prosecution, Gaza's Court Compound, and the Juvenile's 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 and External Jury Announce the Winner of the Best Pleading Competition

On 13/1/2018, MUSAWA held an oral proceeding competition complementing the stages of the Best Pleading Competition, with the participation of the advocates, Inshirah Doufash, Banan Tantor, Rawan Radi, and Moayyad Abu-Assaf, who are members of the Lawyers for the Rule of Law groups - Friends of MUSAWA. The pleadings were presented before the evaluation committee, consisting of the advocates, Rawya Abu-Zheiri, Maisoon Abu-Shalbak, and Yousuf Bakhtan. Upon completion of pleading presentations, the committee deliberated secretly and announced the winning of the contestant, Adv. Rawan Radi.

Legal Memos and Position Papers

8/1/2019 – [Legal memo](#) sent to the Minister of Education and Higher Education entitled “The Rejection of a Master’s Degree Equivalency”

10/10/2019 – [Legal memo](#) sent to the Attorney General entitled “The Public Prosecution's Response to Our Memo on Violating the Lawyer's Right to communicate with his Client Privately”

23/1/2019 - [Position Paper](#) on the Decision to Stop the Appointment of the Attorney General and the Assignment of the Acting Attorney General

29/1/2019 – [Position paper](#) entitled “The president's Decision to Stop Social Security Decree-Law is a Triumph of the Will of the People, but also an Amendment to the Constitutional Order that Needs a Broad Community Dialogue”

31/1/2019 – [Position paper](#) entitled “Time to Ascertain the Validity of the Appointment of All Judges and Prosecutors and to evaluate their Performance in order to face the Crisis of Performance and Judicial Backlog”

MUSAWA and Friends of Mental Health Sign a Memorandum of Understanding

MUSAWA and Friends of Mental Health in Gaza signed a memorandum of understanding to carry out joint activities, enhance relationships between the two parties and exchange experience in different related fields. This step is part of MUSAWA's effort to promote a culture of the rule of law through strengthening the role of community-based organizations.



Success Story: Attorney General Abolishes the Results of the Competition for Appointment of Prosecution Assistants

On 8/1/2019, the Palestinian Bar Association announced that the Attorney General has issued “a decision to abolish the results of the Competition for Appointment of Prosecution Assistants and to consider the competition as having never been conducted”. MUSAWA has previously issued a [position paper](#) on October 4, 2018, demanding the cancellation of the hiring procedures for a number of reasons, most prominently because none of the candidates have passed the written exam, and for the illegality of applying the cumulative computation of the written and oral exams’ marks, and as the Public Prosecution posts are like judiciary posts in that they can be disqualified by suspicion rather than conviction, and for the risk represented in applying the job rotation principle between the executive authority and security bodies on the one hand, and the Public Prosecution and the Judiciary on the other.

It is worth noting that MUSAWA had received an invitation to participate in supervising the written exam of the competition, subsequently, a [memo](#) was sent to the Attorney General including MUSAWA’s notes and recommendations concerning the mentioned exam. However, MUSAWA was not enabled to carry out its responsibilities as a monitoring member over the oral interviews which were held later on, and never had the chance to view the results of the written exam it monitored. [Find more here.](#)

Success Story: Following MUSAWA’s Memo, the Public Prosecution Forms a Government Committee for Addressing the Phenomenon of Child Begging Gangs in Gaza

On 18/11/2018, MUSAWA received a complaint from an advocate from Gaza, in which she stated that she was verbally insulted, in words offensive to public decency, by a group of children beggars and their families, while documenting the organized begging phenomenon in the area. The assault happened before the eyes of the police officers, who were present in the area, and from whom the complainant had got an oral authorization to document and take photos of the phenomenon.

In its turn, MUSAWA sent a [legal memo](#) to the Attorney General in Gaza on what the complainant has been through, and in which MUSAWA has called the decision makers to take all needed administrative and penal actions to eradicate and limit this phenomenon, and to take the needed legal action regarding holding accountable the police officers who turned a blind eye to the assault, and to investigate about “beggar contractors” and refer them to the judiciary to account them duly.

On 15/1/2019, MUSAWA received a letter from the Attorney General in Gaza affirming that the Public Prosecution is committed to respecting human rights, and appreciating MUSAWA’s collaboration in this area to uphold the justice and the rule of law. In addition, the Attorney General in Gaza affirmed that a number of actions are to be taken to face the child-begging phenomenon. These actions include ordering the Traffic Police administration to inform all police members that they must interfere in any incident that represents a violation of the Law in case it happens before their eyes and call the competent bodies to take the needed legal action duly, in addition to agreeing on forming a governmental committee composed of the Public Prosecution, the Ministry of Social Development, the General Intelligence and the Ministry of Culture, to address the begging phenomenon and take the legal action against law violators, and to follow up the other remedial actions concerning this phenomenon. [Find more here.](#)



MUSAWA holds the monthly meeting for the members of the Lawyers for the Rule of Law Groups (Friends of MUSAWA) and the Palestinian Human Rights Defenders Network



MUSAWA held the monthly meeting for the members of the Lawyers for the Rule of Law Groups (Friends of MUSAWA) and the Palestinian Human Rights Defenders Network. The meeting was held on 22/1/2019 at the Moot Court Hall in the faculty of law at the University of Palestine, and was attended by 41 lawyers and media professionals, including 11 females.

The meeting comprised a special lecture entitled “The Available legal Approach to Address the Restriction of Media”. The lecture included three main discussions that touched upon the legal protection of media, the academic development of media students, and the obstacles and challenges facing media and press professionals on the ground.

The meeting resulted in a number of recommendations including the importance of collaborative work to stop the violations against the right to freedom of opinion and expression, the need to press for adopting the Palestinian Human Rights Defenders Declaration, revitalizing the role of the Palestinian Journalists’ Syndicate in defending the rights of its members, in addition to other recommendations. [Find more here.](#)

An Awareness Raising Meeting on the Art of Dealing with Persons with Disabilities to Develop the Mobile Legal Clinic Program



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 Humanity & Inclusion (Hi), conducted an awareness raising meeting on “the Protocol of dealing with persons with disabilities”, with the participation of MUSAWA’s members in

Gaza office and a number of the members of the Lawyers for the Rule of Law Groups (Friends of MUSAWA) and the Palestinian Human Rights Defenders Network.

The meeting aimed at raising community awareness on disability, abilities, and skills of the PwDs, and their right to have equal employment opportunities. The meeting addressed the definition of disability and the modification of the terms used concerning disability, and viewed an explanatory video on the art and protocol of dealing with PwDs. 18 participants attended the event, 10 of whom were women. It is worth mentioning that MUSAWA had previously signed a memorandum of understanding with Humanity and Inclusion aiming at integrating PwDs in the organization’s programs and activities and providing a suitable environment for that.



Media Interviews

14/01/2019 – [TV Interview](#) about the legality of political detention. (Adv. Ibrahim al- Barghouthi, MUSAWA's Director General, AlKofeyya TV).

15/01/2019 – [Press Interview](#) on the decision suspending the employment of the Attorney General, Dr. Ahmad Barrak. (Adv. Ibrahim al- Barghouthi, MUSAWA's Director General, Wattan News Agency).

16/01/2019 – [A legal panel discussion](#) on the results of the Fifth Legal Monitor Report. (Adv. Ibrahim al- Barghouthi, MUSAWA's Director General; Counsel Hasan Aljoujou, President of the Supreme Council of Sharia Judiciary in Gaza; the Mukhtar, Abu Saeed Thabet, a representative of the tribal judiciary; and Counsel Ashraf Fares, High Court Judge in Gaza, Baladna TV).

17/01/2019 – [TV interview](#) on the results of the Fifth Legal Monitor Report. (Ahlam Tarayra, MUSAWA's Executive Director, AlKofeyya TV).

19/01/2019 – [Press Interview](#) on the statements of the Minister of local Government, Hussein Al-Araj, on his refusal to be accounted by anyone. (Adv. Ibrahim al- Barghouthi, MUSAWA's Director General, Wattan News Agency).

21/01/2019 – [A radio panel discussion](#) on the results of the Fifth Legal Monitor Report. (Adv. Ibrahim al- Barghouthi, MUSAWA's Director General; Adv. Adel Mhanna, Monitoring and Documentation of Violations Unit at The Palestinian Bar Association; Dr. Ayman Abdulaal, professor of criminal law at the University of Palestine and Gaza University; and Counsel Ashraf Fares, High Court Judge in Gaza, Gaza FM).

22/01/2019 – [Press Interview](#) on the results of the Fifth Legal Monitor Report. (Adv. Ibrahim al- Barghouthi, MUSAWA's Director General, Al-Hadath Newspaper).

26/01/2019 – Radio interview on the appeals against judicial appointments. (Adv. Ibrahim al- Barghouthi, MUSAWA's Director General, Alam Al-Khalil Radio, and Ajyal Radio).

27/01/2019 – [Radio interview](#) on elections as a basic right of citizens. (Adv. Ibrahim al- Barghouthi, MUSAWA's Director General, Sawt Al Sha'b Radio).

27/01/2019 – [Radio Interview](#) on the results of the Fifth Legal Monitor Report. (Adv. Ibrahim al- Barghouthi, MUSAWA's Director General; Counsel Ashraf Fares, High Court Judge in Gaza and Adv. Ayman Abu Eisha, President of the Shria Bar Association, AlRay Radio).



Miscellaneous Activities

Participating in a preparatory workshop on legislation governing the Security and justice sectors in Palestine and developing a unified vision to build a unified justice system by establishing and monitoring these legislation, which was organized by Geneva Center (DCAF) on 14/1/2019. MUSAWA was represented by the Legal Monitoring Officer, Adv. Rula Mousa.

Participating in a meeting with a high- level delegation of the Crisis Management and Planning Directorate of the European Union, aiming at preparing for the strategic reviews of the European Union Border Assistance Mission to Rafah and EUPOL COPPS. The meeting was held at the Independent Commission for Human Rights' headquarters in Ramallah on 16/1/2019. MUSAWA was represented by Director General, Adv. Ibrahim al-Barghouthi, and the Executive Director, Ahlam Tarayra.

Participating in a workshop entitled "Torture, a Law infringement and a violation of International covenants", organized by the Network of Non-Governmental Organizations and the Center for Defense of Liberties and Civil Rights "Hurriyat". The workshop took place in Ramallah, on 21/1/2019. MUSAWA was represented by the Public Relations and Fund Raising Officer, Diab Zayed.

Participating in a workshop on the Draft Decree-Law on Persons with Disabilities. The workshop was organized by the Institute of Law at Birzeit University, and took place on 24/1/2019 in Gaza. MUSAWA was represented by the legal Monitoring officer, Adv. Rula Mousa, and Adv Kawthar Seder & Adv. Bader Mesleh, members of the lawyers for the Rule of Law Groups – Friends of MUSAWA.

Participating in a workshop on the Special Procedures of the Special Rapporteurs, with an emphasis on the Special Rapporteur on the Situation of Human Rights Defenders. The workshop was organized by the Office of the High Commissioner for Human Rights (UN Human Rights), on 30/1/2019. MUSAWA was represented by the Public Relations and Fund Raising Officer, Diab Zayed, and the Monitoring & Evaluation Officer, Ruba Bakeer.

Participating in a workshop entitled "The Role of media and human rights organizations in supporting freelance journalists". The workshop took place in the headquarters of Press-House Palestine, on 31/1/2019. MUSAWA was represented by the Legal Monitoring Officer, Adv. Rula Mousa.

MUSAWA's
Partners
2019



The Netherlands
Representative Office to
the Palestinian Authority