The paper submitted by the Palestinian Attorney General, Chancellor Akram Al-Khatib at the Annual Conference of the International Association of Prosecutors 25-29 September 2022, Tbilisi – Georgia.

**The Public Prosecution’s responses and measures for safeguarding public health in light of the Corona virus pandemic**

The principles of justice and the rule of law are the basis of society, in that spirit, the legal system in the State of Palestine has been keen on exerting fair legal procedures that guarantee respect for rights and protection of freedoms. The Public Prosecution has actively taken its role as a guardian to the legal system in accordance with the powers vested in it by law.

Despite that exceptional and difficult circumstances the State of Palestine is going through as a result of the Israeli occupation’s day to day violations and crimes against the Palestinian citizens and institutions, especially those that hinder the rule of law and the enforcement of law in Palestine, adding to that the unprecedent circumstances represented in the outbreak of COVID-19 which ravaged the whole world and forced all countries, including the State of Palestine, to form rapid responses commensurate with the health risks posed by this pandemic, and the associated economic, social and legal repercussions. The State of Palestine, therefore, ensured that these responses are primarily sensitive to public health and are in line with basic human rights standards aimed at preserving and respecting human dignity and the continuation of work in the justice system.

To ensure that the Public Prosecution performs its functions under those circumstances, it has taken extensive measures **represented in three key elements within the priority of preserving public health:**

**First: Issuing instructions and decisions to ensure continuity of work**

In alignment with the declaration of the state of emergency and the disruption of all walks of life, the Public Prosecution issued a number of regulatory decisions related to the state of emergency, which aimed to control and organize work at the Attorney General’s Office and the district and specialized prosecutions within a clear priority of ensuring public health for members of the Public Prosecution and the general public including lawyers and litigants, through the following:

* A shift work schedule in coordination with the partners in the criminal justice system.
* Regulating the referral of urgent cases, especially criminal cases and misdemeanors, by the judicial authorities in line with the current state of emergency and the court shift-system.
* Completion of all investigative cases, especially those where the involved defendants are in detention.
* Adopting mechanisms for dealing with juvenile cases. This was reflected in the rise of mediation to nearly 50% of all juvenile cases received by the Public Prosecution.
* Mechanisms for dealing with complaints received by the Anti-Cyber Crimes Prosecution have been developed to ensure that victims who have been subjected to cybercrime have access to justice within fair trial standards, as the percentage of cleared cases in cybercrime cases and communications and information technology crimes amounted to 97% of the total received cases during the year 2021.
* Accepting complaints to the Attorney General's Office through e-mail and through the official Public Prosecution websites.

**The Public Prosecution applied special procedures for incarcerated persons and those detained in reform and rehabilitation centers through measures that put public health as a priority instead of punitive solutions, most notably:**

* The President of the State of Palestine issued a special pardon of the remainder of the penalty for a number of convicts......
* Simultaneous measures were taken to ensure respect for human rights and freedoms, by adopting the guide for judges, public prosecutors and lawyers to ensure respect and protection of human rights and fundamental freedoms amid a state of emergency and measures to prevent the spread of COVID-19, especially in detention centers and prisons, where the law entrusted the Public Prosecution members and the chiefs of the courts with the powers to monitor prisons, inspect detention facilities, and ensure that human rights standards apply to their conditions of detention. This guide was developed within a joint memorandum between the United Nations Human Rights Office, the Independent Commission for Human Rights, the Public Prosecution, the Ministry of Justice, the Supreme Judicial Council and the Palestinian Bar Association.
* Establishing a special operations room to communicate with the directors of reform and rehabilitation centers to deal with any emergency situation resulting from the pandemic and finding necessary solutions.
* Activating the periodic visit system through the Human Rights Unit in the Public Prosecution to rehabilitation and detention centers.
* Immediate response to any complaint submitted by inmates at private reform and rehabilitation centers concerning their daily and health needs.

**Second: Crime prevention measures**

With regard to the legal measures taken against perpetrators of crimes during the pandemic, the decree-law on emergency measures stipulated tightening penalties for crimes against public order and civil peace to ensure the control of society’s security and safety, and avoiding taking advantage of the state of emergency while state agencies and institutions are preoccupied with serving its citizens and monitoring health measures throughout the country. It was necessary for the Public Prosecution to play its role in prosecuting the crime and bringing its perpetrators to justice, in order to obtain judicial rulings that achieve deterrence, both general and specific, especially crimes related to the state of emergency, crimes of spreading rumors and false information, economic crimes, and serious crimes against people and property.

**Third: Raising the legal and societal awareness of laws and regulations to achieve the desired goal of declaring a state of emergency**

In order to raise societal awareness among citizens, about the nature of the current situation in the country, the danger of violating the laws and regulations in force, and in order to establish the principle of transparency, the Public Prosecution issued many statements and educational and statistical publications through social networking sites, or through various media through the participation of the Public Prosecution members in media interviews addressing the public to raise legal awareness among them, informing them of the nature of the existing situation, and the consequences of violating the applicable laws, such as emphasizing the need to adhere to self-isolation and quarantine regulations according to the instructions and decisions of the Palestinian Ministry of Health and the competent authorities. Furthermore, warning the public against fabricating and circulating false news through social media platforms in addition to other relevant crimes, and informing them of the legal consequences.

We reiterate that the Public Prosecution Office in the State of Palestine will not falter in taking any necessary step to ensure that citizens have access to justice, despite all the challenges we face as a result of the measures and violations of the Israeli occupation in the State of Palestine, which affect and impede the entire justice system.

The Public Prosecution believes that the philosophy of applying criminal justice from a public health perspective is not limited to immediate measures or instructions. Through our experience during the COVID-19 pandemic, we have drawn many lessons that are being implemented and a mechanism is being developed to ensure its continuity, within our implementation plan that is consistent with the cross-sectoral justice sector plan, including the development of mechanisms to ensure citizens’ access to justice, and accepting electronic submission of complaints to the Public Prosecution through the official methods approved by the Attorney General’s Office.

Additionally, expanding the use of the alternatives to punishments that involve deprivation of liberty, as in juvenile cases through sustainability and expanding the activation of penal mediation, and other means as provided for in the legal provisions in force.