

Decision of the Council of Ministers No. 7 of 2019
Concerning the Regulation on the Protection of Whistle-blowers, Witnesses, Informants,
and Experts in Corruption Cases and their Relatives and Persons Close to Them

The Council of Ministers,

In reference of the provisions of the Amended Basic Law of 2003, as amended, particularly Article 70 thereunder,

The provisions of the Anti-Corruption Law No. 1 of 2005, as amended, particularly the provisions of Articles 18(4) and 34 thereunder,

Based upon the recommendation of the Chairman of the Anti-Corruption Commission,

Approval of the Council of Ministers, dated October 7th, 2019,

The powers vested in it, and

In pursuance of the public interest,

Hereby promulgates the following Regulation:

Article 1

Definitions

The words and expressions mentioned in this Regulation shall have the meanings designated thereto hereunder, unless the context determines otherwise:

- The Law:** The Anti-Corruption Law No. 1 of 2005, as amended.
- The Commission:** The Anti-Corruption Commission.
- The Chairman:** The Chairman of the Anti-Corruption Commission.
- Protection Unit:** The unit competent of the protection of whistleblowers, witnesses, informants, and experts in corruption cases and their relatives and persons close to them, which is established in accordance with the provisions of this Regulation.
- The Director:** The Director of the Unit.
- Corruption:** Perpetration of any of the crimes and acts defined in accordance with the provisions of the Law.
- Whistleblower:** The person who reports an instance of corruption to any of the competent authorities.
- Informant:** The person who provides the Commission or any competent authority with information relating to the instance of corruption.

- Witness:** The natural person who gives testimony concerning an instance of corruption before the Commission, Public Prosecution or Judiciary.
- Expert:** The person mandated by the Commission or any competent authority to submit an expert report on an instance of corruption.
- Protection seeker:** The whistleblower, informant, witness or expert who submits an application for protection in accordance with the provisions of this Regulation.
- Protection:** The functional, legal and personal protection provided to the protection seeker as the occasion may be.
- Functional protection:** The procedures taken with the aim of ensuring that any damage is not caused to the protection seeker at the functional level or at work as a result of their reporting of the instance of corruption.
- Personal protection:** The procedures taken with the aim of ensuring that the protection seeker is not subject to any moral, physical or financial damage.
- Legal protection:** The procedures taken with the aim of ensuring that the protection seeker is not subject to penal prosecution as a result of their reporting or testimony about an instance of corruption.

Article 2

Objectives

This Regulation shall aim at achieving the following:

1. Encourage persons to report corruption crimes.
2. Detect corruption crimes.
3. Provide legal, functional and personal protection to protection seekers.

Article 3

Protected Persons

Each of [the following] shall enjoy protection:

1. The protection seeker and their relatives up to the fourth degree.
2. The persons close to the protection seeker.

Article 4

The Protection Unit

A unit to be called the “Protection Unit” shall be established at the Commission. It shall report to the Chairman, be presided over by a director, have a special budget within the Commission’s budget, and perform the following tasks:

1. Receive the applications for protection referred by the Chairman for examination, and assess relevant risks and threats.
2. Identify the mechanisms and procedures of protection to be provided to the protection seeker, whose application has been approved in accordance with the ad hoc risk assessment.
3. Receive and examine applications from the persons who wish that their identities be anonymous, including whistle-blowers and informants.
4. Provide a period reassessment of decisions on the granting of protection to the persons, regarding whom a decision to grant the same was made.
5. Conceal and replace with special symbols the data on the applications for protection, which may lead to disclosing the identity of the protection seeker.
6. Submit a recommendation to the Chairman to approve or reject the application for protection or requests for anonymity for adjudication.
7. Notify the Chairman immediately after any attack occurs against any of the protected persons, or when any one of them is exposed to a threat, and refer the matter to the specialised Corruption Crimes Prosecution to take necessary measures and ensure their security and safety.
8. Conduct needed studies and research with a view to developing means and procedures of protection.
9. Develop and submit forms needed for the functions of the Protection Unit to the Chairman for approval.
10. Prepare and present an estimated budget for the Protection Unit to the Chairman for approval.

Article 5

Applications for Protection

1. The application for protection shall be submitted to the Chairman using the approved form. He shall refer it to the Director.
2. The Protection Unit shall examine the application for protection with a sense of urgency within seven (7) days from the date of submission of the application.
3. The Protection Unit shall recommend to the Chairman to either approve or reject the application for protection, including a statement of reasons and supported by the following:
 - a. The documents which the Protection Unit decides to enclose with the application in accordance with the instructions issued forth by the Chairman.
 - b. The information and evidence which determine how serious the application for protection is and its association with the proof of committing the instance of corruption.
 - c. The proposed protection procedures and the costs needed to implement the same in the event the application for protection is approved.
4. The Chairman shall issue forth his decision on the application for protection based on the recommendation within a period not exceeding forty eight (48) hours, provided that his decision is reasoned.
5. The protection procedures proposed by the Protection Unit shall be initiated. The protection seeker shall be notified thereof by means of a record, which they sign and pledges to comply with its provisions, in case the application for protection is approved.

Article 6

Complaints

1. The protection seeker shall be entitled to file a complaint to the Chairman within ten (10) days from the date on which the decision on rejection of the application is issued forth, provided that the complaint is handled within seven (7) days from the date of its filing.
2. The protection seeker shall be entitled to have recourse to the competent court in the event the complaint is rejected.

Article 7

Confidentiality

1. Applications for protection shall be handled with complete confidentiality.
2. Media outlets shall be prohibited from publishing any statements or information that lead to disclosing the identity of the protected person.

Article 8

Record Keeping

1. The Commission must keep the records of protection seekers in complete confidentiality.
2. The Commission shall keep the authentic data of everyone, whose identity it decides to keep anonymous or provide protection to, in a safe that is designated for such purpose. It shall be installed in a secure place inside the Protection Unit.
3. The records may only be accessed by a decision from the Chairman or competent judge.

Article 9

Functional Protection

The Commission shall provide functional protection to the persons covered by the decision on protection in any of the following cases:

1. An administrative decision is issued forth, changing the legal or administrative status or derogates from rights.
2. Any measure is taken, leading to ill-treatment, abuse of status or reputation, or discrimination.

Article 10

Personal Protection

The Commission shall provide personal protection to the persons covered by the decision on protection in cooperation with the Police and competent bodies within the security forces. Protection shall be in the following manner:

1. Protecting the places of residence or providing shelters when necessary.
2. Taking measures to ensure safe movement, particularly when attending trial and investigation sessions.
3. Protecting homes, property, and workplaces.
4. Changing either or both the place of residence and workplace on a permanent or temporary basis, and provide appropriate alternatives depending on the surrounding conditions and circumstances.

5. Changing or wiretapping telephone numbers at the behest of relevant persons in accordance with the legislation in force, and provide an emergency telephone number on a round-the-clock basis to receive calls for relief.
6. Using modern telecommunication technologies to ensure safety for making statements and testimonies.
7. Concealing and replacing all information relating to identity and personal details with non-signifying symbols or nickname.
8. Taking any procedure or measure and undertake any action that is necessary to ensure safety.

Article 11

Legal Protection

The Commission shall provide legal protection to the protection seeker against penal prosecution as a result of their reporting or testifying about a corruption crime.

Article 12

Mitigation, Strengthening, Revocation or Restoration of Protection

1. The protected person shall have the right to request in writing that the Chairman mitigate, strengthen, revoke or restore protection following its revocation.
2. The Chairman shall issue forth a decision based upon the recommendation of the Protection Unit, provided that the applicant is notified of the decision.

Article 13

Cessation of Protection

1. Protection shall cease in the event any of the following cases is available:
 - a. If the person violates the conditions of the granting of protection.
 - b. By a written request from the person.
 - c. If protection is no longer needed.
2. The Chairman shall issue forth a decision on the cessation of protection based upon the recommendation of the Protection Unit.

Article 14

Expenses, Financial Assistance and Compensations

1. The Chairman may perform the following:
 - a. Disburse financial assistance to whistle-blowers and witnesses based upon the circumstances and requirements of each application.
 - b. Insure the lives of protected persons, by contracting insurance companies, provided that this is regulated by the instructions issued forth by the Chairman.
2. The Commission shall pay the expenses resulting from providing protection to the entitled persons through the budget appropriation of the Protection Unit.

Article 15

Compensation in Cases of Disability or Death

1. The protected person shall have the right, in the event they are subjected to a physical or material assault which results in a functional disability, to request compensation from the Commission.
2. The heirs to the protected person shall have the right to request compensation, assistance and expenses, in case the assault results in the death of the protected person.

Article 16

Issuance of Instructions

The Chairman shall issue forth the instruction necessary for the implementation of the provisions of this Regulation.

Article 17

Repealing

All provisions that contradict the provisions of this Regulation shall be repealed.

Article 18

Enforcement and Entry into Effect

All the competent authorities, each one within its sphere of jurisdiction, shall implement the provisions of this Regulation, which shall enter into force as of the date of its publication in the Official Gazette.

Promulgated in the city of Ramallah on October 7th, 2019 *Anno Domini*,

Corresponding to Safar 8th, 1441 *Anno Hegira*.

Dr. Mohammad Shtayyeh

Prime Minister