

## Protection of Witnesses and Whistleblowers in Corruption Crimes under Palestinian Law

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### Abstract

The protection of whistleblowers and witnesses in corruption cases constitutes a cornerstone of an effective anti-corruption framework, as it enables individuals to report corrupt practices without fear of retaliation or harm, thereby strengthening integrity, transparency, and preventing perpetrators from escaping accountability. In the Palestinian context, a legislative framework emerged between 2010 and 2019 to regulate this aspect, culminating in Cabinet Decision No. (7) of 2019 on the Protection of Whistleblowers, Witnesses, Informants, and Experts in Corruption Cases. This regulation represented a significant step forward in providing legal, functional, and social safeguards. However, its practical implementation has revealed obstacles that undermine its effectiveness, due to legislative shortcomings and weak enforcement mechanisms. This necessitates an analytical study linking the legal provisions with their application in practice, while assessing their consistency with international standards, particularly the United Nations Convention against Corruption (UNCAC). The study concludes that the Palestinian system partially aligns with these standards but requires further development of practical guarantees and an expansion of protection to cover all stages of legal proceedings. It also emphasizes the need to strengthen institutional coordination and provide effective functional and social support. The research recommends harmonizing national legislation with international standards to ensure comprehensive protection for whistleblowers and witnesses, thereby contributing to the consolidation of good governance principles.

**Keywords:** whistleblowers, Corruption Crimes, Palestine

### Introduction

The protection of whistleblowers and witnesses to corruption crimes constitutes a cornerstone in establishing an effective anti-corruption system. Empowering individuals to report corrupt practices, while simultaneously ensuring their personal, professional, and legal security, prevents perpetrators from evading accountability and encourages the promotion of integrity and

transparency, as well as the establishment of justice as a pathway toward achieving the principles of good governance.

In the State of Palestine, a legislative framework concerning the protection of whistleblowers and witnesses has emerged in recent years, particularly between 2010 and 2019.

However, despite the existence of a regulatory system aimed at safeguarding whistleblowers and witnesses, practical implementation has revealed several obstacles that weaken this protection due to shortcomings in the relevant legislation. This necessitates an analytical study that links legislative texts with their mechanisms of implementation in practice, examines their consistency with international standards, and proposes recommendations that enhance protection in its various forms. The protection of witnesses and whistleblowers in corruption cases is considered one of the fundamental pillars of the anti-corruption framework, as it enables individuals to report violations without fear of retaliation or harm. Palestinian law has given particular attention to this issue through the issuance of Council of Ministers Decision No. (7) of 2019 on the Regulation for the Protection of Whistleblowers, Witnesses, Informants, and Experts in Corruption Cases. This regulation represents an advanced step toward strengthening integrity and transparency within state institutions. It aims to provide legal, professional, and social protection for these individuals, thereby ensuring their effective participation in exposing corruption without being subjected to any form of harm. Legal studies have analyzed this regulation and emphasized the importance of activating protection mechanisms and expanding their scope to cover all stages of legal procedures, while stressing the need to establish effective guarantees to protect witnesses and whistleblowers in corruption cases under the law (Al-Duray, 2021).

Through this study on the protection of whistleblowers and witnesses in corruption crimes, the following main research question arises:

**To what extent does the Palestinian legal system provide effective protection for witnesses and whistleblowers in corruption cases, and how compatible is it with relevant international standards?**

From this main question, the following sub-questions emerge:

1. What is the legal and regulatory framework governing the protection of witnesses and whistleblowers in corruption cases in Palestine?
2. To what extent are the legal and procedural guarantees provided under the Witness and Whistleblower Protection Regulation No. (7) of 2019 adequate?
3. What are the shortcomings and challenges facing the practical implementation of this regulation on the ground?

4. How does the legal protection afforded in Palestine compare with that in selected Arab and international legal systems?
5. What is the role of the Palestinian Anti-Corruption Commission in activating the protection system and ensuring its effectiveness?
6. To what extent are public officials and citizens aware of their rights to report corruption and the guarantees ensuring their protection?
7. What recommendations can be proposed to enhance the effectiveness of the protection system in light of comparative experiences and international standards?

Additionally, several other sub-questions may be addressed in order to comprehensively examine the subject of the study, including:

- How did the system for the protection of witnesses and whistleblowers emerge and develop at the international level, particularly within international conventions?
- What is the legal framework governing the protection of witnesses and whistleblowers in corruption crimes in Palestine, and who are the beneficiaries covered by this protection system?
- To what extent does the witness and whistleblower protection system correspond to practical realities during implementation?
- What types of protection are stipulated under Palestinian legislation, and what are the mechanisms for submitting protection requests and the conditions for granting such protection?
- What measures and procedures has Palestinian law adopted, and to what extent are they consistent with international conventions?

This study aims to achieve the following objectives:

1. To assess the effectiveness of the witness and whistleblower protection system under Palestinian legislation and the mechanisms for strengthening it.
2. To review the legal framework governing the protection of whistleblowers and witnesses in Palestine.
3. To examine the extent to which the Palestinian legal system for protecting whistleblowers and witnesses in corruption crimes is consistent with international conventions.
4. To propose procedural and legislative recommendations for establishing an effective protection system.

The scientific significance of this research lies in enriching legal knowledge on

the protection of witnesses and whistleblowers within the context of combating corruption, through an analysis of the Palestinian legislative framework and its comparison with international standards, thereby contributing to the development of related legal studies.

The practical significance of this research is reflected in supporting the efforts of legislators and decision-makers to adopt more effective policies and legislation for the protection of witnesses and whistleblowers, in a manner that enhances an environment of integrity and encourages reporting corruption without fear of retaliation.

This research was conducted using the following methodologies:

1. The **descriptive-analytical method**, to collect and analyze legislative and regulatory texts, particularly the Anti-Corruption Law No. (1) of 2005 and its amendments, the regulations issued thereunder, and other related legislation.
2. The **comparative method**, to compare Palestinian legal provisions with those contained in international conventions and the laws of other countries.
3. **Personal interviews** conducted with staff members of the Palestinian Anti-Corruption Commission.

### **1. The Emergence and Development of the Witness and Whistleblower Protection System**

The role played by witnesses and whistleblowers in uncovering corruption crimes often at the risk of their personal and professional interests in pursuit of justice and the protection of societal interests necessitates that states provide them with security and protection across various aspects of their lives. Accordingly, states, through international conventions and domestic legislation, have sought to regulate such protection and establish the necessary procedures and measures to encourage and safeguard these categories.

In light of the growing international efforts to combat corruption, the need to provide effective protection for witnesses and whistleblowers has become increasingly evident, given their pivotal role in exposing crimes and strengthening accountability. This protection system has gradually evolved at the international level, driven by state experiences and the requirements of cross-border cooperation, until it was enshrined in several international conventions. Foremost among these is the **United Nations Convention against Corruption (2003)**, which stipulates in **Article 32** the protection of witnesses and experts, and in **Article 33** the protection of whistleblowers, thereby affirming the importance of creating a safe environment that encourages

reporting without fear of retaliation.

In the Palestinian context, the features of a protection system began to take shape within national legislation, particularly through the **Anti-Corruption Law No. (1) of 2005 and its amendments**, which included provisions addressing the protection of witnesses and whistleblowers. However, these provisions still require further development to fully align with international standards and to address practical challenges.

Accordingly, this chapter examines the emergence and development of the witness and whistleblower protection system through two main sections: the first reviews the international framework in terms of its origin and codification in international conventions, while the second focuses on the Palestinian legal framework, analyzing the development of domestic legislation and identifying the categories of persons covered by protection.

### **1.1 The Witness and Whistleblower Protection System at the International Level**

Corruption can be regarded as one of the most serious phenomena that undermine state stability and threaten the construction of modern societies. It goes beyond being merely an individual deviant behavior to constitute a structural phenomenon that permeates public and private institutions, directly and indirectly affecting the path of sustainable development within the state and its institutions, while weakening the principle of the rule of law and justice.

Global and regional experiences have demonstrated that countries suffering from high levels of corruption face significant difficulties in achieving economic growth and attracting foreign or domestic investment. Accordingly, corruption is considered a major obstacle to building a modern state founded on transparency, integrity, and good governance. Moreover, the assignment of public responsibilities to unqualified individuals creates fertile ground for double standards, discrimination, and the deepening of social and class disparities among societies (Lutovac & Lutovac, 2023).

In the context of globalization and the interconnection of economic and political interests, corruption has become a transnational phenomenon, which has limited the effectiveness of combating it at the national level alone. Corrupt practices have taken on international dimensions, such as money laundering and the financing of organized crime. The international community recognized the gravity of these challenges at an early stage and therefore sought to strengthen cooperation through international conventions and treaties, most notably the **United Nations Convention against Corruption (UNCAC) of 2003**, which established a global legal framework to address corruption in its various forms (Al-Faryan & Shil, 2023).

The United Nations Convention against Corruption (2003) represents the

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first comprehensive international legal framework obligating States Parties to adopt integrated measures for the prevention and criminalization of corruption, as well as to enhance international cooperation in the prosecution of offenders. The Convention is distinguished by its attention to institutional and preventive dimensions, such as the establishment of independent national bodies, the adoption of transparency standards, the strengthening of the role of civil society and the media, in addition to a periodic review mechanism to ensure compliance. Its widespread global adoption reflects international awareness of the dangers of corruption as a major obstacle to sustainable development.

In light of the foregoing, this section addresses the emergence of the witness and whistleblower protection system at the international level and highlights international efforts to establish the foundations of this system through international and regional conventions.

### **1.1.1 The Emergence of the Witness and Whistleblower Protection System Internationally**

The concept of witness protection first emerged in the United States of America in 1970 as a legal measure associated with a program aimed at dismantling criminal organizations resembling mafia-style structures. **Joseph Valachi** is considered the first individual to be granted such protection when he testified before a Congressional committee. He was placed under heavy police protection due to his intense fear of retaliation and assassination by **Vito Genovese**, the leader of one of the major mafia organizations (Al-Soulia, 2006).

This measure led to the enactment of the **Witness Protection Act**, which granted the Attorney General of the United States the authority to take the necessary arrangements to provide protection for witnesses (Montanino, n.d). The protective measures authorized under the 1970 Act for witnesses and their family members included the following (Al-Soulia, 2006):

1. Relocation to a secure location.
2. Provision of new identities for witnesses and their relatives.
3. Integration into new employment opportunities.
- 4.

## **2. International and National Expansion of Witness Protection Systems**

In 1984, the law in the United States was amended and renamed the **Witness Security Reform Act**, introducing significant modifications, including the expansion of the scope of protected witnesses. Under **Article 3521**, any witness in any type of crime could now be granted protection under this law, whereas previously it was limited to witnesses of organized crime. New

standards were also introduced, emphasizing the right to protection from physical harm and the safeguarding of the witness's health, safety, and interests (Jelani, 2016).

Following this development, similar legislation began to appear in Western countries, such as **Italy**, which enacted **Law No. 82 of 1991**, and **France**, which established a **witness protection law in 2001**. In line with this approach, many Arab and Western countries adopted comparable laws. In Palestine, this trend was reflected in **Legislative Decree No. 7 of 2010**, amending the **Illicit Gains Law No. 1 of 2005**. Article 11, amending Article 18 of the original law, stipulated that:

*"The Commission shall ensure legal, functional, and personal protection for witnesses, experts, and whistleblowers of corruption crimes, and determine the procedures and measures for their protection pursuant to a system prepared by the Commission and issued by the Council of Ministers. (Decree-Law, 2010)"*

The researcher notes that, under this provision, the legislator did not specify detailed procedures for protection, the forms it may take, or the conditions and standards required.

Subsequently, **Legislative Decree No. 37 of 2018** amended the **Anti-Corruption Law No. 1 of 2005**, particularly Article 16 (amending Article 18 of the original law). Paragraph 2 of this article explicitly addressed the provision of protection in its various forms, identified the persons covered, and outlined some of the measures necessary for their protection, including (Decree-Law, 2018):

1. Ensuring protection in their places of residence.
2. Non-disclosure of information related to their identity and residence.
3. Reporting their statements and testimonies using modern communication technologies to ensure their safety.
4. Protecting them in their workplaces and shielding them from any discrimination, abuse, arbitrary measures, or administrative decisions that alter their legal or administrative status or diminish their rights due to their testimonies, reports, or actions taken to expose corruption crimes.
5. Providing safe accommodation when necessary.
6. Taking any action or measures required to guarantee their safety.

Paragraph 4 of the same article delegated the organization of all matters related to the protection of covered persons to a **system issued by the Council of Ministers** based on the recommendation of the **Chairperson of the Anti-Corruption Commission**.

Accordingly, **Council of Ministers Decision No. 7 of 2019** was issued,

establishing the **Regulation on the Protection of Whistleblowers, Witnesses, Informants, Experts, Their Relatives, and Closely Related Persons in Corruption Cases**. The decision created the **Protection Unit**, outlined the necessary measures for protection in its various forms, and defined the procedures for submitting protection requests (Resolution, 2019).  
**Subsection Two: The Witness and Whistleblower Protection System in International Conventions**

Given the critical role that whistleblowers and witnesses play in exposing corruption crimes, and the risks they may face in doing so, states have focused on providing them with special protection through international conventions. The most prominent of these include:

**2.1 United Nations Convention against Corruption (2003)** (Corruption, 2023). This convention is considered the most comprehensive in combating corruption and establishing standards for the protection of witnesses, whistleblowers, and experts, particularly through **Articles 32 and 33**. Article 32 emphasizes the importance of protecting witnesses, experts, and whistleblowers and calls on States Parties to take appropriate measures in accordance with their domestic legal systems and available resources. Article 33 requires States Parties to implement measures to protect whistleblowers acting in good faith and for legitimate reasons in reporting corruption crimes.

Palestine acceded to the UN Convention against Corruption on **2 April 2014**, and it entered into force on **2 May 2014** (Expatriates, 2025).

**2.2 United Nations Convention against Transnational Organized Crime (Palermo, 2000)** (United Nations Convention against Transnational Organized Crime, 2025)

Although this convention does not specifically address corruption crimes, it intersects with the UN Convention against Corruption regarding witness protection. **Article 24** of this convention aligns with Article 32 of the UN Convention against Corruption, urging States Parties to provide effective protection for witnesses testifying in crimes covered by the convention, as well as their relatives and closely related people, against any potential retaliation or intimidation. This protection includes physical security measures and procedures for giving testimony in ways that ensure the witness's safety.

Palestine acceded to this convention on **2 January 2015** (Expatriates, 2025), and it entered into force on **1 February 2015**.

**2.3 The Arab Convention against Corruption** (Corruption A. C., 2025)  
This regional Arab convention aims to enhance Arab and international efforts to combat corruption and facilitate international cooperation through the exchange of information, investigations, and training programs. It was adopted in **Cairo in**

2010, the same year Palestine acceded to it, with approval from the Councils of Ministers of Interior and Justice. The convention entered into force on **29 June 2013**.

**Article 14** of this convention provides for the protection of whistleblowers, witnesses, experts, and victims, requiring member states to ensure legal protection for them, their relatives, and closely related persons against retaliation or intimidation. Measures include securing their places of residence, maintaining confidentiality about their identity or location, and facilitating safe testimony, such as through communication technologies.

The researcher notes that these conventions place special emphasis on protecting witnesses, experts, and whistleblowers, as well as their relatives and closely related persons, by urging States Parties to implement measures that ensure their safety and encourage international cooperation. Such protections serve to motivate individuals to report any suspicions of corruption.

Other international conventions also emphasize the importance of providing functional, legal, and personal protection for witnesses and whistleblowers, including:

- **African Union Convention on Preventing and Combating Corruption (2003)**
- **Inter-American Convention against Corruption (1996)**
- **Council of Europe Convention on the Protection of Whistleblowers (2014)**

### **3.The Legal Framework of the Witness and Whistleblower Protection System in Corruption Crimes**

Given the pivotal role that witness testimony and whistleblower reports play in uncovering corruption crimes, international legislation has sought to encourage such reporting by establishing laws and regulations to protect these groups. Following this approach, Palestinian legislation has aligned itself with the **Arab Convention against Corruption** and the **United Nations Convention against Corruption**, providing the basis for a legal framework to protect witnesses and whistleblowers. This section addresses the emergence and development of the protection system in Palestinian law and identifies the persons covered by it.

#### **3.1 The Emergence and Development of the Protection System for Witnesses and Whistleblowers in Palestinian Legislation**

Palestine's accession to the **Arab Convention against Corruption** and the **UN Convention against Corruption** imposed several obligations to enact legislation aimed at combating corruption and providing protection in its various forms to persons entitled to it. The provisions of these conventions clearly

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address this matter:

**Article 32** of the UN Convention against Corruption stipulates in paragraph one that: *"Each State Party shall take appropriate measures, in accordance with its domestic legal system and within its means, to provide effective protection to witnesses and experts who give testimony regarding acts criminalized under this Convention, as well as to their relatives and other persons closely associated with them, from any potential retaliation or intimidation (See, Article 32, n.d)."*

The researcher observes that this article obliges States Parties to take all necessary measures to protect witnesses, experts, their relatives, and closely associated persons, without specifying the degree of kinship or definition of closely associated persons, leaving this discretion to the States. It also emphasizes that these measures should be consistent with domestic laws and within the States' capacities.

**Article 33** addresses the protection of whistleblowers: *"Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection from any unjust treatment to any person who, in good faith and for valid reasons, reports to the competent authorities any facts concerning acts criminalized under this Convention (See Article 33, n.d)."*

The researcher notes that Article 33 is less mandatory than Article 32, likely because whistleblowers voluntarily report crimes without compulsion, unlike witnesses who may be obliged to testify under criminal procedure laws. Whistleblowers may also remain anonymous, particularly when reporting via electronic platforms. Protection is contingent upon the report being made in good faith and for valid reasons, establishing a causal link between the report and the protection granted.

**Article 14 of the Arab Convention against Corruption** similarly provides that: *"The State Party shall ensure the necessary legal protection for whistleblowers, witnesses, experts, and victims who testify regarding acts criminalized under this Convention, including their relatives and closely associated persons (See Article 14 , n.d)."*

In line with these international standards, Palestinian legislation has addressed the protection system and the persons covered as follows:

**3.1.1 Anti-Corruption Law No. 1 of 2005 (originally the Illicit Gains Law)**, amended by **Legislative Decree No. 7 of 2010**, initially did not explicitly address a protection system. Article 18 focused solely on the submission of information, documents, and complaints: *"Anyone possessing credible information or documents concerning illicit gains may submit such information or file a complaint with the*

*Commission regarding any person subject to the provisions of this law. (Law No. 1, 2005)"*

This provision laid the groundwork for reporting corruption but did not establish detailed procedures or protective measures for witnesses and whistleblowers, a gap later addressed by subsequent amendments and regulations.

### **3.1.2 Legislative Decree No. 7 of 2010**

This was the first legislative decree to address protection in its various forms. **Article 11**, amending **Article 18** of the original law, stipulated in paragraph two that: *"The Commission shall ensure legal, functional, and personal protection for witnesses, experts, and whistleblowers of corruption crimes acting in good faith, and shall determine the procedures and measures for their protection pursuant to a system prepared by the Commission and issued by the Council of Ministers (See Article 18, 2010)."*

The researcher notes that this provision limited the scope of protection to witnesses, whistleblowers, and experts, excluding relatives and closely associated persons, contrary to the **Arab Convention against Corruption** and the **UN Convention against Corruption**. The provision also required good faith for granting protection and left the determination of procedures and measures to a system issued by the Council of Ministers upon the recommendation of the Anti-Corruption Commission.

### **3.1.3 Legislative Decree No. 37 of 2018**

This decree amended the **Anti-Corruption Law No. 1 of 2005** and was more comprehensive than its predecessor. The amendment to Article 18, paragraph two, provides: *"The Commission shall provide the necessary legal, functional, and personal protection to whistleblowers, witnesses, informants, experts, their relatives, and closely associated persons in corruption cases from any attack, retaliation, or potential intimidation, through the following measures (See Article 18, 2018):"*

- a. Ensuring protection at their places of residence.
- b. Non-disclosure of information related to their identity or location.
- c. Providing testimony and statements using modern communication technologies to ensure their safety.
- d. Protecting them in the workplace and shielding them from discrimination, abuse, arbitrary measures, or administrative decisions that may harm their legal or administrative status or diminish their rights due to their testimony, reporting, or actions exposing corruption.
- e. Providing safe accommodation when necessary.

f. Taking any necessary measures or actions to guarantee their safety."\*

Paragraph four of the same article stipulated that all matters related to providing protection would be organized through a system issued by the Council of Ministers upon the recommendation of the Commission Chairperson.

The researcher observes that this decree expanded the categories of people entitled to protection, adding informants, relatives, and closely associated people. It also removed the good-faith requirement for reporting to qualify for protection, introduced a number of concrete protective measures, and maintained the need for a Council of Ministers-issued system to organize these procedures, marking the second time such a system was mandated after **Decree No. 7 of 2010**.

### 3.1.4 Council of Ministers Decision No. 7 of 2019

Finally, the Council of Ministers issued **Decision No. 7 of 2019** regarding the protection of whistleblowers, witnesses, informants, experts, their relatives, and closely associated persons in corruption cases. This decision was based on paragraph four of the amended Article 18 of the original law. It established the **Protection Unit within the Anti-Corruption Commission**, reporting directly to the Chairperson of the Commission, with its own budget within the Commission's overall budget. The decision clarified the objectives of protection, the categories of persons covered, the various forms of protection, and the procedures for submitting protection requests, including confidentiality and other operational measures, which are detailed in subsequent provisions (See Council of Ministers Resolution No, 2019).

### 3.2 Persons Entitled to Protection

Referring to **Legislative Decree No. 37 of 2018, Article 18, paragraph two**, stipulates: "*The Commission shall provide the necessary legal, functional, and personal protection to whistleblowers, witnesses, informants, experts, their relatives, and closely associated persons in corruption cases from any attack, retaliation, or potential intimidation* (See the text of the amended Article 18, 2015)."

**Council of Ministers Decision No. 7 of 2019** further clarified Article 18 in **Article 3**, which states that protection is granted to (See Article 3, 2019):

1. The protection applicant and their relatives up to the fourth degree.
2. Persons closely associated with the protection applicant.

**Article 1** of the same decision defines the **protection applicant** as: "*The whistleblower, informant, witness, or expert who submits a request for protection in accordance with the provisions of this system.*"

From this definition, it is clear that the people entitled to protection include:

witnesses, whistleblowers, informants, experts, their relatives up to the fourth degree, and persons closely associated with them. These categories are detailed as follows:

### 3.2.1 Witnesses

Legally and doctrinally, a witness is defined as: *“a person who provides a report regarding an event they have perceived through one of their senses (Hosni, 1977).”* The researcher notes that this definition implies that a witness must be a natural person, as a legal entity cannot perceive events through the senses and therefore cannot serve as a witness.

**Council of Ministers Decision No. 7 of 2019** defines a witness in **Article 1** as: *“A natural person who provides testimony regarding a corruption incident before the Commission, the Public Prosecution, or the judiciary (See the text of Article 1, 2019).”*

The researcher observes that this definition aligns with the doctrinal definition by restricting the witness to natural persons, although it does not explicitly mention perception through the senses. Compared to **System No. 62 of 2014 in Jordan**, which defines a witness as *“a person who provides testimony in a corruption crime before the Commission, Public Prosecution, judiciary, or any competent authority”*, the Palestinian definition is more precise (Jordanian Witness and Whistleblower Protection System, 2014). It specifically limits the witness to natural persons and identifies the competent authorities while implicitly connecting testimony to direct perception, thereby providing greater legal clarity.

It should be noted that **Palestinian legislation has not explicitly defined the term “witness”**, although the **Palestinian Code of Criminal Procedure No. 3 of 2001** addresses the procedures for summoning and hearing witnesses before the Public Prosecution in **Articles 77–93** and regulates the rules of testimony during trial in **Articles 221–236** (Palestinian Criminal Procedure Law No. 3 of 2001).

### 3.2.2 The Whistleblower

Reporting crimes constitutes a form of **community participation in achieving criminal justice**. Whistleblowing is a critical mechanism that enables public authorities to become aware of criminal acts, pursue perpetrators, and ensure that offenders do not evade punishment when they harm legally protected interests (Hosni, Mahmoud Naguib, 1987).

Doctrinally, **whistleblowing** is defined as: *“informing public authorities of the occurrence of a crime and identifying its perpetrators for the purpose of their apprehension and prosecution.”*

**Article 1 of Council of Ministers Decision No. 7 of 2019** defines a

whistleblower as:  
*"A person who reports a corruption incident to any of the competent authorities.*  
 (See the text of Article 1, 2019)"

The researcher notes that this definition aligns fully with **Article 1 of Jordanian System No. 62 of 2014** regarding the protection of witnesses and whistleblowers, which similarly defines a whistleblower as *"a person who reports a corruption incident to any of the competent authorities."* However, neither the Jordanian nor the Palestinian systems explicitly specify who the competent authorities are.

Whistleblowing can be done **in person** or **electronically**, reflecting the technological advancements worldwide. The **Palestinian Anti-Corruption Commission (PACC)** allows whistleblowers to report in person at the Commission's General Directorate for Complaints, via telephone, fax, email, WhatsApp, or the PACC mobile application. Additionally, whistleblowers may **submit anonymous reports** using the online reporting form on the Commission's website, enabling them to withhold personal information such as their full name, ID number, email, or phone number (Palestinian Anti-Corruption Commission, 2025).

It can be noted that the most important distinctions between a **witness** and a **whistleblower** are as follows (Al-Ajarmeh & Al-Muaddat., 2018):

1. **Voluntariness and Authority:** A whistleblower reports voluntarily to the Public Prosecutor or a member of the judicial police without compulsion, whereas a witness provides testimony before the Public Prosecutor or a judge in accordance with the Criminal Procedure Law.
2. **Reimbursement for Attendance:** A witness may request reimbursement of expenses for attending to provide testimony, whereas a whistleblower is not entitled to any compensation for reporting.
3. **Summoning:** Witnesses are summoned via a formal notice issued by the court, Public Prosecutor, or law enforcement officer, whereas whistleblowing occurs without any formal summons.

### 3.2.3 Informant (Al-Mukhabir):

Defined in **Article 1 of Council of Ministers Decision No. 7 of 2019** as:  
*"A person who informs the Commission or any competent authority regarding information related to a corruption incident.* (See Article 1, 2019)"

In **Jordanian System No. 62 of 2014**, an informant is defined as:  
*"A person who informs the Commission regarding information related to a corruption incident* (Jordanian Witness and Whistleblower Protection

System, 2014)."

Here, the Jordanian system excludes the competent authorities and limits reporting solely to the Commission, unlike the Palestinian system.

### 3.2.4 Expert:

Criminal law doctrine defines an expert as: "*A person with specialized knowledge in a technical, practical, or scientific field who assists the court in matters within their expertise and must not exceed the assigned scope; the expert must be human and socially competent (Abdul Aziz Tawfiq, 1995).*"

**Council of Ministers Decision No. 7 of 2019** defines an expert as:

*"A person assigned by the Commission or any competent authority to provide expertise in a corruption incident (See Article 1 of Palestinian Council of Ministers Resolution No. 7, 2019)."*

The Jordanian system defines an expert as: "*A person assigned to provide an expert report in a corruption incident (See Article 1 of Jordanian System No. 62 of, 2014).*"

The Palestinian system differs in that it explicitly identifies the authority assigning the expert, whereas the Jordanian system does not.

### 3.2.5 Relatives:

**Council of Ministers Decision No. 7 of 2019** clearly specifies that relatives entitled to protection extend **up to the fourth degree** of kinship with the protection applicant (whistleblower, informant, witness, or expert), as affirmed in Article 3 of the decision (See Article 3 of Palestinian Council of Ministers Resolution No. 7 of , 2019).

### 3.2.6 Persons Closely Associated with the Protection Applicant:

Palestinian legislation does not explicitly define who these persons are, whereas **Jordanian System No. 62 of 2014** defines them as: "*persons designated by the Commission as closely associated with the protection applicant (See Article 1 of Jordanian System No. 62 of, 2014).*"

After identifying the groups entitled to protection, a question arises regarding **corruption whistleblowers from the media**, such as investigative journalists. The Palestinian Anti-Corruption Commission has indicated that the current legal framework does not cover this scenario, as the law primarily assumes that a protection applicant submits a report to the competent authorities. Despite the importance of media in exposing corruption and the encouragement of international conventions to recognize the media's role, this area remains **legally unregulated** and requires clear legislative guidance.

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#### 4. Practical and Applied Reality of Protecting Whistleblowers and Witnesses under Palestinian Law

Whistleblowers and witnesses play a significant role in exposing corruption cases that threaten the security and stability of society. This group often faces numerous personal, professional, and legal risks. Providing them with protection against threats and retaliation encourages and facilitates reporting corruption cases. Accordingly, **Article 4 of the Cabinet Resolution No. 7 of 2019** established a **Protection Unit within the Anti-Corruption Commission**, reporting directly to the head of the Commission, headed by a director, with its own budget within the Commission's budget and assigned specific tasks (Article 4 of Palestinian Council of Ministers Resolution No. 7 of, 2019).

The objectives of the whistleblowers and witnesses' protection system, according to **Article 2 of the Cabinet Resolution**, are (See the text of Article 2 of Council of Ministers Resolution No. 7 of , 2019):

1. Encouraging individuals to report corruption cases.
2. Detecting corruption cases.
3. Providing legal, functional, and personal protection to the protection applicant.

Therefore, the **first requirement of this chapter** will focus on understanding the **procedures for submitting a protection request and the mechanism for its approval**.

The practical and applied reality of protecting witnesses and whistleblowers under Palestinian law is a key element in evaluating the effectiveness of the legal system. Legislative texts, no matter how precise, remain limited in impact unless translated into clear executive procedures and effective protection mechanisms. **Palestinian Anti-Corruption Law No. 1 of 2005**, as amended, in **Article 18**, stipulates the necessity of providing protection for whistleblowers, witnesses, experts, and their relatives. The **executive regulations issued under Cabinet Resolution No. 7 of 2019** define the related procedures and safeguards. However, practical implementation still faces challenges related to execution mechanisms, weak institutional coordination, and limited preventive measures.

Within this framework, this chapter will be divided into sections addressing both the procedural and substantive aspects of the protection system. It will first cover **procedures for submitting a protection request**, including the submission mechanism and competent authorities for receiving requests. Then, it will review the **legal conditions required to grant protection and the decision-making mechanism**. The chapter will also discuss **the types of protection provided to witnesses and whistleblowers**, whether legal, security-related, or procedural, and assess their application in practice. Additionally, it

will review the **institutional and executive measures necessary to ensure effective protection**, including the roles of the Anti-Corruption Commission, security, and judicial authorities, based on national legislation and relevant international standards.

#### **4.1 Procedures for Submitting a Protection Request and Conditions for Granting It**

**Cabinet Resolution No. 7 of 2019** was issued to regulate matters related to the procedures and provisions of protection in its various forms and to clarify the measures necessary for its implementation. This resolution defines the nature of the protection, the individuals covered by it, the procedures for submitting requests, and the conditions for granting protection, which will be detailed in this section and its subsections.

##### **4.1.1 Submitting a Protection Request**

**Article 5 of the Cabinet Resolution** provides clear and explicit guidance regarding protection requests in their various forms. The article stipulates the following (See the text of Article 2 of Council of Ministers Resolution No. 7 of , 2019):

1. The request for protection must be submitted to the **Chairperson** using the approved form, who then refers it to the **Director**.
2. The **Protection Unit** studies the protection request **urgently within seven days** from the date of submission.
3. The Protection Unit recommends to the Chairperson whether to **approve or reject the protection request**, providing reasons and supporting the recommendation with:
  - a. Documents determined by the Protection Unit to be attached to the request according to instructions issued by the Chairperson.
  - b. Information and evidence that demonstrate the seriousness of the protection request and its connection to proving a corruption incident.
  - c. Proposed protection measures and the costs necessary to implement them if the request is approved.
4. The Chairperson issues a decision regarding the protection request based on the recommendation **within 48 hours**, and the decision must be justified.
5. If the protection request is approved, the **Protection Unit initiates the proposed protection measures**, and the applicant is informed through an official record, which they sign and commit to comply with.

The researcher notes that the protection request is submitted to the **Chairperson of the Anti-Corruption Commission**, who refers it to the **Director of the**

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**Protection Unit.** The Unit studies the request urgently within seven days and submits its recommendation to the Chairperson, either to approve or reject, **with justification and supported by documents, evidence, and information** demonstrating the seriousness of the request. The recommendation also specifies the protection measures required and the associated costs. Based on this recommendation, the Chairperson issues a **reasoned decision within 48 hours**.

It is noteworthy that the protection request **can also be submitted through the Anti-Corruption Commission's website** using a form prepared by the Commission. Upon approval, the applicant is informed via an official record, which they **sign and commit to comply with**. The Commission clarifies that this commitment entails (Annual report of the Anti-Corruption Commission, 2019):

1. The individual covered by protection acknowledges that participation in the witness protection program is **voluntary**, based on the request of the whistleblower or witness, and that granting protection measures **should not be understood as a reward for testimony**.
2. The **scope and nature of protection** provided by the Protection Unit are determined according to the **decisions of the Chairperson of the Commission**.
3. The **obligations of the person under protection** and the procedures to be applied in cases of non-compliance.

The above procedures are applied **if the protection request is approved**. However, **if the request is rejected**, the applicant has the **right to appeal**, as stipulated in **Article 6 of the Cabinet Resolution**, as follows (See Article 6 of Council of Ministers Resolution No. 7 of , 2019):

1. The protection applicant may **appeal to the Chairperson** within **10 days** from the date of the rejection decision. The appeal must be resolved within **7 days** from the date of submission.
2. If the appeal is rejected, the applicant has the right to **resort to the competent court**.

Regarding the requirement for the Protection Unit to **urgently study the request within seven days**, a question arises whether this period is too long, especially if the request concerns **personal protection** and there is a risk to the applicant's life. The **Advisor to the Chairperson of the Anti-Corruption Commission** clarified that the phrase "within seven days" **does not mean the entire period must be used**; the recommendation can be submitted on the **first day** as long as the request is serious and has a causal connection to the report (Ammarna, 2025).

Additionally, regarding whether a person can request protection from the Anti-

Corruption Commission **even if they did not submit a report directly to the Commission**, but instead to another competent authority such as the **prosecution or police**, the **Director of the Protection Unit** noted that this could create some ambiguity because these authorities are not explicitly defined. In practice, if a person submits a report within their institution about a corruption offense, it would not be logical to **deny them protection**, even if the law does not explicitly provide for it. This remains a **discretionary measure by the Commission**, and in the future, recommendations will aim to **clearly define the competent authorities** (Abdullah, 2025).

#### **4.1.2 Conditions for Granting Protection and the Mechanism for Decision-Making**

The **Palestinian Anti-Corruption Commission**, through its **Guiding Manual for the Protection of Whistleblowers, Witnesses, Informants, Experts, their Relatives, and Persons Closely Associated in Corruption Cases**, has set a series of conditions for accepting protection requests, as follows:

1. The applicant must **fall within the categories defined in Article 1 of the Protection of Whistleblowers and Witnesses System, Cabinet Resolution No. 7 of 2019**.
2. The applicant must demonstrate **good faith**.
3. There must be **actual or potential harm**.
4. There must be a **causal relationship** between the report, complaint, or information provided to the Commission and the claimed or potential harm.
5. The request must be **based on information related to acts of corruption**.
6. The identities of the alleged perpetrators and their accomplices must be **clearly identified**.
7. The alleged facts must **not have been previously adjudicated** in any judicial or administrative proceedings.
8. The applicant must **maintain complete confidentiality**.

If any required information for protection measures is missing, the applicant is granted a **48-hour period** to provide the necessary details.

The researcher notes that these conditions aim to ensure that the applicant qualifies as a protected person and acts in good faith (i.e., the report is not false or malicious). The occurrence or potentiality of harm is also essential, as well as establishing a **causal link** between the report and the resulting or possible harm. The report must relate strictly to **corruption crimes**, and previously resolved cases, either judicially or administratively, are excluded. Additionally,

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maintaining strict confidentiality ensures that protection is not misused as leverage against the institution.

A question arises: **What happens if the protection applicant violates any of these conditions?** Article 13 of the Cabinet Resolution addresses this (See Article 13 of Council of Ministers Resolution No. 7 of, 2019):

1. **Protection terminates** in any of the following cases:
  - a. The person violates the conditions for granting protection.
  - b. Upon the person's **written request**.
  - c. If the **need for protection no longer exists**.
2. The **Chairperson issued a decision** to terminate protection based on the recommendation of the Protection Unit.

The researcher observes that **violating any condition** results in the termination of protection. Protection can also end by **written request of the applicant** or if the **need for protection ceases**, and the termination is executed by a **decision of the Chairperson of the Anti-Corruption Commission**, following the Protection Unit's recommendation.

Once the conditions for granting protection are met, the request is processed according to **Article 18 of the original law, as amended by Decree-Law No. 37 of 2018**, which stipulates in **paragraph 3** that:

"Requests for protection shall be decided by the Commission according to the circumstances surrounding the applicants, and protection shall be lifted once the circumstances giving rise to it cease to exist (See the amended Article 18 of Law No. 1 of 2005 on Combating Corruption, 2005)."

This provision clearly leaves the **decision to grant or reject protection** in the hands of the Commission and organizes the procedure through **Cabinet Resolution No. 7 of 2019**, which specifies in **paragraph 1 of Article 5** that the protection request must be submitted to the **Chairperson of the Commission** using an approved form. The Chairperson then refers the request to the **Director of the Protection Unit** for urgent study, after which the Unit submits a **reasoned recommendation**, supported by documents, evidence, and information. Based on this recommendation, the **Chairperson issues a decision** within **48 hours** (See Article 5 of Council of Ministers Resolution No. 7 of, 2019).

#### **4.2 Types of Protection and the Measures Required for Their Implementation**

The **Palestinian Law No. 1 of 2005** and its amendments, following Palestine's accession to the **Arab Convention Against Corruption** and the **United Nations Convention Against Corruption**, have recognized various forms of protection for persons entitled to it. The law also established **measures and**

procedures compatible with the Palestinian context to implement such protection effectively.

#### **4.3 Types of Protection for Witnesses and Whistleblowers and Their Practical Implementation**

The amendments to **Law No. 1 of 2005 on Combating Corruption** specified the types of protection that must be provided to protected persons. Initially, this was mentioned in **Decree-Law No. 7 of 2010**, amending the **Law on Illicit Gains No. 1 of 2005**. Article 18, as amended, stated in its second paragraph:

“The Commission shall ensure, for witnesses, experts, and whistleblowers acting in good faith, the provision of legal, functional, and personal protection, and shall determine the procedures for their protection and the necessary measures through a system prepared by the Commission and issued by the Council of Ministers (See the amended Article 18 of Law No. 1 of 2005 on Combating Corruption, 2005).”

The researcher notes that this decree-law **exclusively identified three types of protection**: legal, functional, and personal. However, it **did not specify the procedures or measures** for implementing these protections, leaving this task to a **system issued by the Council of Ministers** upon the recommendation of the Anti-Corruption Commission. The issuance of this decree-law coincided with Palestine’s accession to the Arab Convention Against Corruption and aligned with **Article 14 of the Convention**, which mandates protection for witnesses, whistleblowers, experts, and victims.

Subsequently, **Decree-Law No. 37 of 2018** introduced a further amendment to **Article 18 of the original law**, stating in its second paragraph the Commission’s responsibility to provide **legal, functional, and personal protection** to whistleblowers, witnesses, informants, experts, their relatives, and persons closely associated with them in corruption cases against **any potential attack, retaliation, or intimidation**. Protection could be implemented through measures such as:

- Ensuring safety at the person’s **residence**.
- Maintaining **confidentiality of identity and location**.
- Providing the ability to **testify using modern communication technologies**.
- Protecting them at **their workplace** and safeguarding against discrimination, mistreatment, or administrative actions harming their legal or administrative status.
- Providing **temporary accommodation** if necessary.
- Taking **any necessary measures to guarantee their safety**.

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The regulation of all these matters was left to a system issued by the Council of Ministers. Consequently, the **Palestinian Council of Ministers issued Resolution No. 7 of 2019**, which **defined the types of protection and the measures required to implement them.**

The types of protection are summarized as follows:

#### **First: Functional Protection (Occupational Protection)**

Functional protection refers to the **measures taken to ensure that no harm occurs to the protected person at the workplace or in their professional capacity as a result of reporting a corruption incident** (See the text of Article 1, 2019).

The researcher notes that **functional protection is granted on the condition that there is a causal link** between the request for protection and the report of a corruption incident, based on **credible information.**

However, sometimes the harm affecting the protected person may result from a **work-related administrative violation.** In such cases, the Anti-Corruption Commission contacts the institution responsible for the harm and requests clarification or a response. Here, **the burden of proof falls on the institution, not the complainant.**

If it is conclusively proven that the harm was due to a workplace violation (e.g., disciplinary action following an investigation committee's decision), **functional protection is not granted.** If it is proven that the harm resulted **directly from the report of a corruption incident**, functional protection is granted (Ammarna, 2025).

**Article 9 of Cabinet Resolution No. 7 of 2019** specifies that functional protection is provided to protected people in the following cases (See Article 9 of Council of Ministers Resolution No. 7 of , 2019):

1. The issuance of an administrative decision that **alters the legal or administrative status** or diminishes rights.
2. The adoption of any measure that results in **mistreatment, damage to reputation or status, or discrimination.**

#### **4.4 Legal Protection**

Legal protection is defined in **Article 1 of Cabinet Resolution No. 7 of 2019** as **“the measures taken to ensure that the protected person is not criminally prosecuted as a result of reporting or testifying about a corruption incident.”** (See Article 1 of Palestinian Council of Ministers Resolution No. 7, 2019)

The researcher observes that, in practice, this definition **lacks sufficient clarity and is open to multiple interpretations.** The law does not prevent anyone from

filing a lawsuit in court. Indeed, the **Palestinian Basic Law of 2003 and its amendments** guarantees in Article 30 that:

“Litigation is a protected and guaranteed right for all people, and every Palestinian has the right to resort to their natural judge; the law regulates litigation procedures to ensure the prompt resolution of cases (Palestinian Basic Law of 2003 and its amendments, 2003).”

When asked about the practical application of legal protection, the Anti-Corruption Commission stated that **it cannot shield anyone from legal proceedings**, as this falls under an individual’s right to file claims before their natural judge. However, the Commission **provides as much assistance as possible** to the protected person during all stages of the case, including Sending Commission employees to **testify in court** and Providing **explanations to the court** that the defendant was reported by the Commission, and the complaint arose due to that report.

Ultimately, **the court decides the matter**, and the legal protection provided by the Commission represents **the maximum assistance it can offer in practice** (Ammarna, 2025).

#### **4.5 Personal Protection**

Personal protection refers to “**the measures taken to ensure that the protected person is not exposed to any moral, physical, or financial harm** (See the text of Article 1, 2019).”

This protection is provided to individuals covered by the protection decision in **coordination with the police and relevant security authorities**, and it includes the following measures (See Article 10 of Council of Ministers Resolution No. 7 of, 2019):

1. Protecting the place of residence or providing alternative shelter if necessary.
2. Implementing measures to ensure safe mobility, particularly when attending trial or investigation sessions.
3. Protecting the home, property, and workplace.
4. Temporarily or permanently relocating the residence, workplace, or both, and providing suitable alternatives depending on circumstances.
5. Changing or monitoring phone numbers at the request of the person in accordance with applicable laws, and providing a 24/7 emergency phone for urgent requests.
6. Using modern communication technologies to ensure safe provision of testimony and statements.

7. Concealing all personal identity information and replacing it with codes or pseudonyms.
8. Taking any other measures necessary to ensure safety.

The researcher notes that **these personal protection measures align with the UN Convention against Corruption and the Arab Convention against Corruption**, while remaining compatible with the country's capabilities.

When asked about the practical applicability of **measure 6** (use of modern communication technologies for testimony) and **measure 7** (identity concealment), the response was: These measures exist in law, but **communication technologies have not yet been used for testimony**. Identity concealment is **strictly applied within the Commission**, but when cases are referred to the **prosecution or courts**, identity and personal information must be disclosed for trial procedures, based on the **principle of confrontation and the right to challenge**.

The researcher notes that some countries, such as the Netherlands, have implemented **witness identity protection in court** by altering appearance and voice and allowing testimony in a closed room. However, such testimony alone **cannot form the basis of a judgment**; it must be corroborated by other evidence (Ammarna, 2025).

According to the **2024 Annual Report of the Palestinian Anti-Corruption Commission**, the Commission received **26 requests for protection**, distributed as follows (Annual report of the Anti-Corruption Commission, 2019):

1. 15 requests for functional protection.
2. 8 requests for personal protection.
3. 3 requests for legal protection.

Some requests included **more than one type of protection**. After reviewing the requests:

- Only **2 requests were approved**, and the necessary measures were implemented with relevant authorities.
- **24 requests were rejected**.

**Reasons for rejection included:**

- Lack of jurisdiction: Applicants were not eligible for protection or had not reported corruption crimes; they were referred to the competent authority.
- Absence of causal link: The harm experienced by the applicant was not related to their reporting to the Commission.

### Reasons for granting protection:

- **Functional protection:** One employee reported irregularities in a government institution. This employee was referred to an internal investigation committee because of the report. Protection was granted, and the committee was dissolved after it was determined that its formation was a consequence of the employee's reporting to the Commission.

### 5. Measures Necessary to Ensure Protection

The **Palestinian Anti-Corruption Law** and its amendments include a set of procedures and measures aimed at protecting **witnesses, whistleblowers, experts, informants, their relatives, and persons closely linked to them** in cases of corruption. These measures are designed to encourage citizens to report corruption and help expose it.

The **amendments to Law No. 1 of 2005** have stipulated various measures to protect whistleblowers and witnesses and to encourage individuals to report any suspected corruption, as follows:

#### 5.1 Punitive Measures

The amended laws include provisions to protect **witnesses and whistleblowers from assault or threats**. **Law No. 37 of 2018**, amending **Article 25** of the original law, stipulates in paragraph six:

“Without prejudice to any harsher punishment stipulated in any other legislation, **anyone who assaults a whistleblower, witness, or expert for their role in exposing corruption, mistreats them, discriminates against them, prevents them from giving testimony, or from reporting corruption** shall be punished by **imprisonment for not less than one year and a fine of not less than 500 Jordanian Dinars**. In cases where force or threats are used, including displaying a weapon or any other coercive material means, the penalty shall be **imprisonment for not less than two years and a fine of not less than 500 Jordanian Dinars and not exceeding 10,000 Jordanian Dinars** (See the text of Article 25 of Law No. 1 of , 2005).”

**Paragraph three of Article 25**, added by the same law, aims to **encourage offenders to report crimes**: If the perpetrator of a corruption crime or their partner voluntarily reports the crime to the competent authorities **before it is discovered**, including disclosing the obtained funds, they shall be exempt from the prescribed punishment, provided the funds are returned. If the perpetrator or partner assists during the investigation in revealing the crime and the perpetrators, the penalty shall be **reduced by half, and the fine shall be waived** (See the text of Article 25 of Law No. 1 of , 2005).”

The researcher notes that this provision follows the **modern criminal policy approach** of granting immunity to the reporting offender, but under **two**

### essential conditions

1. The authority or one of the competent bodies **must not have been aware of the corruption crime before the report.**
2. The **funds involved in the crime must be seized as a result of this report.**

Reducing the Penalty by Half and Exemption from the Fine, the reduction of the penalty by half and the exemption from the fine are **conditional upon the cooperation of the perpetrator or their partner during the investigation** to help uncover the crime and identify the offenders.

This provision aligns with **Article 37 of the United Nations Convention against Corruption**, which states in its first paragraph: Each State Party shall take appropriate measures to encourage persons who have participated in the commission of an offense established in accordance with this Convention to provide information that may be useful to the competent authorities for the purposes of investigation and proof, and to provide specific, concrete assistance to the competent authorities that may contribute to depriving offenders of the proceeds of crime and recovering those proceeds (See the text of Article 37 of the United Nations Convention against Corruption, n.d).”

Additionally, **Law No. 37 of 2018**, through its amendment of Article 25, stipulates in paragraph five:

“Anyone who discloses information related to the identity or location of whistleblowers, witnesses, or experts shall be punished by imprisonment for not less than six months and a fine of not less than 500 Jordanian Dinars and not exceeding 10,000 Jordanian Dinars (See the text of Article 25 of Law No. 1 of 2005, as amended by Decree-Law No. 37 of, 2018).”

The researcher notes that the legislator’s emphasis on **confidentiality regarding the identity of witnesses and whistleblowers**, and imposing penalties for violating this confidentiality, is **aimed at encouraging individuals to report corruption and ensuring their protection**. This approach is consistent with **Article 14 of the Arab Anti-Corruption Convention**, which calls for:

“Taking punitive measures against anyone who discloses information related to the identity or location of whistleblowers, witnesses, experts, or victims (See the text of Article 14 of the Arab Convention on Combating Corruption, n.d).”

### **5.2 Procedural Measures to Protect Whistleblowers and Witnesses and Their Compliance with International Standards**

From the establishment of the **Palestinian Anti-Corruption Commission in 2010** until 2018, there was a legal text guaranteeing protection **without specifying the procedural measures for implementation**. **Law No. 7 of 2010**,

amending Article 18 of the original law, stated in paragraph two:

“The Commission shall ensure that witnesses, experts, and whistleblowers acting in good faith are provided with legal, functional, and personal protection, and it shall determine the procedures and measures necessary to protect them in accordance with a system prepared by the Commission and issued by the Council of Ministers.”

This text **obliged the Commission to provide protection but did not specify the procedures and measures**, leaving it to be organized via a system issued by the Council of Ministers upon the recommendation of the Commission. With the issuance of **Law No. 37 of 2018**, amending the original law, **Article 18 was updated to include procedural and protective measures**, such as: Protection at their residence, non-disclosure of identity and location, Testimony via modern communication technologies to ensure safety, Protection at the workplace, Provision of accommodation when necessary, Any other measure necessary to ensure their safety. Subsequently, **Council of Ministers Decision No. 7 of 2019** included all provisions, procedures, and measures related to protection.

The **Palestinian law** has adapted these procedural measures to **fit the country’s circumstances and capabilities**, while also **drawing from the United Nations Convention against Corruption**. Among the most important of these measures are:

### **5.3 Concealment of Identity and Personal Data**

All information related to the identity and personal data of whistleblowers and witnesses may be **replaced with codes or pseudonyms**. This measure aligns with **Article 32, paragraph 2/a of the United Nations Convention against Corruption**.

The researcher notes that **concealing identity is possible within the premises of the Palestinian Anti-Corruption Commission, but not feasible in front of the court or prosecution**, due to conflict with **Palestinian Criminal Procedure Law No. 3 of 2001**. Article 256 states (See the text of Article 256 of Palestinian Criminal Procedure Law No. 3 of , 2001):

- a. The court shall question the witness about their name, surname, age, occupation, place of residence, and their relation to the victim.
- b. Parties to the case may cross-examine the witness.

### **2. Use of Modern Communication Technologies**

The use of modern communication technologies to ensure the safety of witnesses while providing testimony is also consistent with **Article 32, paragraph 2/b of the UN Convention against Corruption**.

The researcher notes that **the same limitations on identity concealment apply to remote testimony**, due to the principles of **the right to confrontation and**

**cross-examination.** This necessitates amendments to some provisions of the **Criminal Procedure Law** to make the protection system for whistleblowers and witnesses more effective.

Some countries have addressed this legal challenge with **clear legal provisions.** For example, **Moroccan Law No. 37.10**, on protecting victims, witnesses, experts, and whistleblowers in cases of bribery, embezzlement, and abuse of power, provides in **Article 8.82:**

“If the court decides not to disclose the identity of the person, the testimony of the witness, expert, or whistleblower shall not, by itself, constitute legal evidence but shall be corroborated by additional evidence (Law No. 37.10, 2025).”

The researcher observes that **the Moroccan legislator balanced the issue of anonymous testimony with the rights to cross-examination and confrontation** by ensuring that such testimony alone cannot form conclusive legal evidence it must be **supported by corroborating evidence** to convince the judge.

Similarly, the **U.S. Supreme Court** has ruled that the **right to face-to-face confrontation between the accused and the witness is not absolute** and may be limited if necessary. Remote testimony via audiovisual means may be allowed, provided the accused’s **legal rights and guarantees are fully preserved** (Ibrahim, 2015).

Regarding the period from **2010 to 2018**, the question arises: how did the **Palestinian Anti-Corruption Commission** handle protection requests, and what was the reason for the delay in issuing a formal system by the Council of Ministers to regulate protection measures and procedures?

The Commission explained that from **the beginning of 2010 until 2018**, there were **legal provisions** regarding the protection of whistleblowers and witnesses, but **no practical tools or mechanisms** existed to implement these protections. Extensive studies were conducted to bring these provisions into effect and to create a system regulating all aspects of protection.

Through these studies, it became clear that **not all necessary amendments and provisions could be addressed through a ministerial system.** For example, key protection measures such as **concealing identity** or **allowing witnesses to testify via modern communication technologies** could conflict with **Criminal Procedure Law No. 3 of 2001**, particularly regarding the **right to confrontation and cross-examination.** Implementing these measures solely through a ministerial system would have made them **vulnerable to legal challenges** for being inconsistent with the Criminal Procedure Law.

Thus, the conclusion reached by the Commission was that **establishing a robust**

**protection system required legislative amendments**, not just administrative regulations.

During this period (2010–2018), the Commission still handled a **number of protection requests**, but the approach was **case-specific**, based on the **authority and discretion of the Commission** and the **circumstances surrounding each request**. Most of these requests concerned **functional protection** for employees in the public sector.

This approach allowed the Commission to provide practical protection even before a formal regulatory system was issued, although it was limited by the absence of a fully structured legal framework (Ammarna, 2025).

## 6. Conclusion

In light of the foregoing, it is evident that the **protection of witnesses and whistleblowers of corruption crimes** constitutes a fundamental pillar in the anti-corruption framework, given its critical role in uncovering crimes and promoting a culture of reporting. Although Palestinian legislation includes some relevant provisions, there remains a need to **develop a more comprehensive and effective legal framework** that provides tangible guarantees for legal, security, and social protection for these individuals. Enhancing such protection not only contributes to combating corruption but also reflects the state's commitment to **transparency, rule of law, and citizen trust** in justice and integrity institutions. Based on this analysis, a set of conclusions and recommendations can be drawn as follows:

### Findings:

1. The forms of protection for whistleblowers and witnesses are consistent with the provisions of the **United Nations Convention against Corruption**, and Palestinian legislation has adopted measures and procedures from this convention that are appropriate to the capacities of the State of Palestine.
2. Implementation of protection is sometimes weak due to conflicts between protective measures and fundamental legal principles, such as the **right to cross-examination** and the **right to confrontation**, reflecting legislative gaps.
3. Some terms in the anti-corruption legal system are unclear or insufficiently defined, such as the definition of competent authorities to which a legislator may refer, and the definition of persons closely related to protection applicants.
4. The penalties provided in **Law Decree No. 37 of 2018** regarding assault on witnesses or whistleblowers should be **harsher** to achieve the intended deterrent effect.

5. There is a lack of **public awareness** about the protection system, as evidenced by the 2024 annual statistics showing a low number of protection requests, most of which were rejected due to lack of jurisdiction.

### Recommendations

1. **Amend Palestinian legislation** to ensure it aligns with the implementation of protective measures and procedures in all their forms.
2. **Add a new provision to the Palestinian Criminal Procedure Law No. 3 of 2001** to allow for measures such as concealing the identity of witnesses or providing testimony via modern communication technologies, following the Moroccan approach where such testimony is not legally binding unless supported by additional evidence.
3. **Extend the legal framework to address whistleblowers in the media** and establish mechanisms to ensure their protection.
4. **Provide clear definitions** of the competent authorities to which whistleblowers and persons closely related to protection applicants can refer.
5. **Launch national awareness programs** to inform citizens about their rights to report corruption and the protections available to them.
6. **Learn from international experiences**, particularly regarding protection systems, and adapt them to the Palestinian context.
7. **Strengthen penalties** for assaulting, threatening, or intimidating witnesses and whistleblowers to ensure an effective deterrent.

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