



Supreme Judicial Council

Second Annual Judicial Conference

“Toward an Independent Judicial Authority”

Bethlehem
July 16-18, 2009

Funded by the United States Agency for International Development



Second Annual Judicial Conference "Toward an Independent Judicial Authority"

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His Excellency Prime Minister, Dr.Salam Fayyad
with His Excellency Chief Justice, Head of the High Court Judge
Issa Abu Sharar at the Opening of Second Annual Judicial Conference

About the Supreme Judicial Council

The Supreme Judicial Council is the most powerful body representing the Palestinian Judicial Authority. It is entrusted with sole administrative supervision over the system and, as a result, guarantees the independence of the judiciary in Palestine.

The council was established in accordance with the provisions of the Law of the Judicial Authority No. (1) of 2002. The council's membership is as follows:

1. Head of the High Court
2. High Court Senior Judge
3. Two judges from the High Court
4. President of the Court of Appeals in Gaza, Jerusalem, and Ramallah
5. The Attorney General
6. The Undersecretary of the Ministry of Justice

Recently the council has devoted its efforts to promoting and protecting the legal system by undertaking a policy of self-censorship in the courts and concentrating on a set of criteria for future judicial appointments.



The Mission and Goals of the Judicial Council

The Supreme Judicial Council aims:

1. To reinforce the independence of judges.
2. To secure the judges' dignity, integrity and efficiency.
3. To qualify the judges and the employees to work in the judicial corps.
4. To develop the performance of the tribunals and facilitate the procedures of the filing of lawsuits.
5. To institutionalize and develop the Supreme Judicial Council.
6. To institutionalize and develop the council's training, judicial inspection, and Secretariat General Departments, among others.

Supreme Judicial Council Website:
[http:// www.courts.gov.ps](http://www.courts.gov.ps)

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Introduction

I am pleased to present you with the documentation of the proceedings of the Second Judicial Conference held in Bethlehem, July 16-18, 2009 under the theme “Towards an Independent Judicial Authority” in which over 130 judges from the various courts in the West Bank in addition to three High Court judges from the Gaza Strip took part.

I can proudly and confidently say that the Second Judicial Conference succeeded with distinction. There were four factors contributing to our success. The first of these factors was the high level of participation in the conference, manifested in the attendance of Prime Minister Dr. Salam Fayyad at the opening session, and his support and appreciation for the Judicial Authority. This is in addition to his unequivocal undertaking to implement all court rulings especially those issued by the High Court of Justice. In addition, his Excellency met with the Supreme Judicial Council to address the situation of the Judicial Authority and its relationship with the Executive Authority was reviewed with a positive and frank spirit that has never previously taken place. After the conference concluded His Excellency and the government began immediately implementing recommendations that have been announced in the conference which has contributed and continues to, to reinforcing the people’s trust in the Judiciary and its decisions.

The second factor can be contributed to the spirit of debate which prevailed throughout the conference whereby the judges had the chance to diagnose the obstacles and threats to the independence of the Judicial Authority. The judges were also able to express their opinions and their visions regarding the internal and external issues with total freedom and without restraints. The spirit of serious discussions and criticism prevailed over flattery. This in its turn emphasized the strength of the conclusions and recommendations issued by the conference.

The third factor of success was the high degree of organization which existed throughout the conference on the administrative and logistics levels as the conference was held without any

obstacles and all the needs and elements of its success were available on all levels which has created a positive feeling and an environment suitable to the functioning of the conference and attainment of its goals.

The fourth factor of success was the degree of media coverage which the conference received whether at its opening or at the announcement of the conclusion of its sessions. At its conclusion, a press conference was held successfully in which I and the members of the Supreme Judicial Council participated, besides heads of First Instance and the heads of judicial units. The press conference reflected the spirit of joint work and group leadership which prevail throughout the Judicial Authority.

I hereby would like to express my pride in the success of this conference and its recommendations, and to express my thanks and gratitude for all those who contributed towards its success, especially the conference administration, the different administrations of the Judicial Authority, the judges who managed its sessions, and the participating judges. I would also like to thank Netham Rule of Law Project funded by USAID for its logistics support and the efforts they exerted for the success of this conference.

At the end, I would like to say, lets continue our endeavors to build an independent Judicial Authority and lets work, each in his place, to implement the recommendations of the Second Judicial Conference hoping that all its recommendations will have been fulfilled before the convening of the third judicial conference next year.

Judge Issa Abu Sharar
Head of the High Court
Chief Justice



Second Annual Judicial Conference

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Opening day
July 16th, 2009

Speech of His Excellency Prime Minister, Dr.Salam Fayyad

**Speech of His Excellency Chief Justice, Head of the High Court Judge
Issa Abu Sharar**



**THE SPEECH OF HIS EXCELLENCY PRIME MINISTER
Dr. SALAM FAYYAD**



**BETHLEHEM
JULY 16, 2009**



IN THE NAME OF HOLY GOD THE MOST MERCIFUL

“If you judge amongst people, be just, as God Almighty orders you to do”

Your Excellency, the Honorable Judge Issa Abu Sharar, Head of the Supreme Court, Chief of the Supreme Judicial Council, the Honorable members of the Supreme Judicial Council Ladies and Gentlemen, Members of the Judges General Assembly

Ladies and Gentlemen,

I am honored to participate with you today in the plenary meeting of the Judges’ General Assembly and the Second Conference of Judges. This conference comes at a time where we are starting to witness progress in the Palestinian Judicial Authority, with increased public confidence in the courts and the justice system. Public confidence is a vital contributing factor to effective enforcement of the rule of law and lays the foundations of justice in Palestinian society.

Ladies and Gentlemen, Honorable Judges:

Our participation with the Judicial Authority in the Second Judges Conference stems from our continued support to the judicial system, and our deep belief in the doctrine of separation of powers between authorities. The separation of powers guarantees balance among the authorities and contributes to the achievement of equality, justice and security for the citizens and the protection of their rights, freedoms and property.

Supporting independence of the judiciary, and the role that the Executive Authority can play in this area, constitutes one of the fundamental pillars of the government’s plans for the National Authority. I would also like to reiterate that the National Authority is determined to continue its support of the Palestinian judicial system and its infrastructure with all available means and resources, and to eliminate all obstacles impeding cooperation between the Executive

Authority and the Judicial Authority, which will ensure the integrity and independence of the judicial system. This objective can never be achieved anywhere in the world if the three authorities do not cooperate together. The judicial system cannot be effective and justice will not be served if the Executive Authority is not carrying out its duty in achieving security, and enforcing the rule of law and public order. The Executive Authority continuously seeks to perform its duty as a matter of responsibility and not as a favor to anybody. This is what citizens themselves are starting to sense and are seeing the results.

The Executive Authority has instructed all the heads of the security departments, including the police, to abide by all warrants and judicial verdicts, including requests to appear in front of the court when asked as prosecution witnesses. Adherence to judicial verdicts and warrants has a positive impact on the effectiveness of criminal cases and the achievement of timely disposition of cases. Beyond a doubt, judges have been the first to feel the positive impact of the role that the Palestinian police are playing in carrying out the court verdicts and warrants. The Council of Ministers has also instructed all governmental departments that court verdicts are final and abiding by those verdicts is not a negotiable matter.

We are glad that some of our fellow judges from the Gaza Strip are attending this conference. We hope that the day will come when the unity of our nation and its institutions is achieved and the division is over so that the courts in the Gaza Strip can go back to operating under the jurisdiction of the Supreme Judicial Council, as it is stated in the constitution and in the laws of the Judicial Authority. It is not acceptable that the Supreme Judicial Authority and the courts are illegally taken over as this is an outrageous violation of the law.

We salute the judges of the Gaza Strip both those participating in this conference and those who were not able to come. We realize that they are also not even able to go to their courts to carry out their jobs. We assure you of the preparedness of the Palestinian National Authority and all its institutions for an immediate comprehensive rehabilitation program for the courts in the Gaza Strip in addition to providing them with the needed resources to do their jobs the

minute these courts are back under the jurisdiction of the Supreme Judicial Council.

Ladies and Gentlemen, Honorable Judges:

I would like to assure you, at the Second Judicial Conference, of the commitment of the Palestinian National Authority and its institutions to empowering the status of the Judicial Authority and enabling it to carry out its duties and responsibilities in an effective and professional manner, and to providing justice to the citizens, and restoring integrity to the National Authority and its institutions.

In this area, we have given, and are still giving, the development of the Judicial Authority top priority. This stems from our deep belief that it is the primary element in applying the rule of law and in maintaining stability, security and public order. The judicial sector is one of the most influential sectors in the lives of citizens. Through its professional performance, the Palestinian National Authority gains the trust and appreciation of its population and most importantly, empowers the people's trust in our future and our national program and ability to establish an independent state.

We view with respect all the achievements of the Palestinian Judicial Authority, represented by the Supreme Judicial Council and led by the Honorable Judge Isaa Abu Sharar, Head of the Council. There have been great achievements by the SJC this year such as the increase in the number of cases disposed in the courts, and the building and renovation of several courthouses. There is still a lot of work ahead of us until we achieve a state that is governed fully by the rule of law through the separation of powers and is a state that will provide stability and prosperity for our citizens and will constitute an element of stability in the region.

Our appreciation and support for the work of the Judicial Authority is not only in theory but financial as well. This is represented by the provision of all possible financial support to the Judicial Authority. And this is what we have persistently worked on during the last 2 years. Any requests from the Judicial Authority were always responded to whenever possible.

Ladies and Gentlemen, Honorable Judges:

We have worked this last year to secure the financial requests of the Judicial Authority to cover existing deficits, whether this was in staffing or management. I hope that these new appointments have helped the Judicial Authority to fulfill its duty and effectively handle the thousands of cases it annually receives, and to efficiently dispose of the thousands of cases remaining from previous years. We hope that we will be able to provide further support, reaching to the point where the Judicial Authority can fill all staff positions and remedy all its financial deficits. As an example, the government has approved the allocation land in order to build new courthouses, and I would like to assure you that we will not spare any effort in this field or any other in order to promote the judicial sector and achieve justice and the rule of law.

Ladies and Gentlemen, Honorable Judges:

In the end, I wish you total success in your conference. I hope that the outcome of the conference is a renewed vision that will contribute to the establishment and enhancement of the achievements of the Judicial Authority. This will in turn contribute to achieving, the vision of the Palestinian National Authority of completing the preparations for building the Palestinian State during the coming two years to be a state of law and order, which will afford our citizens prosperity and general wellbeing.

Thank you. Peace be upon you and God's mercy and blessings.

**THE SPEECH OF HIS EXCELLENCY
CHIEF JUSTICE
HEAD OF THE HIGH COURT
JUDGE ISSA ABU SHARAR**



**BETHLEHEM
JULY 16, 2009**



His Excellency, Prime Minister, Dr. Salam Fayyad,

Ladies and Gentlemen,

Honorable Judges...

Welcome and thank you for your participation in the second conference of Palestine's judges convening in the city of Bethlehem from July 16, 2009 until July 18, 2009 under the theme "Towards an Independent Judicial Authority." In this conference we are going to review the real meaning of the independence of the Judicial Authority and the philosophy upon which it is based. Further, we are going to address the challenges that will confront the Judicial Authority during the next judicial year in order to increase its prestige and reinforce its independence.

Honorable judges, the respectable assembly:

First we have to mention that our second conference convenes without the participation of our dear brethren, members of the judicial council in the Gaza Strip. These judges could not participate due to the difficult circumstances imposed upon the strip with their rights confiscated and their independence assaulted due to the political division. We look forward to a day when this gloom will be removed and the reasons leading to the seizure of judicial power in the courts of the Gaza Strip will be eliminated. On this occasion, allow me to salute your colleagues in the Gaza Strip, looking forward to the day when the Third Judicial Conference will convene with their participation.

Honorable Judges, the respectable assembly:

On the occasion of the close of the judicial year, we can but praise your accomplishments during the year. These accomplishments have been fulfilled as a result of your hard work and the huge efforts which you have exerted to overcome the obstacles which have led to the accumulation of cases before the courts. Thanks to your efforts we were able to bring about a break-through in regards to the problem of the judicial backlog which seemed difficult and almost impossible to solve. Allow me to review with you the accomplishments of the Judicial Authority concerning the accumulated cases, and to shed light on the cases that appear before the courts and those

resolved, and the percentage of increase and the percentage of resolution. We compared the work of the courts during the past six months of 2009 with its work during the same period in 2008. The comparison showed that case dispositions in the criminal Conciliation Court increased in 2009 by a percentage of 156% in comparison to 2008, while case dispositions increased in the criminal cases in the First Instance Courts by 263%.

Honorable Judges, the respectable assembly:

As a judicial body and as the Supreme Judicial Council, we salute and express our gratitude to President, Mahmoud Abbas, Head of the Palestinian Authority, and his Excellency, Prime Minister Salam Fayyad for their support of the Judicial Authority and their concern for its independence and their affirmation of the rule of law. This is in addition to their support which provided the material circumstances which helped us to develop the Judiciary and modernize the infrastructure and to provide the best services to the public. We especially appreciate their affirmation of the obligation to execute all court verdicts. In this context, we cannot help but praise the directives issued by His Excellency, the Prime Minister in which he asks that the ministries and the Authority departments to make all efforts to execute court verdicts promptly.

Honorable Judges, the respectable assembly:

We pointed out on Palestinian Judiciary Day that Article 97 of the Palestinian Basic Law clearly states that "the Palestinian Judiciary is an independent authority," standing on an equal footing with the executive and legislative authorities in Palestine. This forbids any interference from these two powers in judicial affairs, obstruction of judicial independence or violation of the judiciary's jurisdiction over the courts. Nevertheless, notwithstanding this explicit statement, some parties continue to refuse to recognize this independence and endeavor to circumvent all provisions stated in the Basic Law. They continue to infringe upon this independence under different claims. Sometimes they claim that the provisions are ambiguous, and other times they compare the situation to that in the other neighboring Arab countries. They intentionally forget that the judges in neighboring countries are struggling to reinforce their independence and are raising their voices to demand an amendment of the legislative provisions which impede their independence.

Honorable Judges, the respectable assembly:

Since this conference convenes under the theme “Towards an Independent Judiciary,” it is with the aim of reinforcing the independence of the Judiciary as an authority that we have to affirm the following matters:

1. It is the independence of the Judiciary, as one of the three state authorities standing on an equal footing with both the executive and legislative branches, which gives the independence of the Judiciary its real meaning. This prevents the Judicial Authority from being considered a public utility providing services to the public, since viewing the Judiciary as an independent authority constitutes a basic guarantee of rights and public freedoms.

2. The most significant element of the independence of the Judiciary is impartiality. The impartiality of the Judiciary means moving away from favoritism towards one party over the other. It also means moving away from affiliations and political inclination. Moreover, partiality on the part of the judiciary would strip it of its independence.

3. If the Judiciary is independent as an authority then judges are independent as individuals while carrying out their judicial tasks. Also, the independence of the Judiciary as an authority means that that the judge is not only an employee but a member of an independent authority.

Honorable Judges, the respectable assembly:

The self confidence of judges in the concept of judicial independence is one of the most significant elements supporting the independence of the Judiciary as an authority and the independence of judges as individuals. It is therefore essential to emphasize that judges must be confident in their belief in their independence. Judges need to deepen their confidence in this belief and make independence a live conviction and part of their faith. The judge should have confidence in his belief in judicial independence. He shouldn't consider judicial independence merely a feeling or a disputable ethical obligation.

To affirm the self confidence of judges in the independence of the Judiciary, it is essential to have a clear philosophy for the principle of independence in which the judge believes and which is instilled in his conscience. The judge should know the extent of the significance of the

independence of the Judiciary to fulfill justice and to safeguard the rights and public freedoms. The judges' awareness and their understanding of the necessity of this independence must be reinforced to bring about justice and a guarantee of the freedom for the Palestinian people, which is the core task they had vowed to fulfill.

The independence of the Judiciary cannot exist for judges who do not know the meaning of independence or do not have a clear concept of it, and do not have an explicit understanding concerning the effect of interference in their affairs. Therefore, judges' awareness of the necessity of this independence should be strengthened, rendering it a vibrant, defensible value.

Honorable Judges, the respectable assembly:

The Supreme Judicial Council stands as a shield protecting the independence of the Judiciary and safeguarding its integrity and has felt that the independence of the judiciary is in danger and that there are grave attempts to undermine it and empty it of the philosophy upon which it is based. Therefore, we present this matter for debate in this conference. We have found that the matter necessitates the presentation of the threats that endanger the independence of the Judiciary before you in order to identify the tools that enable us to protect this independence and defend it.

Honorable Judges, the respectable assembly:

We in the Supreme Judicial Council, having observed the attempts of some to undermine the independence of the Judiciary and to empty the essence of its content, find that the independence of judges in issuing their verdicts is in need of support and guarantees to reinforce it. This does not come about unless the Judicial Authority has financial and administrative independence and Article 3 of the Judicial Authority Law is not sufficient to fulfill its need for financial independence. To realize this independence, the inclusion of all revenues and expenditure has to be taken into consideration in the preparation of the draft budget. In addition, the budget draft has to be presented to the Ministry of Finance after the Supreme Judicial Council has prepared it in agreement with the Minister of Finance.

We in the Supreme Judicial Council do not accept the separation of the Judicial Authority's administrative apparatus from the courts and will not agree to the subordination of the Judiciary

support system to the Executive Authority since the separation between them undermines the independence of the Judiciary and opens the door wide for the Executive Authority to interfere with the works of the Judicial Authority. Any attempt of this type will not be in accordance with what is stated in Article 97 of the Palestinian Basic Law, which has affirmed the independence of the Judiciary as an authority.

Honorable Judges, the respectable assembly:

On this occasion, we cannot but raise our voices and tell those who try to rescind the independence of the Judicial Authority, or try to put it under a mandate under any name ... whether it is the Transitional Judicial Council, or a steering committee..., we hereby tell them that the Palestinian Judiciary has come of age and that it does not need guardians anymore. It is essential to say that we reject all forms of mandates and interference, and that we will not go backwards or accept withdrawal to a previous starting point.

Honorable Judges, the respectable assembly:

On June 28, 2009, we participated in a televised program put on by the Independent Commission for Citizens' rights. The program's topic was "The Challenges facing the Palestinian Judiciary during the coming years." Among those who participated were the heads of committees in the Legislative Council and heads of civil society organizations other than academics. One of the intensely debated topics was the partiality of the Judiciary and its integrity. The prevailing opinion in that program was that the Palestinian Judiciary lacked integrity. In this context, we find that the most serious threat to justice in any state is "the collapse of the integrity of the Judiciary," since respect for the Judiciary and its integrity stem from trust in its verdicts.

When court verdicts in any society are subject to public mocking, criticism and vilification, this means that this society has not yet reached maturity and is an uncivilized society. Complaints about court verdicts and the slandering of these verdicts are considered a breach of the Doctrine of Authentic Provisions, which is the backbone of judicial systems in modern states. Added to that, respect for the Judicial Authority and its provisions gives a semblance of civilization, since it is civilized nations that respect their judicial apparatus and hold sacred its provisions.

One of the shortcomings of the Judiciary brought up in the program which convened in the Independent Commission was the phenomenon of 'paralysis' and 'blocs' inside the Judiciary. These "blocs" try to gain power with some elements of the Executive Authority and use them to interfere with the Judicial Authority and undermine judicial independence. Such conduct is shameful and destructive. This phenomenon must be firmly confronted because personal aspirations should never be at the expense of the independence of the Judiciary and justice and should not be the goal for any judge. The judge should not be a party to the struggle for power and the attainment of positions at the expense of the independence of the Judiciary. In addition, banding together weakens judges and stands in the way as an obstacle to justice undermining the integrity of the Judiciary and reducing the trust of the public in its judicial apparatus.

Honorable Judges, the respectable assembly:

We have named this conference, "Towards an Independent Judicial Authority," because the independence of the Judiciary is a sacred doctrine stemming from the elevated position of the Judiciary in civilized societies. Added to that, the independence of the Judiciary is a fundamental guarantee of "justice and public freedom." Protecting the independence of the Judiciary and its impartiality, preventing people trifling with its affairs and securing the dignity of its personnel, are the only elements which establish for justice a steadfast proud monument towering above all.

A ruling system that does not recognize the independence of the Judiciary is a weak system of governance that does not bear the elements of survival. The greatness of any authority is in the power of justice it creates. If a nation loses the independence of its Judiciary, it loses everything.

Therefore, an independent Judiciary is the strongest guarantee of being able to achieve justice. It is also the most competent tool for safe-guarding state institutions, fending off oppression and tyranny, eliminating grievances and safe-guarding public freedom and the rights of individuals. Therefore, if the Judiciary does not enjoy independence, there will be no justice, because justice always goes hand in hand with the independence of the Judiciary.

Honorable judges, the respectable assembly:

The current Supreme Judicial Council has carried out its duty to improve the Judicial Authority according to a national agenda and it has brought about accomplishments that you can be proud of. Consequently, the public's trust in the Palestinian Judiciary has grown stronger. Along with this, the Council has carried out its duty in upholding your independence.

Due to the fact that my judicial mandate is drawing to an end, the biggest challenge to the Judicial Authority is to prove to everybody that its independence and the independence of each one of you is not linked with the Chief Justice, but that it should be a firm principle instilled in your conscious, and a faith that has taken root in your conscience.

Finally, I will repeat what we have previously said on many occasions. The Supreme Judicial Council proposed draft judicial laws in accordance with the powers vested in it by the Palestinian Basic Law, Article 100. These laws are necessary for the development the Judiciary and the justice sector and should be approved.

Moreover, several articles of the Judicial Authority Law need to be reconsidered in order to expand the Supreme Judicial Council. It is also essential to review the quorum of the council's convening, and define the organizational tools for the appointment of the Head of the Supreme Court and the special conditions for the occupation of this position. We see that this appointment should be subject to what is stipulated in Article 18 of the Judicial Authority Law, meaning that the appointment of the Head of the Supreme Court is carried out on the basis of placement of the Supreme Judicial Council, since the occupation of the Head of the Supreme Court is one of judicial occupations stipulated in that article.

A review of the payment scale for judges and their salaries has to be carried out. Relevant to this matter, we have sent a memo to His Excellency, the Prime Minister, requesting the formation of a committee composed of judges and the Ministry of Finance to prepare a proposition to review the current salary scale.

Honorable Judges, the respectable assembly:

The Supreme Judicial Council, in order to institutionalize its work and develop its administration,

has drafted a combination of by-laws within its constitutional right as stipulated in Article 80 from the Palestinian Judicial Authority Law. However, we were surprised that someone instructed the Chief of Advisory Opinion and Legislation Bureau not to publish these laws on the pretext that they are illegal, in spite of the fact that the declaration of any law as "illegal" can only be decreed by a judicial party within the mechanisms stipulated by the law. This impediment as a whole constitutes a violation to the independence of the judicial system and an obstacle to the development of its work. From our side, we look toward the correction of this distorted situation, which is not in line with maintaining the rule of law and the independence of the judiciary.

It is also necessary to review the legal tools governing the Palestinian Judicial Institute in order to bring it back to the judicial arena. The Palestinian Judicial Institute has a judicial interest in the first place, and hence should be under judicial supervision in order to rise, because currently it is a corpse. Hence, reviewing the legal tools governing it will revive it, and the judicial system will be able to launch it exactly as it has been able to take off with several of its judicial institutions and administrative bodies.

From this platform, we also call upon all the concerned parties to develop the legal tools necessary to represent the Palestinian National Authority in front of the law through the establishment of a specialized administrative prosecution body. This specialized prosecution body would act to handle criminal and civil cases filed against the state following the Egyptian and the Jordanian models. Just as important, we also add our voice to all parties requesting identification of the authority housing the specialized body which will contribute to the development of its performance and clarify the authority responsible for it. There is no doubt that developing the performance of the general prosecution lies in the interest of the justice and the judicial system.

I thank you for participating in this conference, and we thank all those who contributed to its organization in particular the Netham Rule of Law Project, funded by USAID , Mr. Nabil Isifan, for his efforts, and the project's efforts in supporting the Judicial Authority.

Peace be upon you and the mercy and the blessings of God.



Second Annual Judicial Conference

“Toward an Independent Judicial Authority”

Bethlehem
July 16-18, 2009

Day Two

July 17th, 2009

Speech of the High Court Deputy, the Honorable Judge Sami Sarsur
Speech of the High Court Judge the Honorable Judge Ishaq M'hanna



Speech of the High Court Deputy The Honorable Judge Sami Sarsur



Subsequent to the session held yesterday in which his Excellency, the Prime Minister and the Head of the High Court spoke, and within the limits of the time, I would like initially to applaud this meeting. Due to this conference, the honorable judges were able to meet. This in itself is considered a significant accomplishment and is an indicator of the unity of the Judicial Authority, and the unity of its judges and personnel and its leader who represents the Judicial Authority in this country.

Honorable Judges,

Before commenting on what His Excellency, the Prime Minister, and the Honorable Head of the High Court

have spoken about, I would like to express my sincere thanks and respect and gratitude to his Excellency the Prime Minister who has personally participated in this conference, and who has, in his speech, clearly proven that the Executive Authority and the government are exerting all their efforts towards providing the judiciary with all the necessary tools for it to succeed, and respecting its independence; in addition, they have upheld its integrity leaving it to manage its own affairs without interference. What His Excellency, the Prime Minister has addressed yesterday regarding the call for the principle of separation of powers between the three branches of government, and the Executive Authority's commitment towards reinforcing the work of the Judicial Authority in all fields, in addition to His Excellency's appreciation of the accomplishments fulfilled thanks to the Supreme Judicial Council, confirms that the Judicial Authority has really set off on its way after the elements necessary to its independence, and the respect of its integrity have been provided helping it towards its elevation on a par with the neighboring judicial systems. This support from the government should be accompanied by an active role and great efforts that we, the judges should exert to impose the rule of law and its respect. This does not come about unless the independence of the judiciary is ensured through building the trust in the judge; and this is not achieved unless the judges' confidence and their faith in themselves are deepened.

Dear Colleagues,

The Head of The High Court yesterday talked about a serious phenomenon, which I sincerely hope is not spread amongst us; the phenomenon of banding together. This is a phenomenon from which we suffered two decades ago. At the time, it almost brought about the collapse of the judicial apparatus, and its negative consequences are still there in some of the manifestations which we all reject. What adds to the gravity of this, and what the Head of the High Court has alluded to, that this banding in the judiciary is based upon making use of some of the basic elements of the Executive Authority and stemming from personal aspirations which should not be attributed to judges in any case.

What we all hope that this is no more than an assumption, and not part of reality, or else the independence of the judiciary is at stake and the judges are in a state of disequilibrium which is a foregone result.

Ladies and Gentlemen,

His Excellency, The Prime Minister ‘bestowed upon each of you an insignia’ in his speech and this is due to the achievements that the Judicial Authority has carried out relying on your efforts and hard work. The Head of the High Court, also honored you in his speech and showed appreciation for all your work, and for your devotion and sense of responsibility manifesting in your great break-through of the judicial case backlog which you have managed to overcome. This is all thanks to your cooperation and your loyalty to our Judicial Authority, and your implementation of the strategies established by the Supreme Judicial Council to overcome all the negative phenomena prevalent in the past, and this is a matter which nobody mentions except an ungrateful person.

The documentary on the judiciary has shown some of the accomplishments thanks to the zealous work that we have undertaken for the sake of serving our country.

Honorable Judges,

We felt yesterday during the meeting of The Supreme Judicial Council that the Prime Minister is aware of all that is happening around us whether outside the judicial council or inside. He knows that there are some who are on the look-out to harm the independence of this authority. Nevertheless, he has confirmed that we are on the right path and he has encouraged us to go on until the very end, despite the obstacles; reassuring us that the government would support us regarding all the requirements of the Judicial Authority no matter what they are. In return, what is required of us – and we all hope that this is going to be the case- that each and everyone of us stay responsible and loyal so that we can work hand in hand to establish rule of law and provide justice, security and safety to the citizens who ask that we give them their rights and that we respect their humanity.

Finally, I hope that that we learned something from what we have heard and that the recommendations of this conference will be up to the level of their significance which are frank, and effective. I also hope that they can be implemented and that they can fit in with our ambitions and aspirations towards an independent Judicial Authority.

Thank you, Peace and God’s mercy and blessings be with you.



Speech of the High Court Judge The Honorable Judge Ishaq M'hanna



The judiciary is one of the most important aspects of a state, since it is the authority responsible for achieving justice in society. All constitutions in the world have either explicitly declared the doctrine of the independence of the judiciary system or implicitly conceded to it. In order to secure this doctrine, many processes were adopted. The topic of independence of the Judicial Authority is part of the common aspirations of constitutions all over the world, which affirms that the judiciary's job is globally recognized as a distinctive and independent.

Many conferences and UN conventions concerned with human rights, as well as all scientific

and judicial conferences held to support the independence of the judiciary system all over the world, have emphasized this doctrine. Hence, our Palestinian National Authority Constitution took this point into consideration. Article 97 of the Constitution states that "the Judicial Authority is independent and is ruled by the different types and levels of the court of law, and the law specifies how these courts are formed and their field of specialization, and verdicts are issued according to the law, and are publicized and executed in the name of the Arab Palestinian people." Then came Article 98 to reiterate this independence and stated that "judges are independent and there is no authority above them in their verdicts other than the rule of law and it is not allowed for any authority to interfere in the judiciary system or justice." Many other articles followed in the constitution that confirm independence of the judiciary up to Article 100 which establishes a Supreme Judicial Council, specifies how it should be set-up, its area of expertise, functions, and ground rules. Article 100 also made it mandatory to consult the Council in all legislation that controls any affairs of the Judicial Authority including the General Prosecution. In line with the Judicial Authority Law, law number one for the year 2002 independence was highlighted, especially in the following:

- **First: Budget of the Judiciary Authority**

All global conventions on the independence of the judicial system have agreed that the most dangerous threat to independence is represented by limiting financial resources and salaries and entitlements of its staff, to the extent that it may end up at the mercy of the two other authorities. Hence, the independence of the judiciary requires total independence of its financial affairs in order to enable it to carry out its mission to protect public freedom and rights in an ideal manner. Also, article three of the Judicial Authority Law states that the Judicial Authority should have a separate budget that appears as an independent chapter in the Palestinian National Authority budget. The constitution assigns the responsibility of preparing and supervising the implementation of this budget to the Supreme Judicial Council, which is regulated by the same rules applied to the PNA budget. Although the Palestinian National Authority was careful to allocate an independent budget to the Judiciary Authority, the Judiciary still aspires for more independence to develop its budget where the Supreme Judicial Council would be the only party that approves any changes in the budget and has the constitutional powers of the Minister of Finance in approving it and to allocate part of the income of the courts toward this budget.

- **Second: The Supreme Judicial Council:**

To emphasize this independence, Article 37 of the Judicial Authority Law establishes a Supreme Judicial Council composed of judges to manage judicial affairs and to be the responsible guarantor and guardian of judicial independence. The Supreme Judicial Council is currently making efforts towards institutionalizing the Supreme Judicial Council and adding new members such as the head of the Judicial Inspection Department and the head of judicial training.

- **Third: Employment in the Judicial Profession:**

Article 18/1 of the Judicial Authority Law states that employment in the Judiciary is carried out by a decree from the President of the Palestinian National Authority based on a recommendation from the Supreme Judicial Council which specifies the criteria for selection and years of experience needed for employment. This applies to all judges in all types of courts including the Chief Justice of the Supreme Court. This is considered an essential part of judicial independence and an important guarantee from the guarantors of independence.

- **Fourth: Inability to Dismiss Judges**

This is one of the most important guarantees, and has been referred to in Article 27 of the Judicial Authority Law which states that judges cannot be dismissed except in the situations specifically listed in the law. The inability of other authorities to dismiss judges does not mean that the judge will enjoy this privilege if the law is abused. What it means is that judges cannot be dismissed other than through the disciplinary measures stated in the law.

- **Fifth: Judicial Supervision of Case Management**

It is globally recognized that important practical aspects of the independence of the judiciary are related to the supervision of the courts and their staff, preparation of the budget and the setting of rules and procedures for the course of work. This means that independence is technical, administrative, as well as financial.

The Canadian report prepared by John Dishon, former Chief Justice at the Supreme Court in Quebec, titled "Masters in their Home" confirms the meaning of judicial independence and recommends steps to be taken to ensure that court staff is under the realm of the Judicial Authority

in relation to employment, staying at the job, promotion, training and the organizational chart.

It is this meaning that our Supreme Court considered when taking the decision to interpret Article 47 of the Judicial Authority Law.

In spite of all these guarantees for the independence of the Judicial Authority and the separation of the Judicial Authority from the Legislative and Executive Authorities, it is noted that there are still attempts from various parties to interfere in judicial affairs and jeopardize judicial independence. This requires us all to stand up to these attempts and to preserve and ensure this independence through our own behavior that will maintain the dignity of the judiciary. The best guarantee a judge can have is derived from his own decision, and the best fortress to resort to is his conscience. The job will not create a judge if the judge does not already have the soul and the pride and dignity and anger of a judge in his authority and independence. This self integrity is the real pillar of judicial independence and is not created by decrees or decided upon by laws. The law only ensures support and empowers these principles.

I address my fellow judges from this stand with quotes inspired from the essence of justice and the experience of those who preceded us. When justice and its future is in our hands, and our opinion is the determining factor on the cases presented to us, without any consequences or deterrents, I remind you and myself, it is not an advice from me nor is it that you forgot, but it is a reminder that is useful to the faithful.

Let your conscience be your guardian, and the fear of God your motivation, your independence and your search for the truth about injustices a defensive barrier, and always remember the eternal proverb inspired by God to our prophet Mohammed, peace be upon him, "admonition for the judge on earth from the judge in heaven, except those who were just."

Always remember that taking the side of one party even in your hearts is a sin, and favoring one side to the other is an accusation. Let us stay away from sins and from being accused, and not merge politics with justice or political parties with the judiciary.



Second Annual Judicial Conference

“Toward an Independent Judicial Authority”

Bethlehem
July 16-18, 2009

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Final day

July 18th, 2009

Closing Statement

Press Coverage



Closing Statement Press Coverage





Statement issued by the Second Conference for the Judges of Palestine

For three days, July 16th – 18th, 2009, the General Assembly of Palestine's Judges convened its 2nd conference under the title "Towards an Independent Judicial Authority." During the conference, members debated all the issues relevant to their affairs and those relevant to the Judicial Authority and its independence. This is due to the fact that the judiciary is the party responsible for guaranteeing the respect of rights, freedoms, and interests of all communities and classes of the society; other than the fact that it is the party authorized to guarantee the rule of law and equal treatment of all in accordance with the doctrines stipulated in the Constitution.

To accomplish these goals, the Judicial Authority must be totally independent. This is what the Basic Law has stressed stipulating that "The Judicial Authority is independent and is managed by the courts with all their types..." The Basic Law also emphasized that "judges are independent with no higher authority in their judiciary than the law and that it is not permissible for any authority to interfere in the judiciary or issues relevant to justice."

Based on this, any interference with the affairs of the judiciary under the name of any political or administrative authority or through any material or moral authority or influence in any form is not permissible. It is also not acceptable that any person or institution interfere with the judiciary regarding any of the cases presented before it. Furthermore, any influence, whether direct or indirect practiced on the courts regarding issued verdicts is not tolerable, so that the judges – while carrying out their duties – are subject only to their conscience and their honor, and no higher authority but that of the law.

Fulfilling the guarantee to the total independence of the Judicial Authority within the framework of cooperation with the other authorities, and fortifying it against pressure, and ensuring the impartiality and efficacy of its judges and administrative apparatuses, will not be possible without providing the material, moral and legal conditions essential to the functioning of judicial work. This is in addition to providing the necessary guarantees to execute provisions and verdicts without allowing any authority the right of interfering or influencing the conduct of the Judicial Authority or any work that the judges practice or any verdicts that they issue. Added to this, all appropriate circumstances and material and moral means which safe-guard the dignity of the judges and fortify them against any influence, should be made available. Subsequent to this, it is necessary that all essential amendments

of the relevant legislations and regulations be carried out to ensure these requirements.

The establishment of an independent efficient authority in compliance with the Basic Law emphasizing its independence is considered one of the guarantees to our Palestinian nation, besides it being an essential pillar of the many pillars keeping its standing upright and firm. It is also its sanctuary in all circumstances in that it provides justice, security and stability besides forming a shield for legal legitimacy.

We realize that the independence of the Judicial Authority is not a matter particular to the judges alone, or the Supreme Judicial Council, or its Chief; it is however, the right of all the citizens, practiced by the judges for their safety. Any infringement of this independence is an infringement on citizens' rights, the consequences of which are dire.

The independence of the judiciary, which we are discussing, does not find support in the practices which aim to marginalize its role and deprive it of its jurisdiction and disrespect some of its legal provisions; all of this is an attempt to gain hegemony of the Judicial Authority and the powers of the Supreme Judicial Council. The talk of those who call for the restructuring of the judiciary and organizing the judicial apparatus in addition to preventing the publication of the by-laws approved by the Judicial Council and other issues in The Official Gazette, is merely a means of persisting in interfering with the affairs of the judiciary, and straying from the provisions stipulated by the Basic law which has made firm the principle of separation between the three powers. In this context, the participants in the conference express their deep consternation and concern regarding the attempts at undermining the independence of their authority.

Added to this, are the intensive attempts of several parties and centers of power in the Executive Authority to tightly control the independence of the judiciary. However, these attempts failed thanks to the courageous defense led by the Supreme Judicial Council and its Chief, and right behind them, the General Assembly of the Judges.

At the same time, the conference emphasized the independence of the judges in their legal rulings away from pressure and political, social and party influence. It also emphasized the necessity of working to provide the judges with all forms of security to enable them to stay just, independent and impartial, because independence is the only way to impartiality, which in its turn is the only way to fulfill justice.

In this framework, the participants debated – with a high sense of responsibility – the practical embodiment of the independence of the Judicial Authority in relevance to administrative and financial issues considering that it is the core of the independence – the existence or the lack of which is appropriate to the amount of control that the judiciary has in these matters.

The conference also stressed reinforcing the administrative authority in all issues pertaining to the judicial apparatus, and not allowing any party to interfere in this issue in order to enable the Judicial Authority to organize its administrative affairs and to ensure the provision of all the requirements of the judges and the judicial bodies to enable them to carry out their duties promptly and efficiently.

Concerning financial independence, it is difficult to talk about the independence of the Judicial Authority without going into the pressure and the influences to reach the requirements of judicial work, since financial independence is the only means enabling the Judicial Authority to act freely and to support the execution of resolutions without delay. Contrary to this, the ability of the judiciary to take decisions and implement its projects will be limited and linked to approvals and references, which might lead to a state of indecision relevant to taking and implementing these decisions which might weaken the possibility of responding to these needs and filling deficiencies. Added to this, the financial element constitutes a means through which the Executive Authority can directly interfere by not giving its approval and rationing its financial orders.

Therefore, the conference has stressed the activation of the legal provisions relevant to the budget of the Judicial Authority so as to include it as a single line item in the general budget. This would lead to enabling the Judicial Council to assume its responsibility of overseeing the implementation of its budget, its developmental schemes and its work program according to its vision and adopted strategy without obstacles. This step would enable the judiciary to develop the judicial apparatus and to upgrade its performance, besides fulfilling its mission through a just, impartial judiciary to achieve justice, impartiality, independence and efficiency.

Based on this, and aiming to guarantee the independence of the Judicial Authority, the conference has demanded that The Supreme Judicial Council work to achieve the following:

Legislative Recommendations

1. Review the Judicial Authority Law, to help lead to its independence and placing it at an equal

level with the legislative and the executive authorities, hence banning those two authorities to interfere in judicial affairs, its jurisdiction and deprive it of its authority.

2. Reiterate the right of the Supreme Judicial Council to propose laws that are related to the affairs of the judiciary, and to express its opinion on any relevant drafted laws. In this context, work on:
 - Amending the Judicial Authority Law
 - Amending the Court Formation Law
 - Amending the Penal Procedures Law
 - Amending the Civil and Commercial Court Hearings Law
 - Adopting the law of general pardon (amnesty)
3. Work on amending the Judicial Institute Law, and to nullify the presidential decree which conflicts with this law and hinders the launching of this institute.
4. Work on amending Article (34) of the Judicial Authority Law by increasing the retirement age of the High Court judges to 74 years. This is in reiteration of the memorandum raised by the judges based on the situation of the judges of the High Court in Gaza, where 6 of the High Court judges will retire during 2010, which will create a malfunction that will be difficult to rectify. The Public Commission has approved the memorandum and has raised it to his Excellency the President through the President's Office, and to the Prime Minister through the Secretary General of the Council of Ministers.
5. Identify the legal procedures that will allow early retirement for judges who are unfit to develop the judicial scale.

Recommendations for the Executive Authority

1. See to it that the independence of the judiciary is protected as stipulated by the various articles of the Palestinian Basic Law, which ban and incriminate any interference into its affairs or any attempts to influence the verdicts of judges in any way and by any party.
2. Reiterate that refraining from enforcing judicial rulings is not only a violation of the law and a punishable crime according to the law, but is also an uncivilized act that violates the independence of the judiciary and undermines its integrity.
3. Emphasize that all court staff are subject to the Supreme Judicial Council, and that the SJC

supervises all issues relevant to their administrative and financial affairs.

4. Work on defining the reference authority of the Attorney General according to the laws regulating this matter.
5. Work on establishing a committee specialized in the cases related to the state, and an administrative prosecution office with jurisdiction under the authority of the Ministry of Justice.
6. Provide protection and maintain security for the courts and the judges from any assaults.
7. Work on approving the requested modifications for the Judicial Authority in accordance with an annex to the budget.
8. Amend transportation allowances for the judges to match the rest of the public sector staff.
9. Approve the appointments for all job vacancies.
10. Work on including the budget of the Judicial Authority as a single line item, according to the law, in the general state budget.

Recommendations to the Supreme Judicial Council and the judges themselves:

1. Establish the concept of independence of the judiciary as a value and belief in which the judges believe that enabling themselves to stand up to any assaults on independence, since it is the basic entry towards achieving justice and guaranteeing rights and freedoms, which judges are working on achieving.
2. Emphasize the neutrality of judges as one of the elements of independence, where their main task becomes limited to applying the law, and achieving and maintaining justice in the society.
3. Continue the construction of the court compounds in all districts in a modernized way that can provide an appropriate environment for litigation and for empowering the integrity of the judiciary.
4. Rent premises for the Judicial Institute that will guarantee the basic needs of judicial training until an ideal Judicial Institute is constructed.
5. Work on establishing a Judges' Club to achieve its anticipated goals for the honorable judges and their families.
6. Work on reinforcing the faith of the public and their leaders, institutions and civil society organizations in the significance of the independence of the judiciary as a guarantee for them in safe-guarding their rights and freedoms and keeping them from being violated.

Press Coverage

Al-Quds Newspaper
Sunday, July 19, 2009
Issue: 14342
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Closing of the Second Judicial Council Conference in Bethlehem

In a press conference held at the Intercontinental Hotel following the closing of the Second Judicial Conference on Saturday, July 18th, 2009, the Head of the High Court and Chief Justice Office Issa Abu Shrar asserted that there was a strong will to activate the Supreme Judicial Council and its independence with the aim to fulfill justice and security without any influence from any party.

During the conference, he answered questions related to the Second Judicial Conference "Towards an Independent Judicial Authority" in which 150 judges from all over the West Bank including some from the Gaza Strip participated. During the conference, he emphasized the significance of the separation of the three authorities as an essential guarantee of democracy and public freedoms. He took the opportunity to thank Netham which provided tangible support to the construction of the court houses.

Abu Shrar considered that the absence of legislation was one of the main obstacles facing judicial work since passing laws is one of the tools to establish a strong and active judiciary

The Chief Justice also addressed the salaries of the judges stressing the importance of the judge earning a salary that would enable him to live with dignity and to provide for his family without borrowing from others, which might undermine his dignity and prestige.

Replying to a question about Hamas detainees, Abu Shrar said that the Palestinian judiciary did not look into political cases as they were extremely careful not to politicize the judiciary since this would be destructive to them.

At the closing of the conference, the participants issued a statement which included a number of recommendations to the Supreme Judicial Council, some of which were:

- Reviewing the Judicial Authority Law leading to its independence and equating it with the Executive and Legislative Authority and banning these two from interfering with its affairs
- Emphasizing the impartiality of the judge as one element of its independence so that their main task would be to apply the law and fulfill justice and safeguard the independence of the judiciary
- Amending Article 34 of the Judicial Authority Law by increasing the retirement age of the High Court judges to 74 based on the situation of the judges of the High Court in Gaza, where 6 of the High Court judges will retire during 2010, which will create a malfunction that will be difficult to rectify



Al-Ayyam Newspaper
Sunday, July 19, 2009
Issue: 4853
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Recommendations to take Procedures to reinforce the Independence of the Judiciary and review the Judicial Authority Law

The Second Conference for the Judges of Palestine concluded after three days at the Intercontinental Hotel in Bethlehem under the theme "Towards an Independent Judiciary." Among the participants were Chief Justice, Issa Abu Sharar, members of the Supreme Judicial Council, judges of the First Instance and Conciliation Courts in the West Bank and several judges from the Gaza Strip. The conference was sponsored by the Netham Rule of Law Project.

At the closing of the conference, Chief Justice Abu Sharar held a press conference in which he proposed the recommendations issued by the conference, and answered reporters' questions. Abu Sharar said that the recommendations focused on the significance of the independence of the Judiciary and the review of the Judicial Authority Law so as to put the Judiciary on equal footing with the Executive and Legislative Authority and to ban both of them from interfering in its affairs.

Abu Sharar also said that the recommendations stressed the importance of the impartiality of the judges whose main task is to apply the law, achieve justice and maintain the impartiality of the judiciary. Recommendations called for reinforcing the faith of the people and its institutions and civil society organizations in the independence of the judiciary as a guarantee and to safeguard it against denial and violation. The recommendations also called for establishing the judges' faith in the independence of the judiciary as a value as it is the only means to achieve justice.

The Council's Right to Propose Laws

The recommendations asserted the right of the Supreme Judicial Council to propose any laws relevant to the Judiciary and to express its opinion regarding the relevant draft laws and to work on amending the laws pertaining to it.

Total Independence of the Judicial Authority

The recommendations called for including the budget of the Judicial Authority as a single line item according to the laws of the state's general budget. They urged the Supreme Judicial Council to resume the construction of court houses through the different districts, and to lease a suitable location for the judicial institute until an institute is built.

Sharar stated that the Judiciary was the guarantee to achieving respect of rights and freedoms and equality for all sectors of society. To achieve these goals, the Judiciary had to be totally independent.

Abu Sharar asked that the Judiciary remain intact from any interference under the name of any political or administrative authority, or material or moral influence explaining that the guarantee of the total independence of the Judiciary within the framework of cooperation with the other authorities and reinforcing it against pressure exerted upon it in addition to asserting



the impartiality and efficacy of its judges will not come about without providing the moral and legal conditions that are necessary for the functioning of judicial work.

Putting an End to Attempts at Marginalizing the Role of the Judiciary

In this context, Abu Sharar stated that the independence of the Judiciary did not find support in the practices which aim to marginalize its role and deprive it of its authority in addition to the disregard of its verdicts in an attempt at gaining hegemony of the Judiciary and the authority of the Supreme Judicial Council. The participants expressed their deep consternation and concern regarding these attempts which aim to undermine the independence of their authority.

Abu Sharar alluded to the previous attempts of several power centers in the Executive Authority to tighten their control of the independence of the Judicial Authority; however, he said that their attempts had failed thanks to the courageous defense of the Supreme Judicial Council and the judicial apparatus.

Further, Abu Sharar asserted the importance of providing judges with all forms of protection to help them maintain their impartiality.

Reinforcing Administrative Authority

The participants discussed the practical embodiment of the financial and administrative independence of the judiciary. They also emphasized reinforcing its administrative authority in any issue pertaining to it, and not allowing any party to interfere in this regard to enable it to organize its administrative affairs and provide the judges with all their needs.

The conference asserted that the financial independence of the Judiciary was the only means to enable it to act freely. Furthermore, the conference called for the activation of the law relevant to including the budget of the Judicial Authority as a single line item to enable it to implement its development schemes according to its vision and strategy.

Al-Hayat Al Jadida Newspaper
Sunday, July 19, 2009, Issue: 4929
Page 7

The Demand for Independence of the Judiciary and Judges and Amendment of Laws and Legislation

Judge Issa Abu Sharar, the Chief Justice asserted that the independence of the judiciary and Palestinian judges and the efforts to overcome the obstacles impeding the realization of these goals. He also stressed the need to put an end to the interference in judicial affairs.

In a press conference that Abu Sharar held in Bethlehem after the closing of the Second Palestinian Judicial Conference he stated that the most significant obstacle impeding the development of the Palestinian Judiciary was bad legislation. Abu Sharar explained that the judiciary has always been working on amending the laws pertaining to the Judicial Authority which was in need of modification. For three days the conference convened under the theme, "Towards an Independent Judiciary." The conference was sponsored by the Netham Rule of Law Project with funding from USAID. Abu Sharar pointed out the role of the various parties in regards to court rulings and guaranteeing justice. He explained the serious reform in the police force which helped establish security stability in the various districts and led to the increase in new filings in the courts. Thanking Prime Minister Salam Fayyad and his government for reinforcing the Judiciary, Abu Sharar stated that the Judiciary cannot succeed without the aid of the cabinet in developing their work. He considered the cabinet as the party which grants or withholds funding for the judiciary.

Concerning the relationship with the President Mahmoud Abbass, Abu Sharar explained that the President's only authority in regards to the Judiciary was to approve its legislation and the appointment judges. He asserted that the Judicial Authority was not restricted in its relationship with the Executive Authority through the Ministry of Justice.

Abu Sharar stressed that the main task of the judiciary was to safe-guard rights and public freedoms. He rejected the politicization of the judiciary as this would only harm it, and denied that the Judiciary had to deal with any cases relevant



to political detention. He demanded an increase in litigation fees to equal those in the neighboring countries. He asserted that any complaint filed against a judge is dealt with properly, however any procedure taken against him has remained confidential to maintain the integrity of the judiciary.

Regarding the interference of the security apparatus with the Judiciary, Abu Sharar reasserted the independence of the judiciary maintaining that they did not have any relationship with the security system. He also criticized the laws applied in the West Bank explaining that some of them were contradictory leaving the judiciary at a loss as to which one to follow and he called upon the government to work on amending these legislation.

The conference issued its recommendations which stated that it was not allowed to interfere with the affairs of the judiciary under the name of any political or administrative authority, or material or moral influence and the necessity of maintaining the total independence of the Judiciary.

The statement criticized the attempts of some power centers in the Executive Authority at gaining hegemony of the judiciary. The participants stressed the freedom of the judge to take decisions without regard for political, social or factional pressure. They stated that protection in all its forms should be provided for the judges to help them remain impartial and independent. Furthermore, the participants demanded the reinforcement of administrative reform relevant to the judiciary and achieving financial independence as it is the only means allowing the Judicial Authority the freedom to implement its decisions without obstacles.