



The Palestinian National Authority

The Justice and Rule of Law National Strategy

Palestine

2011-2013

Ramallah - Palestine

July 2010

Funded by the United States Agency for International Development



USAID
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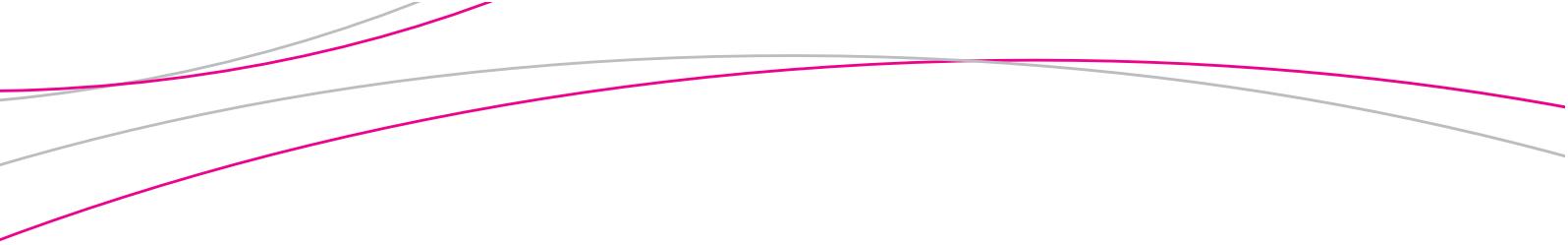


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In the Name of GOD the Merciful



The Palestinian National Authority

Council Of Ministers

Council of Ministers decision number 01/51/13 year 2010

Regarding the certification of the Sector Strategies

According to the authority given to us by law;
The recommendation of the planning and administrative development Minister;
And the public need

And after reviewing the Amended Basic Law for the year 2003 and its amendments
The Council of Ministers decided in his session held in Ramallah on 7/6/2010 the following:

Article One

Certify the attached Sector Strategy

Article two

Each competent authority has to implement this decision provisions within its own jurisdiction,
this decision is effective from the date of its issuance and should be advertised in the National
Gazette.

Issued in Ramallah on 07/06/2010

Salam Fayad
Prime Minister

L.D

بسم الله الرحمن الرحيم



السلطة الوطنية الفلسطينية

مجلس الوزراء

قرار مجلس الوزراء رقم (1 / 13/51 / م.و/س.ف) لعام 2010م
بشأن المصادقة على الاستراتيجيات القطاعية وعبر القطاعية

بناءً على الصلاحيات المخولة لنا قانوناً
وتنسيب وزير التخطيط والتنمية الإدارية
وبناءً على مقتضيات المصلحة العامة

وبعد الاطلاع على القانون الأساسي المعدل لسنة 2003م وتعديلاته؛

قرر مجلس الوزراء في جلسته المنعقدة بمدينة رام الله بتاريخ (2010/06/07م) ما يلي:

المادة الأولى

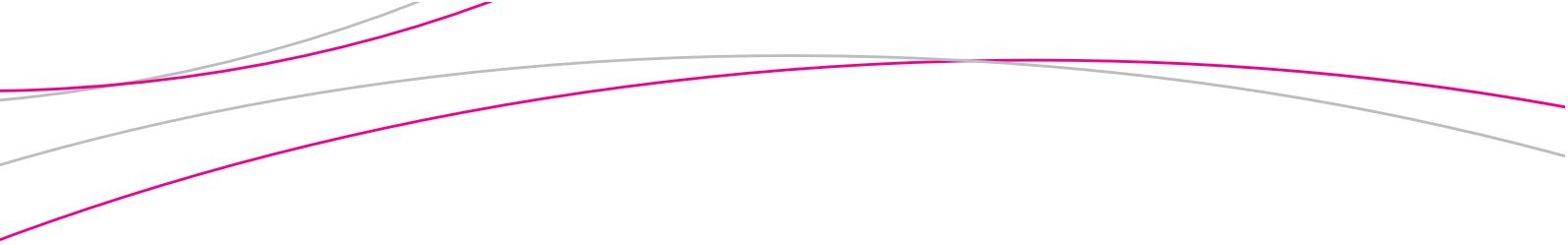
المصادقة على الاستراتيجيات القطاعية وعبر القطاعية، والمرفقة مع هذا القرار.

المادة الثانية

على الجهات المختصة تنفيذ أحكام هذا القرار كل فيما يخصه، ويعمل به من تاريخ صدوره، وينشر في
الجريدة الرسمية.

صدر في مدينة رام الله بتاريخ 2010/06/07م
الرابع والعشرين من جمادى الآخرة من عام 1431هـ.

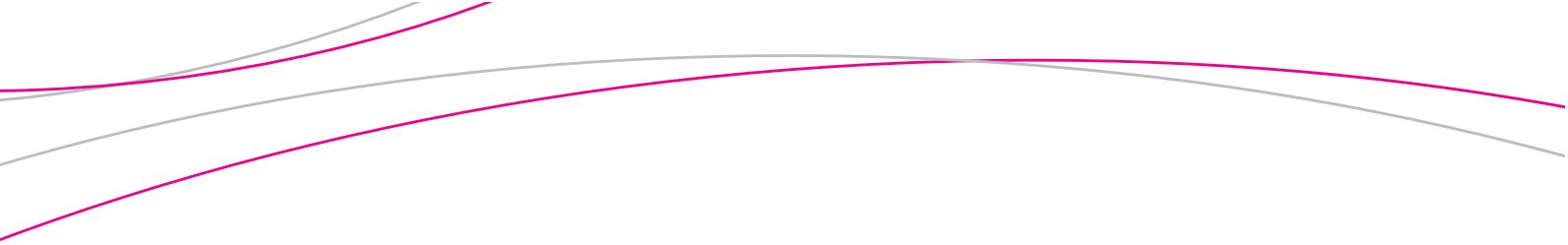
سلام فياض
رئيس الوزراء



The General National Palestinian Plan

2011 – 2013

**Summary of
Justice and Rule of Law Sector Strategy**



1. Profile on the Sector

The Palestinian National Authority inherited an inhomogeneous legal system which overshadowed the legal and judicial situation. It suffered a lot of dilemmas which had various adverse effects on the judiciary and on justice for the PNA. Moreover, there was a big overlapping in the systems applicable in the Palestinian territories; some of which were based on the Israeli military orders, the Jordanian and Palestinian legislations and those applicable from the British Mandate and the Ottoman rule. Since the establishment of the PNA, one of its most important obligations was the unification of the legal and judicial systems through the development of systematic mechanisms for the review and unification of legislations.

The Chairman of the Executive Committee of the Palestine Liberation Organization – the President of the PNA issued decision No. (1)1994 from Tunis to continue working with laws and by-laws applicable in the Palestinian territories “the West Bank and the Gaza Strip” until same are unified. The task of unifying the laws between the two sectors of the country and their replacement with modern laws was the first task of the first Legislative Council.

The Palestinian Authority Council was tasked with promulgating laws since 5/7/1994 under the first government between 20/5/1994 and 16/12/1994. Legislations were issued by decrees from the President of the PNA. When the PLC was elected on 20/1/1996, it assumed the task of promulgating legislations since its inauguration on 7/3/1996.

The justice sector is composed of governmental and non-governmental institutions, notably:

- **The Ministry of Justice:**

It plays its role in supporting the judicial sector institutions; in providing administrative and technical support to the courts and to the public prosecution; and in providing the suitable environment for safeguarding the integrity, impartiality and independence of the judicial authority. The Ministry provides certificates of non-conviction to the people through the justice record, the authentication of documents, issues legal translation and arbitration certificates, provides advice and legal briefs to the Council of Ministers, judicial reports to the judiciary and the public prosecution through the Forensic and Criminal Laboratory department. The Minister of Justice is the Chairman of the Judicial Institute and supervises the Council on Legal Opinion and Legislation (Diwan Al-Fatwa Wal Tashrii).

- **The Public Prosecution:**

It specializes in instituting criminal proceeding in the name of the Palestinian people, undertakes the enforcement of judicial decisions and represents the state in civil cases. Moreover, it supervises the judicial officers and monitors the reform and rehabilitation centers.

- **The High Judicial Council:**

It specializes in instituting policies, supervising judges and organizing the work of the courts of all degrees which adjudicates cases brought before them. The judicial authority strives to build and develop an active judicial system capable of bearing the huge responsibilities and keeping abreast with modern developments and the requirements for quick and easy access of the people to the judiciary. As a result of its development plans and the support it received from all authorities, the judicial authority moved various steps as regards training and qualifying judges, scholarships, specialization, the recruitment of judicial competencies and the linkage of the outcomes of judicial inspection to training programs. Furthermore, the HJC focuses on building courts and on providing them with modern technology.

- **Sharia’a Judicial Council:**

The Sharia courts in their three levels specialize in adjudicating cases brought before them; like: wills, guardianship, inheritance, alimony, custody, paternity, divorce, separation, proof of puberty, endowment cases and the dissolution of invalid contracts of marriage.

- **The Bar Association:**

It guarantees the protection of people who resort to lawyers for legal services on the one hand and the protection of the interests of lawyers on the other hand.

- **Institutions of Legal Education:**

They teach law in law schools of Palestinian universities including: Al-QUDS, Birzeit, Annajah and the Arab American universities. The educational institutions enrich the Palestinian legal library by undertaking specialized legal research and the M.A thesis prepared by students and graduates.

- **International Organizations:**

The justice sector is supported by various international organizations including: the United States Agency for International Development (USAID), the European Police (EUPOL COPPS), the Canadian International Development Agency (CIDA), the Swedish International Development Agency (SIDA) and the Government of the Netherlands.

Integration between the Justice and Rule of Law and Security Sectors:

The Council of Ministers issued resolution No. (99) 2005 pertaining to the establishment of the judicial police force which is subordinate to the Directorate General of the Police. This resolution was activated in 2008. Furthermore, a Memorandum of Understanding (MoU) was signed between the Palestinian Civil Police (PCP) and the Ministry of Justice to regulate the relationship and to coordinate between the newly established unit and the various bodies of the Ministry of Justice. However, the General Directorate of the Judicial Police is still in the stage of preparation and did not assume its duties as outlined in the above mentioned Council of Ministers' Resolution.

However, it has been decided that forensics shall be subordinated to the Ministry of Justice and that the Ministry of Health shall exercise technical supervision over same. Moreover it has been decided that criminal laboratories shall be administratively subordinate to the PCP and technically subordinated to the Ministry of Justice since those laboratories are some of the pillars of criminal justice in Palestine.

The Justice Record at the Ministry of Justice was also established through the cooperation with the Public Prosecution and the Ministry of Interior by virtue of understandings reached between the Ministry of Justice and the Public Prosecution and the Ministry of Interior. The Justice Record contains the information on the criminal record of the citizen. By virtue of these understandings, the Public Prosecution provided the Ministry of Justice with the necessary information to feed the judicial record with the criminal data. Moreover, there was cooperation with the prison directorates to verify the criminal data and to complete certain missing items. Also, the Ministry of Interior provided the judicial record with a periodical updatable version on the civil data of citizens.

On the other hand, the courts have a general jurisdiction to adjudicate all cases pertaining to civilians. As such, the civilian Public Prosecution shall have the sole right to institute criminal proceedings according to the provisions of the Criminal Procedure Code No. (3) 2001. However, by virtue of the provisions of article (101) of the Palestinian Basic Law, the jurisdiction of the military courts shall be restricted to military affairs. The basic problem which negatively affects the regulation of the relationship between the civil and military prosecution is the failure to define "military affairs" and the limits which distinguish crimes of military and civilian natures, something which has resulted in the overlap of the jurisdictions of the civil and military prosecutions, and ultimately between the civil and military judiciaries.

The security establishment is related to the public prosecution in that the technical work of the judicial officers shall be supervised by the public prosecution. The public prosecution also exercises a monitoring and supervisory role over the reform and rehabilitation centers and the security agencies' detention centers to verify the circumstances of detainees in those centers.

According to the Criminal Procedure Code, the Public Prosecution enforces criminal judgments, and in the exercise of that role shall have the right to make use of the police force whenever necessary. Despite the fact that the security establishment does not exert effort in judicial enforcement, various obstacles impede judicial enforcement including: the measures taken by the Israeli occupation forces, the lack of Palestinian sovereignty over all territories belonging to it and the logistical and technical reasons.

2. Situation Analysis

The justice sector encountered various difficulties and challenges due to a large extent to a series of internal and external factors, which combined resulted in hampering its development with the passage of time. Among the most prominent factors is the weakness of the legal and institutional infrastructure of the justice institutions.

The non-allocation of suitable support to the judicial authority by the executive, the non-allocation of development budgets to it in the earlier stage of the formation of the Palestinian National Authority (PNA), the obstacles imposed by the occupation, the diminished national sovereignty and the lack of jurisdiction have all contributed to the absence of the suitable adjudication environment represented in the slow adjudication procedures, the mismanagement of case files, the unsuitability of the buildings and facilities to the nature of judicial work, the weakness of resources, the old administrative support systems, the weakness of public services, the lack of information systems, the backlog of cases before the courts, the weak enforcement mechanisms, and the absence of institutional rehabilitation of administrative, judicial and legal support staff has created a state of vulnerability in judicial performance and in justice institutions. This has led to the reluctance of the citizen to resort to the judiciary and his resort to parallel means away from the rule of law in the absence of alternative means for conflict resolution.

The modernity of legal education and the weakness of legal judgments in Palestine in comparison with the legacy of the Palestinian legal system which embodied a series of radical differences has delayed the development of a national jurisprudence capable of meeting these differences beneficial to the Palestinian situation and facilitating the harmonization and unification of these systems on common grounds, and which could have contributed to the emergence of a judicial and legislative approach away from these directives.

The Palestinian justice institutions strived to benefit from the opportunities provided by the international donor organizations in the fields of administrative development, the institutionalization of the judicial institutions at systems and human resources levels. However, the political and economic instability, the lack of the appropriate skills resulted in destabilizing the institutions of justice, organized work and in weak performance.

The years 2008 and 2009 witnessed big achievements in the judicial sector. The number of investigation and criminal cases and the rate of Disposed cases increased considerably in 2008 compared to the previous years. On the other hand, criminal enforcements are witnessing tangible development from the perspective of the reduced cases brought forward and the increased Disposition of cases from year to year.

The year 2009 witnessed the development of the organizational structures and the infrastructure of the judicial and the Justice Institutions. The Palestinian Judicial Institute and the Judicial Police were established. Police officers as a nucleus of the judicial police were trained. The Judicial Inspection Department was activated and a Court Administration Department established. All these need MoU's to regulate their references. Moreover, the Planning and Projects Administration, a judicial library and an electronic archive for all documents were established. The Ministry of Justice also worked on rehabilitating and modernizing the Public Services Department including authentication and the judicial record. Their facilities and departments were modernized including the introduction of an automatic queuing system to offer better public services.

Since its inception, The Justice Records Department at the MoJ has, in cooperation with the Information Technology (IT) Department of the Public Prosecution, the Ministry of Interior, the General Administration of Reform and Rehabilitation, worked on managing and feeding the computerized data base of the judicial record with a summary of judgments, the judicial enforcement record, the civil record and on linking them with the registers of people on the path towards the issue of certificates of non-conviction.

The MoJ is on the verge of concluding an agreement with the Government of Canada for the establishment of the main Forensic Center in Palestine. In the same context, the judicial police was established to strengthen the rule of law. Furthermore; various specialized departments and units including the Administrative Affairs Department, the IT Department, the Planning Department, the Training Department and the Media and Public Relations Department at the Public Prosecution were established.

Regarding the shari'a judiciary, two shari'a courts in Ramallah and El-Bireh Governorate and one in Hebron were established. Additionally, eight other sharia courts were inaugurated in various parts of the West Bank and the Gaza Strip. Eleven judges including the first two female judges in Palestine were appointed. Moreover, the High Sharia Judicial Council appointed 58 judges during 2008/2009. 32 notary publics and 30 bailiffs were appointed. Those appointments were aimed at speeding up adjudication procedures and reducing to the backlogs.

The main problems at the national level:

1. Weakness of the legal system applicable in the Palestinian territories in the light of the absence of civil legislation, the weakness of criminal legislation and the absence of a modern Penal Code.
2. The absent role of the Palestinian Legislative Council, and the necessity to adopt alternative mechanisms to Decree Laws issued by the President.
3. The weak public confidence in the judicial institutions, the adjudication procedures and the resort to alternative methods.
4. The weakness of alternative means for conflict resolution.
5. The weak performance of judicial institutions, and the lack of necessary resources.
6. The recent introduction of legal education in Palestine.
7. The numerous judicial systems, weaknesses in coordination mechanisms, and weaknesses in methods of enforcement.
8. Weakness of communication means with the public.
9. Absence of geographical continuity between the country's districts which affected negatively the public to access judicial institutions.
10. The emigration of qualified people.
11. The absence of specialized courts and prosecutions.
12. The overlap of the civil and military jurisdictions.
13. The absence of a constitutional court to decide on the constitutionality of legislations and the conflict in jurisdictions.
14. Case backlogs before the courts.
15. Weakness and unsuitability of reform and rehabilitation centers and places of detention.

The main problems at the external level:

Throughout successive years, the Palestinian people lacked an entity or a recognized state exercising its sovereignty on the land and the people and distinguished by an international presence as other countries. Following the Oslo accords of 1993 and the creation of the first nucleus of a Palestinian National Authority from various basic authorities: executive, judicial and legislative emerged. In the light of successive governments from that date which reflected on the emergence of the international presence of this Authority, this entity did not attain the sought after level of the establishment of a state exercising full sovereignty over its territory. The continuation of the occupation and its negative daily impact on the various components and the constituents of the justice sector, and in the light of the ambiguous nature of the sought after state and the political and geographical separation between both sectors of the country created a big challenge for the development of the justice sector.

Among the most important obstacles facing the judicial sector as a result of the external effects is the inability of the legal system to extend its legitimate mandate over all its territories and the incompetence of the Palestinian Authority to conclude agreements and to join international treaties and conventions supporting rights and liberties.

The Israeli occupation and its negative impact on the rule of law lead to the obstruction of any developments aimed at state building, the stability of its system, and consequently the disregard of all international conventions and norms. Moreover, the application of Israeli legislation over Palestinian territories under its control has unsettled public confidence in the judicial system.

Following are the most important problems on the external level:

1. The impact of the Israeli occupation and its role in unsettling public confidence in public order, and particularly the judicial system.
2. Absence of the Palestinian State imposing its sovereignty on the Palestinian territories and its negative repercussions on communicating with the outside world for the requirements of the justice sector.
3. Restrictions on the movement of people which obstruct the course of justice.
4. Non-compliance of the Israeli occupation with the agreements signed and with legal protocols.
5. The existence of settlements has limited the application of the rule of law in the Palestinian territories.
6. The multiplicity and overlapping of support and funding to the justice sector.
7. The increase in the number of fugitives to the Israeli areas and the Israeli non-response to the hand-over demands.
8. Lack of PNA control of the borders and its weak ability to control borders, apprehend wanted people or prevent wanted people from travelling.
9. Weakness of legal aid means at the reciprocal and international levels which impeded the exercise of legal authority and the enforcement of judgments.
10. The lack of Palestinian jurisdiction over the Israelis and Palestinians holding Israeli IDs who commit crimes in PNA territories.
11. Diminished Palestinian jurisdiction due to the division of territories to A, B and C.
12. The inability of the annexed legal protocol of the Oslo agreement to respond to the requirement and needs of building the Palestinian State.

3. Vision

“A justice sector capable to achieve justice and the rule of law for maintaining freedoms, public and private rights and equality so as to maintain human dignity and provide the suitable framework for comprehensive and sustainable development for the Palestinian society in a fully sovereign Palestinian State”.

The achievement of this requirement demands serious support to the various justice and rule of law; the development of legislations regulating the sector based on a legislative plan, the comprehensive review of the applicable legislations; the determination of the themes needed for the sector and their prioritization according to a suitable timeframe; the development of a suitable and active a system of judicial procedures based on the respect of basic human rights initiatives to protect freedom; the development the defense infrastructure; the initiation of practical and field initiatives for the protection of the justice and the rue of law sectors from negative influences of the Israeli occupation and the current divisions in the Palestinian territories; and finding specific mechanisms to strengthen the role of the public, the media and civil society in indulging in the justice and rule of law sector.

4. Strategic goals, policies and interventions

The following table outlines a summary of the strategic goals, the policies and the main interventions proposed to be implemented in the justice and rule of law field. The total sector strategies include the detailed policies and interventions.

Table of Strategic goals, policies and interventions

Policy	Policy Interventions
1. The strategic goal: Strengthen the respect of human rights, basic freedoms and the rule of law	
A. Strengthen the basic human rights and freedoms environment.	<ul style="list-style-type: none"> • Review of legislations pertaining to the rights of the citizen. • Preparation of mechanisms and plans to strengthen human rights in cooperation with Palestinian and international human right. organizations • Documentation of breaches of Palestinian human rights and the pursuit of the perpetrators.
B. Facilitate citizens’ access to the services of the justice sector and their improvement.	<ul style="list-style-type: none"> • Help the marginalized groups and enable them to benefit from the justice and judicial institutions. • Follow-up of citizens’ complaints. • Updating and developing the services provided to the public. • Circulation of legal information and facilitate public access to them.
C. Strengthen the links with civil society and with the media.	<ul style="list-style-type: none"> • Creation of a modern media system to improve communication with the public and delivery of the justice message. • Raise the awareness of the public and educate them in the field of the rule of law and the work of justice institutions. • Prepare legal reports jointly with civil society. • Establish advisory legal councils jointly with civil society.

Continued - Table of Strategic goals, policies and interventions

Policy	Policy Interventions
2. Strategic goal: Ensure fair trial	
a. Creation of conducive environment for litigation	<ul style="list-style-type: none"> • Update and develop competent criminal justice facilities in forensics, criminal lab, and Judicial Police • Update developed systems for the management of criminal, civil, and religious case, and accelerate case adjudication • Update competent courts, and identify separate competences for regular and military courts • Develop and upgrade capabilities of judges and attorneys-at-law • Institutionalize legal aid to ensure access of justice to marginalized and needy sectors
b. Enhance role of Bar Association in developing of the justice sector	<ul style="list-style-type: none"> • Update Bar Association legal framework • Develop Bar Association internal performance • Raise level of services provided by Bar Association
c. Enhance and update monitoring, accountability, and management framework	<ul style="list-style-type: none"> • Activate and develop mechanisms of monitoring and regular and religious judicial inspection • Ensure proper conduct of administrative supervision over regular and religious courts in accordance with adopted mechanisms
d. Relieve courts of enormous burden	<ul style="list-style-type: none"> • Address issue of judicial satisfaction and case backlog • Introduce concepts of support methods for conflict resolution into judicial work and ensure their adoption
e. Raise competence of notification systems and judicial rulings enforcement	<ul style="list-style-type: none"> • Develop effective mechanisms to ensure the enforcement of criminal, civil, and religious rulings within a proper time period • Train staff and provide proper equipment for Public Prosecution
3. Strategic goal: Support, build, empower and develop justice institutions	
a. Develop work environment, motivate competences, and upgrade level of staff training	<ul style="list-style-type: none"> • Upgrade competences and capabilities of human resources in the justice sector according to needs • Develop finance and administrative systems that enhance principles of monitoring and accountability in justice institutions • Develop data and IT systems within the operational systems of justice institutions • Develop infrastructure of justice institutions
b. Raise level of legal education	<ul style="list-style-type: none"> • Develop legal education for the purpose of enhancing preparation for the judiciary • Develop scientific research and support legal research centers
c. Institutionalize judicial training	<ul style="list-style-type: none"> • Develop continuing and basic training programs • Finalize update operations and develop institutional framework for training • Recruit qualified local staff for training operations in relevant and concerned institutions

Continued - Table of Strategic goals, policies and interventions

Policy	Policy Interventions
4. Strategic goal: Unify, update and develop legislations	
1. Create conducive legislative environment	<ul style="list-style-type: none"> • Monitor legislative needs of justice sector and rule of law in partnership with all justice sector institutions • Review and develop existing legislative policies
2. Form an updated, consistent, and stable national legal system	<ul style="list-style-type: none"> • Develop follow-up national plan, and review unification and update of legislations • Implement legislative plan adopted by justice sector institutions • Draft legislative propositions in opine with the justice sector legislative plan
3. Activate Council of Legal Opinion and Legislation	<ul style="list-style-type: none"> • Publish the Palestinian Official Gazette "Al Waqua'e" Periodically • Provide qualified staff in the sphere of preparation of legislations • Develop capabilities in the sphere of legal drafting • Form a competent and specialized unit in the sphere of monitoring the quality of legislations

5. Breakdown of resources and responsibilities

Below a table that illustrates the estimated budget for 2011-2013 distributed according to goals:

Strategic Goal	Estimated budget (m\$US)
Enhance respect and protection of human rights, basic liberties, and rule of law	40
Ensure fair trial	65
Support, build, empower and develop justice institutions	120
Unify, update and develop legislations	25
TOTAL	250

6. Anticipated results

The Ministry of Planning and Administrative Development (MPAD) shall work with each sector for the purpose of developing a set of appropriate indicators and targets for 2011-2013. It has been decided to finalize this process and update this section during the budget preparation process. The indicators and achievements below, which have been identified by the justice sector strategy, constitute the springboard for our work:

1. Legislations related to rights of civilians, which have been reviewed and for which recommendations have been put forward;
2. A joint work plan with national justice institutions, and MoUs reached with a number of regional and international institutions;
3. Periodic and regular visits made to rehab and correction centers and to detention facilities;

4. All human rights violations committed against Palestinian civilians have been documented and perpetrators arrested;
5. All marginalized and needy sectors have received legal aid and the services of other justice facilities;
6. Finance and administrative systems to enhance monitoring and accountability principles in just sectors have been enhanced;
7. Mechanisms of monitoring and regular, judicial and religious inspection have been developed;
8. Several rule of law related cultural programs have been adopted;
9. A number of media activities in various parts of the West Bank have been implemented in accordance with the rule of law public awareness plan;
10. A number of rule of law public awareness media material that address all sectors of the Palestinian society have been prepared;
11. A number of joint legal reports have been prepared in cooperation with the civil society and in accordance with agreed methodology;
12. The Advisory Council has been set up in partnership with civil society institutions;
13. Rules regulating the justice sector have been updated or amended;
14. Criminal justice facilities have been established;
15. The Judicial Police have been established and are now operating;
16. A number of new judges have been appointed and distributed according to the number of incoming cases;
17. A number of civilian complaints regarding lawyers performance have been looked into;
18. Competent courts have been established and their competences regulated;
19. A number of legislations that regulated the competences of military courts have been adopted;
20. The Constitutional Court has been set up and is now operating;
21. A number of administrative courts have been established and are now operating;
22. The judicial code of conduct has been reviewed;
23. The number of adjudicated cases in courts has dropped;
24. The Bar Association has organized a number of training courses for lawyers to upgrade their performance before the public;
25. New judges had been appointed upon judicial needs
26. A number of training courses for new judges have been organized;
27. Rules of alternative methods for conflict resolution have been updated;
28. All courts have been e-linked and case files computerized;
29. Infrastructure of all buildings have been renovated;
30. A number of scientific researches have been conducted in legal research units;
31. Legal Education program has been developed;
32. Future Judges Program has been developed;
33. "Justice Everywhere Program" has been completed;
34. An official manual on legislative drafting has been published;

35. Council of Legal Opinion and Legislation has been activated;
36. Monitoring quality of legislations has been organized and institutionalized;
37. The official gazette is issued on a regular basis;
38. Systems of judicial case management have been enacted;
39. Public services have been improved; and
40. Mechanisms of enforcing criminal, civil and religious rulings have been organized and activated.

7. Procedures for the preparation of sector strategy

The National Justice and Rule of Law Strategy of 2011-2013 is based on the Reform and Development Plan of 2008-2010. National and technical team has been formed and assigned the preparation of the Justice Sector and Rule of Law National Plan. The team was headed by the Ministry of Justice (MoJ) with the membership of the Public Prosecution, High Judicial Council, Ministry of Interior (MoI), and Ministry of Planning and Administrative Development (MOPAD). MOPAD is responsible for coordinating the preparation of sector strategies, dissemination of instructions and templates related to the preparation of the sector strategies manual and unified technical annexes.

In addition, members of the civil society have taken part in the strategies preparation team, including civil organizations network, Bureau of Grievances (ICHR), and Birzeit University. Moreover, a technical team has been formed made up of the head of the national team and a number of experts from USAID-funded Netham Project. The technical team has placed the strategy in the correct strategic model in accordance with the technical annex issued by the MOPAD as well as the modern scientific methodologies of strategic planning.

The national team held 14 meetings while the technical team 21 meetings. The first version of the strategy has been translated into English and distributed to international partners via Local Aid Coordination Secretariat (LACS). A special meeting for the justice sector group was held on 8th of March 2010 and the remarks of the international partners in the strategy were discussed.

Several official and civil sources were consulted, and the following terms of reference were taken as a foundation for the preparation of the justice sector strategy:

- First: The Basic Law and laws in force in Palestine;
- Second: The Guidance paper on general political issues which has been prepared by the Council of Ministers and MPAD;
- Third: The program of the 13th government "Building the Palestinian State through Peace and Prosperity." The government has stressed the enhancement of good governance, respect for the rule of law, separation of authorities, protection of human rights, creation of peaceful environment, imposition of law and order, as well as the provision of safety and security.
- Fourth: The Reform and Development Plan if 2008-2010; and
- Fifth: The Studies and documents provide to the team by justice commissions.

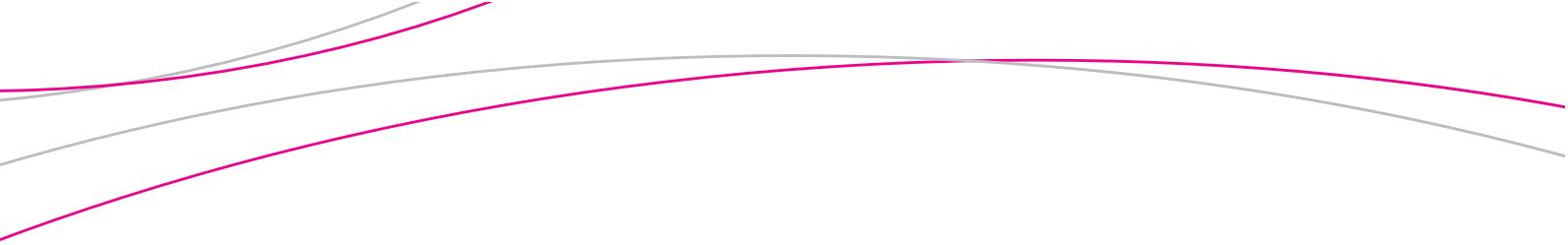
The Justice and Rule of Law National Strategy

2011-2013

2013

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1. Executive Summary

The justice sector is one of the most important sectors of the government because it plays a leading role in influencing the lives of Palestinian citizens. Citizens evaluate their government's performance through their experience with public institutions, and particularly justice institutions.

The justice sector has faced many obstacles and challenges due to a number of internal and external factors which all contributed to hindering its development over the time. The most distinctive factor among other factors in this regard is the absence of clear separation of powers between the judiciary, the Public Prosecution, and the Ministry of Justice (MOJ), as well as the lack of proper working relations among the justice sector institutions. All these factors have affected the independence of the Judicial Authority.

Reform of various sectors has been and remains one of the top priorities on the policy agenda of the Palestinian National Authority (PNA). The justice sector currently enjoys a special standing by the government, as justice is deemed an urgent matter to improve relations among the various stakeholders.

Persistent efforts have succeeded in forging common ground among the principal actors in the sector, reflecting a shared vision based on developing, upgrading and improving the overall performance of justice sector institutions.

A national team was appointed to develop this strategy. Throughout frequent meetings, the team studied and evaluated the situation in the sector using all possible methods and available information contained in numerous documents, studies, strategies, needs assessments, and reports of achievements in the sector, and by using the "strengths, weaknesses, opportunities, and threats (SWOT)" method of analysis of the internal and external environment in the sector. With this information the team articulates the Justice and Rule of Law Sector Vision as follows:

"A justice sector capable to achieve justice and the rule of law for maintaining freedoms, public and private rights and equality so as to maintain human dignity and provide the suitable framework for comprehensive and sustainable development for the Palestinian society in a fully sovereign Palestinian State".

The national team concentrated on reviewing the available strengths and opportunities, as well as the weaknesses and threats that confront the sector by seeking out potential opportunities to overcome these problems and difficulties as much as possible.

Strengths were found in the excellent relations existing with the donor community, the development of appropriate infrastructure, the availability of systems that could be replicated, the development of qualified personnel in justice sector institutions and the integration of functioning automated informational systems. Opportunities for improvement will continue with the availability of donor support for sector activities and development plans, and the integration of justice pillars. This will lead to the creation of an essential infrastructure to enable the development and modernization of sector institutions as well as The increase of the awareness of the importance of the justice sector and the services it provides to the public.

Among the weaknesses identified was the poor coordination among principal justice sector institutions, the lack of public trust, and lack of appropriate methods for alternative dispute resolution, inadequate publishing of formal information on the judiciary and limited access to legal information. In addition, institutions suffered due to the fact that there are few qualified personnel serving the judiciary as well as a lack of specialized courts and judges. Training programs were not well coordinated and are dependent on external donations because of insufficient financial resources allocated by the government for the benefit of the sector. In addition, mechanisms for enforcing judgments were perceived as inadequate.

Threats were identified as the continuing Israeli occupation, the current political and geographical division between the northern and southern districts in the Palestinian territories, the inactive role of the Palestinian Legislative Council, dependence on international aid, the leadership of the sector's institutions and political instability.

This strategy has been developed within the framework of the comprehensive Justice and Rule of Law Vision that has been stated, as well as the results of the analysis performed pointing out the strengths, weakness, opportunities and threats that are challenging the sector. It is also based on both primary and subsidiary strategic objectives leading to the formulation of programs and activities necessary to effectuate these objectives.

The primary strategic objectives are summarized:

- Ensuring respect for human rights, fundamental freedoms and rule of law.
- Ensuring fair trials.
- Supporting, developing, and enhancing justice sector institutions.
- Developing, harmonizing and modernizing legislation.

Policies have been formulated in groups each of which aims to achieve a principal strategic objective. Policies are implemented through a group of interrelated activities called interventions.

2. Introduction and Methodology Adopted in Formulating the Sector's National Strategy:

The formulation of the Justice and Rule of Law Sector Strategy comes in response to a Council of Ministers' decision taken at a meeting held on 17/8/2009 regarding the drafting of a National Strategy for the years 2011-2013. The decision authorized the Ministry of Justice (MOJ) to lead the team in developing the national strategy for the Justice and Rule of Law Sector. This strategy was developed pursuant to national objectives defined in the thirteenth government's action program, which are based on a national priority of establishing an independent Palestinian State.

The 2011-2013 Justice and Rule of Law Sector Strategy is based on the Reform and Development Plan for the years 2008-2010 (PRDP). The PRDP was developed with the participation of all justice sector stakeholders including governmental institutions, civil society organization, professional unions, academic figures as well as the private sector. The Ministry of Planning coordinated the development of all sector strategies by distributing guidelines and forms related to the Sector Strategies Development Manual as well as uniform technical attachments that must be used in the development of a national strategy for any sector, including the Justice and Rule of Law Sector.

It was clear during the meetings of the national team appointed to develop the national strategy of the Justice and Rule of Law Sector that other key institutions and bodies, including the Ministry of Interior, the Bar Association, law schools and relevant civil society institutions, must participate in this important effort. As a result of compiling various discussions and deliberations, conclusions were reached team using all available resources and information provided by civil society and official institutions to develop the strategy.

The team relied on the following references:

First: The Basic Law and legislation in force in Palestine

Second: Guidelines papers related to the general policy issues prepared by the Council of Ministers and the

Ministry of Planning and Administrative Development.

Third: The thirteenth government's action program which calls for "Building the Palestinian State through Peace and Prosperity." Its key objectives were: good governance, respect for rule of law principles, separation of powers, protection of human rights, stability of the legal infrastructure to achieve security and safety, as well as, protecting the law and public order, providing a peaceful and secure environment for citizens, and routing out crime and chaos.

Fourth: The 2008 – 2010 Reform and Development Plan.

Fifth: Various information, studies and documents provided to the team by justice sector institutions and stakeholders.

The strategy development process was characterized by:

1. The adoption of a holistic methodology in developing the sector's strategy and embodying the principle of partnership.
2. Instilling and enhancing a set of values across all justice and rule of law fields.
3. Accounting for the building and development of material and human capacity of the justice sector.
4. Considering the scarcity of resources and the need for cutting the Sector's operating costs without jeopardizing its performance efficiency.
5. Accounting for external effects and variables which affect the implementation of the Justice and Rule of Law Sector's Strategy.
6. Compliance with the thirteenth government action program, which is built on a national priority reflected in the establishment of an independent Palestinian state and ending of the occupation.
7. Considering the basis of partnership with civil society and academic institutions and the solicitation of opinions from experts and competent individuals.

The national team appointed to develop the strategic plan followed an implementation methodology in accordance with the following steps:

1. The national team held many periodic preparatory meetings under the leadership of the Ministry of Justice to formulate the strategic objectives of the justice sector and its sub-activities emanating and implementing a strategic thinking approach.
2. Work on the collection of data and information, holding of consultations and drawing conclusions.
3. Analyse of the internal and external environment using the strengths, weaknesses, opportunities and threats (SWOT) methodology to identify areas of weakness and strength and to define the opportunities and challenges facing the sector.
4. Develop of the first draft of the strategy.
5. Devise a plan to consult with civil society institutions and to solicit the views of academics and experts in the field.

3. The Justice and Rule of Law Sector Vision Statement

Consistent with the government's vision and its programs to end the occupation and establish an independent Palestinian state and in light of a Palestinian political system which respects human rights and provides a safe and stable environment for its citizens to live and flourish in a free and independent state. Such a state must be built on the principles of justice and rule of law and be governed by a Palestinian constitution which is respected and protected by an effective Executive Branch, an elected legislature and an impartial and independent Judiciary.

The Palestinian state complies with international legitimacy and international law in addition to the United Nations' charter and all the decisions issued by the various U.N bodies and agencies. It also complies with all the decisions issued by the U.N. General Assembly and the Security Council, which protect the rights of the Palestinian people in their homeland and the right of self-determination and freedom, independence and sovereignty, in addition to the right to establish a state within the boundaries of June 4, 1967.

The official and unofficial Palestinian justice sector institutions across all levels work towards a justice system that is transparent, competent, specialized and capable of responding to the requirements of national independence and the establishment of the Palestinian state. This state will allow citizens to live in peace and stability, and guarantee respect for the Constitution. It will monitor the quality of legislation by appointing a commission to review the legislation in force, amend and update them so that they reinforce justice and rule of law, and promote sustainable development. It will enhance the state's governance, including the judicial, executive, administrative and financial systems in order to provide the highest degree of transparency and participation, and also take measures to fight corruption. Legislation shall also allow the justice and rule of law sector to guarantee the rights and freedom of its citizens, protect public and private ownership and facilitate access to justice. The justice sector institutions will be able to enforce individual and public rights in the most efficient and cost effective manner. All this shall be conducted in a manner consistent with political, social, cultural, economic and technological developments and shall encourage the establishment of an attractive investment environment. It also must promote cooperation and coordination between various justice sector institutions on a national level; strengthening legal aid services and promoting judicial cooperation on an international level. All this shall be achieved by relying on nationally qualified legal, judicial and administrative personnel in addition to having effective and streamlined procedures and regulations, suitable infrastructure and modern technology.

The Executive Branch shall work with the Legislative Council and the judiciary in order to complete establishing the institutions of the Palestinian State on a professional and national basis and shall also work towards ensuring the application of enacted laws and guarantee compliance with their provisions. It shall also work diligently to enact legislation that guarantees justice and the speedy disposition of disputes and enforcement of judgments. The government shall work to provide a competent and specialized judiciary that is fair and impartial and has all the technical, administrative and financial support it needs to function properly. The government shall also guarantee a suitable legislative, administrative and political environment in order to maintain judicial independence and a flexible separation with the three state powers cooperating fully and continuously.

In this context the vision of the justice and rule of law sector can be stated as follows:

"A justice sector capable to achieve justice and the rule of law for maintaining freedoms, public and private rights and equality so as to maintain human dignity and provide the suitable framework for comprehensive and sustainable development for the Palestinian society in a fully sovereign Palestinian State".

The full support and commitment of all consecutive governments as well as the justice sector institutions towards achieving this strategy is needed through the following:

First: Identify and prioritize the pillars and areas of development for the justice sector according to an appropriate and specified timeframes.

Second: Identify the human and financial resources necessary to develop every area of the justice and rule of law sector.

Third: Develop a set of effective judicial procedures that are based on respect for human rights and basic freedoms.

Fourth: Develop the sector's infrastructure and systems.

Fifth: Support cooperation and coordination among the various justice and rule of law sector institutions.

Sixth: Adopt practical initiatives to protect the sector from the negative impact of the Occupation and political division in the Palestinian territories.

Seventh: Identify mechanisms needed to strengthen the role of the media and civil society in the justice sector.

Eighth: Support and strengthen the legal culture in Palestinian society through awareness programs and the advancement of legal education.

Ninth: Develop legislation governing the Justice and Rule of Law Sector based on a legislative plan which includes a comprehensive review of all legislation in effect.

Tenth: Work on the protection of citizens rights in all the Palestinian Territories.

4. Current Status Analysis

The Palestinian political situation during past eras created a justice system that might not be suitable for Palestine in the future. The tyranny of the Israeli occupation by its bodies and agencies has had and still has negative effects to some degree on the justice and rule of sector in Palestine. The negative impact manifests in various ways including an absence of a culture of rule of law, because the law was seen as an expression of the occupier's will. Another effect is seen in the use of other mechanisms to resolve disputes, which replaced the formal judiciary because the judiciary was controlled and administered by the occupier. These factors caused citizen to lose confidence in the judiciary. The alternative system of dispute resolution creates a heavy burden on the National Authority because it operates parallel to the judiciary and cannot guarantee that trials will be fair.

This situation created a necessity to re-evaluate reform and development strategies in the justice and rule of law sector, and to build efforts with a clear vision based on defined goals and appropriate plans that advance in a direction consistent with the Palestinian reality.

A number of general problems and challenges which affect the justice sector as a whole were diagnosed and a set of general and basic interventions were identified to be implemented in order to improve the situation of the sector.

4.1 Results Summary of Sector Analysis

The challenges facing the Justice and Rule of Law Sector can be summarized as follows:

First: On the National Level

It is important to analyze the legal system in Palestine to understand the current state of affairs

because the Palestinian National Authority (PNA) inherited a heterogeneous legal system which affected the judiciary and justice in general. The PNA was faced with many challenges that negatively affected the judiciary and the justice sector. There was tremendous overlap among the various laws and regulations. Many laws were based on the civil and military Israeli laws, others were based on Jordanian laws, and some derived from the British Mandate. One of the major commitments of the PNA since its establishment has been the unification of the legal and judicial system of legislation.

The lack of support to the Judicial Authority by the political authority and the non-allocation of adequate developing budgets for it throughout time resulted in the public lack of confidence in justice sector institutions, because a poor litigation environment caused delays in processing and disposing cases, the absence of adequate judicial facilities, lack of resources, outdated administrative support systems, lack of customer service, absence of information technology, backlog in various courts, weak mechanisms of enforcement of judgments and the lack of institutionalized training for judicial and administrative staff. This has led to weakness in the performance of the judiciary and various justice sector institutions. As a result, citizens refrained from taking their disputes to the courts and used methods outside the formal justice sector to resolve them, especially as there were no alternative dispute resolution mechanisms.

The newness of legal education in Palestine and the weakness of court judgments contrasted with the legal system Palestine inherited, induced many inconsistencies which have hindered the development of a national legal jurisprudence capable of dealing with such challenges in a way that would facilitate the harmonization of such systems on common grounds, consequently leading to the existence of a legislative and judicial methods inconsistent with these directives.

Palestinian justice institutions sought to seize the opportunity to benefit from international donor agencies to develop and institutionalize the operation of justice sector facilities at the level of human resources and administration. The political and economic instability led to the destabilization of justice institutions and the weakening of their performance.

Following is a summary of the main national-level challenges:

1. Weak legal system in force in the Palestinian territories due to an absence of civil laws, the weakness of criminal legislation, and the lack of a contemporary Penal Code .
2. The absent role of the Palestinian Legislative Council and the resort to alternative mechanisms to issue legislation such as presidential decrees promulgated by the President
3. Lack of public confidence in justice sector institutions and the litigation system which leads to the use of other methods for settling disputes.
4. Weakness of alternative dispute resolution tools.
5. Weakness of justice sector institutions and the lack of needed resources.
6. The late introduction of legal education into Palestinian academic institutions.
7. Dualism of judicial and legal systems as well as poor coordination and enforcement measures.
8. Weak communication means with the public.
9. Geographic and political division in the Palestinian Territories.
10. Immigration of qualified persons and the inability to retain qualified personnel in the sector.
11. Lack of specialized courts and specialized prosecutors.
12. Conflicts over jurisdiction between civil and military courts.
13. Lack of an operational constitutional court to resolve constitutional and jurisdictional disputes.
14. Backlog of cases before courts.
15. The weak and inappropriate rehabilitation centers and detention centers.

Second: On the External Level

Over the last decades the Palestinian people did not have an internationally recognized state or political entity which exerts sovereignty over the people and land similar to other states in the world. After the Oslo Accords in 1993, and following the establishment of the first Palestinian National Authority (PNA) Including the Executive, Judicial and Legislative authorities, and in light of the successive governments since that time, and despite the impact of its international presence, Palestine did not achieve its aspirations which was the establishment of an independent state with full sovereignty over its territory. The persistence of the Occupation and its daily negative impact on various justice institutions, the absence of an independent state, and the geographical separation between the two parts of the country all constituted a serious challenge to the development of the justice sector.

One of the major external challenges to the development of the justice sector is the inability of the legal system to have full geographical jurisdiction over all of the Palestinian territories. Another main challenge pertains to the PNA's inability to conclude international agreements and participate in international conventions and treaties that protect human rights.

The presence of the Israeli occupation and its negative impact on rule of law undermines any efforts to establish and build a state Stable in its legal and judicial system. The existence of certain Israeli legislation as part of the applicable laws in the Palestinian territories undermines public confidence in the judicial system.

Following is a summary of the main external-level challenges:

1. The impact of the Israeli occupation and its role in unsettling public confidence in public order, and particularly the judicial system.
2. Absence of the Palestinian State imposing its sovereignty on the Palestinian territories and its negative repercussions on communicating with the outside world for the requirements of the justice sector.
3. Restrictions on the movement of people which obstruct the course of justice.
4. Non-compliance of the Israeli occupation with the agreements signed and with legal protocols.
5. The existence of settlements has limited the application of the rule of law in the Palestinian territories.
6. The multiplicity and overlapping of support and funding to the justice sector.
7. The increase in the number of fugitives to the Israeli areas and the Israeli non-response to the hand-over demands.
8. Lack of PNA control of the borders and its weak ability to control borders, apprehend wanted people or prevent wanted people from travelling.
9. Weakness of legal aid means at the reciprocal and international levels which impeded the exercise of legal authority and the enforcement of judgments.
10. The lack of Palestinian jurisdiction over the Israelis and Palestinians holding Israeli IDs who commit crimes in PNA territories.
11. Diminished Palestinian jurisdiction due to the division of territories to A, B and C.
12. The inability of the annexed legal protocol of the Oslo agreement to respond to the requirement and needs of building the Palestinian State.

4.2 Legal Framework Analysis

The justice sector is considered one of the most important sectors with the most significant impact on Palestinian citizens who evaluate the performance of the PNA through their relations with its institutions in general and with the justice sector in particular.

While in Tunisia, the former Chairman of the PLO and the President of the PNA issued decree number (1) of 1994 on May 20, 1994, which stated that all laws, regulations and orders which were in effect in the Palestinian territories (West Bank and Gaza) before June 5, 1967 shall stay in effect until their unification." This decree made an effort to unify the laws between the country's two areas and the replacement of such laws with modern ones, as the main mission of the first Palestinian Legislative Council.

Since July 5, 1994 and during the first administration (20/5/1994- 12/6/1996), the National Authority Council performed the legislative function in the PNA. All legislation during this period was issued by decree of the President of the PNA. When the first Legislative Council was elected on the 20th of January of 1996 it took over this legislative function.

Many laws and regulations related to the judicial and justice sector were issued, the most important of which were the Judicial Authority Law Number (1) of 2002, the Regular Courts Formation Law Number (5) of 2001, the Civil and Commercial Evidences Law Number (4) of 2001, the Criminal Procedures Law Number (3) of 2001, the Civil and Commercial Procedures Law Number (2) of 2001, the Enforcement Law Number (23) of 2005, the Constitutional Court Law Number (3) of 2006, in addition to Law Number (1) of 1995 amending the State Cases Law Number (5) of 1958, and the Rehabilitation Centers (Prisons) Law Number (6) of 1998.

In relation to alternative disputes resolution mechanisms and the various professions supporting the judiciary, the following laws and decisions were issued: Arbitration Law Number (3) of 2000, the Council of Ministers Decision Number (39) of 2004, comprising the enforcement provisions of the Arbitration Law, the Translation and Translators Law, Number (15) of 1995, and the Minister of Justice Decision Number (1) of 1996, comprising the enforcement provisions of the Translation and Translators Law.

In relation to the justice sector support institutions, the Decision Number (24) of 1994 was issued establishing the Medical Forensics Center. The Council of Ministers issued Decision Number (98) of 2005 establishing two criminal labs in the West Bank and the Gaza Strip, and the Council of Ministers Decision Number (97) of 2005 established a National Criminal History Registry. The Council of Ministers Decision Number (99) of 2005 established the Judicial Police Force.

Several presidential decrees were issued in relation to the High Judicial Council. These include Presidential Decree Number (29) of 2000 establishing the High Judicial Council, Presidential Decree Number (11) of 2002, considering the current High Judicial Council as an interim measure, and Presidential Decree Number (8) of 2003 on the Formation of the High Judicial Council.

Decree number (6) of 2008 was issued for the Judicial Institute, and the Council of Ministers Decision Number (7) of 2008 was issued for the Judicial Institute by-law.

These legislation clarified the roles and competencies pertaining to each institution in the Justice Sector emphasizing the role of the Ministry of Justice in support of other justice institutions and providing an appropriate environment to insure the integrity, impartiality and independence of the Judicial Authority. By this the courts with its different types will be able to judge cases brought to its jurisdiction and public prosecution will be competent to file cases representing the publics' right in the name of the Palestinian people, enforcing criminal verdicts and representing the government in civil cases.

The Justice Sector faced many challenges and difficulties, a great part of it stemmed of a group of internal as well as external factors, all resulting in hindering the sector to develop properly by time, among these factors and even the most apparent of which is the weak legal and institutional structure of the justice pillars.

Although the Justice sector has achieved many steps towards development through efforts of the Ministry of Justice, the High Judicial Council, the Public Prosecution, law schools and the civil society organizations, still the development of the sector requires additional efforts to achieve national independence, while establishing the Palestinian State and the Rule of Law.

4.3 Institutional Framework Analysis

4.3.1 Ministry of Justice

The Ministry of Justice was founded in 1994 pursuant to the OSLO Agreement signed by the Palestinian Liberation Organization and Israel. The Ministry at its initiation was granted the responsibility of managing the courts, the Public Prosecution, Land Registry, Commercial Registry, Company Registry, "Diwan Al Fatwa wal Tashri" that is the Opinion and Legislation Bureau, as well as the Forensic Medicine Center.

Since the establishment of the Palestinian National Authority (PNA) and until issuing the Judicial Authority Law N.1 for 2002, the Ministry of Justice practiced its role as an active player in organizing and managing the Justice Sector. The Public Prosecution at that time was under the authority of the Minister of Justice as per Article 16 of the Regular Courts Organization Law N. 26 of 1952.

The Minister of Justice was responsible for inspecting the courts, judges, and public prosecution in accordance with Article 18 of the Regular Courts Organization Law N.26 of 1952. The Regular Courts Inspection by-law of 1965 that was issued in accordance with this article regulated the inspection work and its references at the Ministry of Justice.

In reference to the disciplinary competencies according to the Judicial Independence Law N.19 of 1955 that was in force in the West Bank, the Minister of Justice was entitled the disciplinary authority over judges and public prosecutors. The issue of the Judicial Authority Law N.1 for 2002 has not affected the Minister's competencies in this regard. The Minister also continued to practice his role in managing courts as per the article N.31 of the Judicial Independence law N.19 of 1955 that was in force in the West Bank.

The Minister continued to practice his role following-up on some cases classified as important or dangerous or a case that required a quick intervention upon recommendation by the Minister as set by the article 12 paragraph (1/f) of the Courts Organization Law N.26 of 1952 that was in force in the West Bank. This role was then overruled by the new judiciary legislation at the PNA period.

In the Gaza Strip the Judicial System was of a different feature as the British Mandate Court Law N.31 of 1940 continued to apply after the end of the British Mandate over the Gaza Strip. As well known, this law granted the British High Commissioner the authority to appoint judges, organize courts and all related issues of the judiciary and judges. This authority was then transferred to the Egyptian president and the general governor during the Egyptian rule over to the Israeli Military Governor. The Gaza constitution of 1962 issued by the Egyptian president at that time President Jamal Abdul -Nasser continued to be in force in Gaza. Accordingly the president was responsible for appointing the head of the High Court while the judges of the High Court were appointed by a decision of the Egyptian Military Minister as Article 57 of the Constitutional By-law articulated

that “the High Court shall be formed of the head of Court to be appointed by a decision of the President of the United Arab Republic and adequate number of members to be appointed by a decision of the United Arab Republic Military Minister. The head of court shall be sworn into office by the president prior to assuming his duties that he will practice his authorities fairly and honestly.”

The judicial system in Gaza was regulated by the Courts Law, the Constitutional By-law in addition to the Israeli Military Orders.

Subsequent to the promulgation of the Palestinian Basic law issued on 2002, the modifying Basic Law of 2003 and the Judicial Authority Law N.1 of 2002 the High Judicial Council was formed with the Ministry of Justice Deputy as a member, retaining at the same time some of the authorities for the Minister of Justice on the top of which is the Court Administration. Article N. 47 of the Judicial Authority Law N.1 of 2002 articulated that “it is for the Minister of Justice to supervise administratively all courts, and it is for the head of each court the responsibility to supervise the judges working within as well as manage the work in these courts.”

In addition to the disciplinary competencies over judges, the follow-up on budget affairs and its reference to the competent authority once accomplished by the High Judicial Council, the Minister of Justice is also entitled to the identification of the regular courts geographical jurisdictions, including the Conciliation Courts, as well as the delegation of judges and the acceptance of their resignations as per the law.

For the purpose of work follow up, it is necessary to develop a number of memorandums of understandings between the Ministry of Justice and the High Judicial Council to identify roles and authorities of each in order to avoid any overlap in this regard.

In relation to the Public Prosecution, the Minister of Justice was granted the authority by the law to approve the appointments of public prosecutors, identify their work location and their delegation. The minister has also disciplinary authorities over public prosecutors according to the law and he receives applications for retrials in felonies and misdemeanors. It is worth noting that the Judicial Authority Law is somehow ambitious in addressing these issues.

According to the Ministry of Justice’s strategic and development needs assessment, the Ministry prepared a diagnostic study of the needs which described the outcomes and recommendations which have been translated into activities based on strategic goals. The recommendations included the following:

First: Promoting the principles of participation, strategic thinking and institutional work at all administrative levels in the Ministry. This could be achieved by promoting the Ministry’s participation in the development and drafting of national plans related to the justice sector in full cooperation with the Ministry of Planning and other partners in the sector.

Second: Employment of all available capabilities in order to overcome the challenges facing the development and reform process to promote change and administrative progress.

The Ministry must move forward and achieve two important matters. First, it must appoint additional qualified key employees who are capable of sharing their expertise with other staff. Second, a comprehensive training plan for current and future staff must be developed to educate staff on the importance and benefit of change management, institutional work, and other important issues.

Third: Establishing a Centralized Archive

It is very important to establish a centralized automated archive system to control all documents and communications received or sent by the Ministry. This would eliminate keeping documents in multiple locations and allows all staff permitted by the system administrator to access the archives. The system should allow the possibility of keeping confidential documents by the Minister or the Deputy Minister in a secured space on the system.

Fourth: Reviewing, Evaluating and Amending the Ministry's Current Organizational Structure, Departments and Job Descriptions

The Ministry must perform a comprehensive review and assessment of its organizational structure and responsibilities to ensure clarity, accuracy and modernity. Such review must conform to a status-quo so it serves as the basis for administrative development taking into account the following:

1. Analysis of the Ministry's status-quo by reviewing the descriptions and functions of all directorates and administrative units.
2. Development of a vision for the technical and administrative management of the departments and units which the Ministry plans to create. The establishment of such administrative units must to be conducted according to Ministry's objectives and future activities stated in its 2008-2010 strategy.
3. Design of a flexible organizational structure which includes the directorates and departments that carry out the legal functions mandated to the Ministry by law. The Ministry should be able to review and amend the organizational structure to meet new developments in accordance with the law, and create new administrative units such as the Women's Affairs Unit, or merging existing units.
4. Revision of the functions and relations between the various directorates and units in order to assess the possibility of merging or restructuring units.
5. Development of a new organizational structure and circulating it to all staff so that they understand their positions before they are appointed by the Ministry and the Council of Ministers. This act would facilitate vertical and horizontal communications between the various administrative levels. The organizational structure should be reviewed regularly to ensure its compatibility with the Ministry's future plans while preserving an appropriate hierarchy in all circumstances. It is worth mentioning here the necessity to activate some departments and units included in the hierarchy including the Internal Inspection Unit.

Fifth: Preparing and Developing of the Administrative and Financial Policies and Procedures Manual

The Ministry must develop detailed manuals containing its administrative and financial policies and procedures. The manual regulates all Ministry functions and duties and in doing so the Ministry must document its policies according to a model methodology, defining the general framework for each policy, the time period needed to implement it and the person or body responsible for implementation. The Ministry must also develop clear, defined policies that would enable it to function administratively, technically and financially. In this regard a system is established of duly approved procedures and its implementation would lead to achieving the Ministry's objectives. The level of authority for each staff person must be clearly defined in the system. The importance of developing this system can be summarized as follows:

1. Guaranteeing the uniform implementation of procedures across the board and ensuring permanence by using forms and registry books.

2. Establishing clear responsibilities and authority, so as to be able to evaluate staff members according to their designated responsibilities.
3. Elimination of reliance on individual staff members to carry out tasks and the ability to compensate for his/her absence by referring to his/her designee.
4. The presence of clear and documented procedures which allow the institution to amend and develop them.
5. The documentation and definition of procedures prevents any overlap in the responsibilities between the various administrative departments and staff members.
6. A documented system including forms and directions for implementing procedures clarifies matters in order to eliminate ambiguity.

Sixth: Implementing a Performance Evaluation System for the Ministry Staff and its Departments

The Ministry must implement an evaluation system that is based on interim and long-term objectives for each staff member. When the Ministry's work becomes more complicated, the pressure on the budget might lead to confusion in priorities. A performance evaluation system would help the Ministry re-define its performance priorities, clarifying roles of staff and improve the level of their accountability. A performance evaluation system which evaluates the staff regularly, would give the staff incentive to work harder. In addition, the staff performance evaluation system should be a system to evaluate the departments and units according to a set of standards.

Seventh: Creating a Training Program for the Ministry's Staff Members

The Ministry's staff members should be given the opportunity to enroll in various training programs according to their needs. The Ministry must also encourage, either directly or as part of a staff development plan, their enrollment in educational programs to develop their capacities and preparing them for more senior posts in the future, in addition to keeping them abreast of recent technology and developments. To provide an incentive for staff to continuously enhance their potential, the Ministry should cover the costs associated with such training and education opportunities for those, based on an approved training program.

Eighth: Strengthen the Ministry's Role in Legal Affairs and Research

The Ministry's leading role in legal affairs and research must be reinforced to introduce advanced legal tools to conform to scientific developments in the field. The Ministry's role in providing the various government entities with legal support must also be promoted especially in revising and drafting new laws and regulations.

Ninth: Establishing and Developing of an Alternative Dispute Resolution (ADR) Framework

The legal framework governing Alternative Dispute Resolution (ADR) should be updated and the Ministry's role in supervising and directing ADR programs should be activated, and its role in qualifying and licensing the necessary personnel in this area.

Tenth: Exerting all Efforts to Provide a Suitable Work Environment for Staff

The Ministry should equip its offices with the needed furniture and equipment in order to create a suitable work environment for its staff which would in turn have a positive impact on staff performance. The Ministry should also promote team work by involving staff in its work.

The Ministry must also adopt an institutional approach in its work ethic which would guarantee

transparency and provide continuous monitoring and evaluation mechanisms in soliciting staff opinions and measuring the level of their satisfaction.

Eleventh: Greater Use of Modern Technologies to Enhance Efficiency

The Ministry should teach its staff to use the government's automated system. This could be achieved by training them in computer skills such as Microsoft Word, e-mail, and other programs utilized to enable the implementation of the e-government system. The system is designed to provide the public with a range of services including certification, management of translation services and other affairs. Providing such services would make the Ministry a leader in the PNA by applying modern technology in managing its documents and services. The Ministry should consider automating its human resources in addition to its warehouses in order to control its stock and prepare reports when requested. The Ministry library should also be automated.

4.3.2 High Judicial Council

The Palestinian Judicial System was affected by many factors: The forefront of which is the number of authorities that ruled Palestine during the interim years, leaving a mark on the judicial system and also leading to the creation of complex legal system in both the West Bank and Gaza Strip, in addition to Jerusalem and the Palestinian Territories occupied in 1948.

The status of the Judicial Authority after the Oslo Accords and the establishment of the PNA according to the Declaration of Principles related to interim self governance (Oslo 1 Agreement). Many subsequent agreements were signed between the Israelis and Palestinians, which aimed at transferring authorities and responsibilities from the Israelis to the PNA in parts of the West Bank and the Gaza Strip. Both parties signed the Gaza-Jericho Agreement in Cairo in 1994 and the second Oslo Agreement in Washington on September 28, 1995. Since the summer of 1994 the PNA's Council (the executive branch which was established on July 5, 1994 and the Legislative Council which was established on March 7, 1996), started to issue legislation to regulate and govern various aspects of public life. The new legislation aimed at unifying laws in the West Bank and Gaza Strip. The legislation was issued on a regular basis and was published in the Official Gazette.

Following the establishment of the Palestinian National Authority, the legislation in effect during the Israeli occupation continued to apply. The President of the PNA issued a decree N.26 of 1999 establishing the Ramallah's Court of Appeals and other West Bank courts. In addition, the Decree regulated all issues related to the judicial system including judges and administrative staff vacations. The decree also stated that all courts shall report to the High Court and the Chief Justice and according to the constitutional and legal principles no person or committee or authority has the right to interfere in judicial or justice related affairs.

The amended Basic Law of 2003 confirmed the independence of the Judiciary and the judges and provided for the establishment of the High Judicial Council. Furthermore, it stated that the Attorney General shall be appointed by the President of the PNA based on the nomination of the High Judicial Council.

The increase in legal and judicial staff and training programs for newly recruited staff as well as improvements in the judiciary's infrastructure all will contribute to enhancing the work in the judiciary and the courts. From an administrative perspective, promoting the administrative and financial systems will contribute to improving and developing the internal institutional performance. This includes the automation of processes in the High Judicial Council and the courts. In addition, introduction of complementary relations between the Justice Sector institutions will enhance the performance of these institutions and will also upgrade the services that they provide to the public.

The integration of media programs and plans to enhance public outreach will assist in raising public awareness and will also reinforce effective communication with civil society organizations and local media institutions to reflect the reality of developments in the Palestinian judicial system and help relay this message to the public.

The upgrading in public services, the acceleration of the litigation process and facilitating public access to the judiciary will raise public confidence in the judicial system and help overcome the problem of case backlog in the courts.

The institutionalization of judicial training and modernizing the basic academic structure of law schools as well as upgrading Palestinian legal education adopting scientific and practical methods will contribute to the raising employee efficiency in the Sector. There is no doubt that the development of special programs in judicial training in coordination with the High Judicial Council, will promote basic legal and judicial concepts in the Palestinian context.

It is clear that the establishment of specialized courts is vital for future developments in the sector with a special focus on juvenile courts. In addition, the development of specialized judicial departments will contribute to upgrading judges' capacities in ruling in these specialized cases. This will accelerate the disposition of cases before courts. No doubt that the establishment of the new department requires a complete overview of the current organizational structures, in compatibility with these changes.

The High Judicial Council persistently works on benefiting from international donations for the sector to achieve many activities envisioned in the strategic goals as set forth in the 2008-2010 strategy. The HJC has worked on the development of the strategic plan to carry out its implementation with counterparts. This approach facilitates progress in various aspects such as infrastructure, development, and information technology. The situation analysis report on the High Judicial Council prepared during the implementation phase of the 2008-2010 strategy indicated the achievements in the Judiciary as well as noting the challenges that hindered its proper development.

4.3.3 Shari'a Judicial Council

The Shari'a Judicial Council witnessed various qualitative developments that addressed administrative, technical, and procedural aspects. The establishment of a committee to prepare the Palestinian Family Law in 1998 constituted a positive step towards remarkable development in this sector. The committee comprised of academics, shari'a judges, and representative of related ministries. A number of shari'a courts were also opened in service of the public to decrease the case backlog in the courts vis-a-vis the increase in the Palestinian population.

On August 18, 2001 a bill on the constitution of an Alimony Fund Law was submitted to the Palestinian Legislative Council for approval. The fund aims to protect marginal groups including women, children, and the elderly from falling into poverty due to the incapacity to enforce judgments regarding family alimony. The fund was established following the promulgation of the Law N.6 of 2005.

For scientific research purposes and to provide Shari'a Courts with necessary opinions, the Shari'a Chief Justice issued a decision to establish a legal and jurisprudence research unit under his authority appointing. He appointed Amer Abdul- Aziz as a Director for the unit in accordance with a Presidential Decree issued on the 2nd of October 2001. On October 16, 2002 another Presidential Decree was issued stating the establishment of a periodical journal for the publication of referred legal research and legal principles as set by the Shari'a Courts.

The continued repression and policies of the Israeli occupation which made citizen movement difficult,

as well as the continuing policy of curfews targeting the various cities, towns and refugee camps and the isolation of the city of Nablus which hosts the Shari'a Court of Appeals, and a large number of appellate cases accumulating before the court. This situation halted the work of the First Instance Shari'a courts and hampered public interest and led to undue delays in the processing and disposal of cases. In order to address such problems, a new appellate panel was created which holds its sessions in Al-Azariah. The creation of the new panel meant that the main Shari'a Court of Appeals had two additional panels: one that holds its session in Nablus serving the northern districts of the West Bank, and the other in Al-Azariah serving the southern districts of the West Bank.

To protect the interests and assets of orphans and minors in accordance with Shari' rules, and in following of the saying of the Great Prophet (peace be upon him) "Whoever becomes the custodian of orphan who owns assets, he has to trade in such assets so it would not decrease" and to withdraw the rest of the Palestinian orphan funds which were under the management of the Orphans Assets Management Directorate in Jordan (which reached four million dinars). The Palestinian Orphans Council was established by a Presidential Decree on October 10, 2002. The Council is headed by the Shari'a Chief Justice and the membership of a number of senior shari'a judges

For development reasons, and in order to update the work of the Shari'a courts to facilitate and upgrade its services to the public, it is important to introduce new technologies to the work of the courts. A central network was installed to connect all the shari'a courts in Palestine including the office of the Chief Justice. An archive was established to preserve all documents including those rare documents, some reaching up to a hundred years, by using recent technology in preserving these documents. In addition a website of the Clerk's Office of the Chief Justice was added to the internet.

The increased number of cases before the Shari'a Courts requires more judicial staff including judges. For this purpose a number of qualified Shari'a judges were recently appointed following a judicial competition supervised and managed by two committees established in both Gaza and Jerusalem.

Due to the continuous closures and siege imposed by the occupation, making it difficult for the Palestinian citizens to easily reach the Shari'a courts, and in following the Shari'a judiciary's aims to provide services to the increased population in the various districts of the Palestinian territories, 8 new Shari'a Courts were establish to fulfill this goal in both Gaza and the West Bank. One court established in Al-Azariah, a second in the Central District of Gaza, a third in Al-Sheikh Radwan, a fourth in the Halhoul, another in Ethna - Hebron District, a court in Howara-Nablus District, a seventh in Quabatia-Jenin District and an eighth in Anabta-Tulkarim District.

The opening of new courts is a continuous need and it implies also a vast effort to provide qualified staff and judges. This requires the establishment of a training body specialized in preparing judges and court staff for the Shari'a judiciary.

To provide an appropriate work environment, a new court location in Khan Younis replaced the old premises to enable better services of this court. In addition, a new Shari'a Appeals Court was established in KhanYounis in addition to the Gaza Appeals Court to overcome the problem of case backlog especially in the southern areas of Gaza.

Considering the technical expertise and the need to develop judges knowledge on a continuous basis, Shari'a judges were enrolled in various judicial continuous education programs.

The Shari'a Courts give great importance to the public services they provide to citizens, especially families. In this respect the Shari'a courts, in its three levels, provide services mainly disposing litigation regarding alimony, guardianship, divorce, physical separation between spouses, minors, proof of

eligibility and revocation of marriage contracts. The courts also issue official documents required by the other official institutions, such as certification of deeds of limitation of succession, endorsement of marriage contracts made outside the country, power of attorneys, as well as many other important documents in relevance to land and family issues.

In relevance to the orphan funds it is managed by the law through the specialized Shari'a in the area where the orphan resides. In this regard a group accountant presided over by a judge runs the fund. It is estimated that the current allocated funds in the courts for orphans reaches out to 10.000 Jordanian Dinar.

4.3.4 Public Prosecution

Enacted laws framed the Public Prosecution within the framework of the Judicial Authority. The Basic Law regulated the Public Prosecution under the chapter of the Judicial Authority, and the Judicial Authority Law N.1 of 2002 regulated the Public Prosecution and its members as equal to judges in terms of appointments, promotions, hierarchy and accountability.

The Public Prosecution needs the enactment of several laws in order to enhance its technical independence and make it possible to define the different jobs and duties of the various posts and levels within the prosecution. There is also a need to establish specialized administrations and prosecution departments. The public prosecution also needs appropriate protection for its members to perform their functions in a safe and secure environment. There is an urgent need to approve the organization structure submitted to the cabinet.

There is also an urgent need for the development of professional work systems in order to protect the public prosecution from internal disputes and to activate inspection and monitoring procedures. In addition, there is a need for the establishment of defined time standards for the investigation, indictment, and enforcement phases.

The institutional challenges facing the Public Prosecution work can be summarized as follows:

Human Resources Level:

The shortage in staff and Public Prosecutors constitutes a big challenge to the Public Prosecution; many of the Public Prosecution members perform multiple tasks on behalf of many units at the Attorney General Office. This situation requires an adoption of the organizational structure of the Public Prosecution to enable the description and distribution of tasks and duties according to the job descriptions of the employees at the Public Prosecution. It is worth noting that the Attorney General's Office is in need of qualified personnel specialized in planning and organizational development for the Public Prosecution.

The public prosecutors capacities to deal with emerging situations and special cases needs to be upgraded through specialized training. In general, the Public Prosecution lacks the necessary training to develop the capacity of the public prosecutors and the administrative staff which hinders proper development of the work at the Public Prosecution. The shortage of staff at the Public Prosecution has burdened the Public Prosecutors with extra work that can be accomplished through administrative staff.

Finally, the shortage of adequate financial and human resources has affected the strategic planning at the Public Prosecution due to the lack of necessary statistics and reports which in turn weakened the development efforts at this institution.

Financial Resources Level :

First there exists a flaw in the Public Prosecution salary scale, Public Prosecution employees earn less compared to other neighboring countries despite the heavy load they tolerate. The Public Prosecution also lacks the financial funds it claims and this is important to enable the Public Prosecution to perform its expansion plans as per its proposed organizational structure if approved by the Cabinet. If the organizational structure is approved then extra funds should be allocated for the Public Prosecution.

On another hand, the inappropriate work environment due to the shortage of space at the Attorney General's Office and the Public Prosecution Offices constitutes an obstacle to perform proper investigations and other work. In addition, the lack of adequate equipment and furniture affects the proper functioning of the Public Prosecutors and hinders their work especially when investigating cases.

The lack of an appropriate work environment even in the newly established courts in Jenin and Nablus was not taken into account in the design of these new premises. This forces the Public Prosecution to seek financial support to lease additional space outside the court buildings.

The Public Prosecution also lacks electronic archives and suffers in general from weak IT support and computer softwares which affects their capability to properly use the available computers at the Public Prosecution.

Cooperation and Coordination Level :

The relations between the Public Prosecution and the police witnessed a remarkable development during the past years following the establishment of the Public Prosecution and police cooperative committee and the several joint training courses for the Public Prosecutors and police officers. Still a need persists to coordinate case files between the police and the Public Prosecution and also with the courts. There also exists duplication in the investigation procedures among the police and the Public Prosecution which leads mostly to loss of time and effort. This situation can be corrected through unifying the applied procedures in addition to networking. Regarding the safety and security procedures required for the Public prosecution which are mainly provided by the police force can be described as clearly weak.

Regarding the coordination with the Palestinian universities to use its facilities mainly laboratories in the criminal investigations, it is worth mentioning that this cooperation has halted due to the inability of the Public Prosecution to pay the required fees. The inexistence of an appropriate criminal lab is also a problem that should be considered seriously and resolved soon.

It is important to mention that the Public Prosecution and since its initiation is seeking the proper application of the law and enforcing rule of law in the Palestinian territories. A challenge facing the Public Prosecution lays in the fact of the presence of the occupation and military checkpoints which hinders the proper investigation of cases, and the transfer of evidences and detainees.

The division of Palestinian areas into A, B and C areas limits the authority of the Public Prosecution mainly in areas B and C. Accordingly, the mobilization of the Public Prosecution members requires prior approval by the Israeli authorities that is not granted in a timely manner or mostly rejected resulting in the lack of trust by the public with the Public Prosecution's performance.

The inability to punish Palestinians holding Israeli ID cards committing crimes in areas under the Palestinian Authority constitutes an obstacle towards the equal application of law on persons in the same area.

4.4 The complementary relations between the Justice - Rule of Law Sector and the Security Sector

4.4.1 The relations between the security institutions and the Public Prosecution

First: The relation between the Ministry of Interior and the Public Prosecution

The legislation regulating both the justice and security sectors granted security officers in some security apparatuses related to the Ministry of Interior, the character of law officers who come in this nature under the supervision of the Public Prosecution. There is an important role for the Public Prosecution in supervising the work of law officers to ensure compatibility of their work in accordance with the law and provides protection for the citizen rights.

The Public Prosecution also plays an important role in supervising and monitoring the rehabilitation centers in accordance with the relevant law which is the Rehabilitation Centers Law. These centers host prisoners to execute their penalties in an appropriate environment according to the basic human rights. The Public Prosecution also supervises detention centers at the security apparatuses to guarantee an appropriate detention environment upon approval by the security apparatus.

Second: The relation between the President and the Public Prosecution.

The Palestinian National Authority President appoints the Attorney General according to the Basic Law and the Judicial Authority Law upon nomination by the High Judicial Council. He also appoints other members of the Public Prosecution and dismisses them. The intelligence agency (annexed to the president) is also supervised technically by the Public Prosecution as entitled to perform as law officers in accordance to the Public Intelligence Law No.17 for 2005.

Third: The relation between Public Prosecution and the Military Public Prosecution

The regular courts are considered competent to rule in all cases related to civilians and Public Prosecution is the original competent party in processing criminal cases in accordance with the Criminal Procedures Code No. 3 for 2001, but the military courts jurisdiction is limited to military issues according to Article 101 of the Palestinian Basic Law.

A basic problem that affects the proper organization of the relationship between both the regular Public Prosecution and the Military Public Prosecution is the difficulty to delineate between crimes of civil nature and crimes of military nature. As a result, there was confusion among these prosecutions. Despite both parties having signed a protocol of cooperation and understanding on June 27, 2006 that indicated and identified some of the special competences, never the less the protocol was not successful in clarifying precisely the limits of relations between the two parties which causes ambiguity in text I of this protocol. The protocol failed to define the crimes of military nature especially those related to state security resulting in the capability in interpreting the protocols and ignored the decision issued on December 27, 2002 that states the integration of the state security prosecution in the regular public prosecution. It also ignored the cancellation of the state security court with the consequence of referring its competencies to the regular courts.

Fourth: The Role of the Public Prosecution in Representing the Authority in Courts

The Public Prosecution represents the state's institutions including civil and military in the high courts and civil courts in all cases filed from or against them. Nevertheless, it is noticed through the previous experiences that the coordination between the Public Prosecution and the security institutions in relation to the previously mentioned issues.

Fifth: The Role of Security Institutions in Assisting the Public Prosecution in the Implementation of Judicial Verdicts

Article 395 of the Criminal Procedure Code stated that the Public Prosecution is obliged to implement judicial verdicts, and has the capacity to get assistance from the police forces when it is necessary, accordingly, the security institution is obliged to implement orders issued by the Public Prosecution in regards to judicial execution. Yet, security institutions do not spare efforts with respect to judicial enforcement; there are many obstacles that prevent judicial enforcement such as the Israeli occupation and lack of complete Palestinian sovereignty on its territories, and some logistic and technical disabilities.

4.4.2 The Relations between Security Institutions and the Ministry of Justice

A. The formation of the General Directorate of Judicial Police:

The decision number (99) for 2005, issued by the Council of Ministers, established the judicial Police Force that is annexed to the General Directorate of the Civil Police, and as well articulated that the duties and responsibilities of the force shall be as follows:

1. Implementation of final court judgments and Public Prosecution decisions.
2. Protection of court buildings, judges, the public prosecution and its employees.
3. Transportation and protection of detainees.
4. Organization memorandums notices issued by courts to witnesses and defendants to attend court sessions.
5. Perform legal notifications.

The Director General of police issued his directives in 2008 to form the general directorate of the Judicial Police, and a memorandum was signed between the police apparatus and the Ministry of Justice to organize the relations and coordinate between the new directorate and related parties in the Ministry of Justice, but the General Directorate of Judicial Police is still under formation and it did not perform duties as per the Council of Minister decision.

B. Establishing the General Directorate of Forensic Laboratories:

The security institution has executive plans to establish the General Directorate of Forensic Laboratories and the directorate will administratively follow-up the police apparatus and technically will belong to the Ministry of Justice.

C. Establishing the Justice Records of the Ministry of Justice:

In cooperation with the Public Prosecution and the Ministry of Interior according to the understandings established with the Ministry of Justice partners, the ministry of Justice established the Justice Record system that comprises information about the criminal records of citizens. According to the understandings, the public prosecution committed to provide the required criminal data. In addition, a similar cooperation was established with the prisons and detention centers for the purpose of checking and correcting criminal information and fill the shortage of data if any, the Ministry of Interior committed also to provide the citizens' civil records as a compatible copy able to be updated on regular basis on the system.

4.5 Achievements of the Justice and Rule of Law Sector

4.5.1 Ministry of Justice

1. Establishment of the Palestinian Judicial Institute

In the framework of institutionalizing judicial training and providing judges and legal staff with quality training, and for the purpose of conducting trainings at a specialized institute that is capable to respond to the judiciary's realistic training needs, and in order to raise the quality of judgments issued by the courts and enhance the court's performance, the Ministry of Justice, in cooperation with the justice sector partners, particularly the judiciary, was able to establish the Palestinian Judicial Institute, which specializes in judicial training. The Institute was established at the Ministry's offices at the end of 2007 and it operates by offering judicial training under the administration of a board of directors and a general director.

2. Establishment of the National Justice Records System

In order to improve the quality of its services and make it easier for the public to obtain "non-conviction" certificates which are required by many official and non-official bodies, the Ministry established the National Justice Records System and created a directorate within the Ministry to manage it.

Since its establishment the National Justice Records Directorate has worked with the IT Department at the Ministry and related entities and institutions such as the Public Prosecution, the Ministry of Interior and the General Directorate for Rehabilitation Centers to feed the Justice Record's automated database with the necessary information regarding judgments. The database was integrated with the judgments' enforcement records and civil records in order to issue non-conviction certificates. The main office of the Justice Records Directorate is located at the Ministry of Justice in Ramallah. Other branches will be opened in all governorates prioritized according to demand and general interest.

3. Improvement of Public Services

In order to provide the public with outstanding services within a reasonable timeframe, the Ministry of Justice worked on modernizing its Public Services Unit which includes authentication services and justice records. The Ministry renovated the offices of the unit and provided it with equipment and tools, as well as an electronic queuing system. This step led to an increase in public satisfaction with the Ministry's performance. These findings were based on the results of the survey that was conducted by the Ministry to measure public satisfaction and identify additional means to improve services.

the Ministry is currently working on developing a system for granting legal translation and arbitration licenses. In addition the ministry is working on preparing a draft law on mediation.

4. Development and Modernization of the Ministry's Financial Systems

The Ministry of Justice worked on drafting a comprehensive financial manual which includes standards for accounting as well as budget procedures. The financial manual was developed in accordance with the financial system used by PNA institutions and recommended by the Ministry of Finance. The system was utilized in cooperation with a funding agency which trained staff on all relevant procedures, including cash management, expenditures, inventory and procurement control, principles of auditing and financial reviews.

5. Human Resources Development

The Ministry of Justice developed a comprehensive training plan for its staff to develop their legal, administrative and technical skills. The training plan was designed based on the needs of the staff. Many of the training courses were delivered by specialized experts. The topics addressed legislative drafting, and legislative policy. In the field of management, the administrative staff was trained in strategic planning, communication skills and change management. The Ministry is currently

implementing a number of training programs, including institutional development, human resource management and cost analysis of draft legislation.

Based on the training needs assessment that was carried out by the Ministry, the Ministry developed a training program for its Information Technology Department staff in order to improve their skills and efficiency in programming and related skills especially after the establishment of the Justice Records System and the automated document management system. The Ministry also trained its staff on basic computer skills.

6. Infrastructure Modernization

The Ministry, in cooperation with several donor agencies, was able to provide a partially suitable infrastructure of office space, furniture, equipment, software and IT hardware. The Ministry renovated and furnished the Minister's office and his administration, the departments that service the public, in addition to the Justice Records Department. These renovations and upgrades offer the public and staff a comfortable work environment. In addition, all departments were provided with internet connection.

7. Establishment of a Document Management System

The needs assessment study conducted by the Ministry revealed that there was a serious problem in managing documents. It also noted the absence of a centralized system that could follow-up, track and manage documents. Based on these findings, the Ministry began developing an automated system that could manage and process all documents. An automated system enables the Ministry to control all incoming and outgoing documents and correspondence. The Ministry has completed the system requirements analysis phase, and is nearly completed with the system development phase.

8. Establishment of the Judicial Police

The Midterm Reform and Development Plan for the years (2008-2010) consider the establishment of the Judicial Police one of the Ministry's main projects. The establishment of this police force was achieved by the Ministry of Justice in close cooperation with the Ministry of Interior.

The Judicial Police headquarters were inaugurated in Ramallah on June 19 of 2008. Its main offices were equipped with support from both Holland and Norway. To date, two groups of police officers have been trained on judicial police functions through the support provided by the European Police Mission. Work is underway in order to expand the Judicial Police to include all the Palestinian territories.

9. Establishment of the Forensic Medicine Directorate

During the early years of the PNA, a Forensic Medicine Center was established in Bethlehem. However, it only had an administrative office without laboratories or the equipment needed to perform its functions. When the Medical School at Al Quds University was established in 1996 it was agreed that through assistance from Denmark and Australia, a Forensic Medicine Center would be established to serve the Medical School and the Ministry of Justice.

Al Quds University provided all needed support to establish the center. In 2000 it became the "Judicial Medical Institute." The Institute continued to provide services to both the university and the Ministry of Justice.

The Ministry also cooperated with Al Najah University in order to establish a Forensic Medicine Directorate within the University's Pharmacy and Medicine College. This cooperation was conducted

through a Memorandum of Understanding that was entered into by the two parties. The Forensic Medicine Center started its operations on January 5, 2006. Prior to this time Al Quds University was the only Medical Forensic Center where autopsies could be performed. The Ministry is working towards signing an agreement with the Canadian Government to establish a key forensic medicine center in Palestine.

10. Legislative Drafting and Legal Consultations

The Ministry of Justice prepared numerous legal memos concerning draft legislation and referred it to the Council of Ministers. The Ministry also provided numerous legal consultations to the government and its various ministries and agencies.

11. Committees and Agencies' Board of Directors

The Minister of Justice heads the Arab Committee for the Documentation of War Crimes and Crimes Against Humanity and Genocide committed by Israel in the Palestinian Territories. He is also a member of the Executive Office of the Arab Council of Ministers of Justice. The Ministry also participates in many committees and board of directors such as the National Committee related to Money Laundering, the Board of Directors of the Orphans Estates Management, the Joint Palestinian and Israeli Legal Committee and the National Committee for Combating Violence Against Women. The Ministry is also part of the Good Governance Initiative whereby it is part of the fourth committee concerned with institutional and regulatory reform and public-private partnerships which is implemented in partnership between the Organization for Economic Cooperation and Development (OECD) and the United National Development Program (UNDP). The Ministry is also a member of the Legal and Judicial Committees stemming from the Arab League.

4.5.2 The High Judicial Council Achievements

The achievements of the High Judicial Council came in line with the 2008-2010 Strategic Plan objectives. These achievements are as follows:

1. The Institutional and Legal development

The High Judicial Council developed and adopted a new organizational structure that is compatible with the judiciary and its needs. A committee composed of representatives from the various departments studied the HR needs of the Council and court upon which it reviewed the existing organizational structure and developed a new structure that was adopted by the Council. The new organizational structure will be revisited and reviewed regularly in order to accommodate the Judiciary's evolving needs and functions.

In relation to the legislative functions of the High Judicial Council, the Council reviewed many applicable pieces of legislation related to the Judiciary and its functions such as the Judicial Independence Law, the Regular Court Formation Law, the Civil and Commercial Procedures Law and the Criminal Procedures Law. It also developed a number of important recommendations aiming at simplifying litigation procedures, reforming the notification system, and strengthening the judge's role in controlling case processing and the order of hearings. In addition, the recommendations aimed at overcoming the challenges resulting from the three-judge panel system which is in place for trying First Instance civil cases. The Council also prepared a general amnesty draft law in order to reduce workload related to criminal cases before the courts. However, none of these recommendations or draft laws were approved or implemented.

The Council also developed and adopted a number of internal regulations related to the functions

of its departments and courts such as the Unified Courts Procedures Manual, the Notifications Department Procedures Manual, the Administrative and Financial Department Procedures Manual, the Archiving and Records Keeping Manual, the Notary Public Department Manual and the Enforcement Department Manual.

The role of the High Judicial Council was activated, where it held regular monthly meetings according to the law except for instances where members of the Council from Gaza were not allowed to travel and the Deputy to the Minister of Justice was not appointed.

The Council also signed more than 19 memorandums of understanding with various civil society institutions in order to cooperate with them on activities related to the Judiciary. In addition the Council assisted civil society in executing its Judiciary related functions such as training of journalists to cover judicial issues and court news. The Council also carried out a memorandum of understanding with the Judicial Police. And, an understanding was reached with the Public Prosecution in order to provide suitable work places for the prosecution in the court buildings.

At the end of 2009 an agreement was reached with the Palestinian Judicial Institute in order to activate its role in training judges and to coordinate with the Institute's Director and Board in relation to preparatory and continuing education.

In order to strengthen and promote accountability, the Judicial Inspection Department continued its supervisory and monitoring role over the work of judges and court staff, whereby it increased its regular and sudden inspection visits. It also evaluated the work of First Instance and Conciliation Court judges directly tying their promotion to inspection results. The Department also received the complaints of lawyers and the public and processed and addressed most of these complaints.

The Council also activated the role of the its General Secretariat which carries out all the functions and duties related to the judges' affairs and follows up on the implementation of the Council's decisions and then archives them. The General Secretariat is the major source of information related to judges and their distribution. The Council provided the Secretariat with the needed administrative and logistical support in order to carry out its functions and duties.

The Council also created the Court Administration Department and appointed a judge to serve as its director. This department is responsible for the administrative and financial performance of courts.

In order to support and promote strategic planning at the High Judicial Council, the Council established the Planning and Projects Management Unit that is headed by a judge. The Unit was supported by donor agencies and was provided with qualified staff on the premise that they will transfer the skills and knowledge to staff members appointed by the Council in order for the Unit to sustain its work upon the end of external funding. Due to the inability of the Council to provide the Unit with staff members, funding was extended for two more years covering the period of 2010- 2011. The Unit also follows-up on the achievements related to the goals of the 2008-2010 Strategic Plan in addition to engaging in design of reform projects needed and the development of performance indicators pertinent to the strategic plan. The Unit coordinates and extends its assistance to the various directorates and units of the Council in order to assist their performance in terms of developing work plans. Another important function of the Unit is to follow-up and coordinates with the Ministry of Planning and donor agencies in order to obtain the needed funding for development and reform projects.

The Council also established a Judicial Information Center and activated the role of the Technical Office which prepares and disseminates legal principles. The Technical Office compiled and printed

a number of the High Court rulings and published the rulings electronically for review by judges through the judiciary's intranet. It also established a judicial library and provided it with seven hundred books and references covering most of the major specialization legal areas. The library was also provided with an automated legal database.

In the area of court automation and records management, the IT Department at the High Judicial Council connected the Council offices and its various departments and units with the courts. It also provided all courts and Council departments with internet connection. The IT Department provided the courts with equipment and servers needed for the establishment of this connection. This integration provided the Council with a centralized and automated database which facilitates the generation of needed statistics and information. It also enabled the connection with other governmental bodies such as the Ministry of Transportation for the easy exchange of information such as the court judgments related to traffic violations. The IT Department also provided the Council with automated systems to regulate and control staff attendance. These systems were also connected to the human resources system of the Administrative Affairs Department. The Department automated the Court of Appeals in addition to the Cassation and High Courts and provided their staff with the needed training to use the automated systems. It also initiated the development of the second version of the automated case management system (Mizan V2) and the trial copy of the new system is being tested at the Ramallah court.

In order to create a suitable environment for litigation the Council studied the status of existing buildings and identified some needs. In addition, it devised a plan to upgrade these facilities and establish new ones. The Council was able to build a new building for the Jericho First Instance Court and provided it with the needed equipment and furniture. Work is underway to add a new story to the building. During the last year the Council was also able to build a new courthouse in Jenin in addition to adding two new floors to the Bethlehem courthouse. Both the Tulkarem and Qalqilya courthouses were expanded. The Council also secured land to build new courthouses in Ramallah, Tulkarem, Hebron, Salfeet, Tubas and Qalqilya.

The Notary Public Departments in both Nablus and Ramallah were the subject of many upgrading and modernization efforts. Both departments were moved to new and more suitable locations at the first floor of both courthouses. The Notary Public Departments' data was all entered into the Mizan automated system which created an electronic archive of all documents. The Council also appointed 32 new Notary Public Officers.

In addition to the Notary Public Departments, the HJC also paid attention to the courts' Enforcement Departments whereby it renovated its offices and provided the offices with queuing systems and automated their daily functions. It also provided the Enforcement Departments with a new record keeping and retrieval system.

The court Notification Departments were also the subject of a development and modernization process, where it was provided with a comprehensive automated system. The system includes as one of its many functions automated feedback in relation to issued notifications and the result of the notification process. The HJC issued clear orders to the courts informing them not to accept any lists or requests without having the full names and addresses of the parties involved. The notifiers were provided with motorcycles and were also trained on its use in order to facilitate the notification process.

In relation to Protecting Citizen Rights and Fundamental Freedoms, the Council worked very hard towards raising public awareness regarding the importance of the judiciary and the role it plays in the protection of basic rights and freedoms. The Council was also able to improve the services the judiciary provides to the public, where it was able to modernize and upgrade the various

departments that provide the public with direct services offered by the Notary Public Departments, the Notification Departments and the Enforcement Departments. A new Media and Public Relations Department was established in order to enable the public to obtain the needed information pertinent to the Judiciary and the courts. One of the main functions of the new department is to design and implement public awareness programs and to strengthen the relations between the Judiciary, the media and civil society institutions. The department drafted a Memorandum of Understanding to govern the relation between the Judiciary and civil society institutions. It also published four issues of the Council's quarterly magazine (Qadaona) and a promotional calendar for the year 2009. The Council also improved and modernized its website and was able to improve its relations with the media where more than 200 media coverage pieces took place during the previous year in order to cover the news of the judiciary and its various activities.

2. Financial capacities

The High Judicial Council is dependent financially on the government for yearly projects. This source however is considered insufficient which forces the council to resort to international funds to seek assistance for the development of the Judiciary. International funds are mainly channeled through the Planning Department at the council that establishes effective relations with the donors and identifies the projects and their needs in consultation and coordination with the Ministry of Planning and Administrative Development.

Partners to the High Judicial Council in the development projects are:

- Dutch Representative
- Canadian Representative
- Japanese Representative
- USAID - Netham- Rule of Law Project.
- EU – Seyada Project
- UNDP
- EUPPOL- COPS
- Swedish International Development Agency (SIDA)

3. Human Resources

The High Judicial Council worked hard in order to develop case flow management and expedite trial procedures to reduce case backlog before courts. In 2008-2009 the Council appointed 58 new judges based on a judicial competition that was conducted. A study was concluded and a workshop was held in order to discuss the reasons behind case backlog. The role of the Judicial Inspection Department was also activated. In relation to backlog the Council issued clear instructions to the courts' chief judges, judges and chief clerks to activate case flow management and the role of the chief judge in managing his/her court and bringing to an end the control of parties to the pace of the trial through the application of pertinent civil and commercial procedures, and the Evidence Law and criminal procedures. Clear instructions were given to the courts' chief judges in order to give priority to cases which are more than ten years old.

In relation to upgrading the judges and administrative staff efficiency, a comprehensive continuing education program was developed by the Judicial Training Committee and training programs were conducted for new and sitting judges. A number of judges took part in the Training of Trainers program to enable them to analyze training needs and develop and evaluate training programs. Forty sitting judges participated in training programs at the Judicial Institute of Jordan, while ten law students were enrolled at the Judicial Institute of Jordan's Judicial Diploma Program for appointment after graduation as Conciliation Court judges.

Due to the importance of the Inspection Department, the Council supported it by seconding many judges to work in this department. The new inspectors were sent to other countries to observe their experiences in this area. The Council also provided the Department with administrative and logistical support. A Jordanian expert (Dr. Mustafa Assaf) visited the Palestinian Territories three times to offer his expertise in judicial inspection.

In order to enhance the performance efficiency of administrative staff, the High Judicial Council designed and started the implementation of a comprehensive court administration staff training plan. A number of judges participated in a workshop related to violence against women while a number of other judges participated in a Jordan-based workshop related to the role of the judiciary in the protection of human rights.

4. Conclusion

In 2008 the disposition rate of cases increased by 66% over the previous year and in 2009 the courts managed to increase the disposition rate of criminal conciliation cases to 165% compared to the 2008 figures, while the disposition rate of felony cases increased by 263%. The courts were also able to dispose of 15% of the old case backlog. The statistical reports showed that the number of newly registered cases increased by 47% during 2009, which means that more people are referring their disputes to regular courts as a result of increased public confidence in the judicial system, this indicates the public's trust in the judiciary has increased in comparison with the past years.

Several surveys were carried out by the end of the year 2008 indicating satisfactory results on public services and the judiciary independence. All the above information indicates remarkable development in the work of the Judicial Authority as a result of the accumulated efforts. This development would not have been possible without the constructive work of judges as well as judicial staff including chief clerks, court processors and other staff.

4.5.3 Shari'a Judicial Council

In addition to carrying out its regular functions and duties and in order to achieve the strategic goal of the Shari'a judiciary, which is to provide a shari'a judge for every one hundred thousand citizens, and in order to overcome the obstacles imposed by the Israeli occupation which prevents citizens from traveling freely to reach court locations, the most important achievement of the Shari' Judicial Council can be described as follows:

1. The establishment of the shari'a court compound in the central directorates as follows:
 - The establishment of two new Shari' a courts one in Ramallah and another in Hebron inaugurated on the 15/7/2009
 - Eight new Shari' a courts were established, one in Alshujai'a, a second in the central area and a third in Alsheikh Radwan all in Gaza. A fourth court was opened in Halhoul and another in Ithna in the Hebron district. A court was also opened in Huwara in the Nablus district, a seventh in Kabatia in the Jenin district and an eighth in Anabta in the Tulkarem district.
 - In order to protect the lives of the citizens and the court judges and staff, funds were provided in order to rent a new building to host the Khan Younis Shari' a Court because the old building was dangerous and in bad physical condition.
2. The establishment of new Shari' a courts and the expansion of court services required the appointment of new judges and accordingly a number of judges were appointed. The newly appointed judges were selected based on the results of a competitive exam. Two exams were held, one in Jerusalem and the other in Gaza. The newly appointed judges have a variety of educational qualifications such as a post graduate degrees in Shari' a law and jurisprudence.

3. The Judiciary as a profession requires high expertise and performance, in addition to education and specialization; therefore, in order to help qualify judges to perform the duties of their posts, training programs for newly appointed judges (especially those who did not previously work in the Shari'a courts) were designed and implemented to enhance and augment their skills.
4. In order to modernize the shari'a courts and introduce new technologies and facilitate the services it provides to the public, the courts began to use computers in carrying out their daily functions. A central computer network was established in order to connect all courts together. A new archiving system was also developed in order to protect the historical documents and old files given that the Shari'a courts have a large number of registries and documents which are a hundred years old. Such registries document the various social, economic, and political aspects of the Palestinian history. A website was also created for the Chief Justice's Office.

Despite all the achievements as mentioned above there is still a need to work on achieving more progress and fulfill other urgent needs. To achieve the targeted purposes and aims in favor of the development of the Shari'a Judiciary, it is important to work on the following:

- Ratifying of the legislation submitted to Council of Ministers and approval of the annual budget for the Shari'a Chief Justice's Office in accordance with the size of the real needs.
- Appointing the needed administrative staff in accordance with the organizational structure.
- Initiating the Shari'a public prosecution for family affairs to protect orphan funds and religious endowment assets and the "Zaka" committees.
- Activating the Family Counseling Unit to reduce family disputes and to conserve domestic relations.
- Establishing of the Shari'a court compounds.
- Continuing the automation and computer works at the Sharia Courts
- Approving the budget for Chief Justice Office in accordance with existing needs.
- Continuing the training and qualifying activities for the Shari'a judges and the administrative staff.

4.5.4 Public Prosecution

The public prosecution witnessed great achievements during the years 2008-2009 that resulted in a remarkable expansion of work as well as challenges to encounter this increase in work load. For example we find a remarkable increase in the number of investigations as well as an increase in the disposition rate in the criminal cases for the year 2008 in comparison to the previous years. The total number of registered investigations from all districts reached around 19751 including 2896 pending cases. The disposed cases reached 19051 cases reflecting a high performance of the public prosecution and indicating that the public trust has increased in the performance of this apparatus. In 2008 the field cases reached 9050 cases representing 54% difference from 2006. In the meantime the disposition rate of the registered cases increased 40% in the year 2008 in comparison to the year 2006.

The criminal judgments enforcement also improved whether in the reduction of the number of pending cases or in the increase of the number of disposed cases from one year to another. The pending cases decreased from 4479 cases in 2006 to 1866 cases in the year 2008.

The year 2009 witnessed great improvements in the public prosecution infrastructure and numerous specialized units were established, to mention, the Administrative Affairs Department, the Information Technology Department, the Training Unit, the Planning Unit, as well as the Media and Public Relations Unit. The Public Prosecution was able to secure some of its logistical needs and renewed and modernized its infrastructure and provided part of the necessary expertise.

The achievements of Attorney General Office as per the strategic plan of 2008-2010 with the support of the international community can be summarized as following:

1. Financial resources:

The limited space in the Public Prosecution Offices constitutes a major obstacle in developing the Public Prosecution's performance. Therefore the Public Prosecution worked on leasing and equipping a temporary location for the Attorney General's Office in Ramallah that hosted the administrative and financial office and the Planning and Projects Management Unit that was established and provided with the human and financial resources necessary to operate. Currently the Public Prosecution is working on renovating a building for the use of the Attorney General Office supported by the Canadian Government and within a program for five year duration for the purpose of supporting the Public Prosecution in various aspects and that is entitled "Sharaka." Pursuant to of the Public Prosecution's aim to upgrade its grounds in the different districts to respond to the renovation needs and in order to enable the Public Prosecution to perform and provide its services in a suitable environment for its employees as well as the public, the Public Prosecution has recently completed the renovation of the new location for the Public Prosecution in Jenin. The Jenin location was professionally equipped and will serve as a model for future renovations in other Public Prosecution offices. In the meantime, the Public Prosecution provided its offices with new computers and some office equipment and connected the offices to the ADSL service through the support of a Swedish grant and the EU Seyada project. To facilitate Public Prosecution movement in the various districts, the Public Prosecution procured three vehicles through the Swedish grant, in addition to twelve vehicles procured through the "Sharaka" project for the purpose of mobilization of the Public Prosecutors.

finally the Public prosecution developed its publications by printing new investigation files compatible with the Public prosecution needs, the printing of new judicial instructions by the the General attorney, the printing of a brochure on the General Attorney for the first time, and the preperation of a Journal presenting the the public prosecution and introduce its main concerns. the first issue of the journal was finalised on 2009. Finally a public prosecution agenda was printed for the year 2009 on the expenses of the Swedish Fund.

2. Human Resources

Two groups of new Public Prosecutors were recruited over the years 2006 and 2008 following competitions organized by the Public Prosecution. Also more than 50 new administrative staff was recruited including 3 staff in the Planning and Project Management Unit, in addition to three staff who is information technology specialists. The Public Prosecution worked on upgrading the Public Prosecutors and support staff capacities through the organization of training programs in cooperation with national as well as international organizations concerned with capacity building in the Public Prosecution.

To institutionalize such training, the Public Prosecution established a Judicial Training Department and focused on the periodic evaluation of its members' training needs. The creation of the training department enabled the Public Prosecution to establish and maintain a training database. The Public Prosecution also held its first annual conference in Jericho in March, 2009 with the support

of the EU Seyada Project. Throughout the conference the public prosecutors gathered for the first time and were able for two days to discuss issues related to their training needs. The conference produced a set of recommendations in relation to the Public Prosecution training policy.

It is worth mentioning that the Public Prosecution is working with the donors and local agencies to provide its members and administrative staff with the needed training that would enhance their competencies and performance efficiency.

The Public Prosecution is awaiting the start of the Dutch Project which will focus on case file management and training of administrative staff.

The Public Prosecution worked on developing its human resources through the various training programs and workshops which enabled the prosecution members to benefit from the expertise provided by international and local institutions.

Many crime scene investigation training programs were conducted with assistance of EUPOLCOPPS inside and outside Palestine to enhance the Public Prosecution member's skills on how to deal with and investigate crime scenes.

In addition to the logistical support it provides, EUPOLCOPPS also provided the Attorney General's Office with technical assistance in the form of two experts to provide the Attorney General with the needed support by being on site two days a week.

The US Treasury Department facilitated many local training programs on anti-money laundering and financial analysis that was conducted for the benefit of the Public Prosecutors in the Anti-Laundering Prosecution Division. In 2009 an agreement was concluded with the Department to provide experts to help the anti-corruption prosecution in dealing with some pending investigation cases that requires a vast international law knowledge and expertise.

The Judicial training institute played a vital role in providing the necessary training to the Public Prosecution such as the Palestinian Judicial Institute. The Institute provided the Public Prosecution members with continuing education in many relevant subjects and fields during the years 2008 and 2009.

4.6 Advocates and the Legal Profession

During discussions that were held between the relevant justice sector institutions, it was clear that there is a need to strengthen the standards and qualifications needed to become a practicing lawyer, in addition to the identification of the future needs of the Palestinian market. It also proved to be important to clarify the role and responsibility of the Bar Association board members and the executive team and to encouraging pro bono work and providing services to the local communities.

The Bar Association has to activate its monitoring role at the national level and it should also activate its role in providing lawyers with continuing education. The Bar Association needs to enact new regulation that would regulate its dual role in protecting the rights and interests of practicing lawyers in addition to the rights and interests of citizens.

4.7 Legal Education

It is of great importance to support the Palestinian legal education institutes to enable them to provide the Palestinian society and justice sector institutions with the needed qualified legal professionals who would enable such institutions to perform their duties and responsibilities efficiently and effectively.

Legal education institutions need to initiate many voluntary activities in order to enhance public trust in the law and its institutions and provide relevant justice sector institutions with the needed feedback pertinent to their performance and functions. Such institutions should conduct regular studies and surveys to identify its graduates' weaknesses, the reasons behind unemployment in addition to market needs. All this would enhance the quality of legal education in Palestine.

The legal education institutions must also focus on practical training and on enhancing and promoting the needed legal skills. They should also focus on analytical legal thinking through the enhancement of students' analytical and research skills. It is also very important to benefit from information technology and establish specialized libraries for the use of students.

The legal education institutions should work on strengthening and raising admission requirements as well as paying great attention to the quality of education it offers its students.

4.8 Civil Society Organizations:

In order to activate and enhance the role of civil society in promoting the culture of rule of law and enhancing public trust in the judicial system, all concerned civil society institutions should take the initiative and create a framework where it can cooperate and coordinate activities. They also need to hold several activities, such as conferences and workshops, in coordination with the justice sector official institutions in order to promote the legal culture and rule of law principles. Civil society institutions should support the rule of law through the establishment of specialized units that monitor the performance of justice sector institutions and their adherence to the rule of law.

5. Internal & External Analysis . SWOT ANALYSIS

The analysis of the institutional status and legal framework of the sector points to many strengths and weaknesses which the sector has, in addition to the opportunities and threats it faces. The results of the SWOT analysis can be summarized as follows:

First: Strengths

1. Outstanding relations with the donor agencies.
2. The existence of a suitable and developed infrastructure.
3. The availability of a group of systems that could be replicated and rolled-out.
4. Qualified judicial panels.
5. The introduction of automated systems.
6. Strategic planning and organizational structure.

Second: Opportunities

1. The presence of donor agencies that can be of a benefit in implementing many of the justice sector reform programs.
2. The induction of complementary and cooperative working relationships among the justice sector institutions.
3. The existence of the Basic infrastructure that can be used to develop and modernize the sector institutions.
4. Increased public awareness regarding the Justice Sector and its services.
5. Cooperation and coordination with civil society and academic institutions.
6. The amendment of the judicial/justice related legislation in a way that is compatible with

independence requirements and the establishment of the state.

7. Recruitment of capable and qualified experts in addition to qualification and development of existing human resources.

Third: Weaknesses

1. Lack of coordination among the various justice sector institutions.
2. Lack of the public confidence in the sector and its institutions.
3. Weak alternative dispute resolution methods and tools.
4. Weak information dissemination among the justice sector institutions and with other related individuals and institutions.
5. Weakness of the main support.
6. Absence of judicial or judges specialization.
7. Lack of institutional belonging and loyalty.
8. Weakness of training programs which depend mainly on the funders' suggestions and input.
9. Lack of appropriate financial resources and uncertainty in relation to government funds.
10. Weak judgment enforcement mechanisms.
11. Unclear jurisdiction boundaries between civil and military prosecution.

Fourth: Threats

1. Existence of the occupation and political division between the northern and southern districts.
2. Absence of the Legislative Council.
3. Dependency on the foreign funding for the enhancement of justice institutions.
4. Exclusivity in the leadership of justice institutions.
5. Lack of political stability.

6. The Justice Sector and Rule of Law Strategic Objectives

To achieve sustainable development in the justice sector in accordance with the Reform and Development National Plan and in adherence to the comprehensive planning model, the following strategic objectives were developed. These objectives reflect the concept of linking activities with the national political agenda, political priorities in addition to the best investment of available resources.

First Strategic Objective: Ensure Respect for Human Rights, Fundamental Freedoms and Rule of Law

The policies that preserve citizens' rights and prevent the violations of their basic freedoms are as follows:

A. Enhance the environment of human rights and basic freedoms through:

1. The review of legislation from a citizen's rights perspectives and the formation of a specialized committee for this purpose.
2. The cooperation among formal justice sector institutions and the national, regional and international legal institutions working in the human rights field including:
 - Establish a systematic communication mechanism between the formal justice institutions and relevant local institutions.
 - Establish a joint work plan that integrates joint objectives.
 - Promote exchange of expertise among national, regional, and international institutions through training and field visits.
3. The protection of the rights of detainees at rehabilitation and correction centers.
 - Initiate specialized bodies capable of performing organized and periodic inspection over the correction, rehabilitation, and detention centers.
 - Establish special programs to follow-up on detainee affairs in order to avoid occurrence of violations.
 - Supervise the health and social environments of rehabilitation and correction centers and assess whether they meet humane standards.
 - Develop well studied criteria for managers and employees of such centers.
 - Set rehabilitation and awareness programs for detainees and open opportunities for academic and professional education.
 - Coordinate the concerned bodies for the purpose of ensuring an appropriate environment for the detention of women and juveniles that is compatible with international standards.
4. Work on the documentation of all human rights violations against Palestinians and the pursuit of all offenders

B. Upgrade the service quality provided by the justice sector institutions and facilitates the public access to these services

1. Assist disadvantaged groups and enables them to benefit from the justice/judicial institutions
 - Carry-out a study to identify disadvantaged groups and their locations.

- Prepare awareness programs for those groups pertinent to their rights and obligations.
 - Set suitable communication mechanisms for these groups to listen to their complaints.
 - Set a legal aid system that includes disadvantaged groups.
2. Follow-up and handling of citizen complaints.
 - Establish a mechanism to receive and handle citizen complaints in an easy and streamlined manner.
 - Establish a committee to follow-up on citizen complaints and ensure their appropriate resolution
 - Remedy errors in the existing complaints system.
 3. Facilitate and develop public service offices and maintain facilities
 - Develop introductory and guidance brochures
 - Train staff on communication skills and public relations
 - Upgrade infrastructure through the provision of equipment and computer programs
 - Develop work procedures and information systems

C. Disseminate legal information and facilitate citizens' access to legal information through:

1. Establishing a central legal information center
 - Developing a central database for legal information in reference to the available legal databases.
 - Establish and enhance specialized libraries in law and connect them using an electronic network.
 - Upgrade and develop legal information systems modern filing and retrieval systems.
 - Connect justice sector institutions by an electronic network.
2. Issue periodical newsletters and publications related to Justice Sector institutions.
3. Publish and circulate legislation regularly.
4. Use recent technology facilities to communicate with the public.

D. Enhance and empower relations with civil society and the media through:

1. Adopting a modern media system to communicate with the public and deliver the justice sector message including the establishment of a specialized media committees consisting of civil society members as well as qualified media persons to work under the supervision of the media units established in the justice sector institutions.
2. Establishing media plans and strategies for the justice sector in participation with the justice sector media units and civil society.
3. Establishing specialized and equipped media units in justice sector institutions
4. Implementing rule of law awareness campaigns related to the work of justice sector institutions including:
 - Identification of awareness programs needed within the media plan framework.
 - Defining target groups.
 - Preparing media materials.
 - Setting mechanisms for implementation of awareness programs along with timeframe plans.
5. Enhancing cooperative mechanisms with civil society to jointly develop human rights reports.
6. Establishing human rights advisory councils in cooperation with civil society.

Second Strategic Objective: Guarantee Fair Trials

For the purpose of performing trials before courts in a way that guarantees its compatibility with the procedures required by the law and to resolve litigation in accordance with justice requirements of justice and rule of law in a timely manner, the following policies are required to achieve this objective:

A. Create a suitable environment for litigation, through the following interventions:

1. Upgrade and develop specialized forensic medicine facilities, a forensic lab and judicial police requires:
 - Assignment and development of staff.
 - Upgrading and developing equipment and supplies.
 - Developing work procedures.
 - Development of a legal framework pertinent to work operations.
 - Forge understandings among justice sector institutions concerned with the functions of the judicial police to improve their performance.
2. Develop systems for criminal, civil, and shari' case management:
 - Create a unified case management system, and a special department to introduce case management based on reducing administrative and judicial procedures delaying case disposition.
 - Upgrade and develop the performance of Notification Departments and introduce modern notification means.
 - Increase the number of judges and distribute them according to the number of cases filed and reviewed.
 - Revise the panel system used in civil cases at the First Instance Courts, and remove the panels' role in appeals.
 - Check the possibility of introducing specialization in specific cases, such as cases related to traffic, labor, and criminal matters.
 - Provide for the safe transfer of case files during case processing.
 - Create a special system for document keeping.
3. Build the capacity of lawyers and improve their performance before courts:
 - Track public complaints regarding lawyers' performance and submit complaints to the Bar Association
 - Conduct training courses to improve lawyers' performance by the Bar Association
4. Establish specialized courts and ensure the separation of powers between regular and military courts:
 - Establish specialized courts.
 - Develop the legislative framework that regulates the specialty of military courts.
 - Put in place a modern legislative framework to regulate specialization of family and religious courts.
5. Work on the initiation of administrative courts and the constitutional court.
6. Initiate capacity building programs for judicial staff according to needs:
 - Design special training programs for each category based on a training needs assessment that will constitute the basis for the development of a training plan for each of the court staff categories,

including judges and assistants in order to build their capacity in areas that will directly affect their performance.

- Coordinate judicial training efforts between the High Judicial Council and the Palestinian Judicial Institute in relation to designing and implementing training programs according to set plans and timelines.
 - Develop and implement “Judges for Future Program.”
 - Enroll law graduates and lawyers in the diploma program of judicial studies.
7. Institutionalizing of legal aid and assist marginalized groups in need to reach justice by:
- Providing the necessary legislative framework to regulate the legal assistance
 - Establish a specialized unit in legal aid
 - Training and qualifying staff to work in the legal unit.

B. Enhance the institution of the Bar Association

1. Advance the internal performance of the Bar association
2. Upgrade the services provided by the Bar to its members
3. Enhance the regulatory framework of the Bar Association
4. Develop the organizational structure of the Bar Association

C. Enhance and upgrade inspection, monitoring and management frameworks through the following interventions:

1. Enhancing and developing judicial inspection and monitoring mechanisms:
 - Provide judicial inspection committees with the needed human and financial resources.
 - Enhance the reformulation of disciplinary councils.
 - Draft a special program and work plan for judicial inspection in Palestinian courts and supervise its implementation.
 - Build the capacity of the judicial inspection staff by providing them with necessary training and expertise.
 - Establish a special committee to develop a judicial code of conduct.
2. Ensuring administrative supervision over courts according to approved mechanisms:
 - Develop a work plan for regular supervisory visits.
 - Set practical procedures for supervision and evaluation.
 - Develop standards for the development of a disciplinary and reward system.
 - Provision of qualified staff and resources.

D. Reduce work load in the judiciary through the following interventions:

1. Build the capacity of lawyers and improve their performance before courts:
 - Track public complaints regarding lawyers’ performance and submit complaints to the Bar Association
 - Conduct training courses to improve lawyers’ performance by the Bar Association
2. Address the case backlog in the courts.

3. Ensure the use of Alternative Dispute Resolution to reduce work load in the judiciary:

- Provide a suitable legal framework.
- Develop criteria and control over licensing of mediators and arbitrators.
- Build the capacity of mediators, arbitrators, and mediation judges.

E. Raise the efficiency of the notifications and the enforcement of judgments through the following interventions:

1. Set efficient mechanisms to ensure enforcement of civil and criminal judgments in a timely manner.
 - Set an automated system for the financial deposits management and connect the system with the Mizan software.
 - Circulate the unified manual system developed for financial management of all Civil Judgment Departments in courts.
 - Identify financial deposits in all Civil Judgment Departments similar to studies carried out in Nablus, Jenin, Ramallah, Bethlehem, and Hebron.
 - Complete the archiving and classification of cases in Civil Enforcement Departments.
2. Training of staff and providing necessary equipment for Judiciary and Public Prosecution.

Third Strategic Objective: Support, Build, Enhance, and Develop Justice Institutions to Carry Out Their Duties

For the purpose of developing justice sector institutions and enabling these institutions to perform their duties in an acceptable manner and in compliance with the roles and objectives within the Justice and Rule of Law Sector, and to ensure complimentary relations among the various justice sector institutions, the implied policies are summarized as follows:

A. Developing the work environment, enhancing qualifications and upgrading the skills of the staff through the following interventions:

1. Adopt a scientific capacity building approach for human resources according to needs. This includes:
 - Identifying training and human resource needs based on a scientific approach.
 - Linking training programs with needs and job descriptions.
 - Adopting a central training reference body.
 - Adopting specific criteria for trainers and training material by a specialized expert.
 - Developing reference manuals to regulate the training, capacity building, and evaluation process.
 - Linking training to administrative and financial promotions.
 - Organizing training without interfering with work responsibilities.
 - Staying current with national, regional, and international developments.
2. Develop financial and administrative systems to improve monitoring and inspection at justice institutions:

- Update and develop the financial and administrative systems and prepare the supporting manuals.
 - Revise organizational structures and complete and adopt job descriptions and duties.
 - Set necessary regulations, instructions, and procedures.
 - Set a system for monitoring and evaluating financial and administrative systems.
3. Introduce information technology systems to the work of judicial institutions including:
- Complete work of electronically linking all justice sector institutions.
 - Electronically monitor and follow up staff attendance.
 - Develop and activate the updated version of the case management program (Al Mizan).
 - Update and activate web pages on a regular basis.
4. Improve infrastructure of justice institutions including:
- Assessing the status of current buildings and identify enhancement needs.
 - Setting renovation plans for current facilities.
 - Construction and leasing of new suitable locations in accordance with the work requirements.
 - Establishing court compounds considering geographical distribution and population density (Justice Everywhere).

B. Promote legal education through the following interventions:

1. Provide a suitable environment to update and develop legal education and training of new judges.
 - Enhance graduate and post graduate legal education curricula.
 - Enhance legal education teaching methodologies.
 - Enhance the law schools' infrastructure, and provide modern teaching methodologies.
 - Enhance the Capacity of the Bar Association
2. Encourage scientific research and support for legal research centers.

C. Institutionalize Judicial Training:

1. Support basic and continuous training programs.
2. Continue updating the training institutional framework.
3. Provision of qualified training staff.

Fourth Strategic Objective: Develop, Harmonize and Update Legislation

The policies required to achieve this goal are as follows:

A. Create a suitable legislative environment that encourages social and economic development using a scientific approach to review, update and develop legislation in accordance with international standards for human rights that require the following interventions:

1. Identify legislative needs of the justice and rule of law sector:
 - Carry out a comprehensive review of the legal framework that regulates the justice sector.
 - Establish a legal information system.
 - Follow-up the implementation of regulations related to laws.
 - Develop a legislative plan for the justice and rule of law sector.
2. Review and develop current legislative policies:
 - Participate in the review of legislative policies and evaluation of other sectors.
 - Contribute to reviewing and developing legislation.
 - Carry-out consultations with interested parties.
 - Contribute to developing a legislative plan.

B. Create a national legal system that is coherent and updated:

1. Implement the approved legislative plan by the justice sector institutions
2. Drafting of legislation suggestions:
 - Provide legislative suggestions.
 - Activate the role of the Diwan Al Fatwa and Tashree'e.
 - Develop a department to monitor the quality of legislation.
3. Developing capacities and competencies in legislative drafting through the following:
 - Qualify specialized staff
 - Develop and update manuals for legislative drafting
4. Set a national plan to review and follow-up on unifying and updating legislation

7. Monitoring and Evaluation:

According to the justice sector's four strategic objectives and a number of the sub objectives in addition to the activities designed to achieve the objectives which were drafted according the justice sector's actual needs, a set of performance indicators were designed and developed which takes into consideration the sector's vision and message.

Performance indicators constitute an integral part of the strategic plan. It reflects the results of the efforts made and resources allocated. It is also used as a tool which could evaluate the various activities and programs and decide to what extent it works towards the achievement of the stated objectives and goals.

The evaluation process shall cover all the implementation phases in order to assess the professional efficiency

of the staff involved and the improvements introduced to the justice sector in addition to the institutional development. Such a process also spots the weaknesses and strengths of the Palestinian justice sector and makes it possible to benefit from the lessons learned during the execution of the various activities.

The evaluation process can be based on the various means by which information and data concerning the changes in indicators can be collected. Some information can be collected through one-on-one interviews with targeted persons or through reviewing the publications and documents of related institutions or through the survey studies mechanism which solicit the views of a specific population segment. The targeted population might be the whole population if its number is reasonable and it is easy to reach every member or through a representative sample of the population. The main objective behind the survey studies is to grow an understanding of how citizens think regarding given issues. The study is usually carried out by developing a questionnaire which has to be designed according to pre-stated objectives of the survey. In addition, evaluations can be carried out through filed visits and observation.

The evaluation and observation process must be carried out in phases and different timeframes. At the end of each year of the project's duration an evaluation of the project's progress has to be undertaken in order to indentify the success of the project and any potential shortcomings in addition to challenges and how it dealt with these issues. The evaluation also provides an opportunity to document successes achieved.

7.1 Justice and Rule of Law Strategy Performance Indicators

The table below shows the Justice and Rule of Law Strategy Performance Indicators.

Table of the Justice and Rule of Law Strategy Performance Indicators

Policies	Interventions	Activities	Performance Indicators	Measurement tools
First Objective: Ensure Respect for Human Rights, Fundamental Freedom and Rule of Law			Freedom, Rights, Dignity of all Citizens are Protected According to the Law	National Surveys
a. Enhance human rights and fundamental freedoms environment	1. Review human rights legislation	<ul style="list-style-type: none"> Establish a specialized committee to review legislation of human rights and submit recommendations 	<p>All legislation in relation to human rights have been revised</p> <p>1.1 Number of human rights legislation revised and relative recommendations submitted</p>	<ol style="list-style-type: none"> Carryout a study of face to face interviews with a sample of prisoners Review specialized committee reports Review rehabilitation manager reports Review related civil society organizations reports Study the recommendation regarding the citizens' rights legislation.
	2. Promote cooperation between the official justice sector institutions and the national, regional and international human rights organizations.	<ul style="list-style-type: none"> Create a permanent mechanism for communication between the official justice sector institutions and the relevant local organizations Develop a common action plan to serve integrity and partnership Develop expertise exchange mechanisms among the national, regional and international institutions 	<p>Cooperative relations have been institutionalized with the national human rights organizations and enhanced relations with the regional and international organizations involved in human rights.</p> <p>2.1 Number of contacts and meetings accomplished between the official justice sector institutions and the national, regional and international human rights organizations</p> <p>2.2 Joint plan developed with the national justice sector institutions as well as a memorandum of understandings developed with a number of regional and international organizations</p> <p>2.3 Number of visits and training courses accomplished abroad.</p>	

Policies	Interventions	Activities	Performance Indicators	Measurement tools
First Objective: Ensure Respect for Human Rights, Fundamental Freedom and Rule of Law			Freedom, Rights, Dignity of all Citizens are Protected According to the Law	National Surveys
a . Enhance human rights and fundamental freedoms environment	3. Protection of the rights of detainees of rehabilitation and correction centers.	<ul style="list-style-type: none"> Supervise the rehabilitation centers on periodical basis by the competent bodies Establish special programs to follow up detainees affairs and avoid the occurrence of violations Supervise the health and social environments of the rehabilitation and correction centers, and whether they meet human standards Set a well studied criteria for managers and employees of such centers. Set rehabilitation and awareness programs for detainees, and open the chance for academic and professional education. Coordinate between different stakeholders to guarantee an appropriate environment in agreement with the international standards for women and juvenile detention. 	<p>Dignity of all detainees of rehab and reform center rights protected.</p> <p>3.1 a criteria and standards for rehabilitation centers is developed and matches the humanitarian standards</p> <p>3.2 Number of center visits carried out.</p> <p>3.3 Number of rehabilitation programs implemented in the centers.</p> <p>3.4 All center managers are qualified and meet criteria set.</p> <p>3.5 Health and social environment in the centers are appropriate.</p>	
	4. Document violations against Palestinian human rights and pursuit of the perpetrators		<p>A number of violations in Palestine documented and perpetrators pursued</p>	

Policies	Interventions	Activities	Performance Indicators	Measurement tools
First Objective: Ensure Respect for Human Rights, Fundamental Freedom and Rule of Law			Freedom, Rights, Dignity of all Citizens are Protected According to the Law	National Surveys
b. Facilitate and upgrade public access to the justice services	1. Assist disadvantaged groups to enable them to benefit from the justice and judicial institutions	<ul style="list-style-type: none"> Carry-out a study to identify disadvantaged groups and their locations Prepare awareness programs for those groups on their rights and obligations Set suitable communication mechanisms for those groups to listen to their complaints Set a legal aid system that includes disadvantaged groups 	<p>Justice sector public services upgraded, facilitated and accelerated to a great extent and a Number of disadvantaged groups communicated and assisted in access to justice services</p> <p>1.1 Criteria defining disadvantaged group set.</p> <p>1.2 a number of disadvantaged groups attained justice sector services</p> <p>1.3 Number of disadvantaged groups benefited from awareness programs and the legal assistance provided according to the new system.</p>	<p>1. Review the criteria that determines the disadvantaged groups.</p> <p>2. Conduct interviews with this group to identify kinds and types of assistance offered.</p>
	2. Follow up and handling of citizens' complaints	<ul style="list-style-type: none"> Setting a mechanism to receive and handle citizens' complaints easily Formation of committees to follow up citizens' complaints and ensure an appropriate resolution Setting a mechanism to reform the dysfunction resulting from citizens complaints 	<p>All citizens complaints followed up and handled.</p> <p>2.1 Complaints committees formed and a mechanism to verify complaints is set.</p> <p>2.2 improper functions in the complaint system is identified and corrected</p> <p>2.3 a number of citizens' complaints were addressed and solved</p>	<p>1. Review of committee files and carry out interviews with committee members and identify types of complaints and the mechanisms for reaching citizens.</p> <p>2. Identify the method of dealing with complaints.</p> <p>3. Carry out a study to explore the degree of public satisfaction of services provided.</p>

Policies	Interventions	Activities	Performance Indicators	Measurement tools
First Objective: Ensure Respect for Human Rights, Fundamental Freedom and Rule of Law			Freedom, Rights, Dignity of all Citizens are Protected According to the Law	National Surveys
b. Facilitate and upgrade public access to the justice services	3. Facilitate and develop public services and maintain its facilities.	<ul style="list-style-type: none"> Develop introductory and guidance brochures. Train staff on communication skills with public. Upgrade the infrastructure through provision of equipment and computer programs. Develop work procedures and information systems. 	<p>Public satisfaction regarding access to services increased.</p> <p>3.1 Number of improvements performed in facilities infrastructure.</p> <p>3.2 Number of guidance brochures issued and disseminated.</p>	<ol style="list-style-type: none"> National surveys and surveys regarding the opinion of the beneficiaries of Judicial Service. Review of improvements carried out in the facilities. Carryout a case study to identify the satisfaction of the beneficiaries from the general services and the time required to accomplish their applications. Explore means of communicating with the public and the extent of its efficiency through interviews with the users.
	1. Establish a central legal information center.	<ul style="list-style-type: none"> Develop a central legal database in reference to the current databases. Establish and upgrade of the law libraries and connect them electronically. develop modern filing and retrieving systems. Connect relevant justice institutions through an electronic web. 	<p>All citizens have easy access to legal information and a legal information center operating efficiently and effectively.</p> <p>1.1 Central legal database initiated and operating at high performance.</p> <p>1.2 Access to legal information is easy and available for all in a timely manner.</p> <p>1.3 A number of specialized legal libraries initiated, updated and connected electronically.</p>	<ol style="list-style-type: none"> Review of media departments and information centers, plans and programs, and the extent programs have been implemented. Review of brochures and periodicals, distribution mechanisms and the number of viewers of such publications. Identify the efficiency of the communication process with the public through interviews with related people. Review the number of the legal libraries users.
2. Issue periodic newsletters and publications related to justice sector institutions.		Number of brochures and periodicals issued by justice institutions and disseminated on widely.		
3. Publish and circulate legislation regularly.		Official Gazette is published and disseminated periodically.		
4. Use of electronic communication with citizens.		Increased number of citizens using electronic contacts facilities.		

Policies	Interventions	Activities	Performance Indicators	Measurement tools
First Objective: Ensure Respect for Human Rights, Fundamental Freedom and Rule of Law			Freedom, Rights, Dignity of all Citizens are Protected According to the Law	National Surveys
d. Strengthen the relations with the civil society and media .	1. Adoption of a modern media system to communicate with the public and deliver the justice sector message	Establishment of a specialized media committee for media specialists and civil society organizations under the supervision of media units in the justice sector institutions.	Institutionalized relations with media and civil society is accomplished. An effective media system which improved communication with the public adopted Media committee established comprising civil society and media units at the justice sector institutions.	1. View the plans and programs of the media centers and units and the extent to which it has been implemented. 2. View the reports provided regarding the relations with the media and civil society organizations to identify strengths and weaknesses in the coordination process. 3. Hold workshops, carry out case study or interviews to explore difficulties and problems facing the media institutions and the civil society in judicial media coverage and ways to develop this area as well as seeking to enhance public outreach.
	2. Set plans and strategies for the justice sector	Establish a justice sector media plan at the media units in the justice sector institutions with the contribution of the civil society.	Adopt a justice sector media plan. Media Plan supervised, managed and implemented effectively through the Media Unit and in coordination with the civil society organizations.	
	3. Establish specialized and equipped media units in justice institutions		The media unit develops a media plan in participation of the media institutions and civil society.	
	4. Draft public awareness programs	<ul style="list-style-type: none"> Identify public awareness programs according to the media plan. Identify the target groups. Prepare the media material. Identify mechanisms and time frames for the public awareness programs. 	A number of programs for the rule of law approved. 4.1 Awareness programs developed in accordance with the plan and its implementing mechanisms. 4.2 A number of media activities for public awareness in different areas is implemented according to the plan. 4.3 A number of the media materials prepared for public awareness purposes targeting different society layers.	
	5. Enhance reporting mechanisms jointly with the civil society		A number of reports jointly developed with civil society according to an approved methodology	
	6. Establish advisory councils with civil society organizations		A number of advisory councils established with civil society organizations	

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Second Objective Ensure Fair Trials			All Layers of Society Receive Justice without Discrimination.	National Surveys
a. Create a suitable litigation environment	1. Upgrading and developing specialized forensic medicine facilities, forensic lab and judicial police.	<ul style="list-style-type: none"> • Provision and development of staff. • Upgrade and develop equipment and supplies. • Develop work procedures. • Develop legal framework of work. • Formulate understandings among justice pillars related to judicial police to improve their performance. 	<p>A suitable litigation environment is established to guarantee a fair trial prevailed with rule of law and equity.</p> <p>A development plan for the forensic facilities is implemented.</p> <p>1.1 Number of regulating laws for forensic facilities.</p> <p>1.2 Memorandum of Understanding approved by the justice pillars.</p> <p>1.3 Equipping forensic facilities concluded.</p> <p>1.4 Implementing the justice sector plan effectively and efficiently in coordination and in a complementary approach among the justice sector pillars.</p>	<p>1. Review of facilities reports.</p> <p>2. Interviews with the related parties.</p>

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Second Objective Ensure Fair Trials			All Layers of Society Receive Justice without Discrimination.	National Surveys
a. Create a suitable litigation environment	2. Creating developed systems for criminal, civil and Shari'a case management and acceleration of disposition of cases.	<ul style="list-style-type: none"> • Creation of a unified case management system, enhancing a special department to introduce case management based on reducing the administrative and judicial procedures delaying disposition of cases. • Upgrading and developing Notification Departments and introducing modern notification methods. • Increase the number of judges and placing them according to the number of cases filed and reviewed cases. • Revise the panel system used in civil cases in First Instance Courts, and remove the panels' role in appeals. • Check the possibility of specializing in specific cases, for example, cases related to traffic, labor, and criminal matters. • Provision of a safe transfer of case files during case processing • Creation of a special system for document keeping. 	<p>The performance of the civil and criminal case management department improved to a great extent and work efficiently.</p> <p>2.1 Unified case management system applied in all courts.</p> <p>2.2 The new system proved to have facilitated to a great extent the administrative and judicial processes resulting in a decrease cases.</p> <p>2.3 The Notification Departments efficiently applies the new system.</p> <p>2.4 Number of judges appointed and distributed in accordance with the case load.</p> <p>2.5 The modification of the 3 judges' panel system improves the performance of the First Instance courts.</p> <p>2.6 A number of suggestions submitted regarding the traffic, labor and some penal cases.</p> <p>2.7 Systems for the proper preservation of the case files as well as the secure transfer of these cases are established.</p> <p>2.8 Public satisfaction of case management increased.</p>	<ol style="list-style-type: none"> 1. Carryout annual studies to identify the number of received, disposed and backlog of cases in the courts and evaluate the strengths and weaknesses in the court systems. 2. Identify the record keeping and documentation systems, and their level of efficiency. 3. National surveys (judges, public, court clients and staff). 4. Carry out a study on the effectiveness of the unified systems such as the case procedures systems, the notification system and the modified panel formation. 5. Carry out a study on the feasibility of the specialization in disposition of traffic and labor cases. 6. National surveys for the purpose to identify public satisfaction with case management.

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Second Objective Ensure Fair Trials			All Layers of Society Receive Justice without Discrimination.	National Surveys
a. Create a suitable litigation environment	3. Build the capacity of lawyers and improve their performance in courts.	<ul style="list-style-type: none"> Track public complaints regarding lawyers' performance and submit complaints to the Bar Association. Encourage the Bar Association to conduct training courses to improve lawyers' performance. 	<p>Public satisfaction with lawyers' performance increased.</p> <p>3.1 Public complaints against lawyers performance tracked.</p> <p>3.2 A number of training courses arranged by the Bar Association to improve lawyers' performance.</p>	<p>1. National surveys to explore the public satisfaction of lawyers performance before courts.</p> <p>2. Review the Palestinian Bar Association's accomplishment reports.</p>
	4. Establish specialized courts and ensure the separation of powers between regular, military and Shari'a courts.	<ul style="list-style-type: none"> Establish specialized courts. Legislative framework that regulates the specialty of military courts. A modern legislative framework to regulate specialization of family and religious courts. 	<p>Specialized courts facilitated the case management of different types of cases.</p> <p>4.1 Number of legislation regulating military courts and jurisdiction is approved.</p> <p>4.2 Legislative framework regulating the family, Shari'a as well as Christian courts' jurisdiction is enforced.</p>	Review the specialized courts reports and carry out interviews with judges and litigants for the purpose of identifying the proper performance of the courts and the effectiveness of the Shari'a and personal status courts.
	5. Work on the establishment of the administrative and constitutional courts.		<p>A number of administrative courts established and operating.</p> <p>A constitutional court established and operating.</p>	

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Second Objective Ensure Fair Trials			All Layers of Society Receive Justice without Discrimination.	National Surveys
a. Create a suitable litigation environment	6. Initiate training and qualifying programs for judicial staff according to the needs.	<ul style="list-style-type: none"> Design training programs relevant to each category according to the identified needs of training resulting in a developed training plan for each category of the working cadre in courts, Public Prosecution and other staff to enhance their performance and capacities. Coordinate judicial training efforts among the regular judiciary, the Shari'a judiciary and the Public Prosecution with the Palestinian Judicial Training Institute. Coordination involves the design and implementation of training programs according to plans and timeframes. Prepare and implement the future judges program. Enroll law school graduates and lawyers to study in the Judicial Diploma Program. 	<p>A number of training programs for the judicial staff according to the needs accomplished.</p> <p>6.1 A number of training programs tailored to the needs of the targeted categories is prepared.</p> <p>6.2 The cooperation between the High Judicial Council and the Palestinian Judicial Institute became effective and based on a complementary approach in developing and implementing training programs according to the plan.</p> <p>6.3 Future judges program implemented.</p> <p>6.4 A number of law schools graduates and lawyers enrolled in the Judicial Diploma Program.</p>	<ol style="list-style-type: none"> Identify the number of persons targeted for the training programs, the programs quality and its relevance to the needs. Carry out evaluations of training courses.
	7. Institutionalize legal assistance and enable the marginalized and in need groups to access justice services.	<ul style="list-style-type: none"> Develop a legislative framework for the legal aid program. Establish a legal aid unit. Qualify and train staff to work at the legal aid unit. 	<p>A system designed for the legal aid according to a scientific approach.</p> <p>7.1 A Legislation regulating legal aid drafted.</p> <p>7.2 The legal aid unit established.</p> <p>7.3 A number of training and qualifying courses developed for the benefit of the legal aid unit staff.</p>	

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Second Objective Ensure Fair Trials			All Layers of Society Receive Justice without Discrimination.	National Surveys
b. institutionalize the enhancement of the Bar Association.	<ol style="list-style-type: none"> 1. Develop the internal performance of the Bar. 2. Upgrade the quality of services provided by the Bar to its members. 3. Update the legislative framework of the Bar. 4. Develop the organizational structure of the Bar. 		<p>Institutionalizing of the Bar accomplished with advanced administrative and financial systems.</p> <p>The Bar services provided to its members improved considerably.</p> <p>A number of administrative upgrades and improvements introduced to the Bar's organizational structure.</p>	Review the bar documents. Improvements in the administrative structure of the Bar recognized.
c. Enhancing and developing judicial inspection and monitoring mechanisms	<ol style="list-style-type: none"> 1. Activate and upgrade the judicial monitoring and supervising mechanisms for both regular and Shari'a courts. 	<ul style="list-style-type: none"> • Provide judicial inspection committees with the needed human and financial resources. • Enhance the reformulation of the disciplinary council. • Draft a special program and work plan for judicial inspection in Palestinian courts and supervise its implementation • Build the capacity of the judicial inspection staff by providing the necessary training and expertise. • Establish a special committee to establish a judicial code of conduct. 	<p>Judicial inspection and accountability frameworks institutionalized.</p> <p>Judicial inspection contributed to the decrease of the case backlog, and improved administrative discipline and case management.</p> <ol style="list-style-type: none"> 1.1 The disciplinary council worked in a highly efficient manner from the viewpoint of judges and the related staff. 1.2 Judicial Inspection Department committed to periodic inspection program and plan. 1.3 Number of inspections without notice increased 1.4 The capacity of the majority of human resources is built. 1.5 Judicial code of conduct revised. 1.6 A binding judicial code of conduct established. 	<ol style="list-style-type: none"> 1- Review documents and reports of the Supreme Judicial Council 2- Interviews with the judges and the staff working in the inspection field 3- National surveys

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Second Objective Ensure Fair Trials			All Layers of Society Receive Justice without Discrimination.	National Surveys
c. Enhancing and developing judicial inspection and monitoring mechanisms	2. Ensure administrative supervision over courts according to approved mechanisms.	<ul style="list-style-type: none"> Set a work plan for systematic supervision visits. Set scientific criteria for supervision and evaluation. Set criteria for disciplinary and incentives regulations. Provision of qualified staff and resources. 	<p>Administrative supervisory visits carried out according to plan to all courts.</p> <p>2.1 Supervision and evaluation criteria developed and implemented.</p> <p>2.2 Experienced and qualified staff conducting supervisory visits.</p>	<p>1. Review of supervisors' files, identifying the types of administrative problems in relevance to the set criteria .</p> <p>2. Hold interviews with staff to identify weakness and strengths in the supervision process.</p>
d. Reduce courts load	1. Work on the development of the lawyers' capacities and performance before courts.	<ul style="list-style-type: none"> Receive public complaints on the lawyers performance and submit them to the Bar association. Organize training courses for the lawyers to improve their abilities in approaching and serving their clients. 	<p>Judges load decreased.</p> <p>1.1 A number of training courses for lawyers to improve their capacities organized by the Bar Association.</p> <p>1.2 Public complaints against lawyers' performances received.</p>	<p>1. National surveys.</p> <p>2. Review the Bar accomplishments in training of lawyers.</p>
	2. Solve the problem of the case backlog in the courts and Public Prosecution.		The number of disposed cases increases progressively as opposed to the incoming registered cases and the disposition rate of pending cases increases progressively.	<p>1. Carry out a study on the case load of each court and identify the reasons behind the case backlog and propose solutions.</p> <p>2. Identify the incoming, pending and disposed cases load.</p>
	3. Ensure the use of concepts of Alternative Dispute Resolution to reduce the load on the judiciary.	<ul style="list-style-type: none"> Provision of a suitable legal framework. Develop criteria and control over licensing of mediators and arbitrators. Build the capacity of mediators and arbitrators and mediation judges. 	<p>A number of disputes resolved using alternative dispute resolution methods.</p> <p>3.1 a number of laws and regulations for licensing mediators and arbitrators provided.</p> <p>3.2 A number of capacity building training courses for arbitrators and mediators implemented.</p>	

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Second Objective Ensure Fair Trials			All Layers of Society Receive Justice without Discrimination.	National Surveys
e. Upgrade the efficiency of the enforcement of judgments and the notification systems	1. Set up efficient mechanisms to guarantee timely enforcement of criminal, civil and Shari'a courts judgments.	<ul style="list-style-type: none"> Set up an automated work system for the organization of the administrative divisions. Develop unified manual systems for financial divisions within the enforcement departments. Identify and define financial deposits in all enforcement departments in courts. Archive and classify files at the enforcement departments. 	<p>Weaknesses dealt with and strengths enforced in the notification system.</p> <p>Effective procedures, accompanied with an effective mechanism are set to follow up on the enforcement of judgments in a timely manner.</p> <ol style="list-style-type: none"> All enforcement department systems automated and working effectively. All files in the enforcement departments archived. An inventory of all financial deposits is conducted properly at all enforcement departments. All files in the enforcement departments are archived and classified properly. 	<ol style="list-style-type: none"> The proper functioning of the automated system in the enforcement department is tested. Review reports of the enforcement departments.
	2. Provide training for staff and supply of needed equipment for the Public Prosecution and the Judiciary.		<p>All staff in the Judiciary and public prosecution trained according to their needs and necessary equipments provided.</p> <ol style="list-style-type: none"> Number of employees recruited. Number of staff at the enforcement departments are trained and qualified for the purpose of their work. Proper equipping of the departments is completed. 	Carry out an evaluation study for the training and training materials.

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Third Objective: Support, Build, Enhance, and Develop Justice Institutions to Carry out Their Duties			All Judicial Institutions Carry out Their Duties Efficiently and Effectively	Interviews with Institutions Representatives, National Surveys
a. Develop the working environment and enhance the staff qualifications and quality.	1. Adopt a scientific capacity building approach for human resources according to the needs.	<ul style="list-style-type: none"> Identify training and human resource needs based on a scientific approach. Link training programs with needs and job descriptions. Adopt a central training reference body. Adopt specific criteria for trainers and training material by a specialized expert. Develop reference manuals to regulate the training process, capacity building and evaluation. Link the training with administrative and financial promotions. Organize training without interfering with work responsibilities. Stay current with national, regional and international developments. 	<p>The working environment in the judicial sector is promoted for work and a training plan for staff is adopted.</p> <p>A number of justice sector staff trained according to the needs.</p> <p>1.1 Training needs of judicial staff tracked according to their specialty.</p> <p>1.2 A training reference manual that includes a description on the training material and methods of training and trainers characteristics and evaluation developed.</p> <p>1.3 A promotion system developed and linked to the training.</p> <p>1.4 Coordination with national judicial institutions conducted to prevent overlap in training tasks.</p>	<p>1. Evaluate training courses through the use of questionnaires.</p> <p>2. Review mechanism for identifying the needs and ensure that this is done in a scientific manner.</p> <p>3. Ensure that reference manuals and promotion systems are developed.</p>
	2. Develop financial and administrative systems that improve monitoring and inspection in justice institutions.	<ul style="list-style-type: none"> Update the judicial system's financial and administrative regulations and uniform procedures. Complete and adopt a review of the organizational structure, the job descriptions and duties. Establish needed rules, regulations and procedures for the work of court administration. Set a monitoring and evaluation system for the administrative and financial systems. 	<p>The updated financial and administrative systems function efficiently.</p> <p>2.1 Financial and administrative structure for court administration updated</p> <p>2.2 Rules and regulation related to the work of the courts developed</p> <p>2.3 Monitoring and evaluation system for both structures is effective</p>	<p>Conduct a study and interviews to identify the efficiency of the financial and administrative systems and to what extent both systems improve accountability and transparency and track strengths and weaknesses of both systems.</p>

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Third Objective: Support, Build, Enhance, and Develop Justice Institutions to Carry out Their Duties			All Judicial Institutions Carry out Their Duties Efficiently and Effectively	Interviews with Institutions Representatives, National Surveys
a. Develop the working environment and enhance the staff qualifications and quality.	3. Introduce information technology systems to the work of judicial institutions.	<ul style="list-style-type: none"> Complete work of electronically linking the courts. Electronically monitor and follow up staff attendance. Develop and activate the updated version of the case management program (Al Mizan). Update and activate web pages on a regular basis. 	<p>All courts electronically linked and case files automated.</p> <p>3.1 All courts use the developed Mizan software</p> <p>3.2 All of administrative and financial business automated</p> <p>3.3 A number of staff committed to official working hours increased</p>	<p>1. Review the files of related departments of judicial institutions</p> <p>2. Interviews with developers of computerized programs</p> <p>3. Review the efficiency of the program and the mechanisms of data entry</p>
	4. Improve infrastructure of justice institutions to achieve a suitable litigation environment.	<ul style="list-style-type: none"> Assess the status of current buildings and their needs. Set renovation plans for current facilities. New construction and leasing of suitable locations in accordance with the results of the study. Establish court compounds considering the geographical distribution of these courts and the population density (Justice everywhere program). 	<p>All buildings with infrastructure improved.</p> <p>4.1 Justice premises in need for renovation are identified.</p> <p>4.2 Number of buildings constructed or leased.</p> <p>4.3 Number of courts compounds established.</p>	<p>Review the files of the institutions, identify the nature of these improvements, and the extent to which it complies with the plan</p>
b. Upgrade the level of the legal education.	1. Provision of a suitable environment to update and develop legal education and training for new judges	<ul style="list-style-type: none"> Enhance graduate and post graduate legal education curricula. Enhance legal education teaching methodologies. Enhance the law schools' infrastructure, and provide modern teaching methodologies. Improve and support the Bar Association. 	<p>Legal education is current with the national as well as the international developments.</p> <p>An evaluation of the legal education curricula carried out and developed in accordance with current standards.</p> <p>1.1 Number of scientific research studies carried out in legal research centers.</p> <p>1.2 Improvements in the law schools infrastructure is completed.</p> <p>1.3 A number of new teaching methods are introduced to the law schools.</p>	<p>1. A situation analysis conducted among law students to assess their perception and satisfaction with the developed curricula</p> <p>2. Review the reports to identify the actual improvements and the new adopted teaching methodologies.</p>

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Third Objective: Support, Build, Enhance, and Develop Justice Institutions to Carry out Their Duties			All Judicial Institutions Carry out Their Duties Efficiently and Effectively	Interviews with Institutions Representatives, National Surveys
b. Upgrade the level of the legal education.	2. Encourage scientific research and support the research centers.		Scientific research is accomplished. A sort number of support is provided to the legal research centers.	Review files and reports.
c. Institutionalization of Judicial Training	1. Develop basic and continuous training programs		A comprehensive licensed judicial training program that is built on the needs of the trainees is adopted. A number of continuous training programs established. 1.1 A number of training materials are developed 1.2 A number of trainees are enrolled in training courses.	1. Review of the Institute's documents 2. Carry out trainers' performance evaluation study
	2. Continue the updating process of the training institutional framework		Institutionalization of the Judicial Training Institute completed through the provision of programs, procedures and resources	Review of the Institute's documents
	3. Provision of qualified local training staff		No. of qualified trainers provided	Carry out trainers' performance evaluation study

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Fourth Objective: Develop, Harmonize and Update Legislation			All legislation updated and unified.	Review of files.
a. Create an appropriate legislative environment.	1. Identify legislative needs of the justice and rule of law sector	<ul style="list-style-type: none"> Carry out a comprehensive review of the legal framework that regulates the justice sector Establish a legal information system Follow up the implementation of regulations related to laws A legislative plan for the justice and rule of law sector 	<p>An updated legislative policy reflecting the needs of the rule of law- justice sector and compatible with the social and economic development requirements is developed.</p> <p>1.1 Design of the legal information system is completed and the system is operating. 1.2 A comprehensive review of the legislative framework of the justice sector is accomplished. 1.3 The by-laws are implemented accurately without divergence. 1.4 A legislative plan for the rule of law- justice sector is developed.</p>	<p>1. Implementation of a study of legislative needs</p> <p>2. Review files and reports</p>
	2. Review and develop current legislative policies	<ul style="list-style-type: none"> Participate in the review of legislative policies and evaluation of other sectors Contribute to reviewing and developing legislation Consultations with interested parties Contribute to developing a legislative plan 	<p>A comprehensive review of the current legislative policies is accomplished.</p> <p>2.1 A comprehensive review of current legislative policies that have been implemented 2.2 build a legislative plan in participation with justice sectors pillars.</p>	<p>1. Review of files and plans</p> <p>2. Carry out interviews with the plan developers to identify the extent to which the introduced policies comply with the development plan.</p>

Policies	Interventions	Activities	Performance Indicators	Measurement tools
Fourth Objective: Develop, Harmonize and Update Legislation			All legislation updated and unified.	Review of files.
b- Create an upgraded, coherent and a stable national legal system	1. Implement the legislative plan as approved by the justice sector institutions.		The national legal system is developed with its strengths empowered and weaknesses come across. A procedural plan is set to implement the justice sector approved legislative plan.	1. Review of files 2. Carry out interviews with legislation reviewers and “Diwan al Fatwa” staff to identify and propose quality assurance measures.
	2. Drafting of legislation suggestions	<ul style="list-style-type: none"> • Provide legislative suggestions • Activate the role of the Diwan Al Fatwa wal Tashree'e • Develop a department to monitor the quality of legislation 	The national legal system is developed with its strengths empowered and weaknesses came across. 2.1 No. of pieces of legislations proposed to update the legal system 2.2 A number of quality assurance measures for legislation is adopted. 2.3 “Diwan al Fatwa” office is activated and performs in full capacity.	
	3. Develop capacities and qualifications in legislative drafting	<ul style="list-style-type: none"> • Qualify specialized cadre • Develop and update guiding manuals for legislative drafting 	A number of training programs to upgrade the legislative drafting skills of the relevant staff are accomplished. 3.1 Number of training materials reflecting the training needs of the staff is developed. 3.2 A number of guiding manuals on legislative drafting are issued.	1. Evaluation of the training programs 2. Review of reports.
	4. Set a follow up national plan to track and review legislation unification and updates.		The Justice Sector actors participated to the development of the legislative unification and review national plan. 4.1 satisfaction on the comprehensiveness of the plan is high	

