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USAID award number (contract, cooperative agreement, grant, etc.): DFD-I-01-04-00173-00	
Strategic Objective (SO) title: Promote Democratic Reform	SO number: 11
Project title: NETHAM Rule of Law Program / Justice and Enforcement	Project number:
Document title/translated title: Third Quarterly Progress Report	
Author(s): Netham Project	
Contractor or grantee name(s): DPK Consulting / a Division of ARD Inc.	
Sponsoring USAID operating unit(s): USAID West Bank / Gaza – Democracy and Governance	
Language: English	Publication date: June/30/2006
Abstract (summary of most significant information, 250 word limit; optional):	
Keywords (suggested terms to describe content of document; optional):	

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West Bank and Gaza

NETHAM

Rule of Law Program

Justice and Enforcement

DFD-I-01-04-00173-00

Implemented by DPK Consulting

Third Quarterly Report
April 1 - June 30, 2006

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1. EXECUTIVE SUMMARY

The NETHAM Justice and Enforcement Rule of Law Project spent much of the third quarter in slow down mode while awaiting USAID guidance on the Project suspension plans. While it was expected that the Project would receive news on the future of project assistance early in the quarter, the quarter came to a conclusion without any such news. In fact, on June 23rd NETHAM received a USAID notice regarding FY 2006 Emergency Supplemental Appropriations Act, which was signed by the President of the United States and “(a) prohibits any obligation or expenditure of assistance for the Palestinian Authority (unless waived by the President for certain activities) and (b) requires a revised assistance plan, consultations, a determination, and a report before obligating any more Economic Support Funds (ESF) for assistance for the West Bank and Gaza.”

NETHAM is anticipating that the Project might be allowed to resume but with a possible shift in support activities from the Ministry of Justice to the Supreme Judicial Council (SJC) and the General Prosecution, as these institutions have been identified as independent agencies. In anticipation of this event, NETHAM project staff began preparing this quarter for activities to be undertaken with these independent judiciary institutions should the suspension orders be lifted and activities resume. During the quarter, NETHAM staff conducted internal project planning sessions and prepared a draft revised project workplan, focused on office administration and conducted legal awareness sessions to educate NETHAM staff on some judiciary laws.

Events on the ground changed the Project’s course over the quarter. First, on March 31st, the Project was officially informed of the “no contract with the Palestinian Authority” restrictions which at first included even the judiciary and the Supreme Judicial Council. Later, at USAID contractor/grantee meetings there were references made to the fact that the US Government might classify the SJC and Attorney General as independent agencies. To follow-up on this prospect, NETHAM sent USAID an inquiry as to whether the Supreme Judicial Council and the Attorney General’s Office were to be subject to the “no contact” with the PA restrictions or if they would be treated as independent entities. In late April, these institutions were indeed identified as independent and contact was allowed.

On April 26th, NETHAM was sent a project suspension notice. NETHAM began preparing a suspension plan that included limited activities and a meeting was set up with the USAID CTO to discuss the plan for May 16th. An informal meeting did take place between NETHAM and the USAID CTO in Tel Aviv at which time NETHAM was informed that more formal guidance would be received shortly but ultimately this guidance was not received by the end of the quarter.

In an effort to prepare for submitting a revised workplan, NETHAM met with the Chief Justice, Attorney General and his staff, as well as the European Union’s Empowering the Palestinian Judicial System project in order to determine the scope of proposed future project activities. Both the Chief Justice and the Attorney General are forging ahead with plans for reforming the judiciary and their efforts are receiving public praise and have generated good press coverage this quarter.

Also early in the quarter, the Fateh Minister of Justice Farid Jallad officially handed over the ministerial portfolio to his successor Ahmad Al-Khaldi. In a ceremony at the Ministry, Jallad was thanked for his efforts and various contributions were noted including the USAID assistance program.

On the political front and on the ground, the situation on the ground greatly deteriorated at the end of the quarter, a large scale Israeli military incursion on the Gaza Strip took place on June 28th, and destroyed infrastructure and struck the central power source, causing major devastation and leaving over 60 percent of the residents of the Strip without electricity and water. This operation came in retaliation for an attack on an Israeli army station on the Gaza Strip border on June 25th that killed three Israeli soldiers and resulted in the kidnapping of another. Israel demanded that the soldier be released within 48 hour warning for release of the soldier or at that time an incursion would begin; further Israel held PA President Mahmoud Abbass personally responsible for the soldier's abduction and safety. As a result of these developments the NETHAM Gaza office was closed for two days. Prior to the attack on the military post, several Israeli attacks on the Gaza Strip had taken place including the artillery shelling of a crowded Gaza beach that killed of seven people, five of whom belonged to one family.

Meanwhile in the West Bank, the Popular Resistance Committee announced the abduction of an Israeli settler from the Nablus area, the body of this settler was later found in the Teereh district of Ramallah. As a result, the IDF entered various parts of the West Bank and arrested some eight PA Cabinet Ministers and 20 PLC Members, all members of Hamas- paralyzing the government. These events took place at a time when the dialogue between the various Palestinian factions, with the exception of Islamic Jihad, had resulted in an agreement on the Prisoner's document which implicitly recognized Israel, called for a Palestinian State, based on the 1967 borders, and identified the Palestinian Liberation Organization as the legitimate representative of the Palestinian people. The President had threatened to call for a referendum on the acceptance of this document if an agreement was not reached.

This quarter, the Hamas led government continued to suffer from the financial crunch that has left the treasury broke and unable to pay the salaries of 160,000 civil servants for the last 4 months. Hundreds of Palestinians have staged strikes and demonstrations in the West Bank and Gaza Strip to demand payment of overdue salaries to government workers and Palestinian banks have been reticent to transfer the \$70 million collected by the Arab league to government accounts, fearing sanctions from the United States. The Government was able to pay a one month salary for the lowest earning workers who make less than 1,550 shekels(\$330), and recently, the government started paying \$300 for workers earning 1500-2500 shekels.

2. SUMMARY OF SIGNIFICANT ACHIEVEMENTS DURING THE QUARTER

NETHAM's most significant achievements during the reporting period are summarized below. These activities are presented in more detail in Section 3 of this report.

2.1 OVERALL PROJECT SUPPORT ACTIVITIES

- Prepared a Project Suspension Plan based on the April 26th USAID notice which requested that a Suspension Plan be prepared and presented to USAID.
- Met with the Chief Justice and Attorney General and his staff via videoconferencing with Gaza to discuss future Project support to be provided to these independent judiciary organizations and areas on which this support should focus.
- Monitored all three local Palestinian newspapers and translated all relevant judiciary news and sent to USAID for review.
- Held meetings with the European Union's Empowering the Palestinian Judicial System Project to discuss areas of assistance and avoiding future overlap in assistance.
- Completed work on the office electronic filing system.
- Completed maintenance work on the office server.
- Began internal preparation for developing a NETHAM Project Website.
- Director of Finance and Administration spent three days in Gaza working with staff on finance and administration systems and procedures and NETHAM's Gaza Manager traveled to Ramallah and spent three days assisting staff in developing the Suspension Plan.
- Attended a workshop organized by Mosawa in Jericho.
- Facilitated coordination with the Supreme Judicial Council and the General Prosecution, based upon a request by the USAID CTO, in order to issue travel permits for judges and members of the General Prosecution.
- Conducted public awareness session to educate staff on judiciary laws.

3. SPECIFIC ACTIVITIES AND RESULTS

3.1 OVERALL PROJECT SUPPORT

Project Suspension Plan. Based on a USAID request that was sent to NETHAM on April 26, 2006 the Project prepared a Suspension Plan that included limited project activities.

Revised Project Workplan. In anticipation that USAID might ask NETHAM to submit a revised workplan that includes proposed support to the SJC and General Prosecution, the NETHAM staff began developing a proposed Project workplan that includes activities and technical support directed to these independent judiciary institutions. Both institutions have expressed their eagerness to work with USAID and NETHAM to strengthen the Palestinian judiciary. NETHAM

staff is also working on proposed Terms of Reference for potential consultants, as well local staff, again in anticipation of Project activities resuming.

Meetings with Project Counterparts. NETHAM met with the Chief Justice and the Attorney General and his staff to discuss the needs of these judiciary organizations and potential areas of support once project activities resume. These meetings can be categorized as positive and the participants are looking forward to receiving NETHAM and USAID support. NETHAM's USAID CTO was briefed on these meetings.

Meetings with EU Judiciary Project. NETHAM held several meetings this quarter with the Chief of Party of the European Union's Empowering the Palestinian Judicial System Project in order to ensure that there are no overlaps in support and proposed activities with the SJC. The projects prepared a chart with their areas of assistance and the activities where there could be duplication effort. NETHAM hopes to continue meeting with the EU project on a regular basis.

Translation of Judiciary News in Palestinian Press. NETHAM staff monitored daily judiciary news coverage from the three major Palestinian newspapers. This news was translated and sent the USAID CTO for review. The reform steps taken by the Chief Justice and Attorney General generated positive coverage this quarter (see attachment for details on coverage).

Project Administration. This quarter NETHAM staff completed work on the office's electronic filing system. Maintenance work on the office server was also completed. In addition, NETHAM submitted monthly financial invoices to USAID.

Project Staff/Hiring. NETHAM's Ramallah Office Receptionist submitted her resignation in June. Her resignation is effective July 13, 2006. She is resigning for personal reasons and relocating to Jordan. NETHAM has also contracted on a volunteer basis an IT Support Technician that will assist in troubleshooting, tracking daily backups of data, assisting in webpage design for NETHAM and computer related training for NETHAM staff.

Coordination between NETHAM's Ramallah and Gaza Offices. NETHAM's Director of Finance and Administration spent three days in Gaza working with staff on finance and administration systems procedures. In addition, NETHAM's Gaza Manager traveled to Ramallah and spent three days assisting staff in developing the Suspension Plan.

Education on Judiciary Laws. Public awareness sessions were conducted for staff in order to build awareness of the new judiciary laws as well as to provide an overview of the courts structures and systems.

Project Website. NETHAM began internal work late this quarter on developing a NETHAM Project Website. More information will follow in the next Quarterly Report.

4. SUMMARY OF PLANNED ACTIVITIES NEXT QUARTER

NETHAM is unable to provide complete information at this time due to the fact that the structure and scope of future assistance is still undetermined.

5. PROBLEMS AND REMEDIAL ACTIONS

NETHAM is still awaiting clear guidance from USAID as to the Project's status. In the meantime, and due to the fact that implementing project activities is not allowed at the current time, NETHAM is continuing to work on internal project planning. NETHAM staff, as well as the Supreme Judicial Council and General Prosecution, are looking forward to launching project activities once the suspension orders are lifted. While NETHAM is continuing to meet with counterparts to receive feedback and planning input on potential project activities, due to the project status NETHAM is unable to make commitments to these counterparts at the current time. Furthermore, the general political situation and the PA's financial crisis have negatively affected morale in the judiciary.