

**Palestinian National Authority
High Judicial Council**



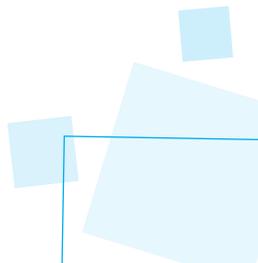
**The Fifth Annual Report
2009**

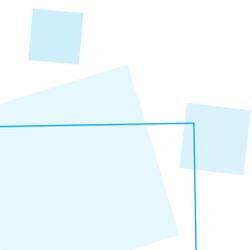
Ramallah- Palestine
June 2010

Funded by the United States Agency for International Development



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Your Excellency President Mahmoud Abbas

President of the State of Palestine

President of the Palestinian National Authority

Chairman of the Executive Committee of the Palestinian Liberation Organization

Greetings,

We are pleased to present to your Excellency the Fifth Annual Report of the High Judicial Council (HJC), in which our judicial functions throughout the year of 2009 are presented, documenting the effective course of action in achieving the High Judicial Council's vision and strategy of the various judicial bodies and the supporting administrative units. Our most important goal centered on enhancing citizens' and institutions' trust in the Judiciary, which was achieved through the increase in the percentage of incoming cases to the courts by 42% compared to last year. There was also an increase in the disposition of pending cases in subject matter courts by 66%, taking into consideration that this increase supports the principles of justice.

The adoption of the three panel committee of judges to examine some civil cases at the First Instance Courts, and the linkage between the judicial functions and the cooperation of the case parties from lawyers, prosecutors, judicial police, the security bodies, and the shortage of employees in the Judiciary, present a challenge and is an obstacle against accomplishing many achievements that the High Judicial Council is seeking to achieve according to its vision and strategy. Nevertheless, work continues to overcome these obstacles and challenges through working hard within our capabilities, as some above mentioned obstacles require legislative interference.

We have developed procedure manuals for Court Clerks, Notification, Civil Judgment, and Notary Public Departments which positively contributed to preventing the procrastination of litigants.

It is worth mentioning that the role of the court administration supporting units, especially the Judicial Inspection Department which conducts regulatory and surprise visits to the courts as well as following-up complaints, contributed to enhancing the Judicial Authority's institutions and departments, such as the Court Administration Department, Planning Unit, Media and Public Relations, Technical Office, the General Secretariat, and the Judicial Training Committee.

This report includes many accomplishments, achieving a qualitative transformation which was a result of the vision and strategy of the High Judicial Council, including the Conciliation, First Instance, Appeal, Supreme and Cassation Courts.

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Your Excellency Mr. President,

The 2009 accomplishments indicate a revival which we are proud of in the Judicial Authority's function; this revival is a result of all the efforts made to achieve goals through extensive work by judges, and their staff from clerks to notifiers.

Yet, we are working towards achieving more progress during 2010 with a strong will and under the highest judicial standards towards continuing our mission in achieving justice and rule of law.

We truly appreciate your Excellency's role in supporting the Judicial Authority and justice to enforce security, stability and public tranquility in society which guarantees the achievement of progress and development, and creates a suitable climate for investment. We look forward to your support of our just and independent Judicial Authority according to the vision of the High Judicial Council's strategy.

We would like to express our deepest gratitude, appreciation and respect to your Excellency and together with you towards the establishment of our independent State with Jerusalem the capital. Through your Excellency, I would like to express my deep appreciation to all those who contributed to the development of the Fifth Annual report, especially, the Court Administration Department and the other judicial administrations, as well as the Netham – Rule of Law Program.

Judge Farid Al Jallad
Head of the High Court
Head of the High Judicial Council

Acknowledgement

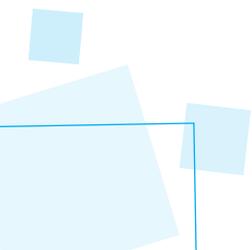
Within the Court Administration Department's initiative in preparing the fifth annual report, which comes under the framework of enhancing knowledge of the HJC's aims and objectives according to international standards, and publishing and providing our justice sector counterparts and interested parties in the work of the High Judicial Council and its different courts with a scientific document that sheds light on data and statistics as well as performance indicators of courts performance, financial and administrative units, and the HJC's various support departments. This report includes the results of all the hard work, and loyal efforts that were made throughout the year 2009, which really formed one of the distinguished successful links that we all strived for.

The report includes many accomplishments that contributed towards qualitative transformations and vital changes as a result of the High Judicial Council's vision and strategy, most notably the transition to institutional performance, as all numbers and statistics indicate the result of this performance, and enable the reader to see and evaluate the results of our work especially in relation to the work of all court levels, from First Instance, Conciliation, Appeals, to the Supreme Court and its two sections the Cassation and the Supreme Court of Justice.

This report, with all its data and information is considered to be from our perspective, a true indication of the principle of transparency, and a challenge to all those in the judicial system whether judges or employees in all locations to keep up the level of performance and to seek to achieve the best on the judicial and the administrative levels. The excellence in achieving the mission of the Judiciary on one hand, and in achieving our ambitions in serving our nation in a way that is suitable to our nation's ambitions and sacrifices towards freedom, independence and the establishment of an independent state on the other.

Finally, it is worth mentioning that this product could not be achieved without all the joint efforts, especially the team who worked on preparing and issuing this report, the Court Administration team, and the USAID-funded Netham Project team directed by Mr. Nabil Isifan who provided the principle assistance in issuing this report. I hope this report will achieve the intended objectives.

Judge Izzat Al Ramini
General Secretary of the High Judicial Council
Head of the Court Administration Department



Executive Summary

The Fifth Annual Report for the year 2009 consists of five sections. The sections include achievements of the High Judicial Council (HJC) and developments that occurred in the performance of the judges and the various courts in the West Bank particularly in the fields of case disposition and growth in filled cases which positively reflects the public's confidence in the last three years (2007-2009).

This report is different from previous reports as it not only displays the most prominent achievements of the HJC, in addition to building performance indicators and effect indicators for the rule of law and the justice system consistent with the goals of the Justice Sector Strategic Plan (2008-2010) in order to serve as a model for the reference indicators to measure the effectiveness of the system in terms of strengths and weaknesses, progress and delays, and the impact of direct and indirect recipient perspectives of the justice system and rule for the previous years.

The first chapter of the report illustrates the vision of the justice sector and rule of law which is:

“A justice sector capable of achieving justice and rule of law including freedom, public and private rights and equality, in addition to preserving human dignity and providing an appropriate framework for a comprehensive and a sustainable development in Palestinian society under a fully sovereign Palestinian State”

This vision formed the legal, structural and performance basis of the HJC.

First: Development of the courts' performance during (2007-2009):

The main conclusion of this report is that the judicial system in the West Bank functioned at a high level of efficiency during 2009 in comparison with 2007 and 2008 in terms of the various courts' ability to dispose cases during the year and the disposition of pending cases compared to previous years. Following are the main results:

1. Conciliation Courts and disposition of civil cases:

- Increased public confidence in the judiciary in obtaining guaranteeing their rights as a result of the increase in court cases filled to 108% during 2007-2009.
- Disposition was completed equivalent to filled cases for the years 2008 and 2009; the percentage of disposition is 1.8% of pending cases from the previous years.
- Increase in civil case disposition from 246 cases per month during 2007, to 421 cases per month during 2008, and to 622 cases per

month during 2009. The monthly rate of the number of filled cases has increased from 291 cases in 2007 to 428 cases in 2008 to 605 cases during 2009.

- Disposed cases increased for each magistrate judge from 82 cases for the year 2007 to 147 cases in 2009.

2. Conciliation Courts and disposition of criminal cases:

- The magistrate courts performance did not keep the pace of filled case disposition in 2007 and 2008; however, in 2009 disposed cases were equivalent to filled cases in 2009 and a percentage of 39% of pending cases.
- Monthly rate of disposed cases increased from 637 cases in 2007 to 1325 cases in 2008 and duplicated five times 3056 in 2009 compared to 2007, and two times compared to 2008.
- The number of disposed criminal cases for each magistrate judge increased from 209 cases in 2007 to 721 cases in 2009.

3. Conciliation Courts and disposition of traffic cases:

- The percentage increase in filled traffic cases during 2007-2009 reached 142%; this increase indicates the militancy and effectiveness in controlling vehicles and violations.
- The courts performance was distinguished for its high efficiency of disposed traffic cases equivalent to filled cases.

4. First Instance Courts and disposition of civil cases:

- Increased public confidence in the judiciary in obtaining their rights in a speedy manner as a result of the increase of court cases filled cases to 67% during 2007-2009.
- Disposition was completed equivalent to filled cases for the year 2009.
- Increase in civil cases disposition from 129 cases per month during 2007, to 175 cases in 2008, to 238 cases per month during 2009. The monthly rate of the number of filled cases has increased from 140 cases to 178 cases to 293 cases during the same period.
- Disposed cases increased for each First Instance judge from 40 cases for the year 2007 to 48 cases in 2009.

5. First Instance Courts and disposition of criminal cases:

- The First Instance courts performance did not keep pace with filled case disposition in 2007 and 2008; however, in 2009 cases disposed were equivalent to filled cases in 2009 and a percentage of 10% of the pending cases.
- Monthly rate of disposed cases increased from 23 cases in 2007 to 29 cases in 2008 and duplicated four times in 2009 to become 99 cases.
- The number of disposed criminal cases for each First Instance judge increased from 8 cases in 2007 to 20 cases in 2009.

6. First Instance Courts in their capacity as Appeals Courts and disposition of civil cases:

- The number of filled appeal cases has decreased, and the number has increased to 1093 cases during 2009, which means a 55% increase compared to 2007.
- Filled civil cases disposed in a speedy manner during the year which prevents case backlog for the following year; whereas, the average of disposed cases from the total of the filled cases increased from 85% during 2007 to 113% during 2008, and decreased to 90% during 2009.
- Increase in civil cases disposed from 50 cases per month during 2007, to 64 cases per month during 2008, 82 cases per month during 2009, an increase average of 64%, whereas the number of court filled cases increased from 59 cases per month during 2007, to 56 cases during 2008, to 91 cases during 2009.

7. First instance Courts in their capacity as Appeals Courts and disposition of criminal cases:

- The performance of the First Instance Courts in their capacity as Appeals Courts did not dispose all the incoming criminal cases for the years 2008 and 2009, while in 2007 disposed cases were equivalent to filled cases and 15% of the pending cases.
- The monthly average of disposed cases was 92 cases in 2007 and decreased to 90 cases in 2008, and increased again to 212 cases during 2009.
- Monthly filled criminal cases decreased from 83 cases during 2007, to 71 cases during 2008 and to 76 cases during 2009.

8. Performance development of the Supreme Court of Justice:

- The number of incoming cases increased steadily during the period of study, as it increased from 195 cases in 2007 to 477 cases in 2008 to 897 cases in 2009 with an increased percentage of 257%.
- The percentage of disposed cases increased from 185 cases in 2007 to 310 cases in 2008 to 685 cases in 2009, the percentage increase is 257%.
- The number of increase in the filled cases has exceeded the number of disposed cases. The percentage of disposed cases was 95% in 2007 and decreased to 65% in 2008, then increased again to 73% in 2009 which indicates that the Supreme Court of Justice could not dispose all the filled cases during the year, which lead to a steady increase in the pending cases.

9. Performance development in the Supreme Court:

- The number of filled cases in the Supreme Court was 17 cases during 2007, and increased to 33 cases during 2008 and to 25 cases during 2009.

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- The number of disposed cases was 13 during 2007, and increased to 29 cases during 2008, and decreased to 19 cases during 2009.
- The increase in the number of filled cases exceeded the number of disposed cases. The percentage of disposed cases verses cases filled was 77% during 2007, and increased to 88% during 2008, and to 76% during 2009. This means that the Supreme Court could not dispose all filled cases during the year, which resulted in a steady increase in pending cases.

10. Performance Development in the Cassation Court:

- The number of incoming cases increased steadily during the period of study, as it increased from 213 cases in 2007 to 448 cases in 2008, to 678 cases in 2009, the increase percentage is 218%.
- A steady increase in the percentage of disposed cases from 345 cases in 2007 to 418 cases in 2008, to 594 cases in 2009, the percentage increase is 68%. The increase in the number of disposed cases exceeded the number of filled cases in 2007, as the percentage of cases disposition reached 166% and decreased in 2008 to 93% and to 88% in 2009.

11. Performance Development in Ramallah Court of Appeal:

- The number of incoming cases in the Appeals Court based in Ramallah steadily decreased from 2164 in 2007 to 1553 cases in 2008, and to 1768 cases in 2009. This was accompanied with a decrease in disposed cases from 2057 cases in 2007, to 1605 cases in 2008, and to 1601 cases in 2009, an average decrease of 22%.
- It is worth mentioning that the percentage increase in case disposition did not match the increase in incoming cases during the years 2007 and 2009. The disposition percentage during 2007 was about 95% of the total incoming cases, and the percentage increased to 103% during 2008, and decreased again to 91% during 2009, which means that the percentage of the pending cases increased by 33% of the total number of pending cases during 2009.

12. Performance Development in the Jerusalem Court of Appeals:

- The number of incoming cases to the Jerusalem Court of Appeals increased from 934 cases in 2008, to 1048 cases in 2009, an average increase of 12%. The highest average increase for the incoming cases were in appeal of case procedures, whereas the increase of such cases was 326 in 2008, 572 cases in 2009, an average increase of 75%. The average of incoming civil case appeals decreased to 21% and criminal appeals to an average of 16%.
- The percentage of appeal case disposition increased from 68% in 2008, to 80% in 2009, and the average of disposition did not match with the increase of the incoming cases during the year which will result in backlog of more cases for the years to come. The highest disposition

percentage was of cases related to appeal procedures, where disposition percentage was 96% in 2008, and an average of 90% in 2009.

13. Indicator of appealed cases vs. disposed cases:

- This indicator shows the extent of trust by litigants in the justice of disposed cases, the more decrease in the percentage, the more increase in the level of litigants trust in the justice system in regards to judgments issued for or against them, and vice versa. This demonstrates the following:
- In general, the percentage of appealed civil and criminal cases decreased vs. disposed cases from 25% in 2007, to 12.2% in 2008, and to 9% in 2009.
- The percentage of appealed civil cases from the disposed cases decreased from 30% in 2007, to 20% in 2008 and continued to decrease to 16% 2009.
- The percentage of appealed criminal cases from the disposed cases decreased from 22% in 2007, to 9% in 2008, and to 8% in 2009.

14. Performance Development in the Execution Departments:

- The number of incoming cases increased steadily, as the number of filled cases duplicated three times, from 6270 cases in 2007 to 10688 cases in 2008, and to 15125 in 2009.
- The disposed case number increased steadily in 2009 compared to 2007, but the number of incoming cases exceeded the increase of disposed cases, the percentage of disposed cases reached 73% from the total number of disposed cases for the year 2007, in 2008 the percentage increased to 87% and increased in 2009 to 52% which means an increase in the number of pending cases in 2009 in a percentage of 11%.

Second: Accuracy of the provisions in First Instance Court as a tribunal and Appeals Courts of Jerusalem and Ramallah:

- The number of appealed cases filed at the First Instance Court in its capacity as appellate court, and in the courts of Ramallah and Jerusalem steadily increased during the years under study from 494 cases in 2007, to 2185 cases in 2008, and to 3984 cases in 2009. The number of appealed cases duplicated more than seven times in 2009 in comparison with 2007. This increase could be due to the steady increase in the number of disposed cases which duplicated four times in 2009 in comparison with 2007, in addition to the increase of dissatisfaction of plaintiffs in the accuracy of provisions issued by civil and criminal First Instance and Conciliation Courts.
- The majority of appealed cases were dismissed, therefore, the percentage of dismissed appeals increased from 62% in 2007, to 81% during 2008 and 2009, accordingly, the percentage of cases where appeals were accepted decreased from 38% to 18% during the same period. A minor number of cases where the appealed decision was amended is not more than 1%.

Third: Development in the number and quality of documents issued by Notary Public Departments in courts:

- The Notary Public Department is an official department that is specialized in organizing, checking and ratifying the documents including the power of attorney, mortgage bonds, warranties, contracts and notifications, in addition to ensuring the completeness and presence of parties and the validity and accuracy of procedures. Consequently, the advance towards this department of the court has a special impression both in quantitative and qualitative terms which made the High Judicial Council pay great attention and focuses the efforts to improve the conditions of the Notary Public Department and to develop its capacity from all aspects.
- The departments of Notary Public provide the Palestinian public with more than 100 types of needed documents. The most requested documents are seven that form a percentage of 89%. The requested documents vary from a court to another or according to cities and villages where the demand of documents increases in big cities. The increase in demanding official documents from a year to another indicates more confidence in the judiciary, improvement in economic and security stability and people's concern about their rights and others rights.
- Notary Public Departments in Hebron and Ramallah First Instance Courts are the most visited to demand official documents; a 22% of the total number of official documents were issued by them in 2009, where the Jenin Magistrate Court comes in second place in a percentage of 14%. The smallest percentage belongs to the Jericho First Instance Court and the Salfeet Magistrate Court with a percentage of 3%.

Fourth: A summary of the most important effect indicators as a result of the performance of the Justice and Rule of Law Sector:

- 66% of the public believes that court decisions were fair (to a large or average extent). The percentage is 59% of total court users.
- Judges represent the most trusted category among all categories under study, followed by the court staff, while the least trusted according to the national sample, the courts users sample and the court staff sample were lawyers and police procedures.
- The highest evaluation ranked for the state's role among court staff and judges. In general there is a majority in evaluating the role of the state in enforcing judicial independence.
- The majority of the surveyed target group assured that they are ready to refer to the Judicial Authority to settle cases that are not resolved yet.
- 70% of service seekers say that they received the services that they need on the same day. Among those who received services on the same day were 49% who got the services within less than an hour, and one quarter of those got the services between one to two hours. The rest (26%) got the services after more than two hours.
- Two-thirds of court users feel that the level of respect from court staff towards them was very good or good. Almost the same percentage feels that the level of efficiency of the staff was very good or good.
- In relation to the real period that the trial took: 39% said that the period took less than three months, and 20% said it took between three months and one year, while 40% said that it took more than one year.
- 81% of judges believe that the justice sector strategy will contribute to the improvement of the performance of the Palestinian Judicial Authority, and 67% of court staff said the same.
- As for the level of trust in people responsible for judicial inspection, the majority see them as trusted, as 77% of judges believe that the inspectors abide to the criteria, and in relation to the quality of inspection procedures 89% said that the criteria used guarantees a quality control evaluation of the judges' performance.

Fifth: Increase in number of judicial and administrative staff:

- The number of judges in the West Bank and Gaza increased steadily from 130 in 2007 to 181 in 2008 to 190 in 2009, the percentage of increase is 45% in addition to the head of the First Instance Court to become 190 judges. The number of judges in the West Bank increased from 70% in 2007 to 77% in 2009, where it decreased in Gaza from 30% to 23% during the same period of time.

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- The number of judges working at the Supreme Court is two-and-a-half times more in 2009 compared with 2007, as they increased from 14 judges to 35 judges.
- The number of judges in the Magistrate Court increased steadily from 37 judges in 2007 to 70 judges in 2009, an increased percentage of 89%. The increase included the West Bank only.
- The number of First Instance Court judges increased to a percentage of 25% in 2009 in comparison to 2007.
- The number of female judges in the West Bank is 16, and 6 judges' work in the Ramallah Appeals Court and 8 work in the Jerusalem Appeals Court.
- The number of employees in the judicial sector is 537 both males and females in all administrative, technical and service positions. The highest percentage of employees is the Court Clerks with 161, a percentage of 30% from the employee total, where the administrators come in second with a percentage of 25%.

Sixth: Promote accountability and oversight within the framework of the Judicial Inspection Department:

The Inspection Department executed an intensive program for Judicial Inspection during 2009; following is a brief of the program:

- The High Judicial Council intensified its inspection tours during 2009, which has affected the efficiency of the courts in disposing the cases, and the public services developed in many courts.
- The department's judges executed 72 periodical visits in addition to unannounced visits during 2009 for the Magistrate, First Instance and Appeals Courts. During the inspection visits, the presence of judges and employees is verified, in addition to verifying the start of work, the trial opening and process as well as proceedings. In addition to overseeing the judges behavior during the proceeding and their seriousness in completing their work, how they deal with litigants, lawyers and employees, their legal and professional capacity, their leadership personality, the firmness of their decisions and its language and legality.
- The Judicial Inspection Department received 95 complaints during 2009, 20 of the complaints were against judges, 29 of them were against prolonging the litigation procedures and 29 complaints against Notary Public, chief judges, clerks and Notification Departments. These complaints were studied and inspected according to legal principles where 76 complaints were disposed and 19 complaints referred for follow-up.

Seventh: Training and Rehabilitation of judicial staff:

Judges, administrators and employee training in regular courts is a top priority of the Judicial Training Committee as the department aims to enhance professional skills of judicial staff in the legal field, and to increase their capacity with recent legal, administrative, international and local developments in these areas. The training program targets judicial staff and the newly employed judges in addition to administrative staff. The training was conducted in cooperation with many European and international organizations. Following is a brief of the most important programs conducted:

- Training activities for the Magistrate, First Instance and Appeal judges within the continuing education program.
- Basic training program for the Magistrate Court judges that were recently appointed.
- Specialized training activities including urgent requests, execution law and criminal proceedings, etc.

Eighth: Top Training programs to increase the efficiency of the administrative staff in the courts:

- The use of “Al-Mizan” program in order to facilitate the process of automating notifications.
- Unify the judicial folder archiving procedures in clerks’ offices, communication skills with the public.
- Unify the legal and criminal proceedings in Magistrate and First Instance Courts.
- Communication skills and dealing with the public, unification of the judicial file archiving procedures in the clerks’ offices.
- Unification of the legal and criminal proceedings in Conciliation and First Instance Courts
- Training on computer and typing skills.

Ninth: Strategic Planning and Project Management:

The planning unit worked on achieving the High Judicial Council’s strategic objectives, this is reflected through the High Judicial Council’s achievements. Following are the top activities:

- The Planning Unit followed up on holding the judicial council meetings and activating it as 34 meetings were held during 2008 and 2009. The unit worked on not politicizing the council, as membership was only opened to judges. A Memorandum of

Understanding with the judicial police was prepared and approved by the Chief Justice, and it was sent to the judicial police for review. In addition, the High Judicial Council signed a Memorandum of Understanding with 19 civil society organizations working in media and human rights.

- The Planning Unit in cooperation with the Training Committee worked on developing the capacity of the courts' employees and the judges through planning basic training and specialized workshops in addition to coordinating with projects to conduct the training and activate the judges' participation in local and international training.
- The Planning Unit worked on following-up on activities of the USAID-funded Netham Rule of Law Project and the EC-funded Seyada Project in order to raise the efficiency and skills of the human resources in the courts including judges, and court staff.

Tenth: Modernization and Development of the Judicial Sector Infrastructure:

The aim of rehabilitating and developing the courts is part of the strategic vision of the judicial development strategies, which aim at creating an appropriate judicial environment in order to achieve legal stability in Palestine, promote rule of law, preserve freedoms and basic rights of the citizens through guaranteeing a fair trial and preserving the integrity and independence of the judiciary. In this context, following is what has been done:

- Building new courts and expanding the existing courts.
- Developing justice sector departments.
- Developing and modernizing Execution Departments.
- Developing and modernizing Notification Departments.
- Developing and modernizing the judicial library.
- Developing the central archiving.
- Activating the Judicial Media Center.
- Improving the Judicial Training Institute performance.

