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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: First 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: Dec/31/2005
Abstract <i>(summary of most significant information, 250 word limit; optional):</i> 	
Keywords <i>(suggested terms to describe content of document; optional):</i> 	

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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

First Quarterly Report
October 1- December 31, 2005

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1. EXECUTIVE SUMMARY

As part of USAID West Bank Gaza's vision to provide assistance to achieve the goal of an independent, viable, and democratic Palestinian state, DPK Consulting was awarded the USAID Rule of Law, Justice and Enforcement contract on September 30, 2005. The objectives of this project are to professionalize the formal justice sector through targeted assistance to the Ministry of Justice, court administrators, and other bodies; and to improve the enforcement of laws and court decisions. Today there is strong will for reform among Palestinian citizens and officials, particularly in the justice sector, due to consistent public support for the principal of Rule of Law and a sound security and police apparatus.

The formal justice sector in West Bank/Gaza is comprised of the following institutions: the Judiciary, Attorney General's Office (public prosecution), and the Ministry of Justice. The institutions are plagued by a continual scarcity of resources, lack of skilled personnel, and poor infrastructure. In addition, though the legislative groundwork has been laid for judicial independence, a history of executive interference in decision-making and perceived corruption has negatively impacted the functioning of the judiciary. Exacerbating these problems is the competition and struggle for power among the various justice sector institutions, namely the Ministry of Justice and the Supreme Judicial Council. This relationship is quite imbalanced with the former being too weak and the latter too strong. One of the more contentious issues concerns which institution has administrative oversight of the Attorney General's Office. According to the Judiciary Law, the AG's Office should fall under the authority of the Ministry of Justice but a Presidential Decree declared the office as autonomous.

Another challenge facing these relationships is the legislative elections which will be held on January 25, 2006. The Minister of Justice views his position as transitional, with government changes likely taking place after the legislative elections; therefore, he has not been able to take critical decisions affecting the MOJ and institutional development. Compounding matters, the Chief Justice retired in late December and Issa Abu Sharrar has been named the new the Chief Justice.

It is within this environment that DPK opened its offices in the West Bank and Gaza in October. Within one month the Project had both offices staffed and functioning, and had created the networks to ensure enduring, sustainable reform. This can be accredited to the rapid project start-up efforts and strong working relations with justice sector officials that carried over from DPK's first project in the West Bank and Gaza, the Modernization of the Administration of Justice Project, from October 1999 to September 2004. The current Project has been named NETHAM, which is the Arabic word for order.

NETHAM was officially launched on December 5, 2005. The launching ceremony was held under the patronage of PA President Mahmoud Abbas and was attended by over 100 dignitaries including: the U.S. Consul General in Jerusalem, Jacob Walles; USAID Mission Director, James Beaver; the Minister of Justice, Minister of Planning, the Chief Justice, DPK Principal Bill Davis and numerous representatives from the government, civil society, other donor organizations and the media.

The Project team recognized that the upcoming elections presented a window of opportunity to lay the foundation for dialogue and reform before the major players changed. In October

NETHAM met with the Chief Justice of the Supreme Judicial Council and the Ministers of Planning and Justice to discuss the roles and responsibilities of the judicial institutions.

The meeting resulted in the creation of a Strategic Planning Committee under the auspices of the Minister of Justice, specifically chartered to work with NETHAM and other judicial sector institutions, to assess the needs of the judicial sector.

In early December, NETHAM held a roundtable discussion on the judicial sector strategic planning process. This groundbreaking discussion brought together key stakeholders from throughout the sector including the Chief Justice and eight Supreme Court judges, the Minister of Justice, Minister of Planning, Attorney General, and the Legal Advisor to the President. Simply getting the parties to sit together was hailed as an accomplishment by figures in the judicial sector. Based on the recommendations of the roundtable, a task force from the Steering Committee on the Judiciary and Justice has been established to alleviate differences among the justice sector institutions.

On December 6th, USAID requested NETHAM's assistance with the development of a Judicial Police Force. USAID approved NETHAM's proposal to institute pilot programs in two courts, one in Ramallah and one in Gaza. Due to NETHAM's efforts Rahib Khandakji has been appointed to head the Judicial Police and he and his two assistants have taken a study tour to Jordan to assess the Jordanian experience, two consultants have been hired and have already begun providing technical support, and security equipment procurements are underway. The success of these efforts are due to USAID's ability to identify the need for such a project, NETHAM's ability to respond quickly and positively to this request, and the PA's strong commitment and support for this initiative.

At the close of the quarter, NETHAM was still without a COP; although activities were still being implemented at full speed due to the hard work and dedication of NETHAM staff, the acting COP, and the support of DPK's home office. Four proposed candidates for the Chief of Party position were sent to USAID on November 29, 2005 for review. At the writing of this report, USAID had indicated its top two choices and was in the process of conducting interviews.

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

- Project offices in Ramallah and Gaza staffed and equipped (15 staff members recruited and hired).
- Successful launching ceremony held for NETHAM in Ramallah in the presence of Palestinian and American officials.
- Year One work plan submitted to and approved by USAID.
- Entire staff trained on USAID and DPK policies and procedures. Finance Manager trained by DPK Home Office Finance Director.
- NETHAM's newsletter prepared for distribution in order raise awareness of the project objectives and activities.

- With USAID assistance, NETHAM was officially registered with the Palestinian Authority in November according to USAID regulations.

2.2 COMPONENT 1: PROFESSIONALIZING THE FORMAL JUSTICE SECTOR

- A NETHAM organized roundtable discussion was held with justice sector stakeholders to discuss the authority granted to the Ministry of Justice and the Supreme Judicial Council.
- An IT needs assessment was conducted to establish network connectivity requirements at the three MOJ headquarters in Ramallah, Gaza, and Nablus, and other IT needs for the MOJ.
- A large IT tender was advertised in local newspapers and on the Small Business Association's Sub-Net in the US to procure IT equipment for the MOJ and NETHAM offices.
- The Minister of Justice named a five-member Strategic Planning Committee to work with NETHAM on the strategic planning process for the MOJ.
- NETHAM, with the Supreme Judicial Council (SJC), began assessing the needs for establishing a Central Notification Department.
- A workshop with public prosecutors and SJC administration was conducted via video conferencing in Gaza.

2.3 COMPONENT 2: STRENGTHEN THE ENFORCEMENT OF LAWS AND COURT DECISIONS

- A detailed proposal was developed to create a judicial police force.
- Due to NETHAM's efforts, the Director General of the Police appointed the Director of the Judicial Police force and two assistants, one in the West Bank and another in Gaza.
- A study tour to Jordan was arranged for the Director of the Judicial Police and his two assistants to network and to familiarize them with the Jordan's Judicial Police experience.
- Two international project consultants, an American and a Jordanian, worked with the Director of the Judicial Police and his staff to develop an action plan for the Judicial Police.

3. SPECIFIC ACTIVITIES AND RESULTS

3.1 OVERALL PROJECT SUPPORT

First Annual Work Plan. The first annual work plan was submitted to USAID prior to the deadline. Comments were received from USAID towards the end of the quarter and were incorporated into the final plan. It is now being translated into Arabic. In preparation for submitting the work plan to USAID, the Acting Chief of Party and DPK Principal Robert Page traveled to Jordan to participate in strategy meetings with former Jordanian Minister of Justice and DPK consultant Salaheddine El-Bashir and Judge Ali Al-Masri (proposed Component 2 leader), their feedback was incorporated in developing the work plan.

Project Launching Ceremony. The NETHAM project was officially launched at the Grand Park Hotel in Ramallah on December 5, 2005. The event was held under the patronage of PA President Mahmoud Abbas, although last minute travel called him to Gaza and prevented him from

attending. The key speakers included the President's Chief of Staff, Rafiq Al-Husseini, who spoke on his behalf; Jacob Walles, the Consul General in Jerusalem; James Beaver, USAID Mission Director; Zuheir Sourani, Chief Justice; Farid Jallad, Minister of Justice; Ghassan Al-Khatib, Minister of Planning; William Davis, DPK Principal, who presented the NETHAM project; and Salaheddine Al-Bashir, who spoke about the justice sector strategic planning process.

Over 100 guests attended including PA Cabinet Members, officials from the Ministry of Justice, judges, attorneys, donor organizations, civil society organizations, and the media. The event received significant and positive press coverage from both local and international media.

Project Newsletter. The Project developed the first NETHAM newsletter that contains an overview of NETHAM, contact information, coverage of the launching ceremony as well as other project news, articles, and photos. The newsletter will be published in both Arabic and English. USAID approval for the newsletter is pending.

Project Administration. In early October, the Project's proposed Chief of Party, Lynn Hastings, withdrew her candidacy. Mr. Nabil Isifan is serving as the Acting COP until this issue is properly resolved. During a week long visit, DPK Financial and Administration Director Rebecca Silva, trained the Finance and Administration Director on the following: accounting software (Quick Books); DPK administrative procedures; monthly financial reporting; budget management; procurement; and compliance with USAID regulations. The office's finance and administrative procedures were fully functional at the end of the quarter.

An income tax deduction file was opened and the Project deducted the applicable income tax from employees' salaries, according to the Income Tax Law. The office was officially registered with the PA Ministry of Economy and Trade and received the VAT exemption paperwork from the Ministry of Finance. Finally, NETHAM initiated the procurement process for office vehicles.

Project Staff/Hiring. At the end of the first quarter, 15 staff members were working in both the Ramallah and Gaza offices. There are five positions left to be filled. Candidates were interviewed for the Translator/ Editor position and the position is expected to be filled early in the second quarter. After a long process, the waiver was approved for Ali Al-Masri, the Enforcement of Laws and Court Decisions Component Leader. He will join the Project in January. NETHAM was also informed late in the first quarter that the proposed salary for Wafa Hamayel, the proposed Inter-institutional Development Manager, was not approved. This new opening was advertised it is expected that it will be filled in the second quarter. NETHAM is awaiting USAID approval to create an IT Support Technician position. Another project assistant position, as well as a translator and accounting assistant will be hired next quarter.

3.2 COMPONENT 1: PROFESSIONALIZING THE FORMAL JUSTICE SECTOR

Established Communication Mechanism with MOJ. In order to establish effective communication between the MOJ and the project, NETHAM asked the Minister of Justice to name key counterparts with whom NETHAM can coordinate specific activities and implement the project work plan. The MOJ was responsive and named counterparts in Ramallah and Gaza. Several meetings have been held and good working relationships with counterparts in both West Bank and Gaza have been developed.

Strategic Planning Committee. At NETHAM's request, the Minister of Justice sent the project an official letter naming five staff members at the MOJ that can work with the NETHAM team on the development of a strategic planning process at the MOJ and for the justice sector as a whole.

Courtesy Meetings with Justice Sector Figures. Early in the quarter, meetings were held with numerous justice sector officials to enlist their support for the project and to discuss cooperation between the justice sector institutions. NETHAM consultant Salaheddine Al-Bashir and Nabil Isifan also held two video conference meetings between Ramallah and Gaza with the Chief Justice Zuheir Sourani, other key judges and the Director General of the SJC Ahmad Al-Amir. Meetings were also held with the Minister of Planning, Deputy Minister of Finance, and the Secretary General of the Committee for the Judiciary and Justice in order to inform them about the start of the rule of law contract and garner support for the project and its objectives. These officials have offered their support to NETHAM and are facilitating project activities.

Improving the Administrative Capacity of the MOJ. In the first weeks of the project, the MOJ requested assistance to establish computer network connectivity between the three MOJ headquarters in Nablus, Ramallah, and Gaza. An equipment needs assessment was conducted and a tender was published in three local newspapers on December 14 and 15. Simultaneously, the tender was published on the Small Business Administration's Website SUB-NET to enable US vendors to bid as well. The tender includes video conferencing equipment (for both the MOJ and NETHAM), PCs, and servers in addition to other equipment that will be used to connect the three MOJ headquarters, and establish a video conferencing system between MOJ offices in the West Bank and Gaza. Some of this equipment is also for the NETHAM offices. A full tender document has been developed and distributed to interested companies. The deadline for submitting proposals was December 26th. All tender documents were sent to the USAID CTO. Next quarter the bids will be analyzed and a tender awarded.

NETHAM efforts also focused on the overall institutional development of the MOJ's managerial, financial, and administrative systems. This quarter the project began developing an overall institutional development assessment. Next quarter, this assessment will be finalized and substantiate work will begin on the MOJ's financial, administrative, human resources, and MIS systems and processes. A team of consultants will be recruited to carry out this task.

Justice Sector Roundtable on Judicial Process. On December 4th, NETHAM organized a roundtable event, facilitated by NETHAM consultant Dr. Salaheddine Al-Bashir, to discuss the judicial sector strategic planning process. This session was hailed as a real breakthrough that allowed the leading figures and institutions to come together and solve differences. Participating in the roundtable were the Chief Justice, Mr. Zuheir Sourani, and eight Supreme Court judges, the Minister of Justice, Minister of Planning, Attorney General, the Legal Advisor to the President, as well as William Davis and Dr. Salaheddine Al-Bashir and the NETHAM team.

The main objective of this roundtable discussion was to increase coordination and cooperation within the justice sector and build consensus among stakeholders. Each of the represented institutions addressed their views concerning the tension in the justice sector and ways to alleviate it.

By the end of the meeting a list of the points of agreement and points of contention had been developed. The three primary points of disagreement are issues related to judicial inspection, the administration of the courts, and the structure of the Judicial Council. The group asked Dr. Al-Bashir to provide them with an overview of the Jordanian experience, focusing particularly on the issue of judicial inspections. A follow-up meeting was held and Dr. Al-Bashir conducted a briefing on the Jordanian experience which the group hailed as very helpful.

Based on these discussions a task force from the Steering Committee on the Judiciary and Justice was established to resolve tension and build consensus on key issues related to the Judiciary Law Number 1 for the year 2002. The MOJ also implemented a roundtable recommendation to have the Deputy Minister of the MOJ be a judge and the Minister soon after appointed Khaled Abu Jabr to this post. After the brainstorming session, the task force met regularly and discussed the differences between the MOJ and SJC.

Upgrading Skills of Court Processors and Court Administrators. NETHAM conducted a brainstorming session that included Ahmad Al-Ameer, the Administrative and Financial Director of the Supreme Judicial Council (SJC); Fahed Qawasmi, the Acting Administrative and Financial Director in the West Bank; two Chief Clerks in the Ramallah First Instance and Conciliation Courts; and two court processors from the Ramallah court complexes. The session aimed to:

1. Discuss and approve the first year plan to develop the notification process;
2. Assess the needs of the notification departments at courts in terms of physical and training needs; and
3. Kick off the privatization study to increase the efficiency of the notification and summons process.

The SJC and the court representatives have agreed on the elements and activities of the work plan. They will also facilitate project activities in the development process.

Privatization of Notifications. NETHAM met with local vendors Aramex and WASSEL for Distribution and Logistics Services to gather information about market mechanisms that could form the basis for a proposal to privatize the notification delivery process. A similar practice has been instituted in Jordan where court notifications are delivered by private companies as opposed to court representatives in order to ensure timely delivery of notices. NETHAM will await decisions from justice sector institutions and USAID on this subject.

Training for MOJ staff and Court Administrators and Processors. This quarter, NETHAM made preparations to conduct two International Certificate Driving License (ICDL) training courses in West Bank and Gaza for MOJ and court administrators and processors. This course includes training on Word, Excel, e-mail and internet applications. NETHAM analyzed offers from training institutions, and it is expected that this 60 hour training course will start in mid-January, after Al-Adha Eid Holiday. There will be a total of 40 participants taking part in this course in the West Bank and Gaza from both the MOJ and the Courts.

MOJ Website. A meeting was held with MOJ staff, including the head of the IT Department, and two project counterparts to discuss developing the MOJ website. The need for a systems analyst was part of the discussion, as both NETHAM and the MOJ recommended that this hiring should take place before website development is initiated. During this strategy meeting, it was agreed that website content will focus on three areas: information on the MOJ, public services, and news.

3.3 COMPENENT 2: STRENGTHEN THE ENFORCEMENT OF LAWS AND COURT DECISIONS

Judicial Police Proposal. Based on USAID interest in assisting in the creation of the Judicial Police force, a proposal was submitted in November detailing how NETHAM could assist in developing this new force. A meeting was held with the USAID Mission Director, the Director of the Democracy and Governance Office, USAID project CTO, DPK Principal William Davis, Nabil Isifan and Salaheddine Al-Bashir, to discuss this proposal and USAID interest in moving this initiative forward.

After receiving USAID approval NETHAM focused its efforts on implementing this proposal at two pilot courts- one in Ramallah and the other in Gaza. Several meetings were held with the Director General of the Police Force, Husni Rayah (Ala' Husni), to discuss the project proposal and the formulation of the judicial police force. An action plan, in Arabic, was developed that includes a procedural flow chart, proposed organizational structure, personnel needs for the two pilot courts, and proposed equipment. NETHAM also stressed the importance of naming a director for the judicial police and proposed several candidates.

By mid-December, the Director General of the Police, based on NETHAM's recommendations, had named a director for the judicial police and two assistants—one in the West Bank and one in Gaza. The NETHAM proposal was fully implemented and Terms of Reference were completed and approved for two consultants, one American and one Jordanian, to provide technical assistance to the judicial police team in preparing an action plan finalizing the structure and resources needs for the Judicial Police force. By the end of the quarter, a study tour to Jordan had begun during which the judicial police team studied Jordan's experience in forming a judicial police force and networked with their Jordanian counterparts.

NETHAM drafted text for signs that will be used in the pilot courts of the judicial police force. These signs will make citizens aware of the prohibition of carrying weapons in the courts and the penalties of using violence against judges, lawyers, and public employees. A request for a source origin waiver for the procurement of security equipment for the Ramallah and Gaza courthouses was sent to USAID . This equipment includes walk-through metal detectors, handheld scanners, IP cameras and camera software among other equipment. The waiver was approved by USAID.

After the appointment of Rabih Khandakgi as the Director of the Judicial Police regular meetings took place with him and NETHAM staff. Discussions on logistics for the study tour to Jordan and a media campaign to raise awareness of the judicial police took place. NETHAM proposed implementing a judicial police campaign that will include ads in the newspapers, programs on TV, as well as press releases. Discussions with several public relations and advertising firms regarding this campaign have begun.

The Acting COP traveled to Jordan at the end of the quarter to make preparations for the study tour by the Judicial Police team. In cooperation with the Jordanian consultant the team finalized a trip itinerary which included the plenary meetings and brainstorming sessions as well as meetings with the Jordanian Judicial Police and field visits to selected courthouses.

A meeting also took place with the Assistant Director of the JP Tayseer Tahboub to discuss the needs of the Judicial Police at the two pilot courts, Ramallah and Gaza, to prepare the final needs

assessment report. The NETHAM Gaza team met with the assistant in Gaza, Ahmad Swedan, to discuss the needs of the Judicial Police in the Gaza courthouse. Mr. Tahboub has prepared a memo showing all the needs of the Judicial Police in the West Bank, including equipment and human resources needs that will be submitted to NETHAM.

A visit to the Ramallah courthouse took place with the Assistant Director of the JP in Ramallah. The visit assessed the police location in front of the building and other needed security arrangements such as the location of the metal detectors and network requirements for the security electronic control system (cameras and software). Preliminary, the JP's Assistant Director has asked for some special security arrangements, including fencing in front of and around the building, to increase the level of security provided by the Judicial Police.

Legal Consultant. Terms of Reference were prepared for a legal consultant to conduct an assessment report for the Enforcement Units, including flowcharts of the processes and procedures used by these units and recommendations for improvement.

Enforcement Workshop. A workshop for public prosecutors and SJC administration took place at the SJC through video conference with Gaza. The discussion concentrated on implementing recommendations from the Jericho judicial workshop, specifically the criminal registry, the by-laws regulating the relationship between the Police and the prosecutors, and finally the enforcement of the criminal court decisions.

Court Assistance. The NETHAM Gaza team visited the Courts and the Attorney General's office. A meeting was also held with the General Director of the Supreme Judicial Council, Ahmed Al Amir, and forms used in enforcement and notifications process were gathered.

4. SUMMARY OF PLANNED ACTIVITIES FOR NEXT QUARTER

4.1 OVERALL PROJECT SUPPORT/ADMINISTRATION

- Distribute and print Project newsletter.
- Select candidate for Translator/Editor opening. (Since the end of the quarter Ms. Reem Wahdan has been approved by USAID and hired by NETHAM)
- Advertise Accounting Assistant position in local press.
- Conduct interviews for five pending staff openings.

4.2 COMPONENT 1: PROFESSIONALIZING THE FORMAL JUSTICE SECTOR

- Develop strategic plan with MOJ, including preparation for the strategic planning retreat, which may be held in April or May, pending approval of the new Judiciary Law.
- Begin needs assessment process with MOJ, including a diagnostic study to develop recommendations for the institutional development process.
- Help the MOJ Legal Department prepare a report identifying legislation required to ensure the effective administration of justice sector.

- Provide equipment needed to establish connectivity between the three MOJ headquarters.
- Provide technical assistance consultants to improve MOJ personnel policies and procedures.
- Provide equipment and software to MOJ, based on IT tender.
- Develop priorities for upgrading automated systems and software for MOJ.
- Develop training programs for MOJ staff and departments.
- Provide assistance to MOJ in developing their website.
- Implement ICDL Training for court and MOJ staff.
- Assist SJC in establishing the Notification Central Department.

COMPONENT 2: STRENGTHEN THE ENFORCEMENT OF LAWS AND COURT DECISIONS

- Prepare action plan to improve skills and functioning of court execution officers and offices.
- Implement the judicial police proposal in two pilot courts.
- Conclude study tour to Jordan for judicial police force.
- Develop media strategy to raise public awareness of the judicial police force.
- Conduct workshop and study on enforcement unit processes and procedures.
- Investigate status of criminal registry and how NETHAM assist.
- Conduct meetings and workshops for different institutions to ensure implementation of the Jericho workshop recommendations.
- Conduct assessment report on the evaluation system for execution officers.
- Analyze current codes, regulations, and internal operating memorandum among different justice agencies to identify changes that are necessary in the operating and legal framework.

5. PROBLEMS AND REMEDIAL ACTIONS

The travel situation in the West Bank and Gaza and the inability of NETHAM project staff to obtain permits to travel between the West Bank and Gaza has presented some obstacles, in that the project team has not been able to meet in its entirety to plan project activities. Likewise, project counterparts have not been able to travel between the two areas. NETHAM has applied for travel permits and hopes that permits will be issued soon.

NETHAM also notes a weakness in human resources at the MOJ. While there are some effective counterparts for the Project, there is still a deficit of human resources within the Ministry. Some key departments are missing from the structure of the MOJ, namely media and planning departments. The Minister of Justice also presents another weak link in that he is not fully involved in the Ministry and views his post as perhaps transitional until a new government is



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formed after the elections. A strong and effective Minister would be able to organize the structure and activities of the MOJ and greatly facilitate the work of NETHAM.