

آفاق إعادة دمج قطاع العدل في دولة فلسطين

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PROSPECTS FOR JUSTICE SECTOR REINTEGRATION IN THE STATE OF PALESTINE

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PROSPECTS FOR JUSTICE SECTOR REINTEGRATION IN THE STATE OF PALESTINE

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A report commissioned by the United Nations Development Programme / Programme of Assistance
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EXECUTIVE SUMMARY

A. Study Background

The present study was commissioned by UNDP/PAPP to produce an assessment of the evolution of the main judicial institutions (Ministry of Justice, High Judicial Council, Attorney General Office, High Judicial Shari'a Council) in Gaza Strip and the West Bank since the Division, and provide recommendations and practical mechanisms for their reintegration, highlighting in particular their needs in terms of mandate and functions; human resources, both quantitatively and qualitatively; and infrastructure.

B. Study Methodology

The information contained therein comes from a variety of written sources which include official reports, academic literature, applicable legislation, strategic plans, organizational charts, and personnel rosters. In addition, well over a hundred interviews were conducted with the main stakeholders in the course of a study visit in the West Bank and Gaza Strip. Finally, the report draws from the responses received to a questionnaire distributed to the main judicial institutions' staff in Gaza Strip.

C. Main Findings

On the whole, the mandate and functions of the judicial institutions did not experience fundamental changes. Their legal framework broadly remained unaltered and they continued to operate as before the Division. The High Judicial Shari'a Council is a notable exception: a series of laws adopted concomitantly in the West Bank and the Gaza Strip have deeply affected the structure of this institution.

Additionally, the situation created by the Division has had a significant impact on the internal organization of judicial institutions. On the one hand in Gaza Strip, the dire lack of resources at their disposal compelled the institutions to put on hold certain units and departments, or at the least to reduce their activity. This did not prevent them however to introduce some real improvements to the judicial system: the establishment of an effective judicial police force, as well as the creation of an enforcement department within the Shari'a courts have had the effect of expediting the enforcement of rulings.

On the other hand in the West Bank, the tremendous support granted by international donor agencies allowed the judicial institutions to enhance their action and address a new range of thematic issues, leading to the creation of additional units and departments. It has also significantly improved the strategic planning capacities of judicial institutions and firmly rooted the concept and practice of capacity-building and continuing education.

The Division had a profound impact on the human resources dimension, more particularly in Gaza Strip. After hundreds of judicial and non-judicial personnel permanently ceased their activity in the courts and administration in the wake of the Division, the judicial institutions hired new staff to replace them. The conditions under which these appointments were conducted vary significantly from one institution to another. It can be asserted however that recruitment was usually carried out through open competitions and in accordance with the criteria set forth in the applicable laws.

The complete and sudden departure of experienced staff and the urgency characterizing the appointment of their replacements nevertheless have had long-lasting effects. If the High Judicial Council succeeded in bringing in reputable and legally qualified candidates, the Attorney General Office relies mainly on young and inexperienced jurists who, due to lack of time and resources, never received proper training. The High Judicial Shari'a Council, here again, distinguishes itself by the fact that it remained relatively immune to the Division. A high rate of judges and employees remained in their positions, some of them continuing even to receive their salary from the West Bank.

Aside from these differences, the main finding, namely the severe lack of human resources, is applicable to all judicial institutions in Gaza Strip. This observation is particularly relevant with regards to judicial personnel, as exemplified by a comparative examination of regional ratios of judges and prosecutors per inhabitant.

On a more subjective level, a high willingness to reintegrate the pre-Division personnel is discernible among all current judicial and non-judicial staff in Gaza Strip. The collection of questionnaires as well as numerous interviews conducted in situ tend to demonstrate that, under certain conditions, a reintegration process would be favorably welcomed as a means to alleviate the workload and bridge the experience gap.

On their part, the judicial and non-judicial personnel who withdrew or weren't allowed back to their positions after the Division did not meet a common fate. Some managed a professional reorientation in the private sector, civil society organizations or the academia, while others ceased all activity. But, save for a few exceptions, none of them were offered any kind of training program or offer to help maintain their competence and skills.

With regards to the justice sector infrastructure, the situation observable in Gaza Strip is preoccupying. Due to the closure and a lack of financial resources, no progress was made over the last years and the premises used currently are the same than before the Division. Furniture has not been replaced, nor has the IT equipment been upgraded, leading to a situation where the staff is often unable to perform their tasks and where the public cannot be received in decent conditions.

D. Key Recommendations

In light of the study findings, it can be concluded that obstacles to reintegration are far from insurmountable. Once the political deadlock is resolved, solutions could easily be provided along the following lines in order to ensure a smooth reintegration of judicial institutions.

- Judicial institutions should be reunified in a way that guarantees the integration of the best practices developed in the West Bank and the Gaza Strip since the Division. This will necessitate a significant number of additional personnel, thereby facilitating the reintegration of pre-Division staff whose qualifications and experience represent a real asset.
- The severe shortage of judicial staff in Gaza Strip should be addressed very rapidly by reintegrating pre-Division judges and prosecutors and launching a recruitment campaign in order to restore the balance between the two Palestinian territories.
- Tailored training programs should be designed and provided to pre-Division judicial and non-judicial staff, who have been out of the workforce for more than eight years. Current personnel in Gaza Strip should benefit from the experience gained in the West Bank since the Division with regards to continuing education programs.
- A comprehensive plan should be designed to upgrade and modernize the justice sector infrastructure in Gaza Strip, in addition to providing all facilities with modern equipment and installing the *El Mezan II* information system in all judicial institutions.

The aforementioned steps should be well coordinated and planned ahead, all the while ensuring that the judiciary remains operational and efficient during the transition phase. This could be achieved by the creation of an ad hoc committee that should be based on three main principles: the primacy of the constitutional and legislative framework; the exclusion of political calculations from the unification of the justice sector; and the removal of the illegality and illegitimacy arguments from the debate on reintegration.

The ad hoc committee should be established along the following lines:

- **Composition:** the committee should be composed of jurists (retired judges, lawyers, academics, and CSOs' representatives) of impeccable credentials, reputed for their impartiality and political neutrality. The selection of the members should reflect the diversity, in terms of age, gender, geographic origin, and social background, of the Palestinian legal community.
- **Mandate:** the committee will be tasked with proposing concrete solutions to all the issues raised by the present study, including: determining the rank and status of pre- and post-Division judicial personnel based on a thorough methodology, and draw a comprehensive training plan; quantify the need for additional judicial staff in Gaza Strip; set forth technical solutions in order to achieve the unification of all judicial institutions; draft a detailed assessment of the needs of the justice sector in Gaza Strip.

- **Timeframe:** the Committee shall complete its work and deliver its conclusions within three months after its establishment.
- **Scope of decisions taken:** decisions taken by the committee should be implemented by the President of the PNA
- **Interim period:** between the establishment of the committee and the adoption of its decisions and recommendations, the judicial institutions in the WB and the GS shall remain in place but shall not make any new appointment, promotion or demotion of judicial staff.

Beyond this proposed mechanism, the following steps should be taken by the following actors to facilitate the reconciliation process:

- Judicial institutions in Gaza Strip and the West Bank should devise soft reintegration strategies and open channels of discussion for mid-management staff on technical matters
- Judicial institutions in Gaza Strip should survey and assess the needs of the pre-Division judicial and non-judicial staff and develop a placement and reincorporation plan.
- Judicial institutions in the West Bank should initiate contact with the pre-Division judicial and non-judicial personnel in the GS, and conduct an assessment of their professional and/or academic activity over the last eight years as well as their current status.
- Donors and international aid agencies should engage into a constructive relation with the judicial institutions in the GS, enquire about their shortfalls in terms of infrastructure, equipment and training, and incorporate the assessed needs into their planning and budgeting processes.
- Civil society organizations and human rights organizations should incentivise institutional actors to engage into reintegration efforts and enhance partnership with the judicial institutions in Gaza Strip

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List of Abbreviations:

AC	Appeal Court
AGO	Attorney General Office
BA	Bachelor’s Degree
CSO	Civil Society Organization
DG	Directorate General
GPC	General Personnel Council
GS	Gaza Strip
HC	High Court
HJC	High Judicial Council
HJSC	High Judicial Shari’a Council
IT	Information Technology
JAL	Judicial Authority Law no. 1 of 2002
MA	Master’s Degree
MoJ	Ministry of Justice
NJR	National Judicial Registry
PJI	Palestinian Judicial Institute
PLC	Palestinian Legislative Council
PLO	Palestine Liberation Organization
PNA	Palestinian National Authority
PP	Public Prosecution
TO	Technical Office
UN	United Nations
WB	West Bank

1. Introduction

A. Purpose of the Study

This report represents an effort to assess the justice sectors in Gaza Strip and the West Bank with a view to providing recommendations, scenarios and options for justice sector reintegration.

B. Methodology

The present study relies on a wealth of information and data collected by the author. Qualitative and quantitative methodologies were employed as part of the research, including primary data collection, literature and legislative reviews, field visits and interviews, in addition to conducting a survey among justice sector staff in Gaza Strip.

C. Literature Review

An in-depth literature review was carried out to establish a framework for reintegration concepts and possibilities. A number of scholarly publications, reports and research studies produced by national and international institutions were examined¹.

D. Applicable Legislation

Legislation (primary and secondary) was obtained primarily from the al-Muqtafi database with regards to the legal framework applicable in the West Bank². In Gaza Strip, a number of laws and decrees were adopted since the division by the de facto authorities³, some of which have an impact on the status and regulatory framework of judicial institutions. This legislation was collected directly by the author in Gaza City⁴.

1 Including: Tarek El Dirawi, *Reality of Legal System in Gaza Strip Between 2007-2014*, Strengthening the Rule of Law Programme-UNDP/PAPP, Feb. 2015; Nicolas Pelham, *Ideology and Practice: The Legal System in Gaza under Hamas*, June 2010; Sarah Adamczyk, *The Shari'a Courts and Personal Status Laws in Gaza Strip*, Norwegian Refugee Council (NRC), Jan. 2011; Nathan J. Brown, *Gaza Five Years On: Hamas Settles In*, The Carnegie Papers, June 2012; Aili Piano. For the full list, see the bibliography in Annex A..

2 Institute of Law, Birzeit University, available at <http://muqtafi.birzeit.edu/>, last visited on 20 Aug., 2015

3 See Annex B1 for a list of primary and secondary legislation.

4 Relevant articles of these laws were translated and can be found in Annexes B2-4.

Primary Data

Organizational charts of judicial institutions were obtained⁵. Their analysis is often problematic in the sense that most institutions –whether in the West Bank or the Gaza Strip - do not possess final, authoritative charts. Several drafts circulate, often undated, and none of which completely matches with the reality that is observable on the ground. As a result, these charts have been presented in a way that allows the reader to distinguish between what exists officially and nonetheless is not present in reality, and vice versa.

Rosters of human resources were likewise collected from the institutions, generally in paper form. The data they contain was extracted and presented on excel tables. Information concerning the departments and units to which employees belong suffers from the shortcomings described above: as organizational charts are usually hazy, some employees cannot be attached to a particular department. In addition, the type of data (level of education, date of appointment, age) obtained varies from one institution to another; it has been attempted to make the best use of it⁶.

The data collection process included a compilation and examination of all available strategic plans, implementation plans and internal reports.

Field Visit and Interviews

Between April and May 2015, a field visit to the Occupied Palestinian Territories was undertaken. Well over one hundred interviews were conducted in the West Bank and the Gaza Strip. Interviewees included government officials, judicial and non-judicial staff, lawyers, donor representatives, international experts, university professors, and civil society organizations (CSOs).⁷

Questionnaire

To investigate the perceptions related to the reunification of the justice sector, a series of tailored questionnaires (judicial/non-judicial staff) were devised by the author with input from UNDP and distributed to the four judicial institutions in Gaza, with the aim to target more particularly judicial staff and senior and middle management staff. The questionnaire sought to 1) investigate the background of judicial and non-judicial staff; 2) assess recruitment processes and criteria used after 2007; 3) examine feasibility of the reunification and identify potential obstacles and concerns regarding former employees' possible reintegration; 4) assess material work conditions in which employees operate⁸. A non-random sample of 105 judges, prosecutors, Shari'a judges, and non-judicial staff from all justice institutions in Gaza Strip successfully completed and returned the survey. Participation was voluntary and anonymous. Some institutions were more responsive than others and therefore the representativeness of the sample varies. The results were used throughout the relevant sections of the report⁹.

⁵ See Annex C.

⁶ Refer to Annex D for rosters of judicial and non-judicial staff.

⁷ A full list of interviewees is available in Annex H.

⁸ The samples of the questionnaires are available in Annex E1.

⁹ For a simplified charts of responses to the questionnaires, please refer to Annex E2.

2. International Standards and Best Practices and their Relevance to the Palestinian Case

A. Overview of International Standards and Best Practices

Recent history provides plenty of illustrations of countries which, after experiencing years of devastation and instability caused by intestine wars or intolerable domination of one group (ethnic, religious, etc.) over others, shifted to a more democratic and inclusive model of governance. Success was usually achieved through the implementation of far-reaching institutional reforms primarily affecting the public sector, including the judiciary. Some of these cases have involved international intervention during or after the conflict, aiming at securing a long-lasting solution.

Several international organizations and chiefly the United Nations developed a methodology and a variety of tools designed to support a positive outcome and make sure that the collapsed regime is not replaced by another form of discriminatory system. The typology of post-conflict situations is very diverse, and accordingly the methods vary extensively.

These include the *United Nations Policy for Post-Conflict Employment Creation, Income Generation and Reintegration* (June 2009)¹⁰; the Report of the Secretary-General, August 23, 2004, UN doc. S/2004/616; as well as the *Report of the Independent Expert to Update the Set of Principles to Combat Impunity, and Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity*, February 8, 2005, UN doc. E/CN.4/2005/102.Add.1. (Diane Orentlicher).

Before applying this methodology to our case and determine which tools should be applied, it is very important to put the Palestinian case in perspective and examine what is precisely at stake.

B. Background of the Division and Subsequent Events

The PNA was established following the Oslo Accords in 1993 signed between Israel and the PLO, considered by the international community as the sole representative of the Palestinian people. A decade ensued, characterized in part by the rejectionist attitude of the political movement Hamas who refused to play by the rule of the new political paradigm of Oslo. Its stance however progressively evolved and Hamas finally resolved to take part in the PNA legislative elections of 2006, where it won a majority of seats.

¹⁰ Available at <http://www.refworld.org/pdfid/5227107a4.pdf>. See the “Key Guiding Principles for a successful reintegration”, pp. 19-20: Guiding principle 1: be coherent and comprehensive; Guiding principle 2: do no harm; Guiding principle 3: be conflict sensitive; Guiding principle 4: aim for sustainability; Guiding principle 5: promote gender equality.

Following a period of national unity, and amid mutual accusations of destabilization attempts, clashes erupted during the Summer of 2007 in Gaza Strip between the armed wings of the two main political factions, at the end of which Hamas took full control of the Gaza Strip while Fatah tightened its grip on the West Bank. For the last eight years, the two sides have attempted more or less consistently to mend bridges and achieve the reunification of the two Palestinian entities.

At the time of the Division, some commentators described the situation as an unfolding civil war. Contrary to this assumption, it should be noted that civilians didn't take part in the hostilities and weren't targeted as such. Overall, the fighting opposed the security forces loyal to Hamas and Fatah, who made up the majority of the casualties. The very high civilian death toll in Gaza Strip in the subsequent years was overwhelmingly caused by Israeli attacks, not by internal political strife. And although members and sympathizers of each political party were imprisoned and subject to physical violence, none of the two regimes may objectively be accused of mass-scale violations of human rights that characterize civil wars.

The situation of "post-conflict" in which the Gaza Strip is currently placed has therefore not much to do with internal Palestinian divisions, and can thus hardly be compared to countries recovering from civil wars such as the former Yugoslavia in the aftermath of its implosion or to Rwanda after the genocide.

Following the Division, an overwhelming majority of civil servants in Gaza Strip, answering calls from the political leadership in the West Bank, left their positions in the public sector. Prosecutors, subsequently joined by judges, followed suit, turning judicial institutions into empty shells. The new authorities swiftly hired judicial staff to replace them: around one hundred judges and prosecutors were appointed over the last eight years¹¹.

On the whole, the legislation in Gaza Strip wasn't affected very deeply during that period and the law currently applied is not very different from that of the West Bank. By and large, the new judicial staff abided by the applicable legal framework and kept dealing mostly with ordinary civil and criminal litigation (HJC) or personal status cases (HJSC). It is important to stress here that most security-related matters (an area in which serious breaches of human rights have been documented on both sides of the divide) are submitted to the exclusive jurisdiction of the military courts, which are outside the scope of the present study.

In fact, it seems that the current judiciary in Gaza Strip enjoys a relative degree of trust from the public, who is more keen to resort to formal justice mechanisms than during the period of chaos that Gaza encountered between 2005 and 2007, when many were tempted to turn to informal justice to seek redress.

¹¹ See chapter 4 for detailed figures regarding each judicial institution.

C. The Relevance of International Standards to the Palestinian Case

As exposed above, the Palestinian context is very different from cases such as South Africa under the apartheid or Eastern European countries before the fall of communist regimes, where state institutions including the judiciary were loathed by large sectors of the population for having collaborated on racist, discriminatory or totalitarian policies. Despite their many flaws, Palestinian public institutions in Gaza Strip and the West Bank are by and large functional. The Palestinian judicial sector suffers, not from full-fledged corruption or partisanship, but from a dire lack of resources and personnel.

That is to say that most international tools developed in order to rebuild shattered societies throughout the world are not well-suited to the Palestinian case. The case has however been made by certain observers and actors for the need to proceed to a vetting of judicial staff¹², such as happened in former Yugoslavia or East Germany after the reunification.

Vetting processes aim at “transforming institutions involved in serious abuses during [a] conflict into public bodies that enjoy civic trust and protect human rights”. They consist in “excluding from public service persons with serious integrity¹³ deficits”, and “in particular in the security and justice sectors, [are] now widely recognized as an important measure of governance reform in countries emerging from conflict”. As noted in the previous section, it cannot be asserted that current judicial staff suffers from “serious integrity deficits” that would mandate their systematic vetting.

A wide-ranging study published several years ago sets a number of basic conditions required for the implementation of a vetting program. Chief among them is the political context: “is there government authority and political will¹⁴” to implement a vetting program? It is clear in the case of the reintegration of the Palestinian judiciary that neither the authorities in the West Bank nor the political leadership in Gaza Strip are in favour of such a mechanism. Another important condition of success is the legal framework that would enable a vetting process to take place. As noted in the aforementioned study, “a firm legal basis will significantly facilitate the establishment of a vetting process. [...] If special domestic legislation is required, it should be clear, precise, and in compliance with constitutional requirements and international standards”¹⁵. In the Palestinian case, no legislation currently exists that could frame the vetting mechanism¹⁶. The adoption of such a legislation (provided the Palestinian Legislative Council is reactivated) would be very problematic in the absence of political will, which as noted above is nowhere in sight.

12 Suggestions have been made for a partial vetting (applying only to personnel hired after the Division), or a full-fledged vetting of all judicial staff in the State of Palestine.

13 Integrity refers to “a person’s adherence to relevant standards of human rights and professional conduct, including her or his financial propriety”.

14 *Justice as Prevention*, p. 549.

15 *Justice as Prevention*, p. 552.

16 The consequences of the establishment of a vetting mechanism functioning outside the national legal framework can be devastating: in Serbia, where all the judges were vetted and hundreds dismissed as a result, the Supreme Court subsequently cancelled the decision to establish the vetting board on the ground of unconstitutionality; the dismissed judges were immediately reintegrated in their positions. During the transition period after the collapse of the apartheid regime in South Africa, one of the factors that explains the decision made against vetting civil servants was the “lack of constitutional competence to enact such laws at the national level”, *Justice as Prevention*, p. 155.

Therefore, in addition to the fact that a vetting mechanism is not really required, it doesn't seem that the necessary conditions are met for such a process to be put in place. In the case of the State of Palestine, it could actually have adverse consequences and – if imposed by any of the parties – be used as a political tool to discard judicial staff based on their assumed political or ideological affiliation.

As a matter of fact, the “integrity” of judges and prosecutors hired or promoted since the Division is not often cited by promoters of the establishment of a vetting mechanism. Instead, they usually invoke the issue of the conformity of the appointment of judicial and non-judicial staff with the legal framework to advocate for their removal. By doing so, they – in both the West Bank and the Gaza Strip - cast doubt on the legality and legitimacy of the judicial system on “the other side”. It is certainly not the aim of this study to analyze in-depth the roots of the strife and draw conclusions on where the blame lies, but to note that the situation that has developed over the last eight years has made it hard for either side to invoke legality and legitimacy. This legal vacuum can only be filled by future free, fair and inclusive elections.

But at the current point, one has to deal pragmatically with the consequences of actions taken by these competing governments. In the West Bank, dozens of judges and prosecutors were appointed during the last eight years in order to meet the demand of the increasing population. A wholesale vetting process of the judicial staff there would have the counterproductive effect of paralyzing the judiciary and increase the backlog of cases. In Gaza Strip in the meantime, the appointment of over one hundred judges and prosecutors, to replace those who stopped working after the Division, is far from meeting the needs of the judiciary. The priority therefore should be to reintegrate and train the former judicial staff, and look into ways of securing the financial resources needed to hire additional personnel.

3. Analysis of the Core Rule of Law Institutions in the oPT and Impact on the Reintegration

A. Background and Overall Situation

I. In Gaza Strip

In broad terms, the judicial institutions currently in place in Gaza very closely resemble what existed before the division. This can be observed more particularly with regards to the High Judicial Council and the Public Prosecution; less so concerning the Shari'a courts system, which for reasons that will be detailed below underwent important internal changes.

This institutional continuity can be explained by several factors. First of all, shortly after the division, a vivid debate took place within Hamas regarding the approach that should be taken to governance in Gaza Strip – not unlike the situation that prevailed in other countries where movements associated with Islamic Brotherhood took power. On one side, the “ideologues” advocated a complete remodeling of public institutions to institute a new society based on Islamic precepts. On the other side, the “gradualists”¹⁷ promoted the acceptance of the formal institutions and a progressive reshaping. With regards to the judiciary, the latter trend – embodied by reputable jurists and lawyers who were to be appointed at the top positions – quickly won over¹⁸.

Another factor, linked to a certain extent to the former, can be identified, both in the West Bank and the Gaza Strip: the reluctance to further break up the unity of the two Palestinian entities that emerged after the Oslo Accords. This trend is clearly discernible in the relative moderation to amend legislation through the Palestine Legislative Council in Gaza and the decree-laws in Ramallah, the concern being that allowing two different systems to develop would make its future reunification ultimately impractical. Neither political side would want to appear accountable for such an outcome. In addition, Hamas strove to appear and be considered by the Palestinian citizens and international stakeholders alike as a legitimate and “legitimist” ruler, which prompted them to abide by the existing structures of governance. With regards to the judicial system, this translated into the following concrete steps: few amendments to the legislative framework, strict adherence to the existing law in managing the judiciary, and preservation of the judicial institutions' organizational charts.

17 The terminology of ideology/gradualism is borrowed from an article by Nicolas Pelham, *Ideology and Practice: The Legal System in Gaza under Hamas*, pp. 2-3: “[In June 2007, Hamas] was divided between ideologues and reformists on what writ should govern the mini-state it now controlled. The former maintained that Hamas should not pass up the opportunity to institute *Shara' Allah*, the law of God, and sought to expand the informal system, issuing fatwas and establishing committees across the Gaza Strip to administer informal Sharia codes. The latter argued that Hamas should function through the formal judicial, legislative and executive institutions of the PA, and gradually work to Islamize them. Here, too, the movement was internally riven between those advocating a complete overhaul of the legal codes, and those championing gradualism”.

18 *Id. at 3*: “But after the takeover, the gradualists were quick to assert their influence by reactivating the pre-existing legal system”.

Finally, it can't be emphasized enough that the political division, followed by the almost complete disaffection of judicial and non-judicial staff (first at the AGO, then at HJC, and to a lesser extent at HJSC), lead overnight to a completely deprived judiciary. The process of selecting, appointing, and providing minimum training to the new judges, prosecutors and administrative staff did take time. The priority was to avoid chaos and to provide the citizen with a sufficient degree of protection. In such circumstances, even if the new authorities had pursued such a goal, there was just no time and insufficient manpower for introducing far-reaching reform.

It should be mentioned however that certain concrete steps were taken since the Division to improve the justice system, some of which have already borne fruits, such as the effective creation of a judicial police and the direct enforcement of Shari'a courts' decisions by the HJSC itself.

II. In the West Bank

The development of the justice sector in the West Bank took a very different path over the past eight years. With the assistance of numerous international donors and expertise, most judicial institutions have undergone important changes, which have had a strong impact on both their structure and human resources. This has led to the opening of new departments, an emphasis on thematic issues which had been disregarded before (such as prioritizing gender and juvenile justice), a marked increase of judicial and non-judicial appointments, and a systematic effort put on capacity-building and strategic planning. The justice sector in the WB also tremendously improved the quality of its infrastructure and equipment.

B. Evolution of the Mandate and Structure of Judicial Institutions in the West Bank and Gaza Strip Since the Division and Recommendations in the Perspective of Reintegration

The current section will not delve into the details of the judicial institutions' prerogatives and functions, but will limit itself to highlighting the changes introduced since the Division in both the WB and the GS.

These changes can be of different natures: some are due to the adoption of new or amended legislation (though decree-laws adopted by the president of the PNA in the WB, through laws passed by the Gaza PLC in the GS), while others are merely the outcome of the executive authorities' decisions (secondary legislation) or internal restructuring. This has implications in terms of the complexity of reunification efforts, insofar as legislative harmonization will be required in order to achieve full integration – in particular with regards to the HJSC.

Additionally, the path taken by the judiciary since the Division has a twofold impact on the human resources needs : on the one hand, it has lead to the duplication of the judicial institutions, includ-

ing units and departments which until 2007 had been centralized in either the WB and the GS – and should be centralized again when reintegration takes place. On the other hand, it has adapted itself to the changing environment and created new units or departments, some of which should be extended to the whole of the State of Palestine – and will require additional staff.

These different dimensions have been emphasized throughout this section.

1. Ministry of Justice

A. In the West Bank

Organizational Chart

The organizational chart of the MoJ hasn't been formally revised by the Council of Ministers since it was last adopted in 2005. In practice however, it has undergone numerous changes, translated into various draft organizational charts. The version presented in this study aims at consolidating these different drafts¹⁹.

DG for Justice Records

The Directorate General for Justice Records²⁰ – which doesn't appear on the organizational chart of 2005 - was created in February 2009. It mainly consists in the National Judicial Registry (NJR), which was established the same year on the basis of a decision of the Council of Ministers that dates back to 2005²¹. The NJR is responsible for issuing certificates of non-conviction, a document that can be required in many instances from a citizen (applying for a job or a bank loan for instance). Until 2009, certificates of non-conviction were issued by the Ministry of Interior, as is currently the case in Gaza Strip.

The DG for Justice Records is also tasked with notary functions (such as certifying official documents) which were previously dealt with by the Department of Certification and Documentation (DG for Administrative Affairs). Since 2009, several sub-offices, equipped with IT and linked to the DG's database, were inaugurated in cities throughout the West Bank²².

Recommendations:

- The 2005 decision to establish the National Judicial Registry was never implemented in Gaza Strip. If a decision is taken to extend the West Bank's solution to all of the State of Palestine, it wouldn't require a modification of the legislation, but would necessitate the appointment and

¹⁹ The organizational chart can be found in Annex C1.

²⁰ The DG for Justice Records is sometimes called "DG for Public Services" in English-language reports and studies. It was decided here to adopt the English translation of the official name of the DG in Arabic, as it appears on the MoJ's website (<http://www.moj.pna.ps/#secondPage>).

²¹ Decision of the Council of Ministers no. 97 of 2005 concerning the establishment of a National Judicial Registry, available at <http://muqtafi.birzeit.edu/Legislation/GetLegFT.aspx?LegPath=2005&MID=15178>.

²² Sub-offices exist in Jenin, Nablus, Hebron (2 sub-offices), Jericho, Tubas, Bethlehem. One is planned to open in Tulkarem.

training of additional staff. It would also require the purchase of computers, servers and network equipment in order to connect the MoJ in the GS with the database. Foreign assistance extended to the DG for Justice Records should be provided to the GS.

- Currently, the MoJ in Gaza Strip does not have sub-offices. A citizen who requires the certification of an official document has to do it in person at the MoJ headquarters. The solution to open sub-offices (such as for instance in the South, Centre, and North of the Strip) could be extended to the GS. It would require additional premises, equipment and staff.

Cabinet Affairs Unit

The Cabinet Affairs Unit doesn't appear on the official organizational chart. Its mandate is to correspond with the Secretariat of the Council of Ministers' Cabinet, brief the Minister in advance of Cabinet meetings and coordinate the work of the MoJ's committees.

Recommendations:

- The Cabinet Affairs Unit is a centralized unit. It should be able to function in a flexible way so as to follow and inform the Minister, whether Cabinet meetings take place in Gaza or in Ramallah. There is therefore no need to duplicate this unit in Gaza Strip.

International Legal Cooperation Unit

This unit was established officially in 2013 following a decision of the Minister of Justice²³, although it had been activated on an ad hoc basis since March 2011²⁴. It is currently headed by a director assisted by two legal staff, and is tasked with following-up on bilateral agreements with foreign countries (extraditions and other legal matters) and coordinating the MoJ's reporting duties with regards to human rights treaties ratified by the State of Palestine.

Recommendations:

- The International Legal Cooperation Unit is a centralized unit directly attached to the Minister and that doesn't provide services to the public. Therefore it doesn't seem necessary to consider its extension to the GS.

Gender Unit

The Gender Unit does not appear on the 2005 organizational chart²⁵. It was established after the Division and remained dormant for several years, but is currently relatively active and consists in one director assisted by two legal staff.

Recommendations:

- The MoJ in the GS doesn't have a Gender Unit, nor did it develop any kind of specific policy

²³ Decision no. 9 of 2013.

²⁴ *Institutional Capacity Assessment of the Palestinian Ministry of Justice*, UNDP, p. 27.

²⁵ Although it is stated otherwise in the UNDP report (*Institutional Capacity Assessment of the Palestinian Ministry of Justice*) at p. 42, the Gender Unit doesn't appear on the stamped official organizational chart obtained by the author during his field visit to Palestine.

in this regard. At the least, a contact person specialized in gender issues should be appointed to coordinate with the Gender Unit in the WB, launch training programs for the staff in the GS and inform its overall strategy by identifying the specific needs of the GS. The foreign assistance and expertise supporting the WB should be extended to the GS.

Justice Information Centre

The Justice Information Centre was established in September 2010 and currently consists in a director assisted by a journalist and a legal assistant. Its mandate is to inform the public on the justice system in the State of Palestine and publish information and justice sector statistics on its dedicated website.

Recommendations:

- The Justice Information Centre doesn't exist in the GS. In the future, it could well be kept centralized in Ramallah but its scope should be extended to the Gaza Strip. A journalist could be hired to fulfil this role.

Juvenile Justice File

Although it has been planned for a number of years, no Juvenile Justice Unit currently exists within the MoJ. The file is dealt with by two part-time employees who work in coordination with the Ministry of Social Affairs and other nongovernmental organizations to advance the rights of children (including with regards to legal aid, forensic medicine, and mediation), and are trying to get their autonomy within the MoJ and create a full-fledged unit.

Recommendations:

- Activities of the Juvenile Justice File should be extended to the MoJ in Gaza where no such initiative currently exists. One or several employees should be appointed or identified within the MoJ to work as a focal point and arrange for training delivery to the staff.

Human Rights and Citizen's Complaints Unit

Although the unit has existed since before the Division, it underwent a series of important changes with the assistance of international donors. The unit is particularly active in drafting manuals and reports as well as training MoJ's staff in other departments on human rights treaties. It also conducts research to identify potential contradictions between international treaties and Palestinian legislation, and provides legal advice on draft legislation, in addition to responding to citizens' complaints channeled to the MoJ.

Recommendations:

- The unit's expertise in human rights matters has been the focus of international agencies in recent years and should be kept at a centralized level in the WB. The small unit in place in the GS could continue to perform its tasks of inspection and management of citizens' complaints originating from Gaza.

DG of Forensics

Over recent years, the DG of Forensics received extensive support from international donors. While no specialized forensics laboratory²⁶ exists in the West Bank, a recent UNODC project committed to fund the establishment of a pathology lab as well as a drug lab. In addition, six general doctors – all of them from the West Bank - should receive a specialization in forensic medicine in Jordan.

Recommendations:

- The support provided to the DG of Forensics in the WB should be extended to the GS which is in dire need of assistance. No specialized labs exist there²⁷, and forensics doctors didn't receive the required specialization.

DG of Information Technology

The IT unit dates back to 2005 only, and consisted at the time of a single employee based in Ramallah. Most developments and achievements took place after the Division, and the DG of IT currently consists in seven employees in addition to the director.

Much has been achieved in recent years. The Document Management Archiving System, initiated in 2010, contains a wealth of scanned MoJ documents, and assists the DGs of Professional Affairs and Justice Records in their operations (translators' accreditations, arbitration, certification of official documents, etc.). The staff of the MoJ has been provided with recent IT equipment and trained to use the MoJ's information systems.

Recommendations:

- Extend installation of DMAS to the MoJ in Gaza Strip and train its IT staff
- Provide equipment and training to all the staff in the GS

B. In Gaza Strip

Organizational Chart

The MoJ in Gaza strictly adheres to the 2005 organizational chart, to which it has made no changes.

DG of Professional Affairs and Alternative Dispute Resolution Matters

In addition to the prerogatives fulfilled by the DG in the WB, the DG of Professional Affairs in the GS has been ascribed the responsibility to register syndicates following the adoption of the law on Syndicates on March 23, 2013²⁸. A specific unit, consisting in a director and an administrative employee, was created in 2014 within the DG to fulfil this task.

²⁶ A laboratory on ballistics and weapons exists, and is under the supervision of the Ministry of Interior.

²⁷ Samples in need of examination in the framework of criminal cases have to be sent to Egyptian labs. Costs are high and due to the constant border closure, samples very often don't reach there in time.

²⁸ Law on Syndicates, no. 2 of 2013. Refer to Annex B3 for a translation of relevant articles of the law.

Recommendations:

- The fate of the law on Syndicates is unknown; its repeal would signify the cancellation of the new unit.

Human Rights and Complaints Unit

The unit currently functions with three employees – they were six on the eve of the Division - in addition to the director and a secretary. Its mandate remained for the most part unchanged since 2007: the unit still receives all complaints made by citizens against governmental institutions²⁹ and inspects the five prisons and nineteen police stations disseminated throughout the Gaza Strip. However, since the establishment of the national unity government in 2014, it has ceased to respond to human rights organizations' reports, which it did on a frequent basis previously.

A notable change was introduced however following the 2009 amendment to the law no. 6 of 1998 on prisons³⁰. Until then, the permission for detainees to visit their families had been granted by the Ministry of Interior. The amendment to article 53 of the law transferred this responsibility to the MoJ, which passed it on to the Human Rights Unit. Around thirty such requests made by prisoners reach the unit weekly.

Recommendations:

- The fate of the 2009 amendment to the law on prisons is unknown; were it to be confirmed and extended to the WB by the PLC in the future, it wouldn't add a very substantial amount of work to the unit.

Judicial Affairs Unit

The unit is exclusively composed of a director, who is currently studying abroad.

Recommendations:

- The Judicial Affairs Unit could well be centralized in the future in the West Bank, but it would require at least one full-time employee in the GS

²⁹ Contrarily to the West Bank where each ministry has its own complaints' unit.

³⁰ Law no. 6 of 1998, Concerning The Reform and Rehabilitation Centres (Prisons).

2. High Judicial Council

A. In the West Bank

Legal Framework

The legal framework of the HJC is mainly governed by the law on the Formation of Courts of 2001 and the Judicial Authority law. Although these legal foundations were not amended since the Division, discussions are underway to revise the JAL along the following lines: remove the membership of the deputy MoJ on the High Judicial Council, create a joint grade hierarchy for judges and prosecutors, split the Technical Office from the judicial inspection department which would be shared with the AGO, provide the HJC with administrative and financial independence, and other matters.

Recommendations:

- The planned amendments of the JAL touch on a variety of far-reaching matters which would significantly impact the judicial system. This effort should not be undertaken until after the reunification with the GS.

Organizational Chart

Formally, no change has been introduced since December 2006 to the organizational chart, which is still considered the only authoritative version. In practice however, the structure did evolve and a new organigramme is in the pipeline.

High Judicial Council

The Council comprises all the members provided for by the JAL, at the exception of the Deputy Minister of Justice³¹. The member who serves on the Council as head of Gaza's Appeal Court is a pre-Division judge who ceased his functions in 2007.

Facilities Management

An EU-funded project is currently involved with the HJC to create a specific department dedicated to the management of court facilities, which as a result would be removed from the court administration department.

Recommendations:

- If the decision to create a department of facilities management is confirmed, it should be extended to the GS.

³¹ The Deputy MoJ in the GS is not recognized by the WB authorities, and none has been appointed in the WB.

Corruption Crimes Court

The Corruption Crimes Court was established in October 2010, following the adoption of the decree-law³² amending the 2005 law on Illicit Gains.

Recommendations:

- The fate of the 2010 amendment is unknown. Should it be confirmed during the legislative harmonization process, the scope of the court should be extended to the GS.

B. In Gaza Strip

Out of all the judges in Gaza Strip on the eve of the clashes that lead to the division, only one kept working under the new judiciary. As illustrated in chapter 4³³, more than half the current judges were appointed in a period of two years after the division, which testifies to the sense of urgency in staffing the courts.

According to testimonies received among legal professionals in Gaza, judges were so overburdened by their judicial tasks that the HJC was not able until recently to adopt a prospective approach regarding the needs of the judiciary and to fulfill its role of control and supervision, to the detriment of the quality of judicial staff and courts judgments.

Organizational Chart

Formally, the organizational chart of the HJC was not amended since the division. The geographic distribution of all levels of courts remains as before. However, due to the chronic shortage of staff, the HJC was unable to effectively restore all the departments attached to the central structure based in Gaza City. They resolved to merge and reshuffle units, without formalizing these changes into the official organigramme, still considered the only authoritative document³⁴.

High Judicial Council

The formal composition of the Council was not altered after the Division. However, due to the split of the judiciary, the presidents of the Courts of Appeal of Jerusalem and Ramallah are not sitting, and haven't been replaced, which brings to seven (instead of nine as stated in the JAL³⁵) the number of Council members. It is noteworthy that the Secretariat General has not been constituted. All departments and units within the HJC are therefore placed directly under the authority of the Chief Justice himself.

32 Decree-Law no. 7 of 2010 Pertaining to the Amendment of the Law of Illicit Gains no. 1 of 2005.

33 See the chart entitled "Chronology of judges' appointment and their distribution by court type".

34 An amended organizational chart, as well as job descriptions for HJC staff, were drafted at the request of the Council; however, these documents haven't been made public and it seems unlikely that they will be adopted anytime soon.

35 Article 37-2 provides that "the High Judicial Council shall be comprised of:

- (a) The President of the High Court, as President.
- (b) The most senior Vice-President of the High Court, as Vice-President.
- (c) The two most senior Judges of the High Court, selected by the High Court Assembly.
- (d) The Presiding Judges of the Courts of Appeal in Jerusalem, Gaza and Ramallah.
- (e) The Attorney General.
- (f) The Deputy Minister of Justice."

Recommendations:

- The issue of the composition of the Council will be solved once the new HJC is formed and the judicial pyramid is reshuffled.
- The Secretariat General is a centralized body attached to the Council and its president. Once the reintegration is completed, the question of whether it should be based in the GS or the WB will have to be solved.

Judicial Inspection Department

The Judicial Inspection Department (which exists on the pre-division organizational chart) wasn't restored until September 2014. Today, it is headed by the Chair of the Technical Office³⁶ and consists in a pool of three judges, two of whom are part of the High Court³⁷, and the third is sitting at the Court of Appeal³⁸. The HJC readily admits the limitations and shortcomings of this department, due to the shortage in staff and lack of training³⁹.

Technical Office

The Technical Office, according to the official organizational chart, is attached to the High Court and has limited attributions.

The Technical Office currently consists in four units, each headed by a judge.

Three of these units correspond to the mandate formally thrust upon it by the JAL⁴⁰: the Printing and Publishing Unit, the Research and Studies Unit, as well as the Legal extraction Unit.

Owing to the scarce resources that did not allow for the restoration of all departments, the mandate of the TO was informally broadened to include the Judicial Training Unit. This unit is in charge of all training and capacity-building programs for judicial and non-judicial staff (including training the Judicial Police members attached to the HJC and the courts). This includes both initial training and continuing education, as well as conferences and workshops organized by the HJC. In effect, the Judicial Training Unit plays the role assigned to the Department of Judicial Training (which doesn't exist in Gaza) in the official chart.

The Department of Planning and Projects Development, present in the HJC's organizational chart, does not exist in practice. In the recent period, the Technical Office seems to have also absorbed its

³⁶ In accordance with article 42-1 of the JAL which specifies that the "Judicial Inspection Department shall [...] consist of the Chair of the Technical Office and a sufficient number of Judges of the Courts of Appeal or members of the Public Prosecution of similar rank."

³⁷ These two High Court judges are respectively in charge of inspecting: the First Instance Court of Gaza and the Conciliation Courts of Gaza and Jabaliya; the Court of Appeal, the First Instance Court of Khan Yunis and the Conciliation Courts of Deir el Balah.

³⁸ He inspects the Conciliation Courts of Khan Yunis and Rafah.

³⁹ It seems that since the Division, the HJC did not, as stated by article 42-2 of the JAL, "set forth regulations for the Inspection Department, indicating its responsibilities, the rules and procedures needed to perform its work, and the elements of the performance evaluation, including the results of training courses, and reasons for reversing, canceling, or amending a judge's rulings".

⁴⁰ Article 10 reads that "the Technical Office shall be responsible for the following:

1. Draw the legal principles adopted by the High Court from the judgments it renders, classify them and monitor their publication, after presenting them to the President of the High Court.
2. Conduct the necessary research."

The same formulation appears also in article 27 of the law on the Formation of Courts no. 5 of 2001.

functions and started to develop planning and monitoring tools for the HJC as a whole, such as the “HJC Strategic Plan for 2014-2020”⁴¹. It also drafted semiannual work plans for each unit within the TO⁴². Altogether, the TO consists in ten judges and six employees⁴³.

Recommendations:

- Transfer the prerogatives of the Judicial Training Unit to the PJI like in the WB, and leave a small structure in place to coordinate with the PJI and external actors involved in training programs.
- The other three units should be maintained to fulfill the role assigned to them by the JAL and deal with legal matters specific to the GS.
- Planning activities should be centralized in the dedicated Department of Planning and Projects Development (with branches in both the GS and WB), the location of which shall be determined during the reintegration process.

Information Technology Department

By 2007, the information system *El Mezan*, initiated in the early 2000s, had been extended to most Palestinian courts including in Gaza Strip, at the exception of Rafah tribunal. Since the division, the judicial institutions in the West Bank kept developing its capabilities and inaugurated *El Mezan 2*, which is now in operation there.

Due to the breakdown in relationships between the two Palestinian territories, the Gaza Strip did not benefit from these developments and is still using the outdated *El Mezan*. The IT experts of the HJC are aware of the progress made in the West Bank but are unable to replicate them and do not possess the program codes which would have allowed them to enhance their own version.

Instead, they have developed in-house ten to fifteen software and applications, which they have linked with *El Mezan*.

This is the case for instance with regards to the follow-up of rulings’ enforcement by the *Department of Enforcement*: a pilot software was initiated in 2011 and has been in use since 2012: each decision of the judge that necessitates enforcement is entered in the system for electronic follow-up.

Recommendations:

- The Department of Enforcement is overloaded with cases is currently understaffed, with eleven civil servants and ten contractual staff. It reports the need for seven additional employees and at least two computers.

41 Drafted by a planning expert under the supervision of the head of the Technical Office.

42 See Annex G for the work plan of September 2014- March 2015.

43 One administrative employee, two legal employees, one secretary and one library employee

3. Attorney General Office

A. In the West Bank

Organizational Chart

The AGO recently introduced far-reaching changes to its organizational chart, which are due in part to the high amount of international donors' assistance from which it has benefitted over the last years. It should be noted that the revised chart has not yet been fully implemented⁴⁴.

Anti-Corruption Commission

The Anti-Corruption Commission was established following the 2010 amendment⁴⁵, by decree law, of the law on Illicit Gains of 2005. Although it didn't affect the internal structure of the AGO, it had an impact on the allocation of judicial staff, as "upon the request of the Chairman of the commission, six public prosecutors, together with an Assistant Attorney General were delegated to work with the Commission"⁴⁶.

Economic Crimes and Support Unit

The Economic Crimes and Support Unit was established in 2006 as a centralized unit based in Ramallah. Its effective tasks were affected to a certain extent by the creation of the Anti-Corruption Commission, which had the effect of limiting its efforts on money laundering cases as well as infringement on trademarks.

Judicial Inspection

Although the Judicial Inspection Department appears on both the pre-Division and current organizational charts, it does not presently exist within the AGO. The project to establish an inspection department common to the AGO and the HJC is currently being developed with support from UNDP

Recommendations:

- The project of a joint AGO-HJC inspection department should be developed further and extended to the GS upon reunification.

B. In Gaza Strip

Organizational Chart

The AGO claims to be using the organizational chart that was in force on the eve of the Division. In

⁴⁴ Please refer to Annex C3 for the current AGO organizational chart.

⁴⁵ The law on Illicit Gains was renamed Anti-Corruption law. In addition to creating the Commission, it also established a Corruption Crimes Court.

⁴⁶ See <http://www.undp-aciad.org/publications/ac/2013/PACCAAnnualReport2013.pdf>, p. 8. There are currently five delegated prosecutors in addition to the Assistant Attorney General.

practice however, certain changes were introduced since 2007 which are not reflected in the chart. It should be noted in passing that the AGO drafted detailed job descriptions corresponding to all the positions appearing in the organizational chart, including many positions which haven't been filled because of a lack of resources.

DG of Judicial Inspection

Contrarily to the West Bank, the AGO in the GS does have an active judicial inspection department. It consists in a single prosecutor who, in addition to inspecting general jurisdiction and limited jurisdiction prosecutors' offices, is also tasked with the inspection of police stations and prisons, and responds to citizens' complaints.

The inspection department has a quarterly and an annual plan.

Recommendations:

- The amount of work assigned to the DG of judicial inspection is clearly in excess of its very limited human resources. The unification process should provide the opportunity to design a joint AGO-HJC judicial inspection office and specialize additional prosecutors to inspection tasks.

Technical Office

The Technical Office, composed of three prosecutors and one administrative employee, has a broad spectrum of duties: on criminal matters, it has an auditing role both in the substance and form of cases, and filters the files (numerous, due to the prosecutors' inexperience and insufficient training) that require transmission to the Attorney General. The TO is also in charge of planning and organizing training and capacity-building activities of judicial and non-judicial staff.

Recommendations:

- A unified Technical Office should be established at the level of the WB and GS.
- Part of the training competence of the AGO in the GS should be transferred to the reunified Palestinian Judicial Institute.

Legal Affairs Department

The Legal Affairs Department was created in 2011, and does not appear on the official organizational chart. Consisting in a single prosecutor and a legal assistant, it provides legal advice to the Attorney General to ascertain the legality of procedures and regarding matters of conflicts of jurisdiction. and to ascertain the legality of procedures

Recommendations:

- In the WB, a Division of Legal Assistance exists within the Department of Studies. It should be merged with the Legal Affairs Department upon reunification.

Prosecution Office for Institutions and Associations

The Prosecution Office for Institutions and Associations, established in 2009, doesn't appear anywhere on the organizational chart of the AGO. It belongs to the category of specialized prosecution offices, although the legislation applicable to the GS (including laws and amendments adopted since the Division) does not mention its existence.

Its mandate is to prosecute local and foreign associations suspected of criminal activities, and includes the jurisdiction over crimes of corruption⁴⁷.

Recommendations:

- The fate of the Prosecution Office for Institutions and Associations is linked to that of the Anti-Corruption Commission in the WB. The legal framework should be harmonized between the WB and the GS so that a unified anti-corruption body is put in place.

Economic Crimes and Support Unit

According to the law, the Economic Crimes and Support Unit is a centralized unit based in Ramallah. Since the Division, it is unable to operate in the GS. The AGO in the GS tried to establish a new specialized prosecution office dedicated to economic crimes, but was unable to do so owing to lack of resources. As a result, economic crimes are dealt with locally by limited jurisdiction offices throughout the Strip.

Recommendations:

- The jurisdiction of the centralized Economic Crimes and Support Unit should be reinstated over the GS upon reunification.

Department of Information Technology

The department, part of the DG of Administrative Affairs, is headed by a director and staffed with two software employees. Since the Division, it has developed a series of stand-alone applications: database of convicted criminals allowing for the swift identification of suspects, unified SQL program linking the limited and general jurisdiction prosecution office throughout the GS which provides updated information on current cases and court sessions. However, the use of information technology is very limited at the AGO, where only chief prosecutors are equipped with computers.

Recommendations:

- Like the HJC, the AGO in the GS did not benefit from the decisive improvements accomplished in recent years in the WB. Upgrading the AGO's technology infrastructure will require substantive investment in both IT equipment and training of staff.

⁴⁷ The Anti-Corruption Decree-Law, adopted in the WB in 2010, is not applied by the GS authorities. There is therefore no Anti-Corruption Commission.

4. High Judicial Shari'a Council

A. In the West Bank

Legal Framework

The Shari'a judiciary is characterised by a particularly lacking legal framework, the foundations of which date back to the period when the West Bank was under Jordanian administration (1949-1967). At that time, a unified set of laws were applicable for both the West and the East Bank of the Jordan river, and most institutions were centralized in Amman. The highest echelon of the Shari'a court system was the High Court based in the Jordanian capital, where the Shari'a Judiciary Council was also based. In the West Bank, the highest court was the Appeal Court located in Jerusalem. This architecture, reflected in the currently applicable law of Formation of Shari'a Courts no. 19 of 1972, is different from that of the Gaza Strip (which was under Egyptian administration until 1967). Contrarily to many other legal milestones, it hasn't been altered by the legal unification process which took place in the State of Palestine after the creation of the PNA. In fact, it underwent some changes only after the Division, by a series of decree-laws issued by the president of the PNA. The latest amendment was adopted in 2012⁴⁸. The law specifying the rules of procedure in front of the Shari'a courts dates back to 1959⁴⁹.

Organizational Chart

The organizational chart dates back to 2005, when it was adopted by the Council of Ministers. This chart is not, and has never been, reflective of the reality of the HJSC's structure and internal organization, which can be defined as very loose⁵⁰. It can be explained in part by the fact that the HJSC – and several of the courts it has established - was created completely outside the realm of the law, and has never considered itself bound by legal constraints.

According to interviews conducted in Ramallah, the HJSC is presently involved in drafting a revised organizational chart that would reflect the reality of the current structure and provide for the creation of six additional units dedicated to legal affairs, planning, and other matters.

The Qadi el-Quda and the President of the Shari'a High Court

Prior to the decree law of 2012, the Qadi el-Quda ("Judge of the Judges", whom we shall refer to as the Shari'a Chief Justice) was both the president of the High Judicial Shari'a Council, which gave him full executive authority over the Shari'a judiciary, and the president of the Shari'a HC.

Following a series of problems due partly to the excessive powers entrusted in him, the decision was taken to strip the function of Shari'a Chief Justice from the presidency of the High Court. The role of High Judicial Shari'a Council was redefined to exclude from its mandate administrative and financial oversight, which was given in turn to the Shari'a Chief Justice. The latter also has veto power over

48 Decree-Law on Shari'a Courts no. 3 of 2012.

49 Law of Procedure in Shari'a Courts no. 31 for 1959.

50 Additionally, the HJSC wasn't yet able to produce either a strategic plan nor job descriptions.

decisions taken by the Council including nominations and promotions of judges. Since the 2012 amendment, the Shari'a Chief Justice holds the rank of minister.

To sum up, the main functions of the Shari'a judiciary are currently shared between the Shari'a Chief Justice on one side, and the president of the Shari'a High Court on the other side.

High Judicial Shari'a Council

As a result of the adoption of decree law no. 3 of 2012, the composition of the Council was modified to include the following members⁵¹:

1. President	President of the High Shari'a Court
2. Vice-President	Vice-Qadi el-Quda
3. Member	Most senior judge from the High Shari'a Court in the Northern Governorates
4. Member	Most senior judge from the High Shari'a Court in the Southern Governorates
5. Member	Most senior president of Appeal Court in the Northern Governorates
6. Member	Most senior president of Appeal Court in the Southern Governorates
7. Member	Head of the Judicial Inspection Commission"

However, the position of Vice-Qadi el-Quda has never been filled (in fact, the position of Qadi el-Quda itself was, between June 2010 and June 2014, held by an acting Chief Justice). Furthermore, as a result of the Division, not a single judge from the GS is represented at the Council.

The Council itself has very limited attributions and is mostly confined to appointment and promotion matters.

Recommendations:

- The Council could swiftly be reconstituted with all its members upon reintegration: the two judges from the GS would simply join the Council (of course, a new president of the HC and a Vice-Chief Justice would have to be chosen). But that will happen only if the revised legal framework is rubberstamped by the future PLC, which is currently unknown.

Shari'a High Court

The Shari'a High Court was established in 2003 in the absence of any legal provision apart from a decree by president Arafat. Until then, the highest echelon of the judicial pyramid was – in accordance with the applicable laws – the Court of Appeal. The HC currently functions in a legal limbo, without any procedural regulations. In fact, it was – along with the HJS Council itself – declared unconstitutional in March 2010 by the Constitutional Court.

⁵¹ Art. 2 of Decree-Law no. 3 of 2012.

Between 2003 and 2007, there was a single High Court consisting in two chambers – one located in the GS, the other in the WB.

Recommendations:

- The High Court – currently divided between the WB and the GS - could easily be reunified: the present courts would be considered, as was the case until the Division, as the two chambers. As noted previously, it would only require the nomination of a single president.
- However, the absence of any legal framework makes the continued existence of the HC very problematic, and should compel the future PLC to adopt a full revision of the laws in place⁵².

Personal Status Prosecution

The personal status prosecution was created within the HJSC in 2004, in spite of the fact that it is doesn't appear anywhere in the applicable legislation. It consists in a single prosecutor based at the HJSC, assisted in the courts by non-judicial staff who mostly play the role of reporting and coordinating.

Until 2004, the prosecutor's function was fulfilled – apparently without any problem or difficulty - by the Public Prosecution. In fact, a review of regional Shari'a judicial systems and a series of interviews conducted in the framework of this study reveal that the need for a prosecutor very rarely arises in personal status cases, and that the justification for an embedded prosecution office is rather dubious.

Recommendations:

- The process of reunification of the Shari'a judiciary could give the opportunity – without requiring any legal amendment - to remove the prosecution function from the HJSC⁵³.

Planning and Project Management Unit

The Planning and Project Management Unit is a recent addition to the HJSC structure, and its main duty consists in establishing partnerships with foreign donors. It is not very clear to what extent its creation has been translated into practice. In fact, the HJSC's personnel roster does not mention its existence. According to interviews conducted with the department of administrative affairs, the PPMU does not have a single employee.

⁵² The same applies to the Appeal Courts disseminated throughout the GS (two Appeal Courts) and the WB (three Appeal Courts), which were created *ab nihilo*.

⁵³ Which is actually what happened in the GS, where the HJSC entrusted the AGO with this function.

B. In Gaza Strip

Legal Framework

The Shari'a justice system went through a major overhaul of its legislative framework in the aftermath of the Division. The adoption by the Gaza PLC of law no. 3 of 2011⁵⁴ introduced numerous changes to a system that had developed erratically after the creation of the PNA. The main features of the current system are described in the following paragraphs.

It should be noted, in addition, that a draft Shari'a courts' procedure law is currently being developed, although it hasn't been yet formally forwarded for adoption.

Organizational Chart

According to the HJSC, no organizational chart existed at the time of the Division, and it wasn't until April 1st, 2009 that the Council of Ministers adopted a chart for the first time. The latter was modified on several occasions, most notably following the adoption of law no. 3 of 2011. The current organizational chart was adopted by the Council of Ministers on January 20, 2014.

President of the HJS Council and of the High Court

Unlike the situation observed in the WB, there is no separation between the judicial and executive powers in the GS. The president of the HJS Council, in addition of presiding the High Court, is also the highest executive authority within the Shari'a judiciary.

High Judicial Shari'a Council

The composition of the HJS Council was completely modified as a result of the adoption of the law of 2011. It consists in seven members, identified as follows⁵⁵:

1. President	President of the High Shari'a Court
2. Vice-President	Most senior vice-president of the High Shari'a Court
3. Members	Two judges from the High Shari'a Court
4. Member	Most senior president of Appeal Shari'a Court
5. Members	Two HSC judges appointed by the High Court for a period of four years

It is noteworthy that no stipulation exists in the law as to the distribution of Council members based on their geographic origin (WB or GS).

⁵⁴ Law no. 3 of 2011 on the Shari'a Judiciary.

⁵⁵ Article 6 of law no. 3 of 2011.

Enforcement of Rulings

As in the WB, the rulings of Shari'a courts had always been enforced by the regular court system (at the level of the Conciliation Courts), which was problematic in several regards. Firstly, this enforcement process was extremely time-consuming for the Shari'a and ordinary courts, and even more so for the citizen who very often had to wait for very long periods to get a ruling enforced. Secondly, the specificity of Shari'a court cases (mostly related to family matters such as divorce and child custody) requires that the enforcement authorities adopt a tailored and sensitive approach, which the ordinary courts weren't familiar with nor trained for.

A decision was therefore taken to entrust the Shari'a judiciary with the enforcement of its own rulings, which was reflected in the law⁵⁶. An enforcement department (the law and the official organizational chart provide for the existence of an enforcement department within each first instance Shari'a court) was established on July 1st, 2013. A single judge, working part-time, is tasked with all enforcement cases. He is assisted in his duties by a single employee, which is deemed insufficient to receive the public and follow-up on the cases. Both the judge and the employee received intensive training, for a period of one month, prior to assuming their duties.

Recommendations:

- The integration of enforcement functions into the HJSC is a mark of real progress with regards to the efficiency and speed of the Shari'a judiciary. It is highly recommended that this system be extended to the West Bank and become a central feature of the future, reunified HJSC.
- The HJSC in the GS indicates that the enforcement department is in dire needs of additional staff (a director, an accountant, an additional employee and a secretary, as well as the allocation of a full-time judge)

Personal Status Prosecution

In the GS, the office of the prosecutor for personal status matters was removed on the ground that its existence was largely unnecessary. Its role is filled in its stead by a prosecutor from the limited jurisdiction prosecution office at the AGO⁵⁷ who was trained for this purpose.

⁵⁶ Article 78 of law no. 3 of 2011.

⁵⁷ As set forth in article 75 of the law no. 3 of 2011.

5. Palestinian Judicial Institute

A. In the West Bank

Legal Framework

The legal framework of the PJI is governed by the bylaw no. 4 of 2008⁵⁸, a summary translation of which can be found annexed to this study.

Composition of the Board

The Board of the PJI is composed of a chairperson (the Minister of Justice) and eight other members: a High Court judge, the Attorney General, two judges (Appeal Court level at least), the chair of the Palestinian Bar Association, in addition to two academics appointed by the Board.

Evolution of the Role of the PJI

After a period of hesitation, the PJI is now an active institution which plays an increasingly important role with regards to training staff in all judicial institutions.

B. In Gaza Strip

Legal Framework

In the GS, the law no. 2 of 2009⁵⁹ provides the legal framework applicable to the PJI.

Recommendations:

- The legal framework of the PJI is completely different in the WB and the GS. Harmonization of the applicable legislation is therefore a pre-requisite to merging the two institutions.

Composition of the Board

The Board of the PJI consists in a chairperson (the Minister of Justice, like in the WB) and eight other members (some of who differ from the WB): the Chief Justice, the deputy Minister of Justice, the head of the Shari'a Judicial Commission⁶⁰, the head of the Military Judicial Commission, the Attorney General, the chair of the PBA, as well as two law or Shari'a academics selected by the Minister of Justice.

⁵⁸ Bylaw no. 4 of 2008 on the Palestinian Judicial Training Institute. Please refer to Annex B4 for a translation of the most relevant articles.

⁵⁹ Law no. 2 of 2009 on the Palestinian High Judicial Training Institute.

⁶⁰ Presumably, this terminology refers to the HJSC president.

Evolution of the Role of the PJI

The PJI in the GS consists in a director (or ‘dean’, who also heads the legal department of the Gaza PLC) and three employees. Due to a lack of resources, it does not play a leading role⁶¹, and most training activities of judicial and non-judicial staff are organized directly by the training units of the judicial institutions themselves.

Recommendations:

- The expertise and experience accumulated by the PJI in the WB should be used to increase the role of the PJI in the GS.
- It shall play an essential role in training current and pre-Division judicial and non-judicial staff when the reintegration takes shape.

6. The Judicial Police in Gaza Strip

Legal Framework

The legal framework of the judicial police is common to the Gaza Strip and the West Bank. It consists in a decision⁶² of the Council of Ministers that was adopted before two years before the Division, in 2005.

Composition and Mandate

Although the Judicial Police Department existed prior to the Division, it was composed of only a few members and did not play an effective role. Pursuant to the decision of 2005, the GS authorities resolved to established a full-fledged judicial police shortly after the Division. Today, it forms a separate Directorate General within the Civil Police, which is under the supervision of the Ministry of Interior. It consists in 275 members in total, who are distributed among the various judicial institutions (HJC, HJSC, AGO) and the police headquarters.

The Judicial Police performs all the tasks ascribed to it by the 2005 Council of Ministers’ decision, namely:

- “Implement final courts and public prosecution decisions
- Protect court and prosecution facilities and those working within
- Transfer and protect convicts and under arrest
- Organize courts memos for witnesses and convicts to attend court sessions
- Deliver writs and legal notices”⁶³

All the interlocutors met during the field visit in Gaza Strip assert that the rate of enforcement of judgments in the GS rose steadily following the establishment of the judicial police, and that the safety of courthouses has witnessed very significant improvements.

61 Although a very detailed organizational chart and precise job descriptions were drafted.

62 Decision of the Council of Ministers no. 99 of 2005 Concerning the Establishment of a Judicial Police Force.

63 Article 2-d.

HJC Relations with the Judicial Police

At the central level, the HJC includes a Department of Judicial Police., in addition to the branches that exist within each tribunal. It is tasked with ensuring the security of courthouses and court sessions, and enforcing civil and criminal rulings, in addition to escorting detainees from the prison to the courthouse. Technical supervision of the judicial police is exercised by the HJC while the Ministry of Interior maintains its own administrative supervision over police members.

HJSC Relations with the Judicial Police

The HJSC indicates that the relationship with the judicial police is excellent and crucial for the enforcement of rulings issued by its courts. There is no dedicated judicial police department of unit within the HJSC structure; the HJSC requests the assistance of the police whenever needed. Due to the sensitiveness of cases dealt with by the Shari'a courts, the HJSC indicates that a specialized training program for judicial police officers would improve the system further.

SUMMARY OF RECOMMENDATIONS	
Ministry of Justice	
<i>DG for Justice Records</i>	<ul style="list-style-type: none"> - The 2005 decision to establish the National Judicial Registry was never implemented in Gaza Strip. If a decision is taken to extend the West Bank's solution to all of the State of Palestine, it wouldn't require a modification of the legislation, but would necessitate the appointment and training of additional staff. It would also require the purchase of computers, servers and network equipment in order to connect the MoJ in the GS with the database. Foreign assistance extended to the DG for Justice Records should be provided to the GS. - Currently, the MoJ in Gaza Strip does not have sub-offices. A citizen who requires the certification of an official document has to do it in person at the MoJ headquarters. The solution to open sub-offices (such as for instance in the South, Centre, and North of the Strip) could be extended to the GS. It would require additional premises, equipment and staff.
<i>Cabinet Affairs Unit</i>	<ul style="list-style-type: none"> - The Cabinet Affairs Unit is a centralized unit. It should be able to function in a flexible way so as to follow and inform the Minister, whether Cabinet meetings take place in Gaza or in Ramallah. There is therefore no need to duplicate this unit in Gaza Strip.
<i>International Legal Cooperation Unit</i>	<ul style="list-style-type: none"> - The International Legal Cooperation Unit is a centralized unit directly attached to the Minister and that doesn't provide services to the public. Therefore it doesn't seem necessary to consider its extension to the GS.

<i>Gender Unit</i>	<ul style="list-style-type: none"> - The MoJ in the GS doesn't have a Gender Unit, nor did it develop any kind of specific policy in this regard. At the least, a contact person specialized in gender issues should be appointed to coordinate with the Gender Unit in the WB, launch training programs for the staff in the GS and inform its overall strategy by identifying the specific needs of the GS. The foreign assistance and expertise supporting the WB should be extended to the GS.
<i>Justice Information Centre</i>	<ul style="list-style-type: none"> - The Justice Information Centre doesn't exist in the GS. In the future, it could well be kept centralized in Ramallah but its scope should be extended to the Gaza Strip. A journalist could be hired to fulfil this role.
<i>Juvenile Justice File</i>	<ul style="list-style-type: none"> - Activities of the Juvenile Justice File should be extended to the MoJ in Gaza where no such initiative currently exists. One or several employees should be appointed or identified within the MoJ to work as a focal point and arrange for training delivery to the staff.
<i>Human Rights and Citizen's Complaints Unit</i>	<ul style="list-style-type: none"> - The unit's expertise in human rights matters has been the focus of international agencies in recent years and should be kept at a centralized level in the WB. The small unit in place in the GS could continue to perform its tasks of inspection and management of citizens' complaints originating from Gaza. - The fate of the 2009 amendment to the law on prisons in Gaza is unknown; were it to be confirmed and extended to the WB by the PLC in the future, it wouldn't add a very substantial amount of work to the unit.
<i>DG of Forensics</i>	<ul style="list-style-type: none"> - The support provided to the DG of Forensics in the WB should be extended to the GS which is in dire need of assistance. No specialized labs exist there¹, and forensics doctors didn't receive the required specialization.
<i>DG of Information Technology</i>	<ul style="list-style-type: none"> - Extend installation of DMAS to the MoJ in Gaza Strip and train its IT staff - Provide equipment and training to all the staff in the GS
<i>Judicial Affairs Unit</i>	<ul style="list-style-type: none"> - The Judicial Affairs Unit could well be centralized in the future in the West Bank, but it would require at least one full-time employee in the GS
High Judicial Council	
<i>Legal Framework</i>	<ul style="list-style-type: none"> - The planned amendments of the JAL in the WB touch on a variety of far-reaching matters which would significantly impact the judicial system. This effort should not be undertaken until after the reunification with the GS.

<i>High Judicial Council</i>	<ul style="list-style-type: none"> - The issue of the composition of the Council will be solved once the new HJC is formed and the judicial pyramid is reshuffled. - The Secretariat General is a centralized body attached to the Council and its president. Once the reintegration is completed, the question of whether it should be based in the GS or the WB will have to be solved.
<i>Facilities Management</i>	<ul style="list-style-type: none"> - If the decision to create a department of facilities management in the WB is confirmed, it should be extended to the GS.
<i>Corruption Crimes Court</i>	<ul style="list-style-type: none"> - The fate of the 2010 amendment adopted in the WB is unknown. Should it be confirmed during the legislative harmonization process, the scope of the court should be extended to the GS.
<i>Technical Office</i>	<p>In the GS:</p> <ul style="list-style-type: none"> - Transfer the prerogatives of the Judicial Training Unit to the PJI like in the WB, and leave a small structure in place to coordinate with the PJI and external actors involved in training programs. - The other three units should be maintained to fulfill the role assigned to them by the JAL and deal with legal matters specific to the GS. - Planning activities should be centralized in the dedicated Department of Planning and Projects Development (with branches in both the GS and WB), the location of which shall be determined during the reintegration process.
<i>Department of Enforcement</i>	<ul style="list-style-type: none"> - The Department of Enforcement in the GS is overloaded with cases is currently understaffed, with eleven civil servants and ten contractual staff. It reports the need for seven additional employees and at least two computers.
<i>Judicial Inspection</i>	<ul style="list-style-type: none"> - The project of a joint AGO-HJC inspection department should be developed further and extended to the GS upon reunification.
Attorney General Office	
<i>Judicial Inspection</i>	<ul style="list-style-type: none"> - The amount of work assigned to the DG of judicial inspection in the GS is clearly in excess of its very limited human resources. - The unification process should provide the opportunity to design a joint AGO-HJC judicial inspection office and specialize additional prosecutors to inspection tasks.
<i>Technical Office</i>	<ul style="list-style-type: none"> - A unified Technical Office should be established at the level of the WB and GS. - Part of the training competence of the AGO in the GS should be transferred to the reunified Palestinian Judicial Institute

<i>Legal Affairs Department</i>	<ul style="list-style-type: none"> - In the WB, a Division of Legal Assistance exists within the Department of Studies. It should be merged with the Legal Affairs Department upon reunification.
<i>Prosecution Office for Institutions and Associations</i>	<ul style="list-style-type: none"> - The fate of the Prosecution Office for Institutions and Associations in the WB is linked to that of the Anti-Corruption Commission in the WB. The legal framework should be harmonized between the WB and the GS so that a unified anti-corruption body is put in place.
<i>Economic Crimes and Support Unit</i>	<ul style="list-style-type: none"> - The jurisdiction of the centralized Economic Crimes and Support Unit should be reinstated over the GS upon reunification.
<i>Department of Information Technology</i>	<ul style="list-style-type: none"> - Like the HJC, the AGO in the GS did not benefit from the decisive improvements accomplished in recent years in the WB. Upgrading the AGO's technology infrastructure will require substantive investment in both IT equipment and training of staff.
High Judicial Shari'a Council	
<i>Legal Framework</i>	<ul style="list-style-type: none"> - The legislation introduced in the WB and the GS since the Division prevent the reunification of the HJSC from taking place without a legislative harmonization effort by the future PLC.
<i>Personal Status Prosecution</i>	<ul style="list-style-type: none"> - The process of reunification of the Shari'a judiciary could give the opportunity – without requiring any legal amendment - to remove the prosecution function from the HJSC
<i>Enforcement of Rulings (Department of Enforcement)</i>	<ul style="list-style-type: none"> - The integration of enforcement functions into the HJSC in the GS is a mark of real progress with regards to the efficiency and speed of the Shari'a judiciary. It is highly recommended that this system be extended to the West Bank and become a central feature of the future, reunified HJSC. - The HJSC in the GS indicates that the enforcement department is in dire needs of additional staff (a director, an accountant, an additional employee and a secretary, as well as the allocation of a full-time judge)
Palestinian Judicial Institute	
<i>Legal Framework</i>	<ul style="list-style-type: none"> - The reunification of the PJI will have to be preceded by legislative harmonization.

Schedule of Legislation Related to the Justice Sector, Adopted in the WB and the GS Since the Division		
	West Bank	Gaza Strip
MoJ		Law on Syndicates, no. 2 of 2013
		Amendment of 2009 to the Law no. 6 of 1998, Concerning The Reform and Rehabilitation Centres (Prisons
HJC	Decree-Law no. 7 of 2010 Pertaining to the Amendment of the Law of Illicit Gains no. 1 of 2005	
AGO	Decree-Law no. 7 of 2010 Pertaining to the Amendment of the Law of Illicit Gains no. 1 of 2005	
HJSC	Decree-Law on Shari'a Courts no. 3 of 2012	Law no. 3 of 2011 on the Shari'a Judiciary
PJI	Bylaw no. 4 of 2008 on the Palestinian Judicial Training Institute	Law no. 2 of 2009 on the Palestinian High Judicial Training Institute

4. Justice Sector Human Resources in Gaza Strip in the Light of West Bank Standards

A. Background and Overall Situation

Following the division, calls by the West Bank authorities for public employees not to return to their position lead to a sudden and massive drain of personnel from government institutions, including the judicial branch. While very few of them stayed on and others progressively reintegrated their posts, an overwhelming majority of judges, prosecutors and legal and administrative personnel are up to this day sitting at home or engaging in other professional activities. Overnight, the experience acquired over almost fifteen years by the judiciary in Gaza Strip simply vanished.

The vacuum would have most probably lead to total chaos if the Gaza authorities hadn't very swiftly appointed new personnel, none of whom had the required expertise to operate in proper conditions. The constraint of urgency did not permit to provide for the minimum level of training necessary. In spite of these major hurdles, the judicial system was quite swiftly put back on its feet, and it can be asserted today that it functions as well as before the Division, although the situation differs from one institution to another.

The observations and conclusions reached throughout this chapter are based on numerous sources of data such as rosters of personnel, interviews conducted in the WB and GS, and the collection of questionnaires filled in by the judicial and non-judicial staff in Gaza.

B. Assessment of Human Resources: Current State and Needs

I. Ministry of Justice

Pre-Division Situation

It is estimated that up to a hundred staff were employed by the MoJ before the division.

Impact of the Division on Human Resources

The ranks of the MoJ in Gaza were widely depleted as a result of the division. Although the figures are imprecise, it is estimated that between 8 to 14 employees remained in office⁶⁴, while roughly 80 employees did not return.

⁶⁴ According to the personnel roster provided by the MoJ in Gaza, fourteen employees were already working as civil servants for the PNA before the division. Some of them however probably worked for other government agencies and were transferred to the MoJ in recent years.

Evolution of the Human Resources Situation since the Division

It is very interesting to note (see table below) that the employees who worked as civil servants before the division and resolved to stay in office⁶⁵ hold for the most part senior positions within the MoJ's organizational chart, although they represent less than 20% of the total staff. Thus, they hold all six positions of Director General (DG), two positions of Director or Department (out of five in total), and three positions of head of division/section. The two remaining persons are forensic doctors, probably the most specialized and difficult position to fill in the ministry.

The fact that qualified personnel hired for the most part before the 2006 legislative elections were promoted or kept in senior positions tends to bear witness to the will of the Gaza authorities to value experience and qualifications over political or ideological affiliation⁶⁶.

This pragmatic decision probably enabled a certain degree of continuity to prevail after the division, and made it easier for the MoJ to continue perform its duties efficiently.

Schedule of current MoJ personnel who were civil servants before the division

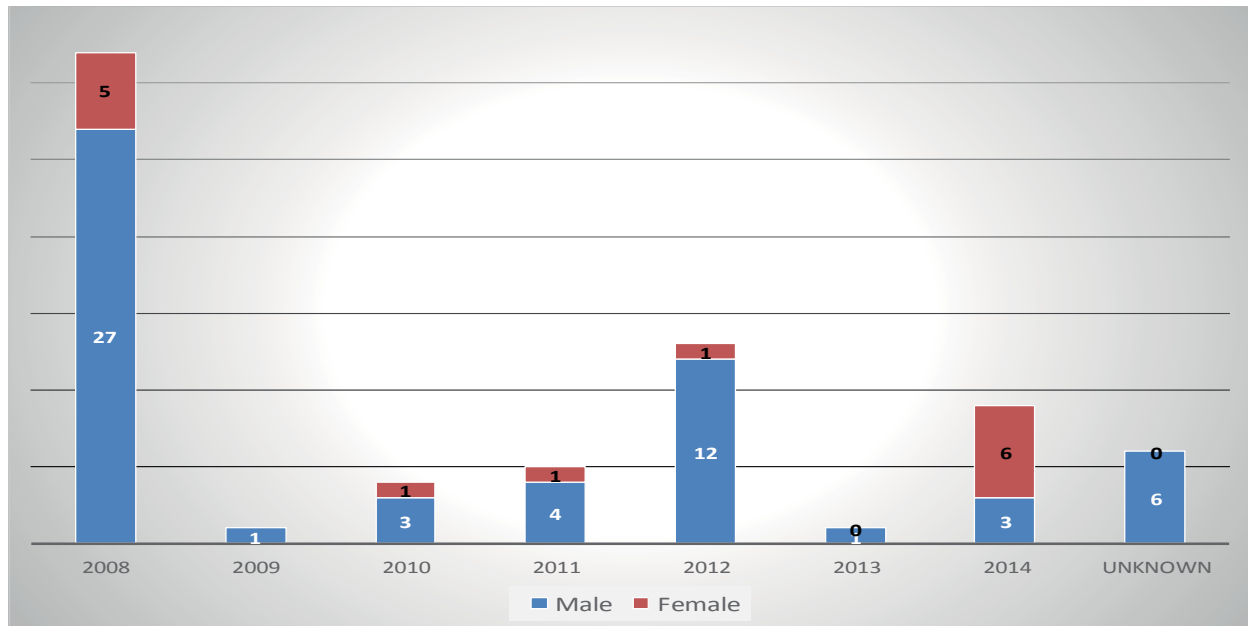
Job title	Directorate General / Unit	Department
Deputy minister		
DG	Human rights and citizens' complaints unit	
DG	DG for administrative affairs	
DG	DG for forensic medicine	
DG	Judicial affairs unit	
DG	DG for supervision of courts	
DG	Planning and development unit	
Director of department	DG for professional affairs	Department of arbitration
Director of department	International relations and public relations unit	Department of international relations
Head of division	DG for forensic medicine	Department of forensic medicine
Head of division	Human rights and citizens' complaints unit	Human rights unit
Head of section	DG for forensic medicine	Department of forensic medicine
Forensic doctor	DG for forensic medicine	Department of forensic medicine
Forensic doctor	DG for forensic medicine	Department of forensic medicine

⁶⁵ Ten of them were hired before the 2006 parliamentary elections; the remaining four were hired during the period July 2006- April 2007.

⁶⁶ This assumption was strengthened during interviews held by the author with MoJ personnel.

In order to make up for the loss of personnel, the MoJ hired a large number of employees during the year 2008. Today, these employees make up the rest of the senior management of the ministry; employees hired in subsequent years are either specialized in fields such as IT or forensics, or administrative support staff. As the organizational chart of the ministry basically remained unchanged, all the employees hired since the division came to fill in positions that existed before.

Altogether, the MoJ currently counts 85 employees⁶⁷.

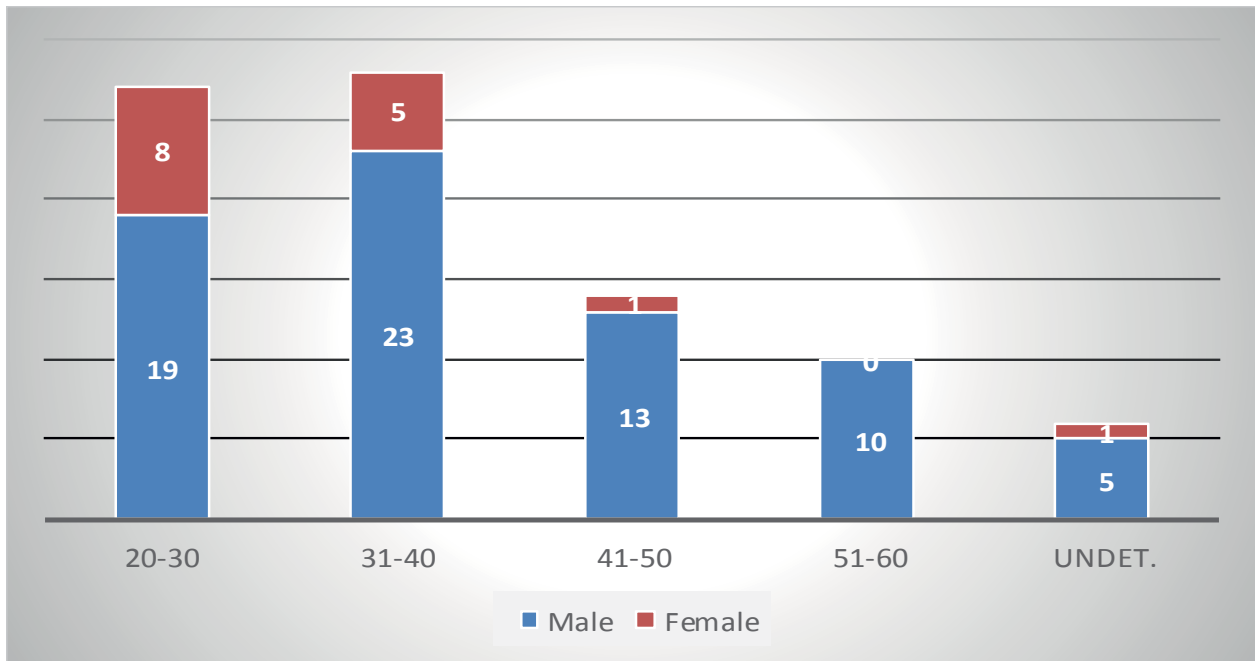


Distribution of employees hired after the division, by year of appointment

Age and Gender of Current Employees

The situation is characterised by the very young age of the employees, 70% of them being under the age of 40. In absolute terms, the gender balance is unfavorable, with women representing just 18% of the workforce (all of whom were hired after the division and none of whom are at senior positions). However of all the justice sector institutions in Gaza, the MOJ has the highest percentage of women.

⁶⁷ This does not include the fourteen employees attached to the Bureau for legislation and advice (*Diwan el-Fatwa wa el-Tashri'*) and the four employees of the PJI in Gaza, both entities being under administrative and financial supervision of the MoJ.



Distribution of employees by age and gender

Hiring Procedures

According to interviews conducted in Gaza among various interlocutors, all non-judicial civil service positions in the justice sector are under the responsibility of the GPC. Each job opening is advertised by the GPC who collects the applications and organizes a competition consisting of written and oral examinations. Although this may not always be the case in practice, a large majority (86%) of MoJ respondents to the questionnaire hired after the division do report that they were appointed following this process.

Current Status of Pre-Division Employees

According to the information available, there are 75 remaining employees.

Current Employees' Attitudes Towards Reintegration of Pre-Division Non-Judicial Staff

The majority of the surveyed sample expressed predominately positive attitude towards the possibility of reintegrating the pre- 2007 employees.

Some respondents have utilized culturally common language to express feelings of solidarity and fraternity. They adopted a language, which reaffirms the importance of unity and reunification, resolving the political division and the need of collaboration to end the siege on Gaza. Many participants reiterated that the division is merely a political problem, and emphasized that the Palestinian people are one people.

The employees at the MoJ offered several possibilities to successfully carry out the integration process. The need to conduct a comprehensive assessment for all employees, assess the needs and the capacities of the MoJ, identify a scientific method to reorganize the current and the old staff in ac-

cordance to their qualification while respecting the applicable laws and regulations, re-engineer the current organizational structure and design capacity building and development plans that correspond to the needs of each employee.

On the logistical and infrastructural levels, the respondents saw the need to conduct studies to assess the infrastructural needs to accommodate all employees. This would also entail assessing the available space, facilities, furniture, and equipment.

Employees also expressed their concern about the translation of the reintegration process. Some requested orientation workshops, introductory encounters and facilitation sessions to break the ice, bridge gaps between employees and create a safe working environment.

1. High Judicial Council

1. Judicial Staff

Pre-Division Situation

There were 45 judges in Gaza Strip on the eve of the division.

Impact of the Division on Human Resources

The withdrawal of judges from their position intervened later than that of the prosecutors, after a period during which judges refused to deal with the newly-appointed police force. Out of all judges, one only - now sitting at the High Court - decided to remain in position.

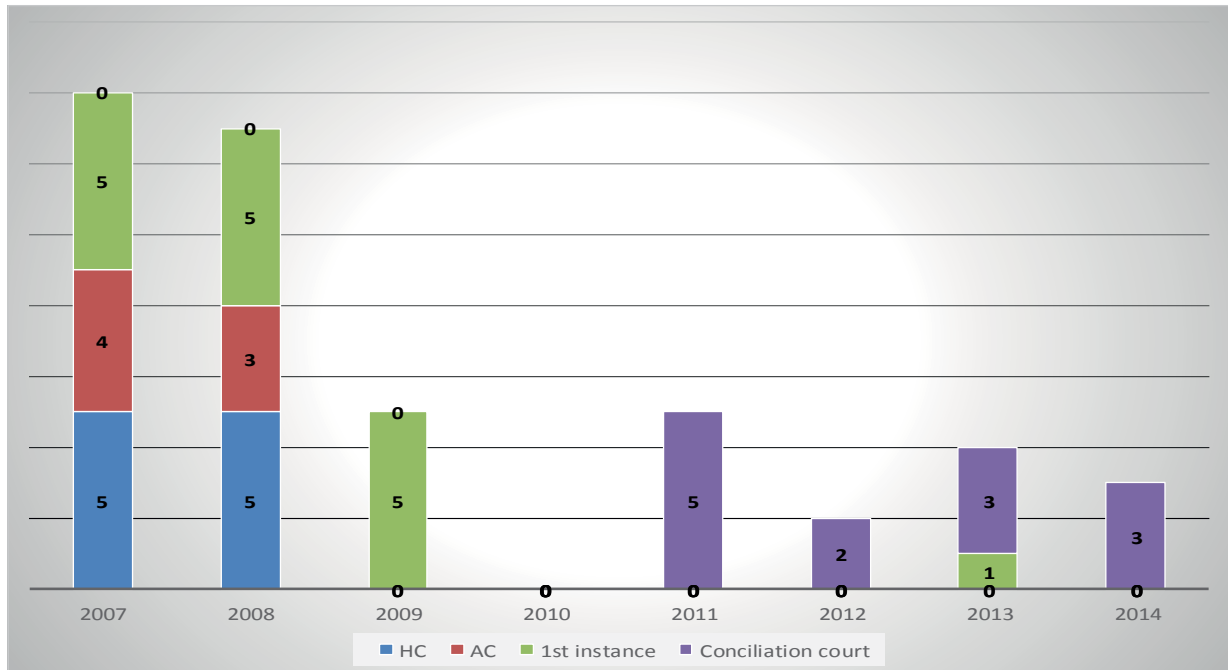
Evolution of the Human Resources Situation since the Division

In order to staff the courts, the Gaza authorities proceeded in the aftermath of the division to a frenzy of appointments: a total of 25 judges in just over six months, from October 2007 to April 2008. In spite of the fact that this process was clearly conducted in haste, and that new judges were put to work with no prior training, the quality of the candidates seems to have been a priority. Many of them were lawyers who had years or even decades of experience and were widely respected by the legal community. Seven of them (out of the 14 judges hired in 2007 alone), were part of a group of jurists who had been selected, long before the division, by the judiciary following competitive exams but hadn't been formally appointed⁶⁸. Five of them are currently sitting at the High Court, and the remaining two at the Appeal Court.

Another consequence of the almost total replacement of former judges has been the very high rate of accelerated promotion of judicial staff. Thus, in order to fill in the most senior positions (High Court

⁶⁸ There seems to be a consensus in Gaza over the fact that these judges were selected in an impartial manner by the pre-division PNA and that they are very competent.

and Appeal Court), some judges initially appointed at the Conciliation Court rapidly climbed the ladder up to the highest positions⁶⁹. As the analysis of the pyramid of courts clearly shows, seniority plays a central role in the promotion criteria, the High Court and the Appeal Court being entirely constituted from judges hired before 2009.



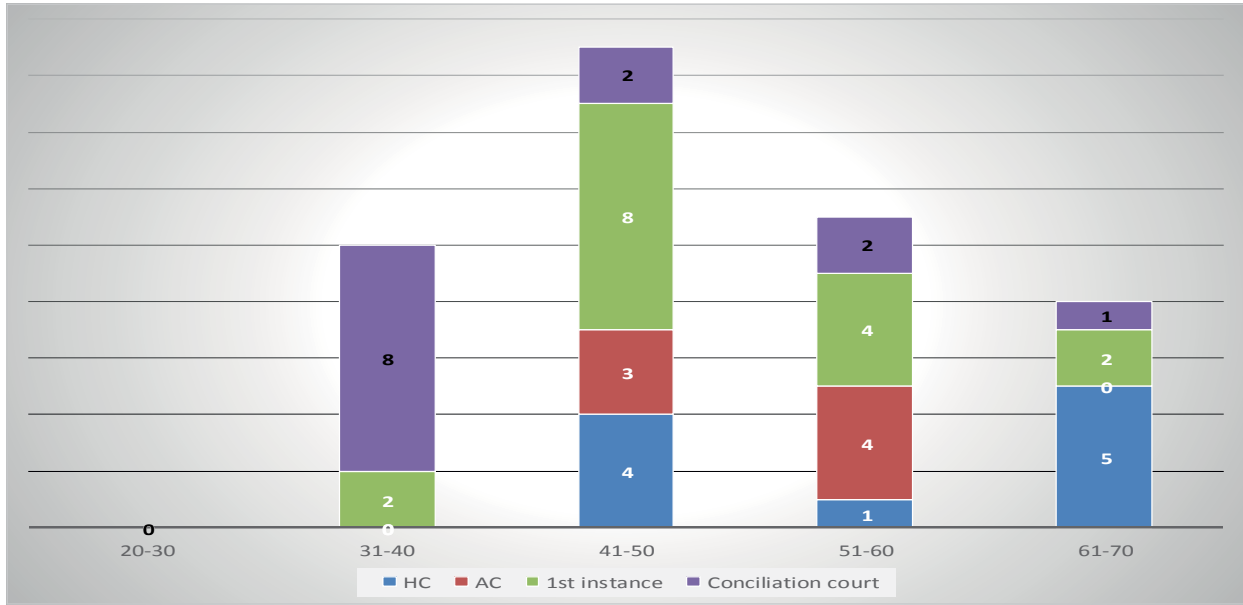
Chronology of judges' appointment and their distribution by court type

Today, there are 46 judges in total, as opposed to 45 before the division, while the Gaza Strip witnessed during that same period a high rate of population growth.

Age, Background, and Gender of Current Employees

A striking feature of the profile of current judges is their relatively advanced age: almost 80% of them are above the age of forty, to compare with 95% of the total number of prosecutors who are below the same age.

⁶⁹ This is the case of at least one of four judges who responded to the questionnaire (see Annex E2).



Distribution of judges by age and court type

An analysis of the judges’ educational background demonstrates that they all fulfill the relevant condition for appointment to a judicial position set forth in the Judicial Authority Law⁷⁰: 87% of judges graduated with a BA, the remaining 13% possessing in addition a High Diploma or Master Degree⁷¹.

Although the sample of respondents to the questionnaire is not representative enough to draw general conclusions, interviews with judges and legal practitioners held in Gaza by the author tend to indicate that most – if not all – current judges had, prior to their appointment, accumulated work experience in the legal field as lawyers, legal advisors for the government, and legal staff in municipalities. This assumption seems credible in the face of the fact that the youngest judge appointed since the division was 28 years old.

There are only three female judges sitting in the courts in Gaza, which amounts to a mere 7% of the total. Apart from the pre-division judge sitting at the High Court, two female judges were appointed by the de facto authorities⁷²: one in 2008, who is now sitting at the High Court, and a second in May 2014 who serves a Conciliation Court judge. Even though their number speaks for itself, the career path of female judges, with a rapid pace of promotion, appears similar to their male counterparts.

70 Article 16: “A member assigned to the judiciary shall fulfill the following requirements:

1. [...]
2. Must hold a license (BA degree) in law or *Shari’a* and law from a recognized university.”

71 Although it does not explicitly appear in the personnel roster, it was confirmed to the author by the HJC that all judges received a BA/HD/MA in law, *Shari’a* (as required by Article 16 of the JAL) or both; the respective proportion of graduates of (secular) law or *Shari’a* is not precisely known, but it is estimated that, “for the most part, they have studied PA not *Shari’a* laws [...] A few, however, are trained in both disciplines” (PELHAM, p. 7).

72 These appointments were made in spite of the controversy it raised at the time, “further unsettling some leading traditionalists” (PELHAM, p. 12).

Hiring Procedures

According to information collected in situ, the HJC has striven to abide by the existing legal framework pertaining to judicial appointments, with regards to both judges and prosecutors⁷³: candidates must satisfy conditions of good conduct, level of education as indicated above, as well as “[termination of] membership in any party or political organization”⁷⁴. Although the candidates are selected and nominated by the HJC, the political division since 2007 in practice precludes the effective appointment by a decision of the President of the PNA, which is substituted by a decree from the Prime Minister in Gaza.

Going beyond formal requirements, similarly to the trend observable in the West Bank, the practice over the last years seems to have generalized the use of competitive examinations in order to select the best candidate to a judicial position. This policy is systematically enforced for the access to the grade of prosecutor and Conciliation Court judge (written and oral examinations). For the access to the position of First Instance judge, only an interview takes place. Direct nomination to the High Court is made in a discretionary manner⁷⁵. In conformity with article 18(c) of the JAL, several members of the prosecution were appointed as Conciliation Court judges through transfer⁷⁶.

Capacity-Building and Development

The specific context in which the current judiciary was reshaped hindered any possibility to provide initial training to the first group of appointed judges. To a certain extent, this shortcoming was alleviated by the work experience and qualifications acquired by most judges in their former professional life, but this cannot be generalized to those who followed.

Although the HJC has since developed a program of initial training, consisting in theoretical and practical courses delivered over a period of three and a half months. This program cannot be considered sufficient, which is readily admitted by the current judicial leadership who invokes financial and manpower limitations.

With regards to continuing education and the specialization of judges, the situation is not satisfactory either, although, here again, the technical office has been active in trying to develop different activities.

73 These include, in addition to article 16, the stipulations of article 18 of the JAL: “1. Judicial positions shall be filled pursuant to a decision by the President of the National Authority, based upon a nomination from the High Judicial Council and in the following manner:

- (a) Initially, by appointment.
- (b) By promotion based upon seniority while taking competence into consideration.
- (c) By appointment through transfer from Public Prosecution.
- (d) By secondment from a sister country.”

74 Article 16 of the JAL. The HJC in Gaza claims that none of its judges currently holds such membership.

75 Apart from judges appointed through promotion, four persons were nominated directly at the High Court, including a former dean at el- Azhar university and a lawyer with over thirty years of experience.

76 It is at least the case of six of the current judges.

Current Status of Pre-Division Judges

According to information collected from different sources, there are currently 28 pre-division judges (out of 45 back in 2007) who still fulfill the required age criterion to be reassigned to their judicial functions. Their current distribution is as follows, taking into consideration that these figures include some judges who were promoted recently by the West Bank authorities⁷⁷:

Current grade	Number of judges
High Court judge	8
Appeal Court judge	11
First Instance Court judge	9
Conciliation Court judge	0 ²
Total	28

It should be noted that although no precise figures exist, many of these judges started since 2007 another professional activity (legal consulting, teaching at local law schools, training for civil society organizations, private business) or pursued their studies in Gaza or abroad.

Assessment of Needs

The ratio of judges per inhabitants in Gaza Strip - one judge for 37 000 inhabitants⁷⁸ - is from all accounts vastly insufficient. Applying the ratio currently observed in the West Bank - 1 judge for 12 300 inhabitants⁷⁹, an additional 92 judges should be allocated to the justice system in Gaza Strip.

Current Judges' Attitudes Towards Reintegration of Pre-Division Judicial Staff

The surveyed sample saw an opportunity for reintegration. While some appeared to be more keen about the integration process, others have shied away by expressing concerns about their current status and their fear of any potential restructuring.

Those who expressed an unobjectionable attitude towards reintegration also highlighted the need for capacity building policies and programs to facilitate the re-entry of the pre-2007 judges.

Within the line, there is an evident tone of concern. Judges casted out their worry about potential drop in productivity and engagement. Some have suggested a conditional acceptance of the reintegration process, provided they retain their current positions, wages and benefits.

2. Non-Judicial Staff

Pre-Division Situation

There were in total 219 employees attached to the HJC before the division took place.

⁷⁷ These promotions include at least five Appeal Court judges who were promoted to the High Court.

⁷⁸ The population in Gaza Strip was estimated in 2014 at 1 700 000 inhabitants (source: Palestinian Central Bureau of Statistics).

⁷⁹ Population in Gaza Strip estimated in 2014 at 2 719 000 inhabitants (source: Palestinian Central Bureau of Statistics).

Impact of the Division on Human Resources

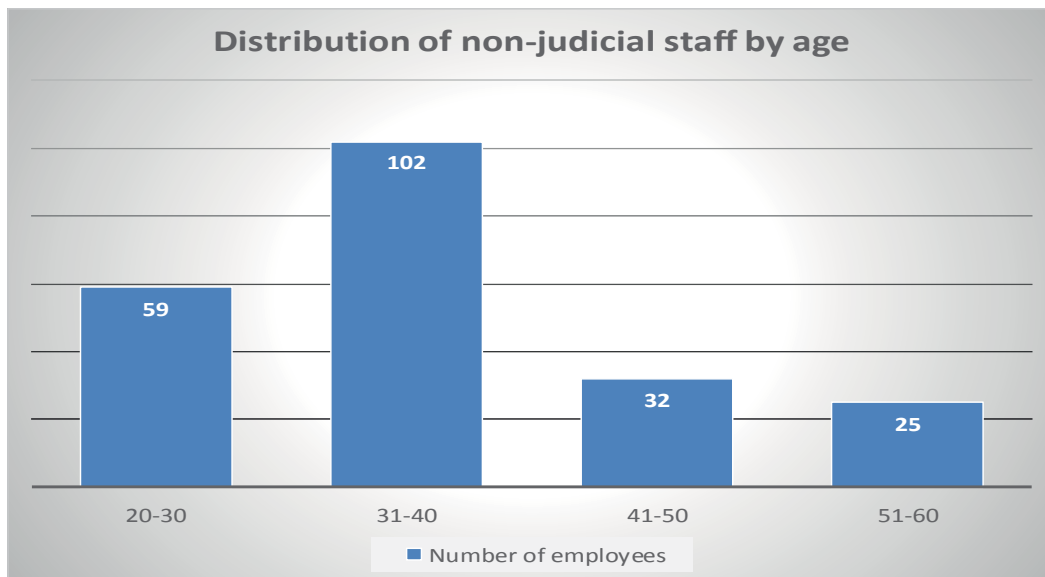
The division led to the withdrawal of almost all non-judicial staff. A mere eleven employees remained in their position, a ratio significantly lower than that of the MoJ.

Evolution of the Human Resources Situation since the Division

The HJC currently numbers 218 civil servants, in addition to 50 employees hired on various types of contracts. The vast majority of them is assigned to the courts (80% of the total number of civil servants), while the rest of them staff the HJC administration departments.

Age, Background, and Gender of Current Employees

Women represent 16% of the total number of civil servants. 75% of the employees are below forty years of age, and 50% have at least a BA.



Hiring Procedures

As is the case with all other civil servants in the justice sector in Gaza Strip, the HJC reports that all employees were selected by the GPC through a competitive process consisting in written and oral exams⁸⁰.

Capacity-Building and Development

The Technical Office's Training Unit has been developing ad hoc training sessions for employees. It doesn't have the capacity however to cover all the needs, especially considering that his primary target group are the judges.

Current Status of Pre-Division Employees

No figure could be obtained from the HJC in the West Bank, who keeps the employees' files. Certain sources evoked the number of 80 employees remaining, but that seems underestimated. There are probably over 150 persons still on PNA payroll.

⁸⁰ 90% of the respondents to the questionnaire specify that they were hired in that manner.

Assessment of Needs

The HJC in Gaza reports urgent staffing needs, and experiences a shortage in secretaries, IT programmers, legal assistants, accountants and rulings' enforcement personnel.

Moreover, the appointment of additional judicial staff would have immediate implications in terms of non-judicial staff needs : by applying the same ratio of employees per judge⁸¹, the required number of non-judicial personnel could reach as high as 800.

Current Employees' Attitudes Towards Reintegration of Pre-Division Non-Judicial Staff

While 90% of the surveyed sample expressed positive attitude towards reintegration, the remaining 10% had a more neutral tone. Participants unanimously stressed the need to build the capacity of the pre-2007 employees. They suggested designing training workshops, programs to fill them in with the recent developments in the workplace and help them polish their interpersonal and professional skills. Some advanced proactive proposals for a smooth and constructive reintegration process. They suggested the development of a reengagement program, which would assess the needs of the pre-2007 employees, evaluate the capacities of the pre-2007 employees, identify the needs of the HJC, and accordingly design a tailored program that aims at empowering and building the capacities of the old employees in one hand, and facilitate their re-entry on the other.

Other participants explicitly expressed their tolerance provided that it doesn't overlap, duplicate or hinder their current positions. There is evidently a certain degree of fear of the changes to come.

2. Attorney General Office

1. Judicial Staff

Pre-Division Situation

The precise number of prosecutors before the division is not available, but probably neared 58.

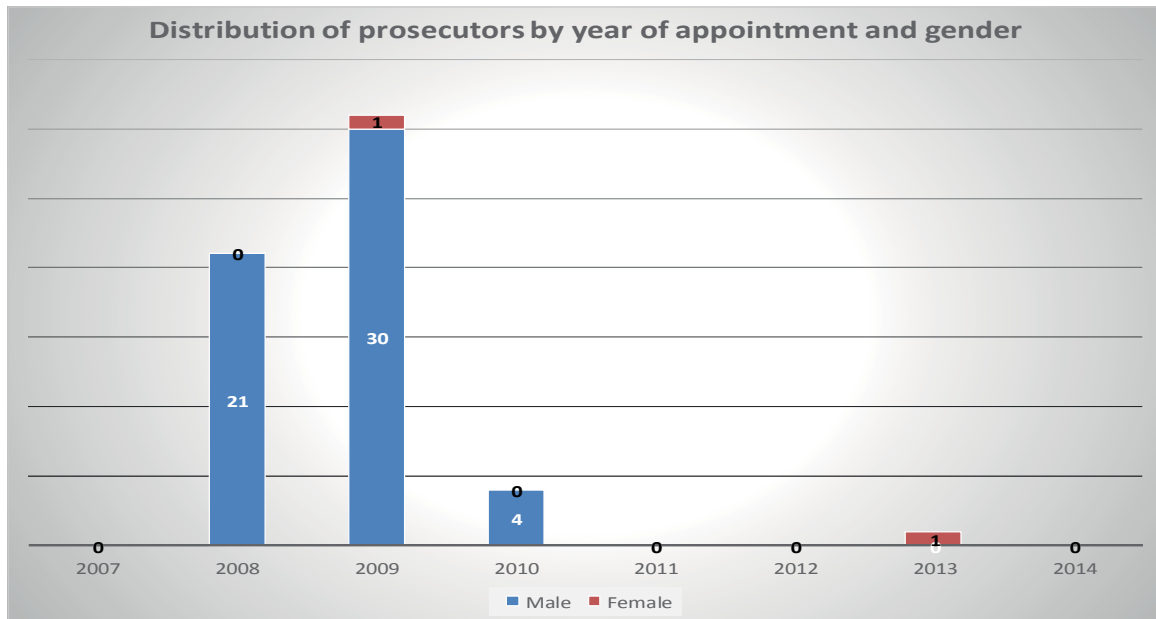
Impact of the Division on Human Resources

In a similar way to the judges, a very large majority of prosecutors didn't keep their positions. Only two prosecutors remained in office.

Evolution of the Human Resources Situation since the Division

The consequences of the sudden collapse of the Public Prosecution were severely felt in Gaza Strip, in an already highly charged context of political strife and insecurity. The new authorities proceeded to appoint a very large number of prosecutors; more than 90% of them were hired over a period of less than three years after the division.

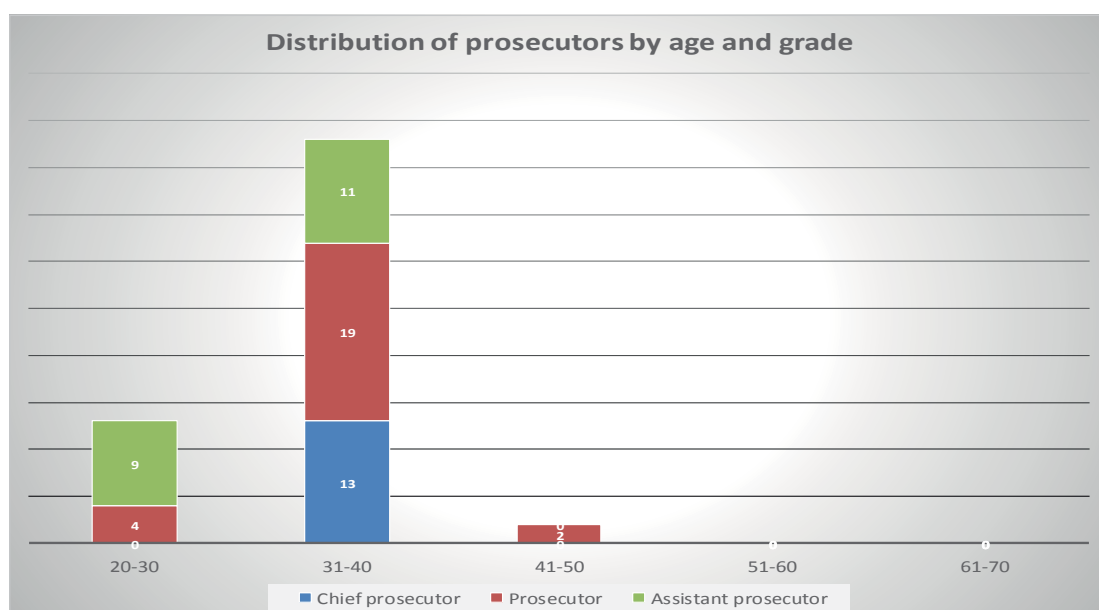
⁸¹ The ratio is slightly higher in Gaza Strip (5,8 employees per judge) than in the West Bank (5,1).



Age, Background, and Gender of Current Employees

The most striking features of the profile of prosecutors hired since the division are their very young age and the overwhelming predominance of men among them (two women only, both holding the rank of assistant prosecutor).

Almost 95% of the prosecutors are currently below the age of forty. 66% of them were hired when they were less than thirty years old. Many of them had no prior work experience before joining the prosecution, contrarily to most judges who had a strong legal background. Adding to that the lack of proper initial and continuing training leads to the inevitable conclusion that the damage caused by the withdrawal of pre-2007 prosecutors certainly had a very severe impact on the state of the Public Prosecution. With regards to the level of education of prosecutors, the analysis of the answers to the questionnaire reveals that the sample group is formed of BA (69%) and MA (31%) graduates (69%).



Hiring Procedures

The selection and appointment of prosecutors, as required by the JAL, are conducted in the same manner as judges.

Capacity-Building and Development

Very little information could be collected with regards to capacity-building initiatives taken by the AGO. As much as 85% of respondents to the questionnaire state that they haven't received either initial training nor continuing education courses over the last eight years.

Current Status of Pre-Division Prosecutors

There are currently 51 prosecutors who have the required age to be reinstated in their original functions. As is the case with judges, many of them engage in a professional activity.

Current grade	Number of prosecutors
Chief prosecutor	18
Prosecutor	30
Assistant prosecutor	3
Total	51

Assessment of Needs

Contrarily to judges, the ratio of prosecutors per inhabitants in Gaza Strip (one for 28 333 inhabitants) is quite similar to the West Bank (one for 24 718 inhabitants). Applying the latter to the Gaza Strip, one reaches the figure of 69 prosecutors, against 59 today.

However, a comparative analysis of the distribution of cases by litigation type shows a very clear predominance of criminal cases over civil cases in Gaza Strip, while the opposite phenomenon can be noted in the West Bank⁸². This demonstrates the greater number of prosecutors required in Gaza Strip, reflected in the following table that outlines the needs identified by the AGO in Gaza Strip⁸³:

Grade	Current prosecutors	Required prosecutors	Total
Chief prosecutor	13	13	26
Prosecutor	25	61	86
Assistant prosecutor	20	-4	16
Total	58	70	128

Current Prosecutors' Attitudes Towards Reintegration of Pre-Division Judicial Staff

More than 50% of the surveyed judicial staff confirmed the existence of personal relationships be-

⁸² Depending on the year and court under consideration, there is a ratio of one civil case for 1,5 to 3,5 penal case in Gaza Strip. Numbers vary greatly in the West Bank from one court to another but it is quite rare to have less than two civil case for every penal case, except at the level of a Conciliation Court (which deals with minor penal offenses, much less time-consuming than more serious crimes judged in front of First Instance Courts).

⁸³ Based on a document prepared by the AGO and provided to the author during his visit to Gaza.

tween them and some of their pre-2007 colleagues. They reported discussing social day-to-day issues, which are non-work related.

100% of the respondents had positive feelings about the reintegration plan, 60% welcomed the idea and saw in it a necessary step. 30% stressed the importance of collaboration and reunification, and utilized a patriotic discourse to reaffirm that the workplace is a public institution, a non-exclusive sphere that is open for all citizens regardless of their political affiliation.

Unanimously, respondents highlighted the importance of conducting a solid reintegration plan, which enables the pre-2007 to return to work while at the same time ensures the sustainability of the current employees. Repeatedly, they stated the need for a strategy to orient, update and familiarize returning employees with the latest policies, laws and regulations. They addressed the importance of equipping the returning employees with the necessary tools and skills to enable them to professionally perform their duties.

They also requested the development of a program that would enable employees to meet, communicate and socialize. They saw that without building bridges among employees the reintegration plan couldn't bring about fruitful change.

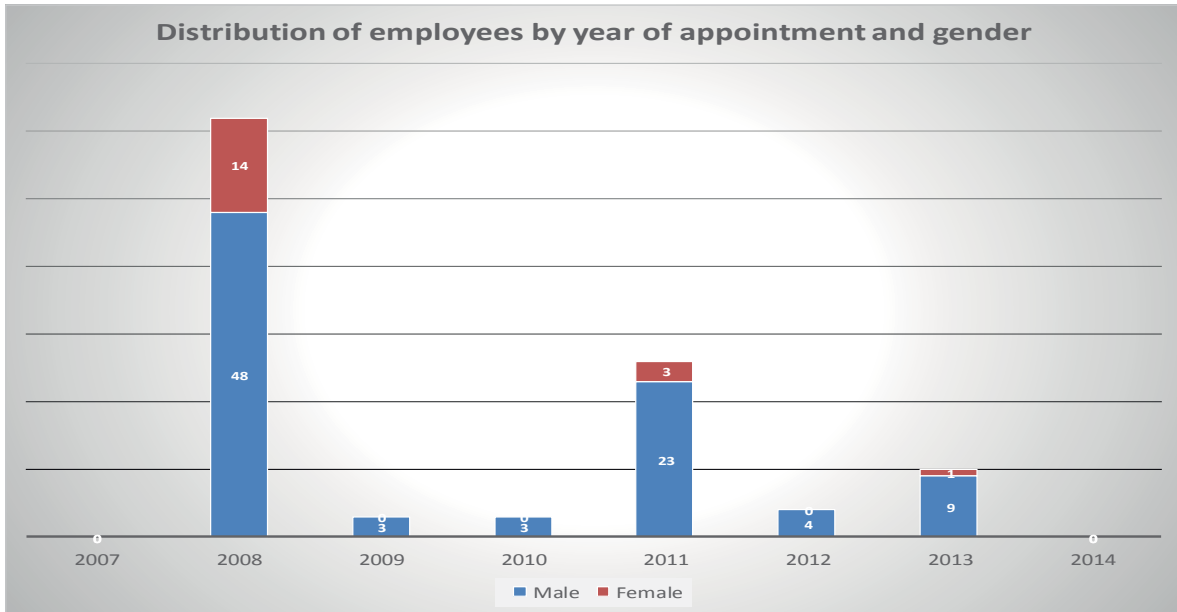
2. Non-Judicial Staff

Pre-Division Situation and Impact of the Division on Human Resources

There were 122 employees at the AGO before the division. Two of them only remained in position.

Evolution of the Human Resources Situation since the Division

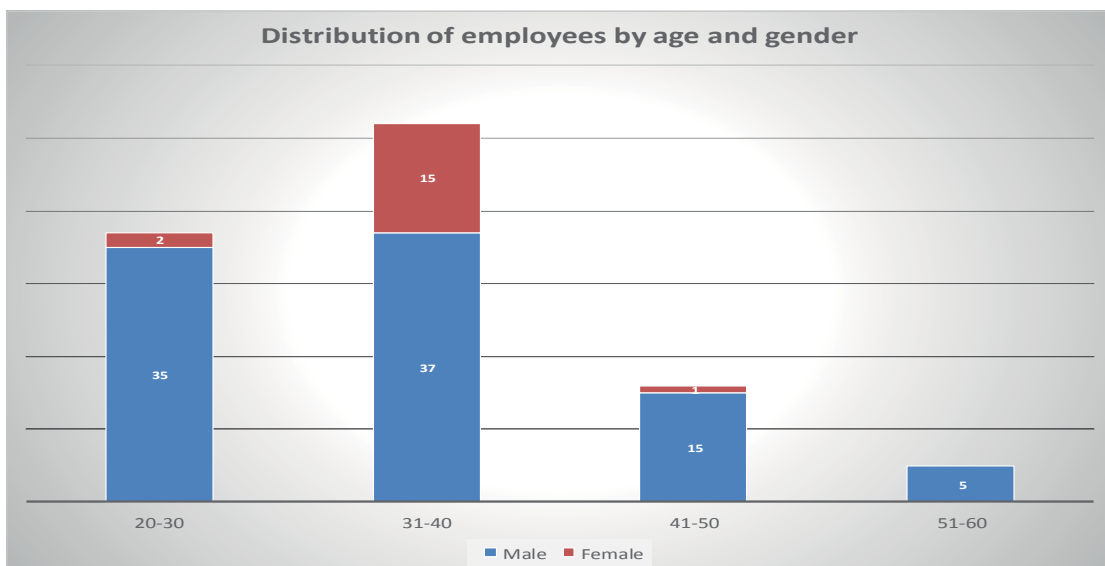
There are currently 110 employees working the AGO in Gaza Strip. More than 50% of them were hired the year after the division.



Age, Background, and Gender of Current Employees

The age distribution of employees is more diversified than that of prosecutors, although a large majority is under the age of forty.

Women, most of whom are to be found in the 31-40 age category, represent only 16% of the workforce. It should be noted however that they tend to be overrepresented in mid-management positions and specialized positions: thus, four out of nine heads of divisions and two out of seven legal assistants are women, who also count in their midst a chief registrar.



Hiring Procedures

Similarly to other employees in the justice sector, non-judicial staff at the AGO undergo a selection organized and managed by the GPC. All thirteen respondents to the questionnaire report having been appointed after a series of written and oral examinations.

Capacity-Building and Development

No significant information, indicating that any sort of initial training or continuing education were provided to employees at the AGO, could be gathered in Gaza. 15% of respondents to the questionnaire report having benefited from training.

Current Status of Pre-Division Employees

Estimations suggest that around 100 employees remain who could potentially be reintegrated.

Assessment of Needs

The ratio of employees per prosecutor is higher in Gaza Strip (1,8 employee) than in the West Bank (1,25 employee⁸⁴). If the number of prosecutors were to increase in the proportions desired by the AGO in Gaza Strip (128 prosecutors as opposed to 58 currently), it would probably require the appointment of 50 to 100 additional employees.

Current Employees' Attitudes Towards Reintegration of Pre-Division Non-Judicial Staff

Among the surveyed non-judicial staff at the AGO, less than 3% of the current employees mentioned the existence of a relationship with the pre-2007 staff. Some of these who were appointed after 2008 reported that they had met never any of the old employees.

3% of the surveyed overtly expressed their objection to any reintegration proposal while 20% demonstrated an imbedded resistance and reluctance. The vast majority of those who did not object the reintegration welcomed it as a mechanism to reduce the available workload.

Some respondents resorted to public service discourse, considering the reintegration process as a national necessity that would help restore unity and minimize the impact of the political division.

Similarly to all those surveyed in other justice sector institutions, the non-judicial staff at the AGO's office who expressed positive feelings regarding the reintegration stipulated the need for an unbiased reincorporation plan based on scientific methods, divorced from nepotism or favoritism.

Non-judicial staff suggested the development of communication programs and introductory meetings to build bridges and break the ice. As one expressed: "*we need reintegration on the moral and social levels prior to the professional one*". Staff requested development plans and capacity building program for all employees and not exclusively for the pre-2007 ones, the restructuring of the institution to accommodate all employees, and the development of a mentoring program to ensure a smooth and sustainable reintegration.

84 According to the AGO in the West Bank, there are currently 138 employees for 110 prosecutors in total.

3. High Judicial Shari'a Council

1. Judicial Staff

Pre-Division Situation

It is estimated that around 20 judges were employed by the HJSC before the division.

Impact of the Division on Human Resources

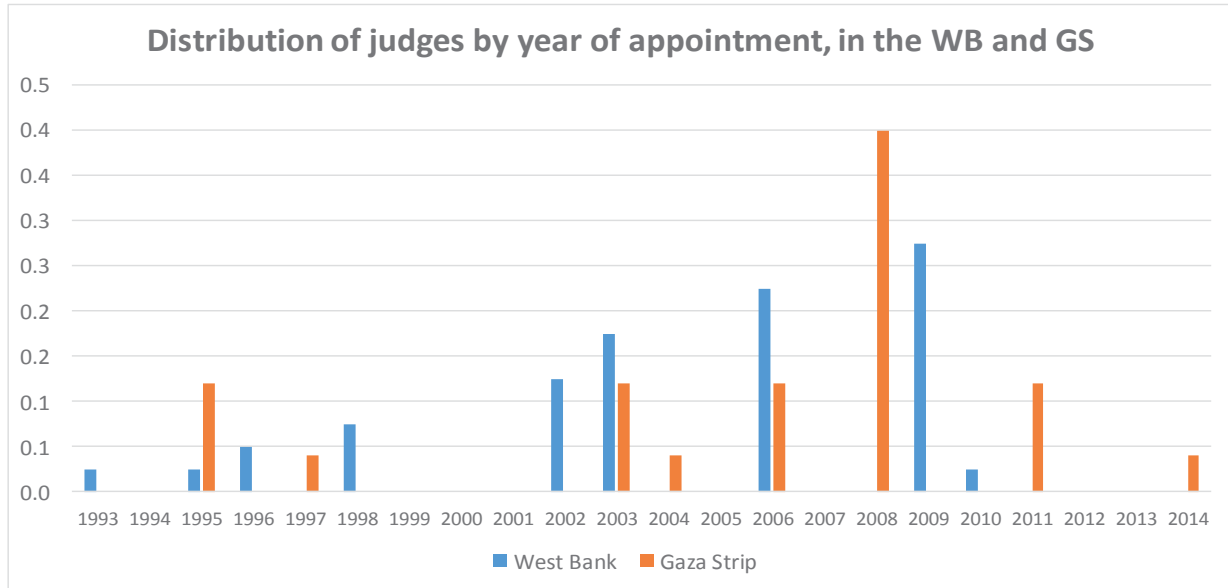
The HJSC is without any doubt the institution that was the least impacted by the division: as much as eleven judges, roughly half the total number, resolved to remain in their positions. Different assumptions can be made as to the reasons that led to such a different outcome if compared with other judicial institutions: as opposed to the ordinary judiciary that was put in place by the PNA and where appointment policies have long been decried as politicized and nepotistic, the Shari'a judiciary has a long-standing history and enjoys a higher level of trust of the public; besides, it deals exclusively with family-related matters, devoid of the potentially politically-charged economic or criminal cases. It can therefore be assumed that appointment of judges in the Shari'a courts suffers less from political interference.

Evolution of the Human Resources Situation since the Division and Background of Current Judges

Out of a current total of 25 judges, 44% of them were appointed before the division. Having benefited from promotions over the last eight years, they all sit on either the High Court or the Courts of Appeal⁸⁵.

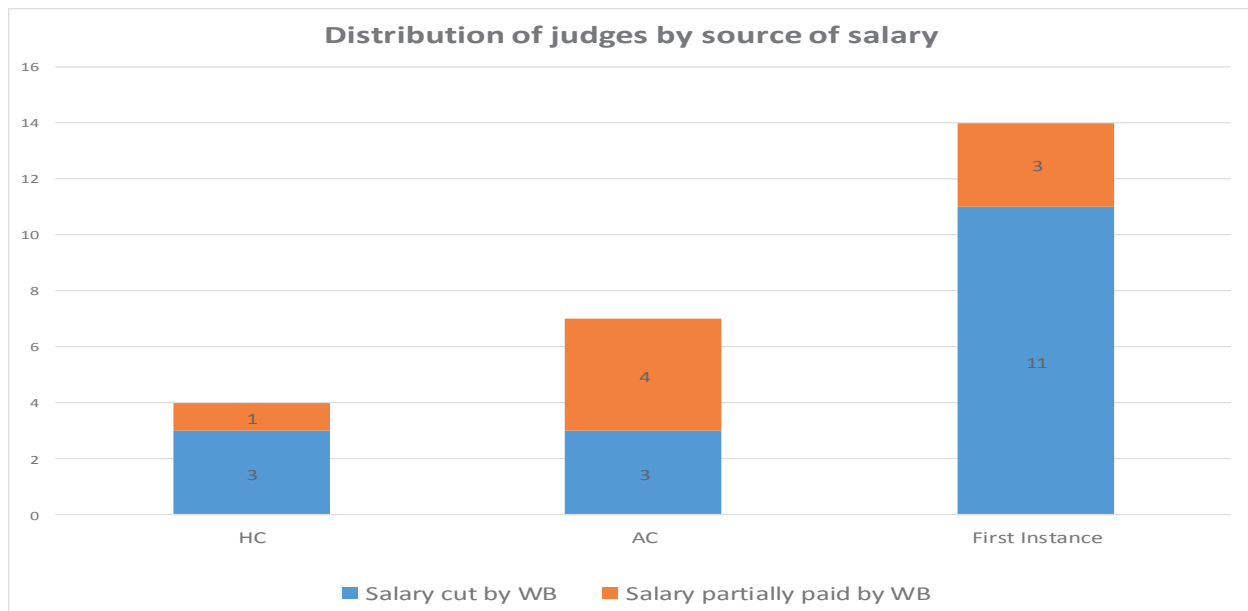
The remaining 56% were hired for the most part shortly after the division. A first wave of appointment took place in 2008: all ten judges had been civil servants at the HJSC for more than ten years. The ones hired subsequently in 2011 and 2014 had been serving as employees at the HJSC before the division.

⁸⁵ All four members of the High Court were promoted at this position after the division - in 2009 for the most part. Three of four members of the Appeal Court of Gaza City, as well as two of three members of the AC of Khan Yunis, were promoted from the First Instance Courts between 2008 and 2012.



As opposed to the situation in the West Bank, where three judges out of a total of forty are women, there is not a single female judge sitting in the Shari'a courts in Gaza Strip.

It is noteworthy that although most judges had their salary cut by the West Bank authorities, that is not systematically the case. Some of the current judges still receive at least part of their salary. In addition, judges who were employees at the time of the Division have a mixed status: they are paid by the WB as employees and receive the supplement from the GS.



Hiring Procedures

The adoption in 2011 of the Shari'a Judiciary law⁸⁶ in Gaza Strip modified the criteria and procedures of appointment of judicial personnel⁸⁷, as well as the legal framework applicable to promotions, removal, dismissal and disciplinary actions.

⁸⁶ Law no. 3 of 2011 on the Shari'a Judiciary (*Qanoon Al-qada Al- Shar'ii*).

⁸⁷ *Id*, See articles 10-19.

The process of appointment and promotion is carried out by the Shari'a Judicial Appointments Commission (SJAC).⁸⁸ The commission is comprised of three Shar'ia High Court and two Appellate Court judges, none of whom should be sitting on the High Judicial Shari'a Council. The appointment process can only commence based on a recommendation from the SJAC to the president of the Palestinian National Authority.⁸⁹ Once the president approves, an appointment decision is issued.⁹⁰

Appointments must be conducted through open competition. All applicants must be Palestinians who enjoy full legal and mental capacities, and hold a university degree in law, Islamic Studies or Shari'a from an accredited university, whether in the State of Palestine or in a reputed university abroad. In addition, the candidates must not have been convicted in a felony or a misdemeanour, be medically fit to bear the assigned responsibilities, and master the Arabic language. Finally, they must have practiced Shari'a law for a minimum of five years, or clerked at a Shari'a court for a minimum of three years, and be at least thirty years old. In similar fashion as ordinary judges, a candidate to the position of Shari'a judge should refrain from engaging in any political party.⁹¹

Apart from this new legal framework, the specificity of the HJSC's appointment criteria lies in the customary fact that insiders are systematically privileged in the accession to the position of judge (a phenomenon that is also observable in the WB): thus, all current judges had been working for the HJSC prior to their admission in the judicial profession.

Capacity-Building and Development

The HJSC is not very active in providing in-house capacity-building activities, according to information gathered in situ. However, a significant percentage of judges received ad hoc training in various countries including Qatar, Egypt and Jordan⁹².

In addition, the judge who has been put in charge of enforcement of Shari'a courts' rulings received, along with the department's staff, one-month intensive training sessions.

Current Status of Pre-Division Judges

Figures vary with regards to the number of judges who could still be reintegrated. The HJSC in the West Bank indicates that there are six left, while the HJSC in Gaza asserts that there are three, one of whom will soon reach the age of retirement. According to the same source, all the judges who were sitting on the High Court before the division either retired or passed away.

⁸⁸ Commission (SJAC), *Lajnit Ta'ieen Al-Quda Al-Shari'ieen*

⁸⁹ Article 12 of the Shari'a Judiciary Law on the Shari'i Judicial Appointments.

⁹⁰ Article 14 of the Shari'a Judiciary Law.

⁹¹ Article 11 of the Shari'a Judiciary Law. The conditions set for the appointment of judges in the WB (where the law of 1972 is still applicable) are much less stringent in terms of academic background, work experience, and age.

⁹² Four of six respondents to the questionnaire report having benefitted from such training.

Assessment of Needs

The ratio of judge per inhabitant is strikingly similar in Gaza Strip and the West Bank⁹³. However, the HJSC in Gaza reports the need for at least two additional judges, in the light of the following arguments: firstly, three of the current active judges will soon attain the age of retirement and will need replacement; secondly, the increased number of orphaned children due to the constant wars waged on Gaza had the effect of raising considerably the number of cases brought to the Shari'a courts, with which they have real difficulties to cope.

Current Judges' Attitudes Towards Reintegration of Pre-Division Judicial Staff

HJSC judges manifested an indifferent attitude towards the reintegration process. They considered the process to be feasible as long as it does not interfere with their current positions. Accordingly, they anticipated the possibility of allowing the pre-2007 judges to go back to their former positions, the ones that they held prior to the division.

Further, judges saw an indispensable need to provide their pre-2007 colleagues with sufficient number of training courses to ensure their smooth integration.

2. Non-Judicial Staff

Pre-Division Situation

There were in total around 170 employees working at the HJSC before the Division

Impact of the Division on Human Resources

Following the Division, a little over seventy employees (less than half the total number) left their positions. Among them, around forty were civil servants while the rest were contractual employees. Twenty-two civil servants as well as seventy-two contractual employees remained in their positions.

Evolution of the Human Resources Situation since the Division

To compensate for the loss of over seventy employees, the HJSC hired twenty-five new staff and converted fifty-seven contractual employees into civil servants in 2008 alone. Fifteen additional civil servants were hired in subsequent years, as well as number of employees on contracts.

Altogether, the HJSC currently employs 119 civil servants (over 75% of whom had been working at the HJSC since before the Division), in addition to twenty-seven contractual staff.

Background, and Gender of Current Employees

As noted in the above section, most employees are no newcomers: almost 50% of them have been working at the HJSC for more than ten years. The percentage of women among employees stands at 12%, compared to 15% in the West Bank. More than half of them work as heads of family counseling divisions or family counsels.

⁹³ One judge for 68000 inhabitants in Gaza Strip, compared to one judge for 67975 inhabitants in the West Bank.

Current Status of Pre-Division Employees

Data collected during interviews in the WB place the number of remaining civil servants at thirty-eight, while figures provided by the HJSC in the GS count thirty-eight civil servants and twenty-eight contractual employees.

From interviews conducted with the HJSC in the WB, it appears that the files of pre-Division employees are regularly updated. Changes in their personal situation (marriage, birth of a child, etc.) are duly noted, as are their right to a promotion. However, these administrative changes are not taken into account in the employees' salaries.

Assessment of Needs

The current ratio of administrative staff per judge is almost equivalent in the GS and the WB⁹⁴. However the HJSC in the GS indicates additional needs arising in part from the reorganization of its internal structure⁹⁵.

Current Employees' Attitudes Towards Reintegration of Pre-Division Non-Judicial Staff

The vast majority of the employees utilized neutral language to project their acceptance of an integration plan. They unanimously expressed certain concerns regarding their current positions. While welcoming the idea of integration, they asserted the importance of performing it in a fashion that doesn't subject them to organizational change. For a fruitful process, they perceived the necessity to equip their colleagues with a set of skills and knowledge to enable them to meet their professional obligations and responsibilities.

94 The ratio is of 5,9 employees per judge in the WB compared to 5,8 in the GS.

95 See chapter 3.

5. Infrastructure Needs in the Justice Sector in Gaza Strip in the Aftermath of ‘Operation Protective Edge’

The justice sector in Gaza Strip has been in dire need for a modernization of its infrastructure since before the Division. Due to the critical financial situation and the siege endured by the Gaza Strip, the situation only worsened over the last eight years.

Even though the brand new building hosting the Ministry of Justice was completely destroyed in the war of 2008-2009, judicial institutions have been spared the level of destruction inflicted upon other public and private infrastructure. There is no evidence that any of the facilities were directly or indirectly damaged during the 2014 bombing campaigns or the subsequent ground invasion.

Most premises occupied by the judicial institutions outside the city of Gaza are not publicly owned, but rented from private individuals and companies.

The housing of HJC courts’ facilities is predominantly in privately-owned buildings that were developed for residential purposes, with one exception being the courts housed in the Rafah governorate. The table below highlights the different locations where elements of the justice sector are operating:

Table: Physical Locations of Courts and Ownership Status

Governorate	Court	Ownership Status	Building Type
Khan Younis	Khan Younis Court of First Instance	Rented	Residential Apartment
	Khan Younis Court of Appeals	Rented	Residential Building
	Bani Suheila Court	Rented	Residential Apartment
Rafah	Rafah Court of First Instance (shared with Prosecution)	Owned	Purpose-built
Gaza	Sheikh Radwan Court	Rented	Residential Apartment
	Shija’iah Court	Rented	Residential Apartment
	Gaza Court of First Instance	Rented	Government Building
	Gaza Court of Appeals	Rented	Government Building

Governorate	Court	Ownership Status	Building Type
Central	Central Court	Rented	Storefront
	Deir Al Balah Court	Rented	Government Building
North Gaza	Jabalya Court	Rented	Residential Apartment
	North Gaza Court	Owned	Purpose-built

Although no detailed data was obtained from the Attorney General Office, information collected in situ indicates that apart from the AGO's headquarters in Gaza city, all prosecution offices in Gaza Strip are rented. This seems to be also the case with regards to the High Judicial Shari'a Council. The Ministry of Justice, for its part, has been occupying premises owned by the PLO, ever since its headquarter was completely destroyed during the Winter 2008-2009.

In order to provide an overview of the most urgent needs of the justice sector in Gaza Strip, the following information was collected among the judicial institutions and is reproduced in the table below.

Development Objective	Programme	Project	Responsible Institution	Location	Estimated Budget in Thousands US Dollars
Quick Win	Furnishing Existing Court Facilities	Furnishing Existing Court Facilities	MoJ	All	-
Developing the Administration of the Judiciary	Enhancing Human Resources Efficiency and Providing the Sector with Development Tools	Human Resources Development, completing the automation process and developing the law library	MoJ	Gaza Governorates	135

Enhancing the Rule of Law Principle, Judicial Independence and Enforcing Mechanisms	Infrastructural Support for the MoJ and the Judicial Institutions	Developing the Forensic Medicine Center	MoJ	Gaza Governorate	527
		Establishing a Crime Lab	MoJ	Gaza Governorate	2,032
		Establishing a Premise for the MoJ	MoJ	Gaza Governorate	1,472
		Establishing a Courthouse in Jabalya	MoJ	Northern District	218
		Establishing the High Judicial Institute	MoJ	Gaza Governorate	250
		Establishing the Judicial Palace	MoJ	Gaza Governorate	11,000
Enhancing the Efficiency and the Performance of the Shari'a Judiciary	Infrastructural Support for the Shari'a Judiciary	Establishing Shari'a Courthouse Complex in Khan Yunis District	Shari'a Judiciary and Courts	Khan Yunis	1,200
		Developing the SC Bureau	Shari'a Judiciary and Courts		150
		Establishing Shari'a Courthouse Complex in Gaza Governorate	Shari'a Judiciary and Courts	Gaza Governorate	1,200
		Establishing Shari'a Courthouse Complex in Middle District	Shari'a Judiciary and Courts	Middle District	1,050
	Capacity Building and Automating the Shari'a Judiciary	Automating the SC and Enhancing Human Resources Capacities	Shari'a Judiciary and Courts	Gaza Strip	210

6. Recommendations on the Process and Mechanism to Support Reintegration

A. Background on the Recommendations

These recommendations cover the three main issues at stake in the perspective of reintegration: the evolution of the mandate and structure of the judicial institutions, the crucial matter of human resources, as well as the question of infrastructure and equipment.

In formulating the principles and the process on which reintegration should proceed, special care has been taken to respect the main pillars of judicial independence and to draw the lessons from similar experiences worldwide.

But the recommendations are also the product of dozens of interviews and meetings held in the State of Palestine with lawyers, professors, legal activists, and stakeholders on both sides of the divide. They aim at proposing practical and pragmatic solutions from which both parties would benefit without jeopardizing the aspirations of the public for a free and fair judiciary.

B. Guiding Principles

In order to succeed and attain the overall objective of a fair and impartial judiciary, the reunification should be based on a series of principles which should be accepted by all parties, failing which the political disputes and partisan interests will keep resurfacing and ultimately spoil the reconciliation process. These principles can be summed up as follows:

The Constitutional and Legislative Foundations

All actors and observers on both sides of the divide concur that any solution to the current deadlock should be grounded in the commonly accepted constitutional and legislative foundations, which all date back to before the Division: the Amended Basic Law of 2003, the Judicial Authority Law no. 1 of 2002, and the Law on the Formation of Courts no. 5 of 2001. These legal instruments contain provisions of paramount importance which should be utilized to solve the concrete hurdles to reintegration.

The Exclusion of Political Calculations from the Unification of the Judiciary

The circumstances that led to the Division are political in nature and the reconciliation can therefore only be concluded by the main political actors themselves. The solution to the divided executive authority has partially been provided by the creation of the consensus government. The remedy to the legislative authority deadlock will be achieved through future elections where all political parties compete freely and fairly.

But this reasoning should, in no circumstances, be extended to the judiciary itself. The division of the judiciary was not inevitable, and it should have been avoided. Article 16-5 of the JAL provides that a member assigned to the judiciary “must terminate membership in any party or political organization upon appointment”, while article 29 of the same law specifies that judges are forbidden from “[en-gaging] in political activity”.

These principles should have prevailed and the judiciary should have remained united in spite of the political division. But while political considerations resulted in dividing the judiciary, they should be kept as far as possible from the process of uniting the judiciary today, which should be exempt from any political interference and partisan calculations. Failing that, political affiliation would dictate the way leadership positions in the judiciary are awarded, and the future judicial system would be tainted for decades to come by political bipolarization.

The Removal of the Illegality and Illegitimacy Arguments from the Debate on Reintegration

The two parties have been unable for the last eight years to bridge their differences, as each perceives itself as the exclusive holder of legality and legitimacy. To break this deadlock, it is crucial to transcend this sterile opposition and to accept the other party as equally legitimate.

With regards to the Gaza Strip, there should be acceptance of the fact that, notwithstanding the roots of the political strife that led to the division in 2007, the Palestinian citizen deserves a judicial system capable of guaranteeing his rights. It was the duty of the authorities in Gaza Strip to prevent the judiciary from collapsing after the division, and there was no other choice available than to ensure that qualified personnel be appointed to fulfil this role. In this context, the fulfilment of the legal requirement following which appointment can be made exclusively by the President of the PNA was simply not achievable, and should not be invoked to reject out of hand the legitimacy of the current judicial staff. The same reasoning applies of course conversely to appointments made in the West Bank during the same period.

Practical Implications for the Fate of Pre- and Post-Division Personnel

Practical implications stem from the above principles. Firstly, the judicial and non judicial personnel hired in Gaza Strip since the Division should be guaranteed a professional future within the reunified judicial authority. Judges, prosecutors, and law enforcement authorities have acquired experience over the last eight years and this has earned them certain rights. The implementation of this general rule will be discussed in the following section.

Secondly, the judges, prosecutors and other personnel in the judiciary who ceased their activity in 2007 claim that they were compelled to do so, or invoke justifications for their withdrawal that differ from the account provided by the current authorities in Gaza Strip. This symmetrical controversy

should also be set aside, lest the illegality and illegitimacy arguments resurface and ultimately spoil the reconciliation process. These judges and prosecutors, although they haven't practiced for many years, possess precious qualifications and considerable experience. The current judiciary is in dire need of additional judicial personnel which the reintegration of pre-Division judges and prosecutors will contribute to solve.

C. Objectives and Nature of the Reintegration Mechanism

Stemming from the principles outlined above, the practical solutions to the current divided judiciary can be provided only by a technical body (the "Committee") which would be viewed by the public as fully impartial and detached from politics. In order to succeed in its mission, the Committee would have to fulfil a number of requirements, as detailed below.

Charter of Core Principles

The Committee should be bound unequivocally by a "Charter of core principles" consisting of the principles outlined in the previous section.

Nature

The solution advocated by this study is the establishment of an ad hoc committee specifically dedicated to the reunification of the justice sector. The idea of a transitional High Judicial Council has also been floating, but it would pose two major problems. First of all, the Judicial Authority Law determines the composition of the High Judicial Council⁹⁶ (as well as that of the transitional HJC⁹⁷, that was established shortly after the publication of the law). In the current reality of duplication of the judicial institutions, this composition is simply impracticable, and it would be very questionable to diverge from the letter of law. Furthermore, a transitional HJC could, in all logic, offer solutions for the unification of the regular court system only, which would leave the problem of the AGO and the HJSC unsolved. The option to create several transitional bodies, which would probably diverge in the solutions they propose, would just add to the burden and dilute the unification process.

Composition

The Committee should not contain any of the judicial staff currently sitting in the WB and the GS, for the following reasons. Firstly, as will be detailed in the paragraph *Interim Period*, the judicial institutions will remain in place until the reintegration process is completed and new, integrated councils are formed (HJC, HJSC). It would not stand to reason – and could be considered as a conflict of interest – for a judge to be involved in the conduct of a judicial institution while sitting in a Committee established precisely to shape the future of that same institution. Furthermore, it would not be wise to place the onus of the tough decisions and difficult choices required to unify the judiciary on someone who for years has played a key role in either the WB or the GS, and might not be inclined to adopt an

⁹⁶ Article 37 of the JAL.

⁹⁷ Article 81 of the JAL.

introspective approach. Finally, the level of distrust and suspicion between the judicial actors on both sides is such that it would probably chill or even prevent discussion, and ultimately derail the work of the Committee.

The Committee should be composed of at least seven jurists of impeccable credentials, reputed for their impartiality and political neutrality. In order to reflect the plurality of the legal profession and ensure a balanced approach, members should consist in a combination of retired judges, lawyers, academics, and civil society organizations' representatives involved in the legal sphere. The participation of regional legal experts could also be sought.

Very importantly, the composition of the body should also be reflective of the diversity, in terms of age, gender, geographic origin, and social background, of the Palestinian legal community. This mixed composition of jurists from different horizons will have the dual advantage of favouring the adoption of measures covering a broad spectrum, as well as ensuring the full support and trust of the general public.

Mandate

The Committee will be tasked with proposing concrete solutions to all the issues raised in the present study, in order to reach a comprehensive plan of reunification of the justice sector.

- Develop a coherent and uniform methodology to examine and settle the status and rank of the pre-Division judicial personnel of the HJC, AGO, and HJSC. This methodology shall be based primarily on the criterion of seniority, in accordance with relevant article from the JAL⁹⁸. The Committee shall also give due consideration to the reports prepared by the inspection departments⁹⁹. With regards to judges and prosecutors appointed since the Division, the Committee shall begin with ascertaining that the requirements set by the law¹⁰⁰ were met at the time of appointment.
- Apply the aforementioned methodology in order to produce a new and comprehensive composition of courts, from the bottom to the top of the judicial pyramid (HJC and HJSC), and determine the rank of prosecutors (AGO). This will have the effect of solving the question of the composition of the HJC and HJSC councils.
- Draw a comprehensive training plan for all judicial staff. This plan should be tailored to meet the specific needs of pre-Division judicial staff and judges and prosecutors hired after the Division in the GS.
- Based on a thorough needs assessment, quantify the need for additional judicial staff – especially in Gaza Strip - in all institutions (HJC, AGO, HJSC), and call for the organization of a recruitment campaign and preparation of a nationwide competition.
- Set forth the technical solutions that should be adopted to reach the unification of judicial institutions. This shall include the amalgamation of organizational charts (including opting for the retention

98 These include, for judges in regular courts, articles 19 and 20.

99 Relevant articles from the JAL include articles 43 and 62.

100 These requirements are stated in article 16 of the JAL (for regular judges and prosecutors). With regards to Shari'a judges, the legal framework governing the criteria for judicial appointments was modified – in a more stringent way - in the GS in 2011; it shouldn't pose a problem to apply the more lenient framework applicable in the West Bank (law of 1972).

or the removal of departments created since the Division) , standard operating procedures and job descriptions. The Committee shall draw on the experience of the last eight years to reach conclusions as to the respective achievements of the judicial systems in the GS and WB, and suggest the inclusion of these “best practices” in the future structure of the judicial institutions. The Committee shall distinguish between the measures that can be implemented directly by the judicial institution, and those requiring approval by the Council of Ministers (such as a modification of an official organizational chart), or legislative harmonization, subject to the intervention of the future PLC.

- Draft a detailed assessment of the needs of the justice sector in Gaza Strip, in order to catch up with the lead taken in this field by the West Bank over the last eight years: this shall include facilities, equipment, training capacities, and legal expertise.

Timeframe

The Committee shall complete its work and deliver its conclusions within three months after its establishment.

Scope of the Decisions Taken by the Committee

Upon issuance of the Committee’s conclusions, the decisions falling under his competence should be implemented by the President of the PNA.

Establishment

The Committee shall be established, by decree of the president of the PNA, immediately upon agreement of the parties on the parameters set forth in this section

Interim Period

During the interim period between the establishment of the Committee and the adoption of its decisions and recommendations, the judicial institutions in the WB and the GS shall remain in place and continue to deal with current business. No appointment, promotion or demotion of judicial staff shall be made during the interim period.

7. Conclusions and General Recommendations

As shown in chapter 3, the legal framework applicable to the justice sector underwent only minor amendments since the Division in Gaza Strip and the West Bank. The internal structure and the mandate of most judicial institutions went through more significant changes, but the overall architecture hasn't been altered in depth.

Furthermore, chapter 4 demonstrates that the judicial and non-judicial personnel appointed in Gaza Strip since the Division is of a reasonably good standard, in spite of obvious shortcomings in terms of capacity-building and training capacities. More importantly, the Justice sector in Gaza Strip is in dire need of additional judicial and non-judicial staff, which the reintegration of pre-Division personnel could contribute to resolve. In this respect, it is noteworthy that an overwhelming majority of current employees strongly support such a perspective.

The reintegration of judicial institutions and human resources nevertheless presents a series of challenges which require the creation of an ad hoc mechanism based on clear and unanimously accepted principles, along the lines of what is suggested in chapter 6, and in conformity with commonly accepted international standards and best practices laid down in chapter 2.

In order to be complete, the reintegration process will also have to address the urgent needs in terms of infrastructure and equipment summarily described in chapter 5, which have been overlooked for many years and hamper the performance of the judiciary.

To conclude, the reunification of Justice sector is technically a very feasible endeavor. Far from creating overstaffing, which might be a real concern in other public sectors, the complete reintegration of pre-Division personnel will actually just begin to cover the estimated needs.

While the current context indicates that the political conditions are not yet ripe for the formal reintegration mechanism to be launched, a series of steps could be taken in the meantime that would help to launch and catalyze the reconciliation process. With this in mind, a series of recommendations can be formulated as follows:

To the judicial institutions in Gaza Strip and the West Bank

- Devise soft reintegration strategies and open channels of discussion and exchange for mid-management staff on technical matters in order to brainstorm practical arrangements for merging the judicial institutions:
 1. Enhance connectivity to exchange information and allow smooth flow of information
 2. Harness technology and social media tools to bring judicial institutions closer, share expe-

riences, address challenges and examine means of collaboration

3. Develop publishing tools and dissemination of information to keep institutions up-to-date with recent developments
4. Consider the setting up of joint capacity building projects such as peer-research, publishing competition, and joint training

To the judicial institutions in Gaza Strip

- Survey and assess the needs of the pre-Division judicial and non-judicial staff
- Develop a placement and reincorporation plan
- Develop communications strategy to work towards building bridges among all employees
- Develop professional capacities by collaborating with research institutions and universities

To the judicial institutions in the West Bank

- Initiate contact with the pre-Division judicial and non-judicial personnel in the GS, and conduct an assessment of their professional and/or academic activity over the last eight years as well as their current status

To the donors and international aid agencies:

- In coordination with their institutional partners in the West Bank, engage into a constructive relation with the judicial institutions in Gaza Strip and enquire about their shortfalls in terms of infrastructure, equipment and training
- Incorporate the assessed needs into their planning and budgeting processes

To civil society organizations and human rights organizations

- Incentivise institutional actors in the West Bank and the Gaza Strip to engage into reintegration efforts
- Initiate or enhance partnership with the judicial institutions in Gaza Strip

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Annex B – Applicable Legal Framework and Extracts of Relevant Laws

Annex B1 – Legislative Review

1. Judiciary:

- A. The Amended Basic Law of 2003 (*Al Qanoon Al-Asasi Al-Mo'adal*)
- B. Law no. 5 of 2001 on the Law of Formation of Regular Courts (*Qanoon Tashkeel Al Mahakim Al-Nithamyya*)
- C. Law no. 1 of 2002 on the Judicial Authority (*Qanoon Al-Sulta Al-Qada'yya*)
- D. Decision no. 4 of 2007 of the Council of Ministers in Gaza on the creation of a High Judicial Council (*Qarar Insha' Majlis Qada' 'A'la*)
- E. Law by decree no. 13 of 2014 on Amending the Anti-Corruption Law no. 1 of 2005 (*Qarar bi Qanoon bi Sha'n Ta'idil Qanoon Mokafahet Al-Fasad*)
- F. Law by decree no. 15 of 2014 on Amending Courts Formation Law no. 5 of 2001 (*Qarar bi Qanoon bi Sha'n Ta'idil Qanoon Tashkil Al-Mahakim Al-Nithamyya*)

2. Shari'a Judiciary:

- A. Law no. 31 of 1959 on Shari'a Courts Procedures (*Qanoon Osool Al-Mohakamat Al-Sharia*)
- B. Law no. 19 of 1972 on the Formation of the Religious Courts amended by Law no. 24 of 1989 and Law no. 8 of 1990 (*Qanoon Tashkil Al-Mahakim Al-Shari'a*)
- C. Law no. 3 of 2011 on the Shari'a Judiciary (*Qanoon Al-qada Al- Shar'ii*)
- D. Regulation of Religious Inspection of Shari'a Courts of 1333H (*Nitham Taftteesh Al-Mahakim Al-Shari'a*)
- E. *Journal of Juridical Rules of 1293 H (Majjalet Al Ahkam)*
- F. Law by decree no. 3 of 2012 on the Shari'a Judiciary (*Qarar bi Qanoon bi Shan Al-Qada Al-Shar'i*)
- G. Bylaw no. 10 of 1964 on the Shari'a Chief Justice (*Nitham Mansib Qadi Al-Quda*)
- H. Decision no. 6 of 2013 to Commission the President of the Shari'a High Court to Assume the Responsibilities of the Shari'a Chief Justice (*Qarar bi Sha'n Takleef Ra'is Al-Mahkama Al-Olia Al-Shari'ia bi Maham Qad Qodat Filistin*)

3. Judicial Training:

- A. Law no. 2 of 2009 on the Organization of the Judicial Training Institute (*Qanoon Al-Ma'ahad Al-Ali li Al- Qada' Al-Falastini*)

- B. Decree no. 6 of 2008 on Establishing a Judicial Training Institute (*Marsoom Insha' Al-Ma'ahad Al-Qada'i*)
- C. Decree no. 7 of 2008 on the Regulation of the Palestinian Judicial Training Institute (*Qarar Majlis Al-Wozara- Nitham Al-Ma'ahad Al-Qada'I Al-Falastini*)
- D. Bylaw no. 4 of 2008 on the Organization of the Palestinian Judicial Training Institute (*Qaarar Tashkil Al-Ma'ahad Al-'Ali li Al-Qada Al- Falastini*)

4. Other:

- A. Decision no. 5 of 2006 of the High Judicial Council Concerning the Bylaw on the Determination of the Seniority of Judges (*Qarar Majlis Al-Qada Al-A'la bi La'ehat Tahdid Aqdamiyet Al-Quda*)
- B. Decision no.9 of 2013 by the Ministry of Justice on Establishing International Cooperation Unit (*Qarar bi Sha'n Insha' Wehdet Taawon Dawli*).
- C. Law by decree no. 18 of 2014 on Amending Government Claims Law no. 25 of 1958 (*Qarar bi Qanoon bi Sha'n Ta'idil Qanoon Da'awa Al-Hokoma*)
- D. Law by decree no. 17 of 2014 on Amending Criminal Procedures Law no.3 of 2001 (*Qarar bi Qanoon bi Sha'n Ta'idil Qanoon Al-Ijra'at Al-Jaza'ia*)
- E. Law by decree no. 16 of 2014 on Amending Civil and Commercial Procedures Law no. 2 of 2001 (*Qarar bi Qanoon bi Sha'n Ta'idil Qanoon Osool Al-Mohakamat Al-Madanyya wa Al-Tijjaryya*)
- F. Law by decree no. 10 of 2014 on Amending the Criminal Law no. 16 of 1960 (*Qarar bi Qanoon bi Sha'n Ta'idil Qanoon Al-Okobat*)

Annex B2 – Selected Articles from the Law no. 19 of 1972 on the Formation of Shari'a Courts

Selected Excerpts (translation by the author)

- **On the Shari'a High Court and the Council**

Article 14:

The High Court is composed of five members:

1. President: Head of the Shari'a Court of Appeal
2. Head of the Shari'a
3. Two members: most senior Court of Appeal judges
4. Inspector of Shari'a courts
5. In case of absence of the president, the most senior judge shall head the council.

Article 15:

The Council convenes when necessary at the request from the president or one of the judges. The meetings shall be held at the Shari'a Court of Appeal . All meetings require a minimum attendance of three members not including the president. Meetings are confidential; decisions are taken by absolute majority vote.

Article 16:

The Council enjoys the power to request official documents from any governmental and nongovernmental entity, which should abide and respond.

- **On the Appointment and Promotion of Judges**

Article 3:

To qualify for the Shari'a judiciary, applicants must meet the following requirements:

1. Jordanian national enjoying full religious and civil capacity
2. Minimum 22 years of age
3. Holds a Shari'a permit from an accredited Arabic or Islamic Shari'a studies college, or
4. Worked as a Shari'a judge in the Hashemite Kingdom, wasn't dismissed for any sort of misconduct, or
5. Holds a law degree from an accredited Arabic or Islamic university
6. In case the applicants fails to meet the aforementioned conditions, the Council may hold an admission exam for applicants who holds at least a secondary school degree and spent at least five years as chief registrar in a Shari'a court
7. Has never been convicted in a felony or misdemeanor that tarnishes his honor, with the exclusion of political crimes
8. Enjoys decent reputation and demonstrates proper conduct

Article 4:

Appointment decisions are made by the Council and issued in the official Gazette

Article 9:

Judges are promoted based on their seniority, which is decided based on the current employment rank.

- **On the Shari'a Chief Justice**

Article 18:

The Shari'a Chief Justice has the right to supervise all Shari'a courts and judges.

The Head of the Shari'a and the Inspector of courts shall assist the Shari'a Chief Justice in inspecting Shari'a courts.

- **On the Non-Judicial Staff**

Article 20:

Non-judicial staff is appointed in accordance to the applicable civil law.

- **On the Composition of Courts**

The first instance court is composed of a single judge.

The Court of Appeal is composed of a president and a number of members. Sessions convene in the presence of a president and two judges. The court's decisions are rendered by a majority.

In case of the president's absence, sessions shall be presided by the second most senior judge.

Annex B3 – Selected Articles from the Law no. 2 of 2013 on Syndicates (Gaza Strip)

Law on Syndicates no. 2 of 2013

Issued in Gaza on 21 March 2013

Selected Excerpts (translation by the author)

Article 5-1:

The syndicate should be registered at the Ministry [of Justice] in accordance with the law and its bylaws.

5-3:

Within two months of submitting the application, the minister [of Justice] should issue his decision confirming the reception of a complete application; if he doesn't release such a decision, the syndicate shall be considered officially registered by the power of the law.

5-4

In case of rejection, the minister [of Justice] shall justify the reasons behind refusing the registration of the syndicate.

Article 16:

Modifications or changes in the objectives, regulations, purposes or goals of the syndicate should be deposited at the Ministry [of Justice] within a maximum period of one month since changes were last introduced.

Article 40:

In case of violations of article (16,17,32) of this law the Ministry [of Justice] shall notify the syndi-

cate to remove the violation within a month; otherwise the Ministry [of Justice] reserves the right to dissolve the board of the syndicate.

Annex B4 – Comparative Schedule: The PJI in the West Bank and Gaza Strip

(translation by the author)

	West Bank	Gaza Strip
Official Name	Palestinian Judicial Training Institute	Palestinian High Judicial Training Institute
Legal Framework	Bylaw no. 4 of 2008 on the Palestinian Judicial Training Institute	Law no. 2 of 2009 on the Palestinian High Judicial Training Institute
Objectives	<ol style="list-style-type: none"> 1. Prepare qualified personnel for the posts of judges and public prosecution 2. Increase the capacity of judges, prosecutors and employees working in courts administrations 3. Enhance scientific research 4. Exchange experiences and cooperate with other training institutions regionally and internationally 5. Encourage cooperation with Arabic and international institutions in the field of judiciary 	<ol style="list-style-type: none"> 1. Develop the scientific knowledge and professional performance of the judges, prosecutors, members of the Bureau of Legislation and Advice -<i>Diwan Al Fatwa wa Al Tashree'</i>; students of the institute who are graduate of law and Shari'a degrees 2. Enhance the level of the legal staff in the ministries and official institutions by providing them with the necessary training 3. Train administrative staff at the prosecution, courts and the Bureau of Legislation and Advice 4. Collect and publish research, documents, precedents, legal opinions and legislation 5. Cooperate with national and international organizations and institutions of the same interests 6. Develop scientific research in the legal and juridical fields

Administration	<p>Board of Directors, composed of:</p> <ol style="list-style-type: none"> 1. Chairperson: the minister of justice 2. Deputy: High court judge, selected by the High Judicial Council (HJC) 3. Attorney General 4. Director 5. 2 judges, at least appellate court level, appointed by the HJC based on a nomination from the Chief Justice for a renewable two years term 6. Chair of the Palestinian Bar Association 7. Two academics appointed at Palestinian faculties of law, holding at least associate professor in law level, appointed by the board for a renewable two years term 	<p>Board of Directors, composed of:</p> <ol style="list-style-type: none"> 1. Chairperson: the minister of justice 2. Deputy: Chief Justice- High Judicial Council 3. Member: Deputy minister of justice 4. Member: Head of the Shari'a Judicial Commission 5. Member: Head of the Military Judicial Commission 6. Member: Attorney General 8. Member: Chair of the Palestinian Bar Association or his deputy 7. Two deans or professors of law or Shari'a faculties selected by the minister of justice, appointed for two years
Director	<ol style="list-style-type: none"> 1. A judge, holding at least appellate court level 2. Appointed by the HJC based on a nomination from the Chief Justice 3. One year renewable 	<p>The dean of the institute:</p> <ol style="list-style-type: none"> 1. A judge, public prosecutor, member of the Bureau of Legislation and Advice, lawyer, legal advisor, or a law professor 2. A decision of appointment is issued by the Council of the Ministers based on a recommendation from the minister of justice

Annex C – Organizational Charts

Colour Caption

Department/unit existing in both WB and GS

Department/unit existing in both WB and GS
but with a different scope

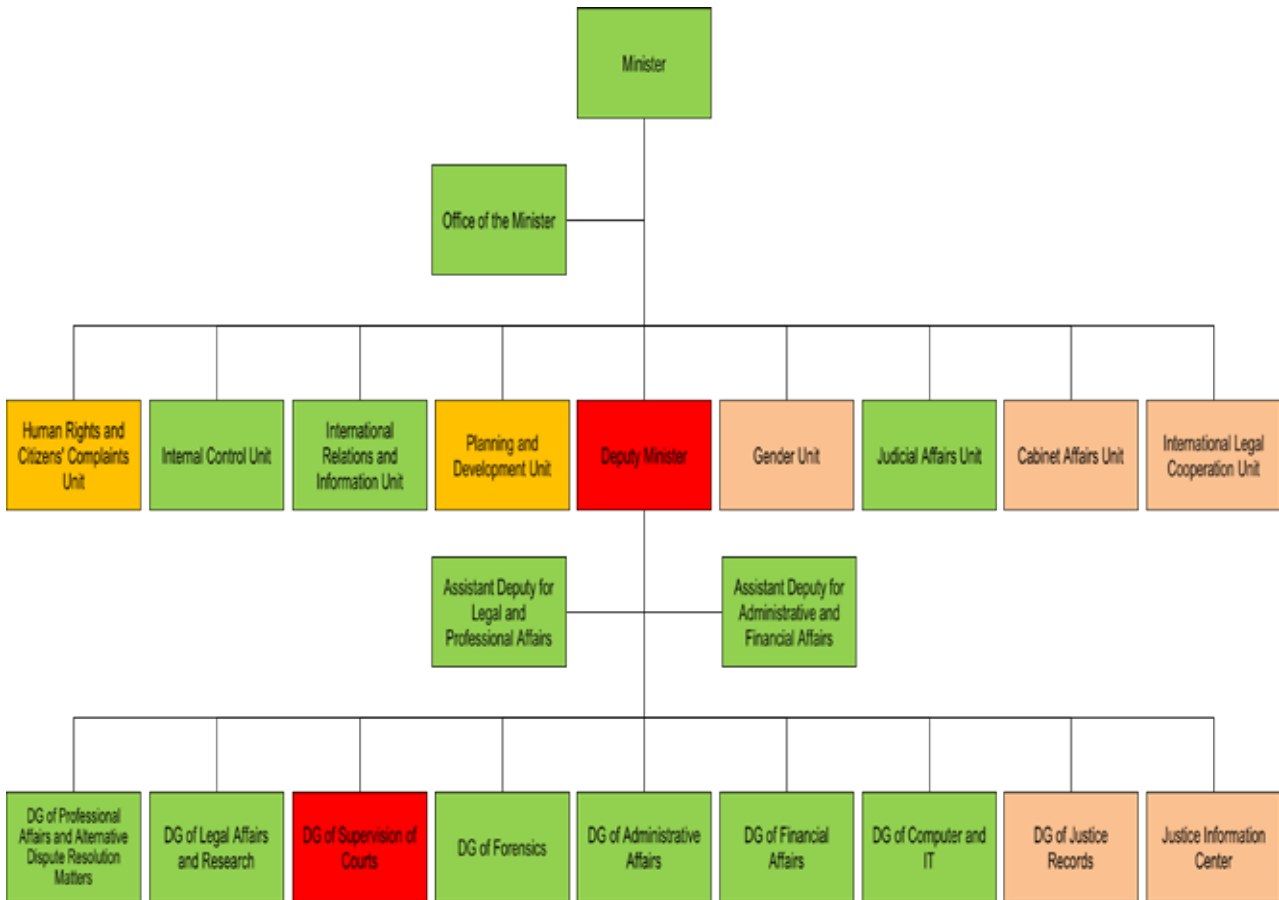
Department/unit created after the Division

Department/unit that, although it appears on the
official chart, does not exist effectively

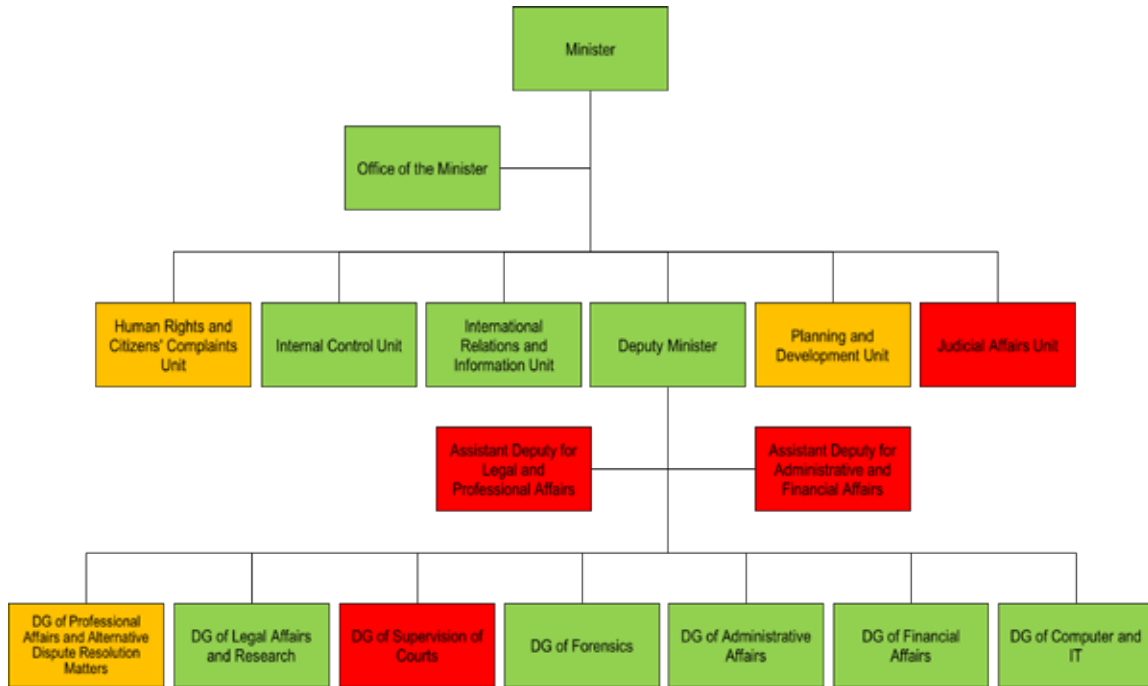
Department/unit that is not operational due to the
Division between the WB and GS

Annex C1 – Ministry of Justice

Ministry of Justice – West Bank

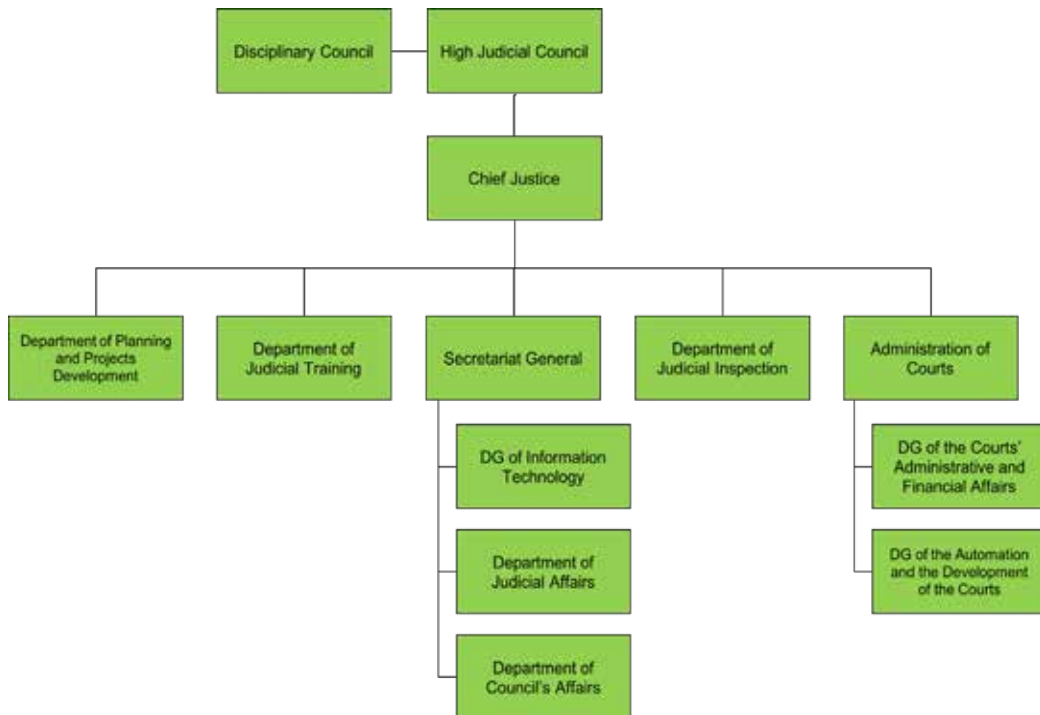


Ministry of Justice – Gaza Strip

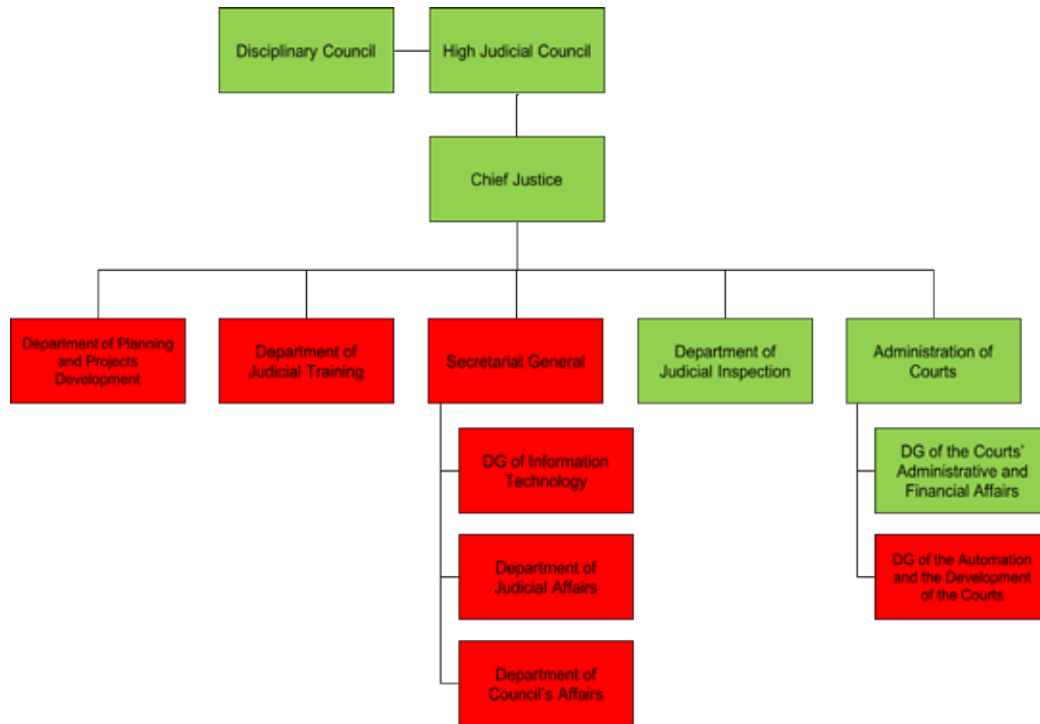


Annex C2 – High Judicial Council

High Judicial Council – West Bank



High Judicial Council – Gaza Strip

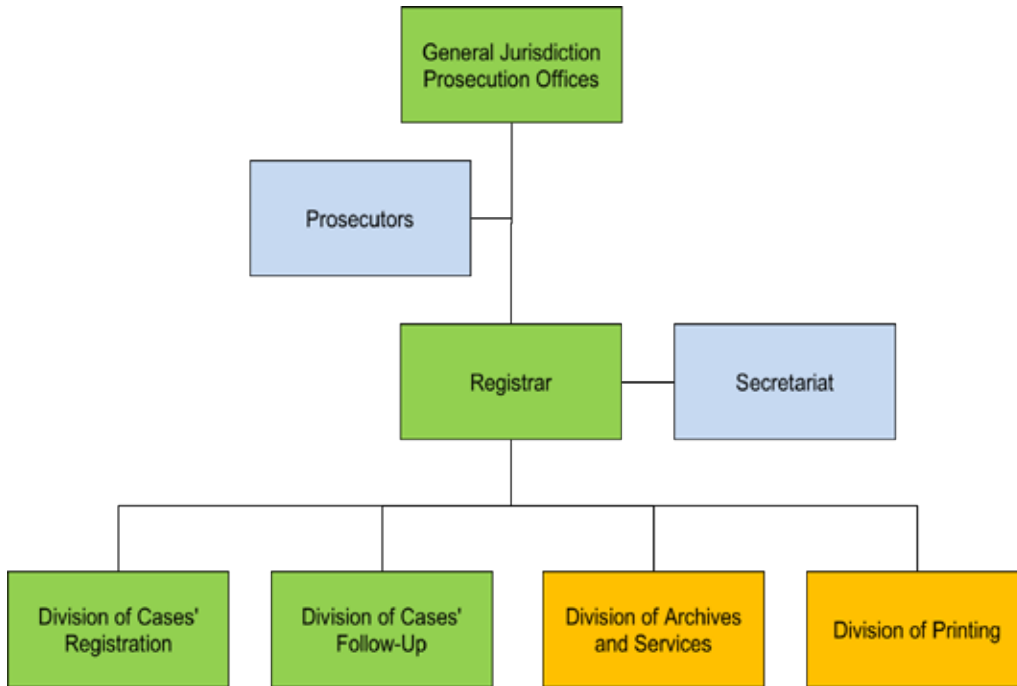


Annex C3 – Attorney General Office

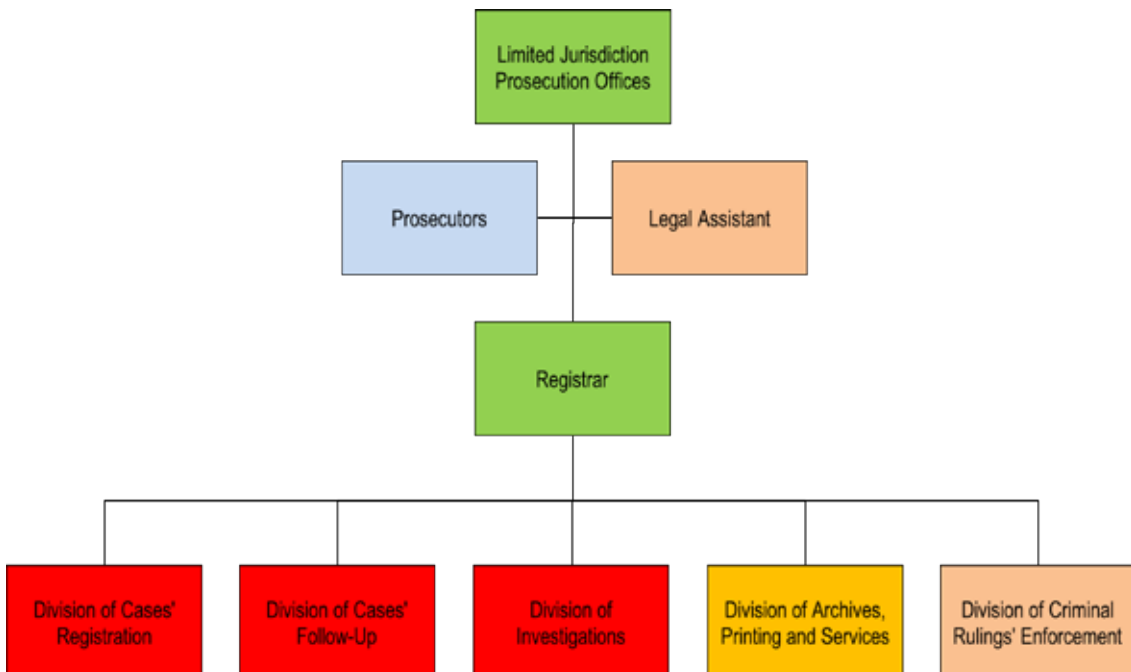
Attorney General Office – West Bank (overall org. chart)



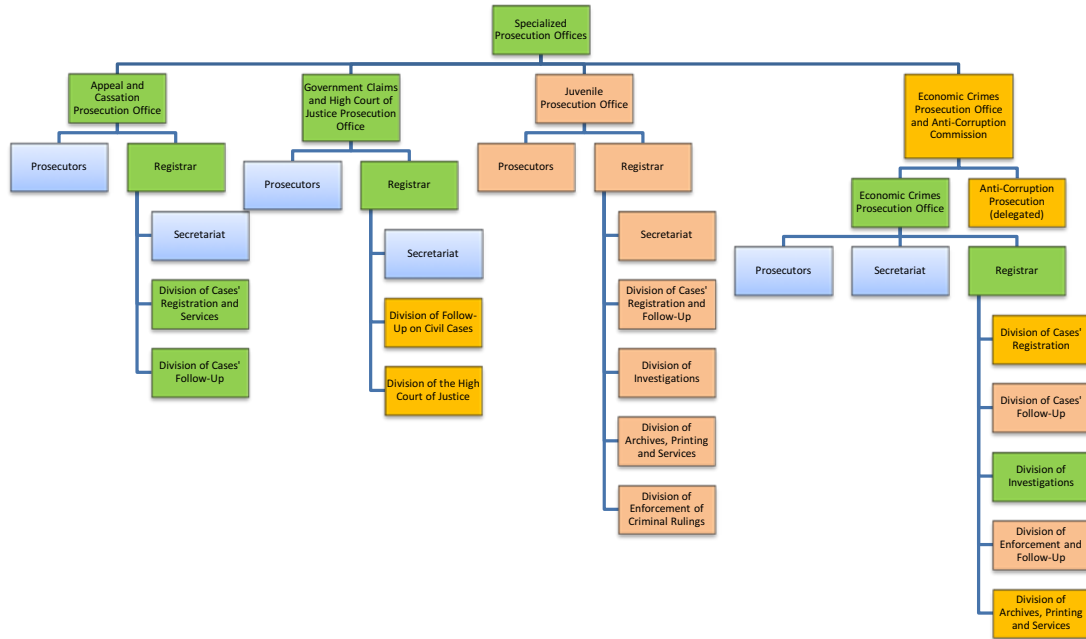
Attorney General Office – West Bank (general jurisdiction offices)



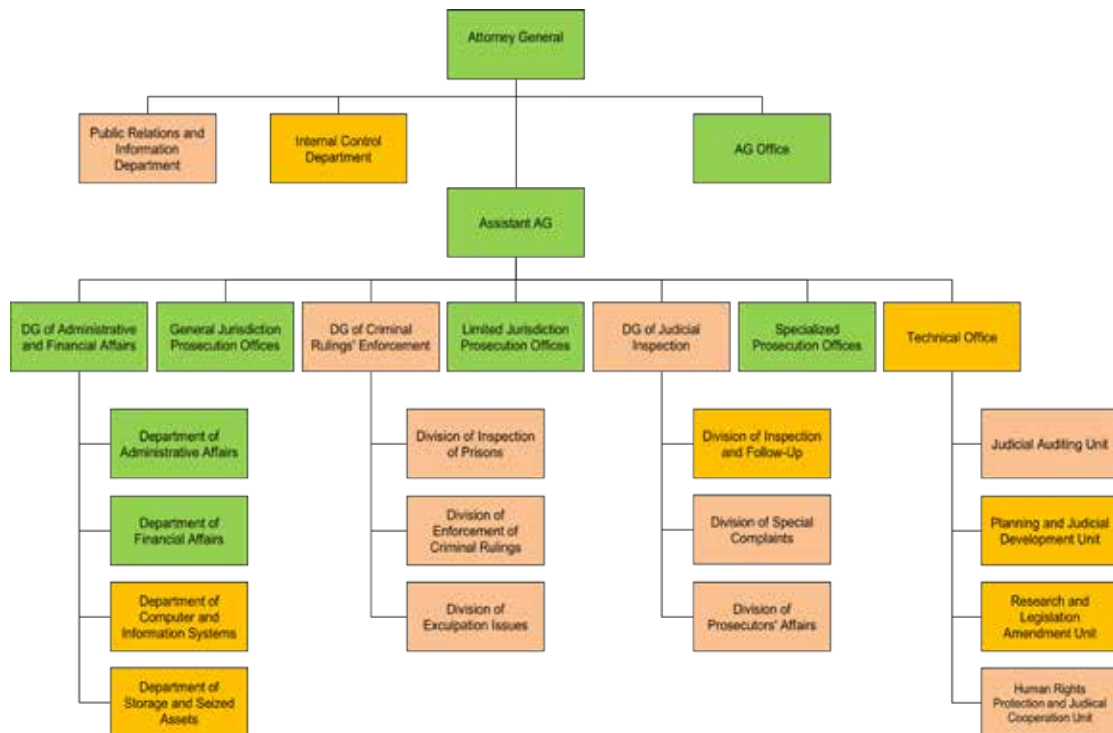
Attorney General Office – West Bank (limited jurisdiction offices)



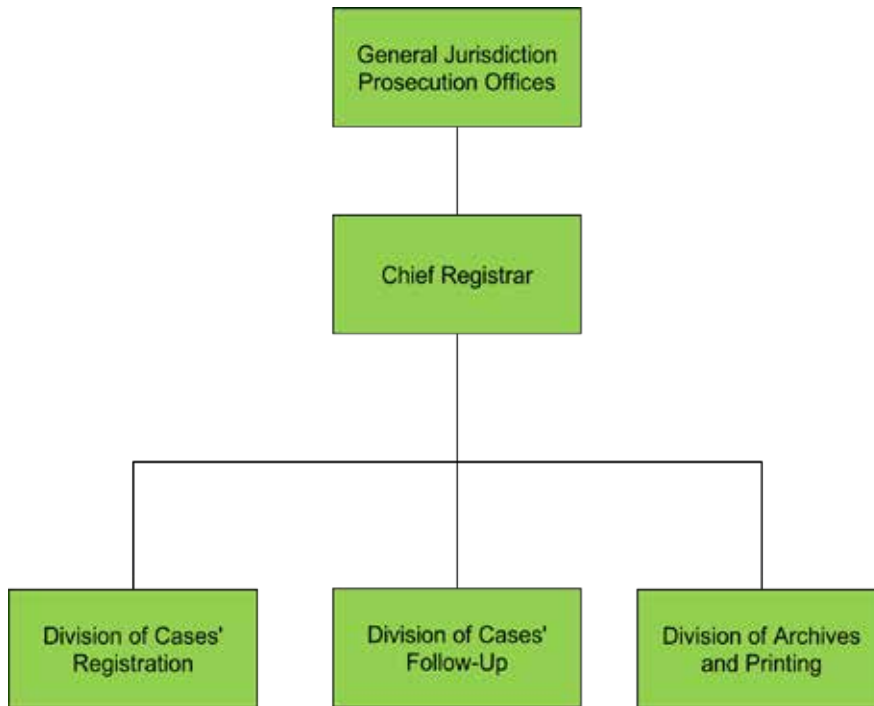
Attorney General Office – West Bank (specialized jurisdiction offices)



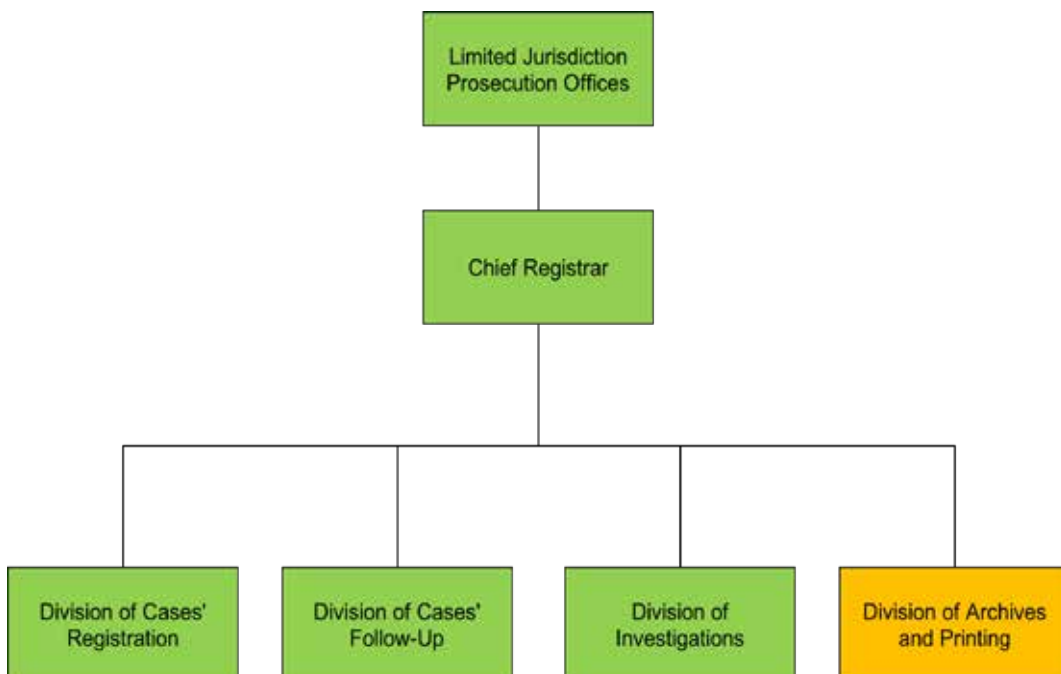
Attorney General Office – Gaza Strip (overall org. chart)



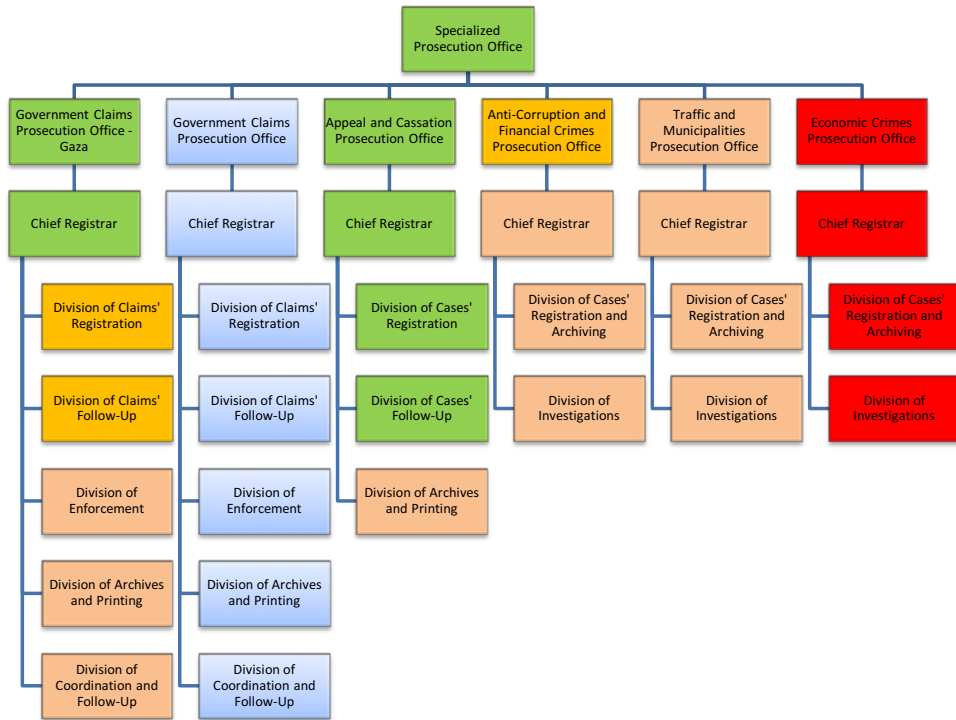
Attorney General Office – Gaza Strip (general jurisdiction offices)



Attorney General Office – Gaza Strip (limited jurisdiction offices)

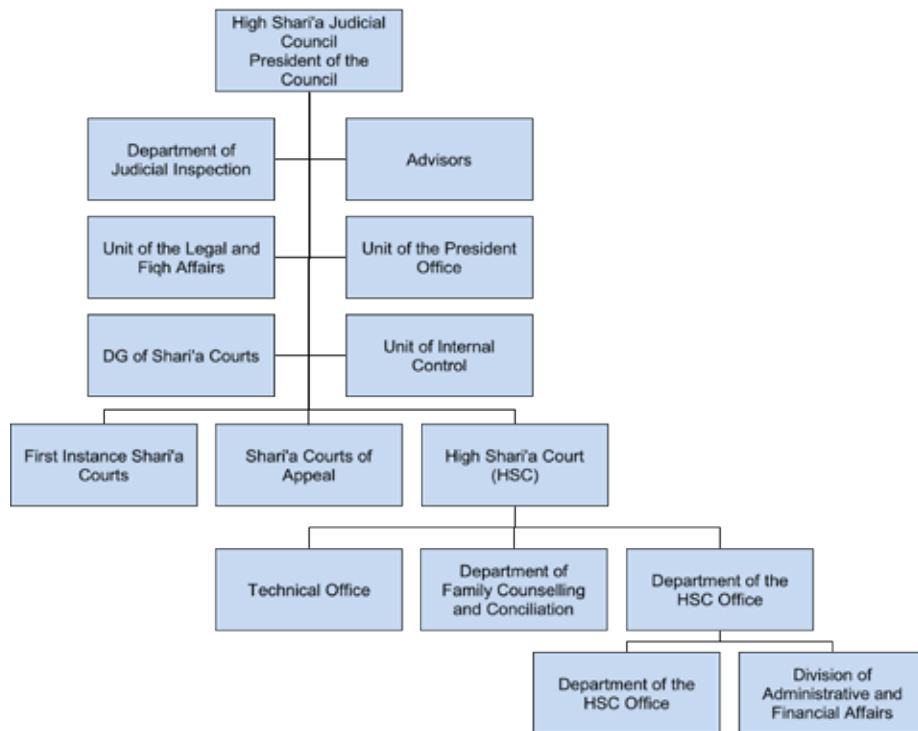


Attorney General Office – Gaza Strip (specialized jurisdiction offices)

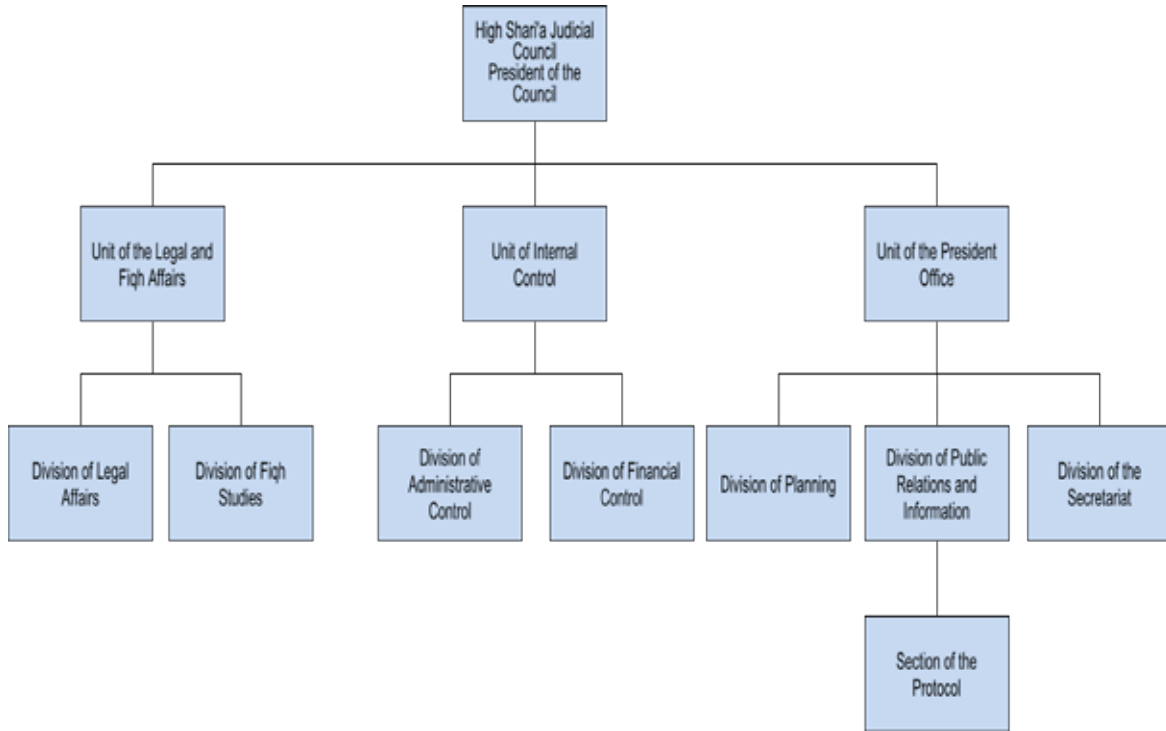


Annex C4 – High Judicial Shari’a Council

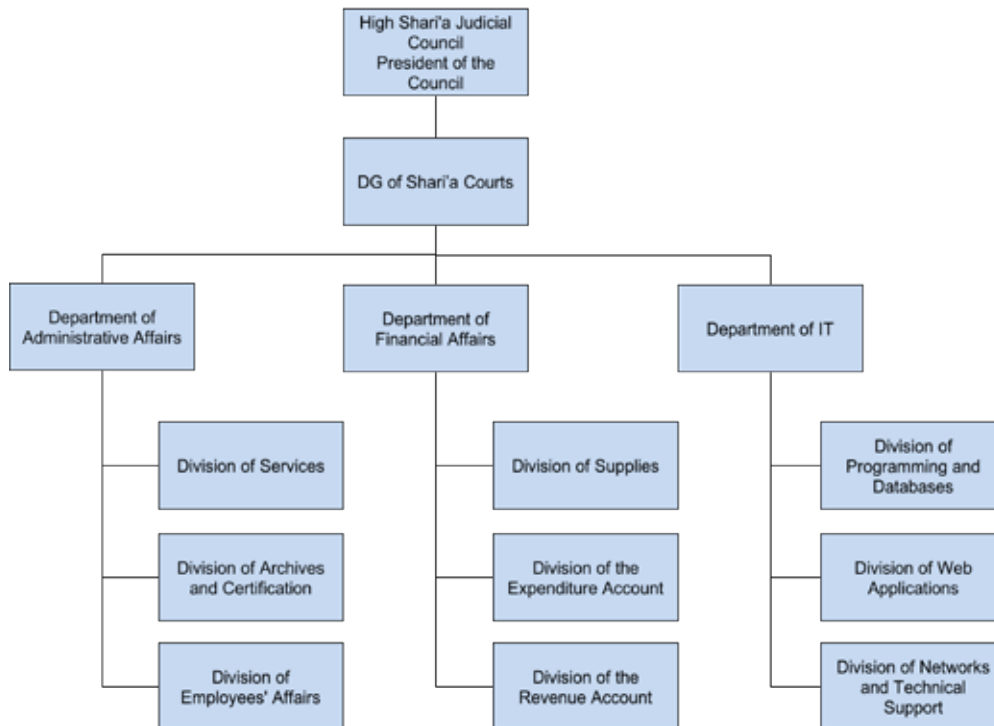
High Judicial Shari’a Council – Gaza Strip (overall org. chart)



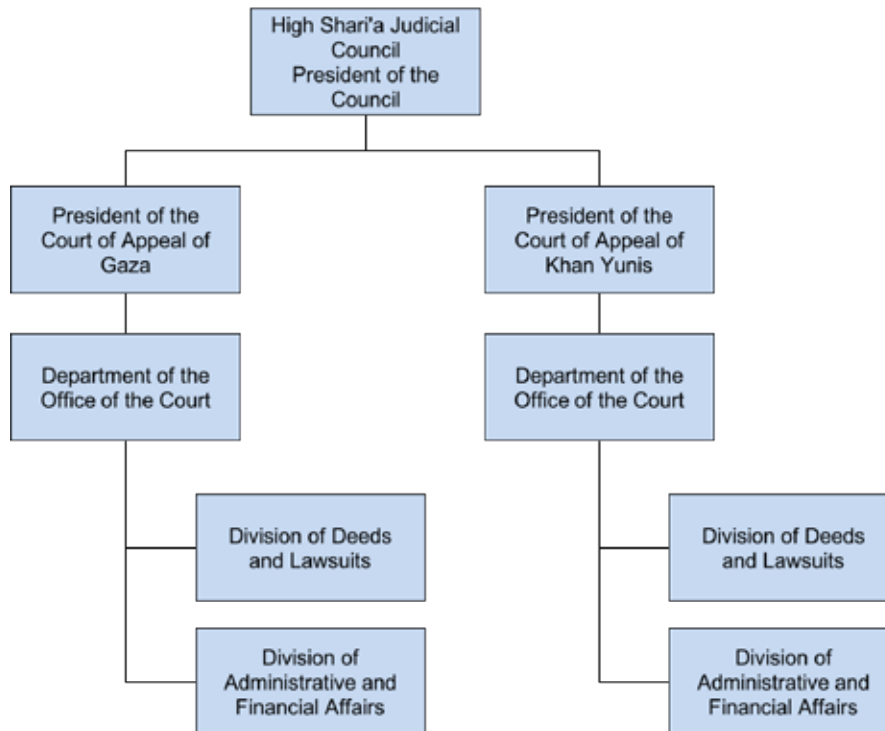
High Judicial Shari’a Council – Gaza Strip (overall org. chart detailed 1/2)



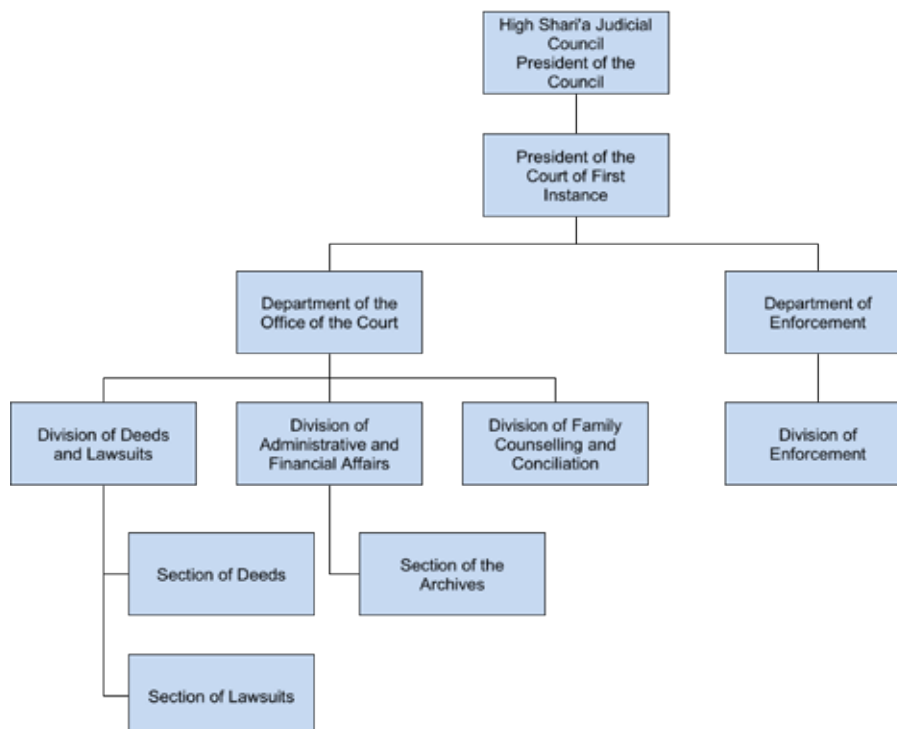
High Judicial Shari’a Council – Gaza Strip (overall org. chart detailed 2/2)



High Judicial Shari'a Council – Gaza Strip (Appeal Courts)



High Judicial Shari'a Council – Gaza Strip (First Instance Courts)



Annex D – Personnel Rosters

Annex D1 – Ministry of Justice – Gaza Strip

N	Job title	L/ nL	Directorate	Gender		Age	Education						DoA
				Male	Fem.		-	2nd	D	BA	MA	Oth.	
1	DG	nL	Planning and development unit	1		46				1			05/04/2007
2	Forensic specialist	nL			1	28				1			31/03/2014
3	DB programmer	nL			1	26				1			20/03/2014
4	Technician	nL	Directorate general for administrative affairs	1		27		1					24/01/2012
5	Director of department	nL	Directorate general for professional affairs	1		55				1			01/01/2004
6	Clerk	nL	Directorate general for administrative affairs	1		34		1					27/07/2008
7	Legal assistant	L	Directorate general for legal affairs and research	1						1			02/04/2012
8	Office boy and messenger	nL	Directorate general for administrative affairs	1		32		1					01/10/2009
9	Civil engineer	nL		1									
10	Technician	nL	Directorate general for IT	1		29		1					24/01/2012
11	Technician	nL	Directorate general for IT	1		29		1					24/01/2012
12	Head of division	nL	Human rights and citizens' complaints unit	1		41				1			01/09/2000
13	Head of division	nL	Directorate general for financial affairs		1	32				1			13/08/2008
14	DG	nL	Directorate general for supervision of courts	1		43				1			02/10/2006
15	Head of section	nL	Directorate general for forensic medicine	1		54			1				01/08/1995
16	Forensic doctor	nL	Directorate general for forensic medicine	1		51				1			01/08/1995
17	Secretary	nL	Directorate general for administrative affairs		1	28			1				20/08/2011
18	Administrative assistant	nL	Directorate general for administrative affairs	1		40		1					01/12/2008

19	Head of division	nL	Directorate general for forensic medicine	1		45				1		01/08/1995
20	DG	nL	Human rights and citizens' complaints unit	1		55				1		24/05/1993
21	Accountant	nL	Internal control unit	1		33				1		20/02/2013
22	DG	nL	Directorate general for administrative affairs	1		49				1		18/03/1995
23	Administrative assistant	nL	Directorate general for administrative affairs	1		42			1			01/12/2008
24	Legal researcher	L	Directorate general for legal affairs and research	1		27				1		03/01/2010
25	Clerk (university degree)	nL	Directorate general for financial affairs	1		33				1		01/12/2008
26	Forensic doctor	nL	Directorate general for forensic medicine	1		51					1	01/08/1995
27	Secretary	nL	Office of the minister	1		23			1			25/09/2012
28	Media and journalism	nL			1	35				1		31/03/2014
29	Director of department	nL	International relations and public relations unit	1		42				1		01/09/2004
30	Judicial enforcement clerk	nL		1		30			1			31/03/2014
31	Technician	nL	Directorate general for administrative affairs	1		33		1				04/09/2011
32	Secretary (university degree)	nL			1	28				1		03/08/2008
33	Data entry officer	nL	International relations and public relations unit	1		33			1			03/08/2008
34	Accountant	nL			1	24				1		31/04/2014
35	DG	nL	Judicial affairs unit	1		39				1		13/07/2006
36	Secretary	nL	Directorate general for financial affairs		1	35			1			03/01/2010
37	DB programmer	nL			1	26				1		30/03/2014
38	Secretary	nL	Directorate general for legal affairs and research		1	37			1			21/08/2008
39	Technician	nL	Directorate general for administrative affairs	1		29		1				24/01/2012
40	Forensic doctor	nL	Directorate general for forensic medicine	1		42					1	24/03/2008

41	Legal assistant	L	Technical office	1	52					1	03/08/2008
42	Secretary	nL	xxxx	1	29			1			03/08/2008
43	Office boy and messenger	nL	Directorate general for administrative affairs	1	51	1					01/12/2008
44	Office boy and messenger	nL	Directorate general for administrative affairs	1	26	1					24/01/2012
45	Technician	nL	Office of the minister	1	23		1				23/11/2011
46	Technician	nL		1	24		1				PENDING
47	Administrative assistant	nL	Directorate general for IT	1	36			1			01/12/2008
48	Forensic doctor	nL	Directorate general for forensic medicine	1	43					1	01/12/2008
49				1							
50	Administrative assistant	nL	Planning and development unit	1	26			1			20/07/2010
51	Office boy and messenger	nL	Directorate general for administrative affairs	1	38	1					01/12/2008
52	Technician	nL	Directorate general for forensic medicine	1	44					1	01/12/2008
53	Deputy minister	nL		1	56				1		01/07/2006
54	Technician	nL	International relations and public relations unit	1	53		1				07/02/2012
55	Webpage programmer	nL		1	29				1		31/03/2014
56	Director of department	nL	Internal control unit	1	41					1	03/08/2008
57	Driver	nL	Directorate general for administrative affairs	1	49		1				01/12/2008
58	Legal assistant	L	Directorate general for legal affairs and research	1	38				1		03/08/2008
59	Technician	nL	Office of the minister	1	28		1				03/04/2012
60	Administrative assistant	nL	Directorate general for forensic medicine	1	28			1			27/03/2011
61	Director of department	nL	Office of the minister	1	32				1		04/05/2008
62	Office boy and messenger	nL	Directorate general for forensic medicine	1	40	1					08/12/2011
63	Technician	nL	Directorate general for IT	1	29		1				08/07/2012
64	Director of department	nL	Directorate general for financial affairs	1	39				1		27/07/2008

65	Clerk	nL	Directorate general for administrative affairs	1		31		1					24/07/2008
66	Network engineer	nL		1						1			OLD
67	Prosecutor			1		32				1			04/08/2008
68	Technician	nL	Directorate general for administrative affairs	1		27	1						24/01/2012
69	Head of division	nL		1		31				1			03/08/2008
70	Legal assistant	L	Directorate general for professional affairs	1		34				1			03/08/2008
71	Head of division	nL	Directorate general for supervision of courts	1		31				1			03/08/2008
72	Administrative clerk (university degree)	nL	Planning and development unit		1	42				1			03/08/2008
73	Head of division	nL	International relations and public relations unit	1		37				1			01/12/2008
74	Administrative clerk (university degree)	nL	Directorate general for administrative affairs	1		39				1			03/08/2008
75	Messenger	nL		1		23	1						31/03/1014
76	Head of division	nL	Directorate general for IT	1		33				1			01/12/2008
77	Webpage and applications programmer	nL	Directorate general for IT		1	28				1			02/12/2012
78	Secretary	nL			1								
79	Legal assistant	L	Directorate general for legal affairs and research		1	33				1			03/08/2008
80				1									
81	Technician	nL	Directorate general for administrative affairs	1		29		1					24/01/2012
82	Forensic specialist	nL			1	28					1		31/03/2014
83	Legal assistant	L	Directorate general for legal affairs and research	1		40				1			03/08/2008
84	Head of division	nL	Directorate general for financial affairs	1		33				1			03/08/2008
85	DG	nL	Directorate general for forensic medicine	1		53				1			25/07/1996
				82%	18%		7%	20%	16%	47%	9%	1%	

Annex D2 – High Judicial Council – Gaza Strip

JUDICIAL STAFF

N.	Worplace	Job Title	Age	DoA BA	Education			Gender	
					HD	MA	Male	Fe- male	
1	HC	CJ	66	02/01/2008	1			1	
2	HC	HC Judge	66	09/01/2008	1				1
3	HC	HC Judge	64	05/02/2008	1			1	
4	HC	HC Judge	53	02/10/2007	1			1	
5	HC	HC Judge	45	02/10/2007			1	1	
6	HC	Deputy CJ	65	05/02/2008	1			1	
7	HC	HC Judge	65	05/02/2008	1				1
8	HC	HC Judge	44	02/10/2007	1			1	
9	HC	Head of TO and IO	47	02/10/2007		1		1	
10	HC	HC Judge	43	02/10/2007			1	1	
11	AC	President	55	02/10/2007	1			1	
12	AC	AC Judge	58	02/10/2007	1			1	
13	AC	AC Judge	60	04/12/2007	1			1	
14	AC	AC Judge	56	02/01/2008	1			1	
15	AC	AC Judge	44	13/04/2008			1	1	
16	AC	AC Judge	42	13/04/2008	1			1	
17	AC	FI Judge seconded	41	20/11/2007	1			1	
18	FIC DB&KY	President	59	20/11/2007	1			1	
19	FIC DB&KY	FI Judge	58	20/11/2007	1			1	
20	FIC DB&KY	FI Judge	44	13/04/2008	1			1	
21	FIC DB&KY	FI Judge	56	16/04/2013	1			1	
22	FIC DB&KY	FI Judge	43	01/09/2009	1			1	
23	FIC DB&KY	FI Judge	42	01/09/2009	1			1	
24	FIC Gaza	President	42	20/11/2007	1			1	
25	FIC Gaza	FI Judge	62	13/04/2008	1			1	
26	FIC Gaza	FI Judge	43	20/11/2007	1			1	
27	FIC Gaza	FI Judge	63	20/11/2007	1			1	
28	FIC Gaza	FI Judge	46	13/04/2008	1			1	
29	FIC Gaza	FI Judge	52	25/11/2008	1			1	
30	FIC Gaza	FI Judge	49	25/11/2008	1			1	
31	FIC Gaza	FI Judge	40	01/09/2009	1			1	
32	FIC Gaza	FI Judge	37	01/09/2009	1			1	
33	FIC Gaza	FI Judge	50	01/09/2009	1			1	
34	CC Jabalia	President	31	08/05/2012			1	1	
35	CC Jabalia	C Judge	46	13/05/2014	1			1	
36	CC Khan Yunis	President	35	01/01/2011	1			1	

37	CC Khan Yunis	C Judge	41	26/02/2013	1			1	
38	CC Deir Balah	President	35	01/01/2011	1			1	
39	CC Deir Balah	C Judge	38	13/05/2014	1			1	
40	CC Rafah	President	57	09/04/2013	1			1	
41	CC Rafah	C Judge	35	13/05/2014	1				1
42	CC Gaza	President	36	01/01/2011	1			1	
43	CC Gaza	C Judge	39	26/02/2013	1			1	
44	CC Gaza	C Judge	62	01/01/2011	1			1	
45	CC Gaza	C Judge	54	01/01/2011	1			1	
46	CC Gaza	C Judge	36	08/05/2012			1	1	
TOTAL					40	1	5	43	3
PERCENTAGE					87%	2%	11%	93%	7%

DoA	Date of Appointment
AaA	Age at Appointment
HD	High Diploma
HC	High Court
CC	Conciliation Court
FIC	First Instance Court
KH	Khan Yunis
DB	Deir el Balah
AC	Appeal Court
CJ	Chief Justice
TO	Technical Office
IO	Inspection Office

NON-JUDICIAL STAFF (I)

Typology of Non-Judicial Staff		
#	Job Title	Number
1	Director general A3	1
2	Director of department C	4
3	Chief registrar C	3
4	Deputy director	1
5	Head of division	19
6	Head of section	4
7	Deputy head of section	1
8	Program and database engineer	1
9	Web site engineer	1
10	Programmer	1
11	Enforcement officer	4
12	Legal assistant	5
13	Social researcher	2
14	Legal researcher	10
15	Accountant	11
16	(Administrative clerk (university degree	8
17	Administrative assistant	15
18	(Clerk (university degree	18
19	Bookkeeper	5
20	Data entry officer	8
21	Secretary	19
22	Court's clerk	23
23	Secondary Clerk	13
24	Computer maintenance technician	1
25	Electrical technician	2
26	Technician	5
27	Professional	5
28	Plumbing technician	1
29	Electrician	1
30	Mechanic	1
31	Driver	1
32	Summoner	1
33	Messenger	23
TOTAL		218

NON-JUDICIAL STAFF (II)

N	Workplace	Gender		Education			Age					Total
		Male	.Fem	-	BA	MA	20-30	31-40	41-50	51-60	61-70	
1	General administration	1	1		2			1	1			2
2	Financial affairs department	9	5	2	12		2	10	2			14
3	Administrative affairs department	18	2	10	10		4	10	3	3		20
4	Office of the Chief Justice	1	1	2				2				2
5	Technical office	5	1	2	3	1		3	2	1		6
6	Supreme court	5	4	4	5		4	4		1		9
7	Appeals court	11	1	8	4		4	4	2	2		12
8	First instance court - Khan Yunis First instance court - Deir el Balah	25		16	9		6	12	3	4		25
9	First instance court - Gaza	33	8	21	19	1	18	18	5			41
10	Conciliation court - Gaza	14	5	11	8		5	8	4	2		19
11	Conciliation court - Deir el Balah	17	2	10	9		3	10	2	4		19
12	Conciliation court - Jabalia	13	2	9	6		5	7	2	1		15
13	Conciliation court - Khan Yunis	16	2	10	8		5	8	4	1		18
14	Conciliation court - Rafah	16		11	5		3	5	2	6		16
TOTAL		184	34	116	100	2	59	102	32	25		218
PERCENTAGE		84%	16%	53%	46%	1%	27%	47%	15%	11%		
<i>(PERCENTAGE (JUDGES</i>		<i>93%</i>	<i>7%</i>	<i>2%</i>	<i>87%</i>	<i>11%</i>	<i>0%</i>	<i>22%</i>	<i>37%</i>	<i>24%</i>	<i>17%</i>	

Annex D3 – Attorney General Office – Gaza Strip

JUDICIAL STAFF

N.	Gender		Workplace	Job title	DoA	AaA	Age
	Male	Fem.					
1	1		Gen. pros. Khan Yunis	Assistant AG	23/03/2009	36	42
2	1		Technical office	Chief Prosecutor	23/03/2009	31	37
3	1		Lim. pros. North	Chief Prosecutor	23/03/2009	33	39
4	1		Lim. pros. Rafah	Chief Prosecutor	23/03/2009	34	40
5	1		Lim. pros. Gaza 1	Chief Prosecutor	23/03/2009	32	38
6	1		Pros. gov. claims	Chief Prosecutor	23/03/2009	32	38
7	1		Lim. pros. Center	Chief Prosecutor	23/03/2009	29	35
8	1		Judicial inspection	Chief Prosecutor	03/08/2008	31	38
9	1		Pros. cass. and appeals	Chief Prosecutor	03/08/2008	31	38
10	1		Technical office	Chief Prosecutor	23/03/2009	33	39
11	1		Gen. pros. Gaza	Chief Prosecutor	03/08/2008	26	33
12	1		Lim. pros. Khan Yunis	Chief Prosecutor	23/03/2009	32	38
13	1		Gen. pros. Deir el Balah	Chief Prosecutor	11/01/2005	24	34
14	1		Lim. pros. Gaza 2	Chief Prosecutor	03/08/2008	27	34
15	1		Lim. pros. Gaza 2	Prosecutor	03/08/2008	29	36
16	1		Lim. pros. North	Prosecutor	10/03/2009	29	35
17	1		Lim. pros. Center	Prosecutor	23/03/2009	32	38
18	1		Gen. pros. Gaza	Prosecutor	21/04/2009	32	38
19	1		Lim. pros. Khan Yunis	Prosecutor	03/08/2008	23	30
20	1		Technical office	Prosecutor	23/03/2009	32	38
21	1		Lim. pros. Gaza 1	Prosecutor	23/03/2009	24	30
22	1		Gen. pros. Gaza	Prosecutor	21/04/2009	34	40
23	1		Gen. pros. Deir el Balah	Prosecutor	03/08/2008	29	36
24	1		Lim. pros. North	Prosecutor	23/03/2009	30	36
25	1		Gen. pros. Gaza	Prosecutor	23/03/2009	23	29
26	1		Pros. cass. and appeals	Prosecutor	03/08/2008	31	38
27	1		Pros. gov. claims	Prosecutor	01/08/2008	34	41
28	1		Lim. pros. Gaza 3	Prosecutor	23/03/2009	29	35
29	1		Lim. pros. Gaza 1	Prosecutor	23/03/2009	24	30
30	1		Lim. pros. North	Prosecutor	03/08/2008	24	31
31	1		Lim. pros. Gaza 1	Prosecutor	03/08/2008	26	33
32	1		Lim. pros. Center	Prosecutor	23/03/2009	29	35
33	1		Lim. pros. Center	Prosecutor	23/03/2009	25	31
34	1		Lim. pros. Gaza 2	Prosecutor	21/04/2009	41	47
35	1		Lim. pros. North	Prosecutor	03/08/2008	31	38
36	1		Gen. pros. Deir el Balah	Prosecutor	03/08/2008	30	37
37	1		Lim. pros. Gaza 2	Prosecutor	03/08/2008	28	35

38	1		Lim. pros. Rafah	Prosecutor	23/03/2009	31	37
39	1		Pros. of institutions	Prosecutor	23/03/2009	25	31
40	1		Lim. pros. Khan Yunis	Assistant Prosecutor	03/08/2008	24	31
41	1		Lim. pros. Gaza 1	Assistant Prosecutor	23/03/2009	25	31
42	1		Lim. pros. Gaza 3	Assistant Prosecutor	03/08/2008	30	37
43	1		Gen. pros. Khan Yunis	Assistant Prosecutor	03/08/2008	30	37
44	1		Gen. pros. Gaza	Assistant Prosecutor	23/03/2009	24	30
45	1		Lim. pros. Gaza 1	Assistant Prosecutor	23/03/2009	27	33
46	1		Gen. pros. Khan Yunis	Assistant Prosecutor	23/03/2009	22	28
47		1	Lim. pros. Gaza 3	Assistant Prosecutor	23/03/2009	28	34
48	1		Lim. pros. Khan Yunis	Assistant Prosecutor	23/03/2009	28	34
49	1		Lim. pros. Gaza 2	Assistant Prosecutor	03/01/2010	22	27
50	1		Pros. of institutions	Assistant Prosecutor	03/01/2010	21	26
51	1		Enforcement department	Assistant Prosecutor	03/08/2008	22	29
52	1		Pros. gov. claims	Assistant Prosecutor	03/08/2008	24	31
53	1		Lim. pros. Rafah	Assistant Prosecutor	03/08/2008	33	40
54	1		Lim. pros. Khan Yunis	Assistant Prosecutor	03/01/2010	22	27
55	1		Pros. of institutions	Assistant Prosecutor	05/10/2008	23	30
56	1		Lim. pros. Center	Assistant Prosecutor	03/01/2010	22	27
57	1		Lim. pros. Rafah	Assistant Prosecutor	13/10/2009	22	28
58	1		Lim. pros. Gaza 2	Assistant Prosecutor	01/07/2002	27	40
59		1	Lim. pros. Khan Yunis	Assistant Prosecutor	14/04/2013	30	32
	57	2					
	97%	3%					

DoA Date of Appointment

AaA Age at Appointment

NON-JUDICIAL STAFF

N.	Gender		Workplace	Job title	L/ nL	DoA	AaA	Age
	Male	Fem.						
1	1		Lim. pros. Gaza 1	Legal assistant	L	03/08/2008	24	31
2	1		Gen. pros. Gaza	Legal assistant	L	03/08/2008	32	39
3		1	Lim. pros. Khan Yunis	Legal assistant	L	03/08/2008	28	35
4	1		Lim. pros. Gaza 2	Legal assistant	L	04/03/2012	25	28
5		1	Lim. pros. Khan Yunis	Legal assistant	L	03/08/2008	27	34
6	1		Pros. gov. claims	Legal assistant	L	01/04/2012	31	34
7	1		Pros. gov. claims	Legal assistant	L	03/08/2008	27	34
8		1	Pros. cass. and appeals	Legal researcher	L	03/08/2008	36	43
9	1		Lim. pros. North	Legal researcher	L	03/08/2008	31	38
10	1		Judicial inspection	Legal researcher	L	03/01/2010	24	29
11	1		Lim. pros. Rafah	Legal researcher	L	03/08/2008	25	32
12	1		Lim. pros. Rafah	Legal researcher	L	03/08/2008	23	30
13	1		Gen. pros. Khan Yunis	Legal researcher	L	03/08/2008	39	46
14	1		Pros. of institutions	Legal researcher	L	03/08/2008	29	36
15	1		Pros. of institutions	Chief registrar	nL	03/08/2008	33	40
16	1		Lim. pros. Rafah	Head of division	nL	03/08/2008	24	31
17		1	Gen. pros. Deir el Balah	Head of division	nL	03/08/2008	33	40
18	1		Gen. pros. Gaza	Chief registrar	nL	03/08/2008	32	39
19	1		Employees' affairs	Head of division	nL	03/08/2008	26	33
20	1		Lim. pros. North	Director of admin. affairs	nL	03/08/2008	28	35
21	1		Lim. pros. Gaza 2	Head of division	nL	03/08/2008	33	40
22		1	Pros. cass. and appeals	Chief registrar	nL	03/08/2008	30	37
23		1	Pros. cass. and appeals	Head of division	nL	03/08/2008	27	34
24	1		Pros. gov. claims	Head of division	nL	03/08/2008	32	39
25		1	Gen. pros. Khan Yunis	Head of division	nL	03/08/2008	25	32
26	1		Lim. pros. Gaza 1	Chief registrar	nL	03/08/2008	27	34
27		1	IT department	Head of division	nL	03/08/2008	30	37
28	1		Lim. pros. Gaza 3	Head of division	nL	15/7/1999	25	41
29	1		AG Office	Director of AG office	nL	03/08/2008	23	30
30	1		Lim. pros. Center	Administrative clerk (university degree)	nL	03/08/2008	31	38
31		1	Lim. pros. Center	Administrative clerk (university degree)	nL	03/08/2008	26	33
32	1		Financial affairs	Head of section	nL	22/01/2012	30	33
33	1		Financial affairs	Head of section	nL	22/01/2012	23	26
34	1		Financial affairs	Director of finan. department	nL	03/08/2008	36	43
35	1		Public relations	Clerk (university degree) - director of department	nL	01/12/2008	24	31
36	1		Lim. pros. Rafah	Clerk (university degree)	nL	01/12/2008	33	40

37	1		Lim. pros. North	Clerk (university degree)	nL	01/12/2008	24	31
38	1		Gen. pros. Gaza	Clerk (university degree)	nL	01/12/2008	29	36
39		1	Lim. pros. North	Clerk (university degree)	nL	01/12/2008	26	33
40	1		AG Office	Clerk (university degree)	nL	01/12/2008	29	36
41		1	Lim. pros. Center	Clerk (university degree)	nL	01/12/2008	31	38
42	1		Lim. pros. Rafah	Administrative assistant	nL	01/12/2008	22	29
43	1		Lim. pros. Khan Yunis	Administrative assistant	nL	01/12/2008	36	43
44	1			Administrative assistant	nL	01/12/2008	23	30
45	1		Judicial inspection	Administrative assistant	nL	01/12/2008	23	30
46	1		AG Office	Administrative assistant	nL	03/08/2008	37	44
47	1		Gen. pros. Gaza	Administrative assistant	nL	03/01/2010	19	24
48		1	Lim. pros. Center	Secretary	nL	03/08/2008	22	29
49		1	Pros. gov. claims	Secretary	nL	03/08/2008	22	29
50	1		Employees' affairs	Secretary	nL	03/08/2008	24	31
51		1	Technical office	Secretary	nL	03/08/2008	26	33
52	1		Gen. pros. Deir el Balah	Administrative clerk (university degree)	nL	03/08/2008	24	31
53	1		Lim. pros. Center	Court's clerk	nL	21/03/2013	20	22
54	1		Pros. cass. and appeals	Court's clerk	nL	21/03/2013	22	24
55	1		Lim. pros. Gaza 2	Court's clerk	nL	21/03/2013	21	23
56		1	Lim. pros. Gaza 3	Court's clerk	nL	21/03/2013	29	31
57	1		Lim. pros. Gaza 1	Court's clerk	nL	21/03/2013	23	25
58	1		Lim. pros. Gaza 1	Court's clerk	nL	21/03/2013	22	24
59	1		Complaints' department	Court's clerk	nL	21/03/2013	23	25
60	1		Lim. pros. Center	Court's clerk	nL	21/03/2013	24	26
61	1		Pros. of institutions	Court's clerk	nL	21/03/2013	23	25
62	1		Lim. pros. Gaza 2	Court's clerk	nL	21/03/2013	23	25
63	1		Gen. pros. Khan Yunis	Secondary Clerk	nL	01/08/2009	41	47
64	1		Lim. pros. Gaza 3	Secondary Clerk	nL	01/08/2009	44	50
65	1		Lim. pros. Khan Yunis	Secondary Clerk	nL	01/12/2008	37	44
66	1		Administrative affairs	Secondary Clerk	nL	01/12/2008	24	31
67	1		Lim. pros. Rafah	Secondary Clerk	nL	01/12/2008	40	47
68	1		Lim. pros. Rafah	Legal researcher	nL	01/12/2008	37	44
69	1		Gen. pros. Khan Yunis	Secondary Clerk	nL	01/12/2008	24	31
70	1		Custodian Department	Secondary Clerk	nL	01/12/2008	37	44
71	1		Gen. pros. Deir el Balah	Maintenance technician	nL	01/12/2008	44	51
72	1		Lim. pros. Gaza 3	IT technician	nL	03/08/2008	33	40
73	1		IT department	Computer operator	nL	23/02/2005	23	33
74	1		Administrative affairs	Driver	nL	01/12/2008	48	55
75	1		Custodian Department	Driver	nL	03/07/2011	31	35
76	1		Administrative affairs	Messenger	nL	01/12/2008	45	52
77	1		Gen. pros. Khan Yunis	Messenger	nL	01/12/2008	23	30

78	1		Administrative affairs	Messenger	nL	01/12/2008	35	42
79	1		Lim. pros. Gaza 1	Messenger	nL	01/12/2008	26	33
80	1		Administrative affairs	Driver	nL	01/12/2008	23	30
81	1		Pros. cass. and appeals	Messenger	nL	01/12/2008	23	30
82	1		Lim. pros. Gaza 1	Messenger	nL	03/01/2010	33	38
83	1		Lim. pros. Gaza 1	Messenger	nL	03/07/2011	33	37
84	1		Lim. pros. North	Messenger	nL	03/07/2011	34	38
85	1		Pros. gov. claims	Messenger	nL	3/3/2009	23	29
86	1		Lim. pros. Center	Messenger	nL	03/07/2011	23	27
87	1		Lim. pros. Rafah	Office boy	nL	01/12/2008	21	28
88	1		Lim. pros. Khan Yunis	Professional	nL	03/07/2011	33	37
89	1		AG Office	Professional	nL	03/07/2011	24	28
90	1		IT department	Professional	nL	03/07/2011	26	30
91		1	Pros. gov. claims	Professional	nL	03/07/2011	31	35
92	1		Lim. pros. Gaza 2	Professional	nL	03/07/2011	24	28
93	1		Complaints' department	Professional	nL	03/07/2011	20	24
94	1		Administrative affairs	Messenger	nL	03/07/2011	43	47
95	1		AG Office	Professional	nL	03/07/2011	24	28
96	1		Lim. pros. North	Professional	nL	03/07/2011	27	31
97	1		Lim. pros. Gaza 1	Professional	nL	03/07/2011	23	27
98	1		Administrative affairs	Driver	nL	03/07/2011	47	51
99	1		Lim. pros. Center	Professional	nL	03/07/2011	37	41
100	1		Gen. pros. Gaza	Administrative clerk (university degree)	nL	03/07/2011	38	42
101	1		Gen. pros. Gaza	Professional	nL	03/07/2011	33	37
102	1		Lim. pros. Center	Professional	nL	03/07/2011	33	37
103		1	Lim. pros. Khan Yunis	Professional	nL	03/07/2011	31	35
104	1		Lim. pros. Khan Yunis	Professional	nL	03/07/2011	19	23
105	1		Gen. pros. Deir el Balah	Professional	nL	03/07/2011	21	25
106	1		Lim. pros. Khan Yunis	Professional	nL	03/07/2011	24	28
107		1	Gen. pros. Khan Yunis	Professional	nL	03/07/2011	33	37
108	1		AG Office	Technician	nL	01/12/2008	47	54
109	1		Lim. pros. Gaza 2	Administrative clerk	nL	20/06/2011	23	27
110	1		Administrative affairs	Messenger	nL	11/01/2011	21	25

92	18
84%	16%

DoA	Date of Appointment
AaA	Age at Appointment
L	Legal staff
nL	Non-legal staff

Annex D4 – High Judicial Shari’a Council – Gaza Strip

JUDICIAL STAFF

N.	Work- place	Job Title	DoC	DoA	DoAaJ	DoP	YoE	YoEaJ	PNA
1	HC	CJ and President of HC		01/01/1995	29/11/1995	29/09/2009	20	20	1
2	HC	Dep. CJ and Vice-President of HC		01/01/1995	29/11/1995	29/09/2009	20	20	1
3	HC	Judge - head of inspection unit		01/08/1995	12/01/1997	29/09/2009	20	18	
4	HC	President of AC		01/01/1995	15/08/1995	29/09/2010	20	20	1
5	AC Gaza	President of AC		01/01/1996	06/01/2003	29/09/2009	19	12	1
6	AC Gaza	Judge		01/04/1995	06/01/2006	11/02/2008	20	9	1
7	AC Gaza	Judge		01/04/1995	09/01/2006	12/02/2008	20	9	1
8	AC Gaza	Judge		04/01/1999	06/01/2003		16	12	
9	AC Khan Yunis	President of AC		01/08/1995	06/01/2003	25/12/2012	20	12	
10	AC Khan Yunis	Judge		01/08/1995	06/01/2004	29/03/2009	20	11	
11	AC Khan Yunis	Judge		01/04/1995	09/01/2006		20	9	
12	FIC Northern Gaza	Judge		01/08/1995	25/05/2008		20	7	1
13	FIC Jabalyia	Judge		01/10/1995	25/05/2008		20	7	1
14	FIC Sheikh Radwan	Judge		01/04/1998	23/12/2008		17	7	
15	FIC Gaza	Judge		01/08/1995	25/05/2008		20	7	1
16	FIC Gaza	Judge	01/4/2006	17/08/2008	17/05/2011		7	4	1
17	FIC Shi-ja'iyeh	Judge		01/08/1995	25/05/2008		20	7	1
18	FIC Shi-ja'iyeh	Judge	8/2/2003	17/08/2008	16/02/2014		7	1	

19	FIC Central	Judge	1/1/2004	08/09/2008	17/05/2011		7	4	1
20	FIC Deir el Balah	Judge		01/04/1996	25/05/2008		19	7	1
21	FIC Khan Yunis	Judge		01/09/1998	23/12/2008		17	7	1
22	FIC Khan Yunis	Judge		19/07/1988	25/05/2008		27	7	1
23	FIC Beni Suheila	Judge		01/01/1998	25/05/2008		17	7	1
24	FIC Rafah	Judge	01/01/2004	03/09/2008	17/05/2011		7	4	
25	FIC Rafah	Judge		11/04/1998	25/05/2008		17	7	1
Average							17,48	9,4	

PNA	Judge whose salary was cut by the PNA since the Division
DoC	Date of contract
DoA	Date of appointment as civil servant
DoAaJ	Date of appointment as judge
DoP	Date of last promotion
YoE	Years of experience at HJSC
YoEaJ	Years of experience as judge at HJSC

NON-JUDICIAL STAFF

N.	Gender		Workplace	Job Title	DoC	DoA	DoP	PNA
	Male	Fem.						
1	1		HSC	Chief registrar-High Court-Rank B		01/02/1996	04/01/2015	
2	1		HSC	Court's clerk	01/4/2006	13/08/2008	20/10/2013	1
3	1		HSC	Court's clerk		17/03/2013		
4	1		HSC	Messenger		20/03/2012		
5	1		HSC	Technician		12/06/2012		
6	1		AC Gaza	Chief registrar-Director rank C		26/01/1999	19/01/2014	
7	1		AC Khan Yunis	Chief registrar-Director rank B	01/4/2006	16/09/2008	04/01/2015	
8	1		AC Khan Yunis	Director rank C	01/4/2006	18/08/2008		
9	1		AC Khan Yunis	Data entry officer		28/08/2008	25/09/2013	
10	1		AC Khan Yunis	Custodian	4/1/2004	02/10/2013		
11	1		Office of the President	Driver		01/12/2008	31/12/2013	
12	1		Admin. Affairs	Director of the Department	01/4/2006	17/08/2008	17/08/2014	1
13	1		Admin. Affairs	Head of Admin. Affairs Division	01/4/2006	21/08/2008		1
14	1		Admin. Affairs	Head of maintenance and mobility branch		02/09/1986	04/01/2009	
15	1		Admin. Affairs	Head of Employees' Affairs Division		03/08/2008	10/01/2013	
16	1		Admin. Affairs	Programmer	01/4/2006	17/08/2008	20/10/2013	1
17	1		Admin. Affairs	Data entry officer		03/08/2008		
18	1		Admin. Affairs	Archive employee	01/01/2004	08/09/2008		
19	1		Admin. Affairs	Clerk	12/01/2004	01/03/2005		1
20	1		Admin. Affairs	Operator	4/1/2004	04/09/2008	21/11/2013	
21	1		Admin. Affairs	Maintenance technician		01/12/2008		
22	1		Alimony Fund Department	Director of the Alimony Fund- rank C	12/1/2003	01/12/2003	04/01/2009	
23	1		Dptmt of Family Couns. and Conci.	Director of department- Director rank B	01/4/2006	17/08/2008	04/01/2015	1
24	1		Financial affairs	Director		03/08/2008	09/08/2013	
25	1		Financial affairs	Accountant-head of the administrative control division		03/08/2008	09/08/2013	
26	1		Financial affairs	Accountant- head of the supplies division		03/08/2008		

27	1		Financial affairs	Accountant	8/2/2003	18/08/2008	20/10/2013	1
28	1		Dptmt of internal control	Director	4/1/2004	01/09/2008	04/01/2015	
29	1		Dptmt of internal control	Head of unit	01/4/2006	17/08/2008	25/09/2013	
30	1		Dptmt of internal control	Head of unit		03/08/2008	09/08/2013	
31	1		Dptmt of Fiqh and Legal Affairs	Legal assistant	3/1/2004	01/03/2004		
32	1		Orphans' Trust Gaza	Accountant	8/2/2003	23/05/2011		
33	1		Orphans' Trust Gaza	Court's clerk	01/4/2006	15/05/2011		1
34	1		Orphans' Trust Gaza	Accountant	8/2/2003	29/09/2013		
35	1		Orphans' Trust Gaza	Custodian		26/05/2013		
36	1		Orphans' Trust Gaza	Messenger	6/1/2004	Par. cont.		
37	1		FIC Northern Gaza	Chief registrar-Rank B		08/09/1999	04/01/2015	
38	1		FIC Northern Gaza	Head of the counselling division	01/4/2006	17/08/2008	25/09/2013	1
39	1		FIC Northern Gaza	Accountant		03/08/2008	09/08/2013	
40	1		FIC Northern Gaza	Deeds clerk	01/4/2006	03/09/2008		
41	1		FIC Northern Gaza	Deeds clerk		15/01/1997		
42		1	FIC Northern Gaza	Data entry officer		01/06/2004		
43		1	FIC Northern Gaza	Family counsellor	01/4/2006	01/12/2008		
44	1		FIC Northern Gaza	Custodian	01/4/2006	01/12/2008		
45	1		FIC Northern Gaza	Messenger		02/01/2011		
46		1	FIC Northern Gaza	Court's clerk	03/04/2007	Par. cont.		
47	1		FIC Jabalyia	Chief registrar-Rank C		01/12/2008	16/04/2013	
48	1		FIC Jabalyia	Enforcement clerk	1/1/2004	08/09/2008	21/11/2013	1
49	1		FIC Jabalyia	Accounting clerk (university degree)		01/12/2008	01/01/2011	
50		1	FIC Jabalyia	Court's clerk-counselling division		18/03/2006		
51	1		FIC Jabalyia	Bailiff	01/4/2006	03/09/2008		

52	1		FIC Jabalyia	Bailiff	01/4/2006	26/05/2013		
53	1		FIC Jabalyia	Custodian	01/4/2006	Par. cont.		
54	1		FIC Sheikh Radwan	Chief registrar-Director rank B	4/1/2004	01/09/2008	04/01/2015	1
55	1		FIC Sheikh Radwan	Accountant		27/08/2008	18/12/2013	
56	1		FIC Sheikh Radwan	Deeds clerk	01/4/2006	17/11/2008		
57	1		FIC Sheikh Radwan	Head of the deeds' division	6/28/2003	17/08/2008	23/10/2013	
58		1	FIC Sheikh Radwan	Head of the counselling division	01/4/2006	16/10/2008	31/12/2013	1
59	1		FIC Sheikh Radwan	Deeds clerk	8/2/2003	17/08/2008		
60	1		FIC Sheikh Radwan	Clerk-counselling division	01/4/2006	02/09/2008		1
61	1		FIC Gaza	Head of the deeds' division	01/4/2006	13/08/2008	10/01/2013	1
62	1		FIC Gaza	Head of the deeds' division	1/1/2004	17/08/2008	28/10/2013	1
63	1		FIC Gaza	Court's clerk	4/1/2004	09/09/2008	12/02/2013	
64	1		FIC Gaza	Court's clerk	8/20/2008	20/08/2008	25/09/2013	
65	1		FIC Gaza	Deeds clerk	01/4/2006	03/09/2008	20/10/2013	
66	1		FIC Gaza	Deeds clerk	01/4/2006	13/08/2008	23/10/2013	1
67	1		FIC Gaza	Head of Admin. and Financial Affairs Division		25/08/2008	25/09/2013	
68		1	FIC Gaza	Head of the counselling division	8/2/2003	17/08/2008	10/01/2013	1
69		1	FIC Gaza	Family counsellor	01/4/2006	03/09/2008	25/09/2013	
70	1		FIC Gaza	Deeds clerk	01/4/2006	13/08/2008	20/10/2013	1
71	1		FIC Gaza	Court's clerk		01/08/1995		
72	1		FIC Gaza	Custodian	8/2/2003	26/05/2013		
73	1		FIC Shija'iyeh	Chief registrar-Director rank B		11/10/1997	04/01/2015	
74	1		FIC Shija'iyeh	Head of the deeds' division	01/4/2006	08/10/2008	12/02/2013	
75	1		FIC Shija'iyeh	Book-keeper		03/08/2008	09/08/2013	
76	1		FIC Shija'iyeh	Deeds clerk	6/1/2004	17/08/2008	25/09/2013	1
77	1		FIC Shija'iyeh	Data entry officer		27/08/2008	20/10/2013	
78		1	FIC Shija'iyeh	Head of the counselling division	01/4/2006	08/09/2008	21/11/2013	
79	1		FIC Shija'iyeh	Court's clerk	12/1/2003	01/03/2005		1
80		1	FIC Shija'iyeh	Book-keeper		03/08/2008	09/08/2013	
81	1		FIC Shija'iyeh	Bailiff	01/4/2006	03/09/2008	20/10/2013	1

82		1	FIC Shija'iye	Head of the administrative control division		03/04/2006		1
83	1		FIC Shija'iye	Head of the deeds' division	01/4/2006	20/08/2008	20/10/2013	1
84	1		FIC Central	Court's clerk-commissioned head of office	6/28/2003	05/08/2011		
85	1		FIC Central	Treasurer-Alimony Fund		01/08/1995		
86	1		FIC Central	Head of the deeds' division		20/05/1997		
87	1		FIC Central	Clerk (university degree)		01/12/2008	01/01/2011	
88	1		FIC Central	Deeds clerk	1/1/2004	16/10/2008	12/02/2013	
89	1		FIC Central	Archive employee		28/03/2001		
90		1	FIC Central	Family counsellor	01/4/2006	01/12/2008	31/12/2013	
91	1		FIC Central	Data entry officer		Perm. Cont.		
92	1		FIC Deir el Balah	Chief registrar-Director Rank A		26/11/2006	18/02/2014	1
93	1		FIC Deir el Balah	Accountant		03/08/2008	08/09/2013	
94	1		FIC Deir el Balah	Head of the deeds' division	6/1/2004	02/09/2008	10/01/2013	1
95	1		FIC Deir el Balah	Clerk (university degree)		01/12/2008	08/01/2011	
96	1		FIC Deir el Balah	Enforcement clerk	01/4/2006	17/08/2008	28/10/2013	1
97		1	FIC Deir el Balah	Family counsellor	01/4/2006	01/12/2008		
98	1		FIC Deir el Balah	Bailiff	9/1/2004	09/10/2008	12/02/2013	
99	1		FIC Deir el Balah	Court's clerk	1/1/2004	03/09/2008		
100	1		FIC Deir el Balah	Archive employee	7/1/2004	03/09/2008		1
101	1		FIC Deir el Balah	Deeds clerk	01/4/2006	03/09/2008	25/09/2013	
102	1		FIC Khan Yunis	Chief registrar-Director rank C	01/4/2006	17/08/2008		1
103	1		FIC Khan Yunis	Head of the counselling division	01/4/2006	01/12/2008	31/12/2013	
104	1		FIC Khan Yunis	Head of Admin. and Financial Affairs Division		03/08/2008	17/09/2013	
105	1		FIC Khan Yunis	Court's clerk		10/09/1997		
106	1		FIC Khan Yunis	Clerk (university degree)		01/12/2008	01/01/2011	

107		1	FIC Khan Yunis	Data entry officer	01/4/2006	02/09/2008	25/09/2013	1	
108	1		FIC Khan Yunis	Bailiff		10/02/2001			
109	1		FIC Khan Yunis	Bailiff	01/01/2004	26/05/2013			
110	1		FIC Khan Yunis	Court's clerk	8/2/2003	26/05/2014			
111	1		FIC Khan Yunis	Typist	01/4/2006	Par. cont.			
112	1		Orphans' Trust Khan Yunis	Accountant	8/2/2003	26/05/2013			
113	1		FIC Beni Suheila	Chief registrar	4/1/2004	18/08/2008	04/01/2015	1	
114	1		FIC Beni Suheila	Head of the counseling division	8/2/2003	24/08/2008	20/10/2013		
115	1		FIC Beni Suheila	Administrative clerk	6/28/2003	11/09/2008			
116	1		FIC Beni Suheila	Archive employee		02/09/2000			
117	1		FIC Beni Suheila	Head of the deeds' division		02/09/2000			
118	1		FIC Rafah	Chief registrar-Rank B	01/01/2004	03/09/2008	04/01/2015	1	
119	1		FIC Rafah	Accounting clerk (university degree)		01/12/2008	01/01/2011		
120	1		FIC Rafah	Head of the deeds' division	03/01/2004	13/08/2008	25/09/2013		
121	1		FIC Rafah	Head of the deeds' section	6/28/2003	01/12/2008	19/06/2014		
122	1		FIC Rafah	Court's clerk	8/2/2003	21/08/2008			
123		1	FIC Rafah	Data entry officer		04/09/2008			
124		1	FIC Rafah	Family counsellor	6/1/2004	03/09/2008	20/10/2013		
Total	109	15							
	88%	12%							

PNA	Employee whose salary was cut by the PNA in the WB since the Division
DoC	Date of contract
DoA	Date of appointment as civil servant
DoP	Date of last promotion
Par. cont.	Parallel contract
Perm. cont.	Permanent contract

Annex D5 – High Judicial Shari’a Council – West Bank**JUDICIAL STAFF**

N.	Gender		Workplace	Job Title	Age	DoA	DoAaJ	YoE	YoEaJ	Education	
	Male	Fem.								BA	MA
1	1		HC	President of the HC	60	1985	1993	30	22		1
2	1		HC	HC Judge	51	1992	1995	23	20		1
3	1		FIC Nablus West	Judge	47	1994	1996	21	19		1
4	1		AC Ramallah	President of AC	55	1994	2002	21	13		1
5	1		AC Hebron	AC Judge	51	2003	2003	12	12		1
6	1		AC Hebron	President of AC	47	1994	1996	21	19		1
7	1		FIC Izzariye	Judge	55	1994	1998	21	17		1
8	1		-	Judge	51	1994	1998	21	17	1	
9	1		HC	HC Judge	47	1996	1998	19	17		1
10	1		AC Ramallah	AC Judge	55	1985	2002	30	13	1	
11	1		AC Nablus	AC Judge	63	1993	2002	22	13	1	
12	1		AC Ramallah	AC Judge	48	1995	2002	20	13		1
13	1		AC Hebron	AC Judge	39	1998	2002	17	13	1	
14	1		AC Nablus	Judge	64	1993	2003	22	12	1	
15	1		FIC Qalqilya	Judge	51	1994	2003	21	12	1	
16	1		FIC Nablus East	Judge	51	1994	2003	21	12		1
17	1		FIC Yatta	Judge	45	1998	2003	17	12	1	
18	1		FIC Nablus East	Judge	40	1998	2003	17	12		1
19	1		FIC Hebron	Judge	40	2000	2003	15	12	1	
20	1		FIC Jericho and ar-Ram	Judge	52	1994	2006	21	9	1	
21	1		FIC Tubas and Tulkarem	Judge	57	1987	2006	28	9	1	
22	1		FIC Qabatya and Bidya	Judge	43	1994	2006	21	9		1
23	1		FIC Zaharya and Yatta	Judge	64	1975	2006	40	9	1	
24	1		FIC Ramallah and el-Bireh	Judge	54	2000	2006	15	9		1
25	1		FIC Tulkarem	Judge	39	2000	2006	15	9	1	
26	1		FIC Dura	Judge	37	2002	2006	13	9	1	
27	1		FIC Jenin	Judge	35	2003	2006	12	9		1

28	1		FIC Hebron	Judge	52	2000	2006	15	9		1
29	1		FIC Huwwara and Salfit	Judge	61	1984	2009	31	6	1	
30	1		FIC Jenin	Judge	57	1984	2009	31	6	1	
31	1		FIC Ramallah and el-Bireh	Judge	51	1986	2009	29	6	1	
32	1		FIC Ni'lin	Judge	44	2000	2009	15	6	1	
33	1		FIC Ramallah and el-Bireh	Judge	37	2002	2009	13	6	1	
34	1		Diwan	AC Judge	38	2003	2009	12	6	1	
35	1		FIC Halhul	Judge	34	2003	2009	12	6		1
36	1		FIC Bethlehem	Judge	39	2003	2009	12	6		1
37	1		FIC Ramallah and el-Bireh	Judge	43	2003	2009	12	6		1
38		1	FIC Birzeit	Judge	38	2009	2009	6	6	1	
39		1	Personal Status Prosecution	Judge	33	2007	2010	8	5	1	
40		1	FIC Halhul	Judge	40	2003	2009	12	6	1	
	37	3								22	18
	93%	8%								55%	45%

DoA	Date of appointment as civil servant
DoAaJ	Date of appointment as judge
YoE	Years of experience at HJSC
YoEaJ	Years of experience as judge at HJSC

Annex E – Questionnaires

Annex E1 – Sample of Questionnaires Submitted to the Judicial Institutions in Gaza Strip

Ministry of Justice

MINISTRY OF JUSTICE	
PERSONAL INFORMATION	<ul style="list-style-type: none"> - Age - Sex - Residency
QUALIFICATION	<ul style="list-style-type: none"> - Level of education and specialization
ACTIVITY UNTIL APPOINTMENT AT MOJ	<ul style="list-style-type: none"> - Professional experience; if in the legal profession, please provide details
ACTIVITY AT THE MOJ	<ul style="list-style-type: none"> - Current position/rank and place of work - When were you appointed as an MOJ employee? - Were you appointed initially on a contract or as a civil servant? What is your current employment status? - How were you appointed? Did you have to sit for written/oral examination? - Is your work administrative or legal in nature? - Have you been ascribed clear professional tasks and responsibilities? Please describe your functions within the MOJ - Did you receive initial/continuing education? (year, duration, place and topic) - Did your rank evolve since you began working at the MOJ? (if yes, provide details) - Since you were appointed at the MOJ, did you acquire some level of specialization? (if yes, provide details)
MOJ FACILITIES	<ul style="list-style-type: none"> - Are you satisfied with the work space? - Are you equipped with a computer/printer ? - Do you think the current premises are satisfactorily for the general public's access?

ASPIRATIONS	<ul style="list-style-type: none"> - Are you satisfied with your current profession and status? If no, are you considering a career change and in which sector? - More generally, are you satisfied with the current state of the judiciary in Gaza Strip and what in your opinion would contribute to its amelioration? - Do you have any personal connection with MOJ personnel who stopped working in 2007? Did you seek any kind of advice from them? If yes, how successful were your attempts? - How would you feel about working alongside these employees if they were reintegrated into the MOJ? Under what conditions do you think their reintegration could be successful and beneficial to the MOJ?
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High Judicial Council

HIGH JUDICIAL COUNCIL – JUDICIAL STAFF	
PERSONAL INFORMATION	<ul style="list-style-type: none"> - Age - Sex - Residency
QUALIFICATION	<ul style="list-style-type: none"> - Level of education and specialization
ACTIVITY UNTIL APPOINTMENT AS JUDGE	<ul style="list-style-type: none"> - Professional experience; if in the legal profession, please provide details
ACTIVITY IN THE JUDICIARY	<ul style="list-style-type: none"> - Current position/rank and place of work - In addition to your judicial position, do you hold administrative functions? (if yes, please describe your functions) - When were you appointed as a judge? To which court were you first appointed (conciliation/first degree/cassation/high court)? - How were you appointed? Did you have to sit for written/oral examination? - Did you receive initial/continuing education? (year, duration, place and topic) - Did your rank evolve since you began working in the judiciary? (if yes, provide details) - Since you were appointed as a judge, did you specialize in a specific field? (if yes, provide details) - Were you inspected at any stage since you were appointed? By whom? Do you feel you benefited from it?

ASPIRATIONS	<ul style="list-style-type: none"> - Are you satisfied with your current profession and status? If no, are you considering a career change and in which sector? - More generally, are you satisfied with the current state of the judiciary in Gaza Strip and what in your opinion would contribute to its amelioration? - Do you have any personal connection with judges who stopped working in 2007? Did you seek any kind of advice from them? If yes, how successful were your attempts? - How would you feel about working alongside these judges if they were reintegrated into the judiciary? Under what conditions do you think their reintegration could be successful and beneficial to the judiciary?
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HIGH JUDICIAL COUNCIL – NON JUDICIAL STAFF	
PERSONAL INFORMATION	<ul style="list-style-type: none"> - Age - Sex - Residency
QUALIFICATION	<ul style="list-style-type: none"> - Level of education and specialization
ACTIVITY UNTIL APPOINTMENT AT HJC	<ul style="list-style-type: none"> - Professional experience; if in the legal profession, provide details
ACTIVITY IN THE JUDICIARY	<ul style="list-style-type: none"> - Current position/rank and place of work - When were you appointed as an HJC employee? - Were you appointed initially on a contract or as a civil servant? What is your current employment status? - How were you appointed? Did you have to sit for written/oral examination? - Is your work administrative or legal in nature? - Have you been ascribed clear professional tasks and responsibilities? Please describe your functions within the HJC - Did you receive initial/continuing education? (year, duration, place and topic) - Did your rank evolve since you began working at the HJC? (if yes, provide details) - Since you were appointed at the HJC, did you acquire some level of specialization? (if yes, provide details)
HJC FACILITIES	<ul style="list-style-type: none"> - Are you satisfied with the work space? - Are you equipped with a computer/printer ? - Do you think the current premises are satisfactorily for the general public's access?

ASPIRATIONS	<ul style="list-style-type: none"> - Are you satisfied with your current profession and status? If no, are you considering a career change and in which sector? - More generally, are you satisfied with the current state of the judiciary in Gaza Strip and what in your opinion would contribute to its amelioration? - Do you have any personal connection with HJC personnel who stopped working in 2007? Did you seek any kind of advice from them? If yes, how successful were your attempts? - How would you feel about working alongside these employees if they were reintegrated into the judiciary? Under what conditions do you think their reintegration could be successful and beneficial to the HJC?
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Attorney General Office

ATTORNEY GENERAL OFFICE – JUDICIAL STAFF	
PERSONAL INFORMATION	<ul style="list-style-type: none"> - Age - Sex - Residency
QUALIFICATION	<ul style="list-style-type: none"> - Level of education and specialization
ACTIVITY UNTIL APPOINTMENT AS PROSECUTOR	<ul style="list-style-type: none"> - Professional experience; if in the legal profession, please provide details
ACTIVITY AS A PROSECUTOR	<ul style="list-style-type: none"> - Current position/rank and place of work - In addition to your prosecutor position, do you hold administrative functions? (if yes, please describe your functions) - When were you appointed as a prosecutor? At which rank? - How were you appointed? Did you have to sit for written/oral examination? - Did you receive initial/continuing education? (year, duration, place and topic) - Did your rank evolve since you began working as a prosecutor? (if yes, provide details) - Since you were appointed as a prosecutor, did you specialize in a specific field? (if yes, provide details) - Were you inspected at any stage since you were appointed? By whom? Do you feel you benefited from it?

ASPIRATIONS	<ul style="list-style-type: none"> - Are you satisfied with your current profession and status? If no, are you considering a career change and in which sector? - More generally, are you satisfied with the current state of the judiciary in Gaza Strip and what in your opinion would contribute to its amelioration? - Do you have any personal connection with prosecutors who stopped working in 2007? Did you seek any kind of advice from them? If yes, how successful were your attempts? - How would you feel about working alongside these prosecutors if they were reintegrated? Under what conditions do you think their reintegration could be successful and beneficial to the AGO?
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ATTORNEY GENERAL OFFICE – NON JUDICIAL STAFF	
PERSONAL INFORMATION	<ul style="list-style-type: none"> - Age - Sex - Residency
QUALIFICATION	<ul style="list-style-type: none"> - Level of education and specialization
ACTIVITY UNTIL APPOINTMENT AT AGO	<ul style="list-style-type: none"> - Professional experience; if in the legal profession, please provide details
ACTIVITY AT THE AGO	<ul style="list-style-type: none"> - Current position/rank and place of work - When were you appointed as an AGO employee? - Were you appointed initially on a contract or as a civil servant? What is your current employment status? - How were you appointed? Did you have to sit for written/oral examination? - Is your work administrative or legal in nature? - Have you been ascribed clear professional tasks and responsibilities? Please describe your functions within the AGO - Did you receive initial/continuing education? (year, duration, place and topic) - Did your rank evolve since you began working at the AGO? (if yes, provide details) - Since you were appointed at the AGO, did you acquire some level of specialization? (if yes, provide details)
AGO FACILITIES	<ul style="list-style-type: none"> - Are you satisfied with the work space? - Are you equipped with a computer/printer ? - Do you think the current premises are satisfactorily for the general public's access?

ASPIRATIONS	<ul style="list-style-type: none"> - Are you satisfied with your current profession and status? If no, are you considering a career change and in which sector? - More generally, are you satisfied with the current state of the judiciary in Gaza Strip and what in your opinion would contribute to its amelioration? - Do you have any personal connection with AGO personnel who stopped working in 2007? Did you seek any kind of advice from them? If yes, how successful were your attempts? - How would you feel about working alongside these employees if they were reintegrated into the AGO? Under what conditions do you think their reintegration could be successful and beneficial to the AGO?
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High Judicial Shari'a Council

HIGH JUDICIAL SHARI'A COUNCIL – JUDICIAL STAFF	
PERSONAL INFORMATION	<ul style="list-style-type: none"> - Age - Sex - Residency
QUALIFICATION	<ul style="list-style-type: none"> - Level of education and specialization
ACTIVITY UNTIL APPOINTMENT AS JUDGE	<ul style="list-style-type: none"> - Professional experience; if in the legal profession, please provide details
ACTIVITY IN THE JUDICIARY	<ul style="list-style-type: none"> - Current position/rank and place of work - In addition to your judicial position, do you hold administrative functions? (if yes, please describe your functions) - When were you appointed as a judge? - How were you appointed? Did you have to sit for written/oral examination? - Did you receive initial/continuing education? (year, duration, place and topic) - Did your rank evolve since you began working in the judiciary? (if yes, provide details) - Since you were appointed as a judge, did you specialize in a specific field? (if yes, provide details) - Were you inspected at any stage since you were appointed? By whom? Do you feel you benefited from it?

ASPIRATIONS	<ul style="list-style-type: none"> - Are you satisfied with your current profession and status? If no, are you considering a career change and in which sector? - More generally, are you satisfied with the current state of the judiciary in Gaza Strip and what in your opinion would contribute to its amelioration? - Do you have any personal connection with judges who stopped working in 2007? Did you seek any kind of advice from them? If yes, how successful were your attempts? - How would you feel about working alongside these judges if they were reintegrated into the judiciary? Under what conditions do you think their reintegration could be successful and beneficial to the judiciary?
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HIGH JUDICIAL SHARI'A COUNCIL – NON JUDICIAL STAFF	
PERSONAL INFORMATION	<ul style="list-style-type: none"> - Age - Sex - Residency
QUALIFICATION	<ul style="list-style-type: none"> - Level of education and specialization
ACTIVITY UNTIL APPOINTMENT AT HJC	<ul style="list-style-type: none"> - Professional experience; if in the legal profession, please provide details
ACTIVITY IN THE JUDICIARY	<ul style="list-style-type: none"> - Current position/rank and place of work - When were you appointed as an HJSC employee? - Were you appointed initially on a contract or as a civil servant? What is your current employment status? - How were you appointed? Did you have to sit for written/oral examination? - Is your work administrative or legal in nature? - Have you been ascribed clear professional tasks and responsibilities? Please describe your functions within the HJSC - Did you receive initial/continuing education? (year, duration, place and topic) - Did your rank evolve since you began working at the HJSC? (if yes, provide details) - Since you were appointed at the HJSC, did you acquire some level of specialization? (if yes, provide details)
HJC FACILITIES	<ul style="list-style-type: none"> - Are you satisfied with the work space? - Are you equipped with a computer/printer ? - Do you think the current premises are satisfactorily for the general public's access?

ASPIRATIONS	<ul style="list-style-type: none">- Are you satisfied with your current profession and status? If no, are you considering a career change and in which sector?- More generally, are you satisfied with the current state of the judiciary in Gaza Strip and what in your opinion would contribute to its amelioration?- Do you have any personal connection with HJSC personnel who stopped working in 2007? Did you seek any kind of advice from them? If yes, how successful were your attempts?- How would you feel about working alongside these employees if they were reintegrated into the judiciary? Under what conditions do you think their reintegration could be successful and beneficial to the HJSC?
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Annex E2 – Simplified Charts of Responses to the Questionnaires

Ministry of Justice

		MoJ					
		Respondents		Target audience		%	
REPRESENTATIVITY OF THE SAMPLE		25		85		29%	
PERSONAL INFORMATION	Age	21-30	31-40		41-50	51-60	
		32%	56%		8%	4%	
	Sex	Male			Female		
		76%			24%		
Residency	Gaza city			Other			
	68%			32%			
QUALIFICATION	Level of education and specialization	E	2ND	D	BA	MA	NA
		0%	4%	24%	60%	8%	4%
		Yes		No		NA	
ACTIVITY IN THE JUDICIARY	Were you appointed initially as a civil servant?	88%		12%		0%	
	Did you have to sit for written/oral examination for recruitment purposes?	84%		8%		8%	
	Is your work administrative (A) or legal (L) in nature?	80% A		20% L		0%	
	Have you been ascribed clear professional tasks and responsibilities?	96%		0%		4%	
	Did you receive initial/continuing education?	28%		24%		48%	
	Did your rank evolve since you began working?	56%		44%		0%	
	Since you were appointed, did you acquire some level of specialization?	40%		28%		32%	
FACILITIES	Are you satisfied with the work space?	80%		20%		0%	
	Are you equipped with a computer/printer ?	88%		8%		4%	
	Do you think the current premises are satisfactorily for the general public’s access?	72%		24%		4%	

ASPIRATIONS	Are you satisfied with your current profession and status?	72%	20%	8%
	More generally, are you satisfied with the current state of the judiciary in the GS?	24%	56%	20%
	Do you have any personal connection with employees who stopped working in 2007?	12%	80%	8%
	Are you in favor of working alongside these employees if they are reintegrated?	80%	0%	20%

High Judicial Council - Judicial Staff

		HJC		
		Respon- dents	Target audience	%
REPRESENTATIVITY OF THE SAMPLE		4	46	9%
PERSONAL INFOR- MATION	Age	41-50	51-60	61-70
		75%	25%	0%
	Sex	Male		Female
		100%		0%
	Residency	Gaza city		Other
		75%		25%
QUALIFICATION	Level of education and specializa- tion	BA		MA
		25%		75%
		Yes	No	NA
ACTIVITY AS A JUDGE/PROSECU- TOR	In addition to your judicial posi- tion, do you hold administrative functions?	75%	25%	0%
	Did you have to sit for written/ oral examination for recruitment purposes?	100%	0%	0%
	Did you receive initial/continuing education?	75%	25%	0%
	Did your rank evolve since you began working in the judiciary?	75%	25%	0%
	Since you were appointed as a judge, did you specialize in a spe- cific field?	100%	0%	0%
	Were you inspected at any stage since you were appointed?	50%	50%	0%
ASPIRATIONS	Are you satisfied with your cur- rent profession and status?	100%	0%	0%
	More generally, are you satisfied with the current state of the judi- ciary in the GS?	75%	25%	0%
	Do you have any personal con- nection with judicial staff who stopped working in 2007?	50%	50%	0%
	Are you in favor of working along- side these judges/prosecutors if they are reintegrated?	100%	0%	0%

High Judicial Council – Non-Judicial Staff

		HJC		
		Respon- dents	Target audience	%
REPRESENTATIVITY OF THE SAMPLE		10	218	5%
PERSONAL IN- FORMATION	Age	21-30	31-40	41-50
		20%	80%	0%
	Sex	Male		Female
		90%		10%
	Residency	Gaza city		Other
		90%		10%
QUALIFICATION	Level of education and specialization	D	BA	MA
		20%	70%	10%
		Yes	No	NA
ACTIVITY IN THE JUDICIARY	Were you appointed initially as a civil servant?	100%	0%	0%
	Did you have to sit for written/oral examination for recruitment purposes?	90%	0%	10%
	Is your work administrative (A) or legal (L) in nature?	90% A	10% L	0%
	Have you been ascribed clear professional tasks and responsibilities?	90%	10%	0%
	Did you receive initial/continuing education?	40%	60%	0%
	Did your rank evolve since you began working?	60%	40%	0%
	Since you were appointed, did you acquire some level of specialization?	50%	40%	10%
FACILITIES	Are you satisfied with the work space?	60%	40%	0%
	Are you equipped with a computer/printer ?	100%	0%	0%
	Do you think the current premises are satisfactorily for the general public's access?	40%	60%	0%

ASPIRATIONS	Are you satisfied with your current profession and status?	80%	10%	10%
	More generally, are you satisfied with the current state of the judiciary in the GS?	40%	50%	10%
	Do you have any personal connection with employees who stopped working in 2007?	20%	70%	10%
	Are you in favor of working alongside these employees if they are reintegrated?	90%	0%	10%

Attorney General Office – Judicial Staff

		AGO		
		Respon- dents	Target audience	%
REPRESENTATIVITY OF THE SAMPLE		13	59	22%
PERSONAL INFOR- MATION	Age	21-30	31-40	41-50
		31%	62%	7%
	Sex	Male		Female
		100%		0%
Residency	Gaza city		Other	
	77%		23%	
QUALIFICATION	Level of education and specialization	BA		MA
		69%		31%
		Yes	No	NA
ACTIVITY AS A JUDGE/PROSECU- TOR	In addition to your judicial position, do you hold administrative functions?	15%	46%	38%
	Did you have to sit for written/oral examination for recruitment purposes?	100%	0%	0%
	Did you receive initial/continuing education?	15%	46%	38%
	Did your rank evolve since you began working in the judiciary?	15%	62%	23%
	Since you were appointed as a judge, did you specialize in a specific field?	62%	38%	0%
	Were you inspected at any stage since you were appointed?	18%	82%	0%

ASPIRATIONS	Are you satisfied with your current profession and status?	77%	23%	0%
	More generally, are you satisfied with the current state of the judiciary in the GS?	46%	54%	0%
	Do you have any personal connection with judicial staff who stopped working in 2007?	54%	38%	8%
	Are you in favor of working alongside these judges/prosecutors if they are reintegrated?	92%	0%	8%

Attorney General Office – Non-Judicial Staff

		AGO					
		Respondents		Target audience		%	
REPRESENTATIVITY OF THE SAMPLE		29		110		26%	
PERSONAL INFORMATION	Age	21-30		31-40		41-50	
		41%		52%		7%	
	Sex	Male			Female		
		76%			24%		
Residency	Gaza city			Other			
	69%			31%			
QUALIFICATION	Level of education and specialization	E 3%	2ND 7%	D 24%	BA 45%	MA 7%	NA 14%
		Yes		No		NA	
ACTIVITY IN THE JUDICIARY	Were you appointed initially as a civil servant?	97%		3%		0%	
	Did you have to sit for written/oral examination for recruitment purposes?	90%		7%		3%	
	Is your work administrative (A) or legal (L) in nature?	86% A		10% L		4%	
	Have you been ascribed clear professional tasks and responsibilities?	79%		14%		7%	
	Did you receive initial/continuing education?	41%		41%		17%	
	Did your rank evolve since you began working?	62%		38%		0%	
	Since you were appointed, did you acquire some level of specialization?	34%		41%		24%	

FACILITIES	Are you satisfied with the work space?	48%	52%	0%
	Are you equipped with a computer/ printer ?	79%	21%	0%
	Do you think the current premises are satisfactorily for the general public's access?	66%	34%	0%
ASPIRATIONS	Are you satisfied with your current profession and status?	66%	34%	0%
	More generally, are you satisfied with the current state of the judiciary in the GS?	41%	55%	3%
	Do you have any personal connection with employees who stopped working in 2007?	3%	93%	3%
	Are you in favor of working alongside these employees if they are reintegrated?	83%	3%	14%

High Judicial Shari'a Council – Judicial Staff

		HJSC			
		Respon- dents	Target audience		%
REPRESENTATIVITY OF THE SAMPLE		6	25		24%
PERSONAL INFOR- MATION	Age	41-50		51-60	
		17%		83%	
	Sex	Male		Female	
		100%		0%	
	Residency	Gaza city		Other	
		67%		33%	
QUALIFICATION	Level of education and special- ization	BA	HD	MA	PhD
		17%	17%	50%	17%
		Yes	No		NA
ACTIVITY AS A JUDGE/PROSECU- TOR	In addition to your judicial posi- tion, do you hold administrative functions?	50%	0%		50%
	Did you have to sit for written/ oral examination for recruitment purposes?	50%	50%		0%
	Did you receive initial/continuing education?	67%	0%		33%
	Did your rank evolve since you began working in the judiciary?	50%	50%		0%
	Since you were appointed as a judge, did you specialize in a specific field?	33%	33%		33%
	Were you inspected at any stage since you were appointed?	0%	83%		17%
ASPIRATIONS	Are you satisfied with your cur- rent profession and status?	67%	17%		17%
	More generally, are you satisfied with the current state of the judiciary in the GS?	17%	67%		17%
	Do you have any personal con- nection with judicial staff who stopped working in 2007?	67%	0%		33%
	Are you in favor of working alongside these judges/prosecu- tors if they are reintegrated?	83%	0%		17%

High Judicial Shari'a Council – Non-Judicial Staff

		HJSC		
		Respon- dents	Target audience	%
REPRESENTATIVITY OF THE SAMPLE		18	124	15%
PERSONAL IN- FORMATION	Age	21-30	31-40	41-50
		39%	39%	22%
	Sex	Male		Female
		100%		0%
	Residency	Gaza city		Other
		72%		28%
QUALIFICATION	Level of education and specialization	2ND		BA
		6%		94%
		Yes	No	NA
ACTIVITY IN THE JUDICIARY	Were you appointed initially as a civil servant?	83%	17%	0%
	Did you have to sit for written/oral examination for recruitment purposes?	44%	39%	17%
	Is your work administrative (A) or legal (L) in nature?	89% A	5% L	5%
	Have you been ascribed clear professional tasks and responsibilities?	89%	0%	11%
	Did you receive initial/continuing education?	11%	50%	39%
	Did your rank evolve since you began working?	50%	44%	6%
	Since you were appointed, did you acquire some level of specialization?	44%	44%	11%
FACILITIES	Are you satisfied with the work space?	56%	44%	0%
	Are you equipped with a computer/printer ?	83%	17%	0%
	Do you think the current premises are satisfactorily for the general public's access?	78%	22%	0%
ASPIRATIONS	Are you satisfied with your current profession and status?	56%	39%	6%
	More generally, are you satisfied with the current state of the judiciary in the GS?	39%	56%	6%
	Do you have any personal connection with employees who stopped working in 2007?	17%	78%	6%
	Are you in favor of working alongside these employees if they are reintegrated?	83%	0%	17%

Annex F – Statistics on Court Rulings

Annex F1 – In the West Bank (2009-2012)

YEAR 2009							
Type of litigation	Pending	Incoming	Total	Completed	Carried over	Compl./Incom.	Compl./Total
High Court							
Civil	7	82	89	69	20	84,15%	77,53%
Criminal	153	132	285	102	183	77,27%	35,79%
Administrative (HJC)	373	897	1270	667	603	74,36%	52,52%
Total	533	1111	1644	838	806	75,43%	50,97%
Appeals Court - Jerusalem							
Civil	253	358	611	240	371	67,04%	39,28%
Criminal	44	111	155	67	88	60,36%	43,23%
Enforcement	12	559	571	571	71	102,15%	100,00%
Total	309	1028	1337	878	530	85,41%	65,67%
Appeals Court - Ramallah							
Civil	373	494	867	363	504	73,48%	41,87%
Criminal	136	291	427	236	191	81,10%	55,27%
Enforcement	38	842	880	947	0	112,47%	107,61%
Total	547	1627	2174	1546	695	95,02%	71,11%
First Instance Court - Hebron							
Civil	1035	528	1563	598	965	113,26%	38,26%
Criminal	646	119	765	272	493	228,57%	35,56%
Enforcement		1954		880		45,04%	
Civil (on appeal)	187	209	396	217	179	103,83%	54,80%
Criminal (on appeal)	274	513	787	617	170	120,27%	78,40%
Total	2142	3323	3511	2584	1807	77,76%	73,60%
First Instance Court - Bethlehem							
Civil	501	227	728	264	464	116,30%	36,26%
Criminal	406	84	490	79	411	94,05%	16,12%
Enforcement		1190		577		48,49%	
Civil (on appeal)	66	79	145	61	84	77,22%	42,07%
Criminal (on appeal)	156	251	407	213	194	84,86%	52,33%
Total	1129	1831	1770	1194	1153	65,21%	67,46%
First Instance Court - Jenin							
Civil	351	298	649	237	412	79,53%	36,52%
Criminal	539	42	581	116	465	276,19%	19,97%
Enforcement		2473		961		38,86%	
Civil (on appeal)	58	66	124	67	57	101,52%	54,03%
Criminal (on appeal)	42	361	403	303	100	83,93%	75,19%
Total	990	3240	1757	1684	1034	51,98%	95,85%
First Instance Court - Ramallah							
Civil	1143	679	1822	750	1072	110,46%	41,16%

Criminal	766	143	909	234	675	163,64%	25,74%
Enforcement		2884		1904		66,02%	
Civil (on appeal)	136	171	307	180	127	105,26%	58,63%
Criminal (on appeal)	127	492	619	380	239	77,24%	61,39%
Total	2172	4369	3657	3448	2113	78,92%	94,28%
First Instance Court - Tulkarem							
Civil	296	235	531	171	360	72,77%	32,20%
Criminal	577	56	633	81	552	144,64%	12,80%
Enforcement		2830		1263		44,63%	
Civil (on appeal)	74	69	143	91	52	131,88%	63,64%
Criminal (on appeal)	79	284	363	306	57	107,75%	84,30%
Total	1026	3474	1670	1912	1021	55,04%	114,49%
First Instance Court - Qalqiliya							
Civil	123	107	230	101	129	94,39%	43,91%
Criminal	460	107	567	171	396	159,81%	30,16%
Enforcement		913		778		85,21%	
Civil (on appeal)	21	46	67	41	26	89,13%	61,19%
Criminal (on appeal)	43	142	185	144	41	101,41%	77,84%
Total	647	1315	1049	1235	592	93,92%	117,73%
First Instance Court - Nablus							
Civil	932	637	1569	584	985	91,68%	37,22%
Criminal	862	163	1025	127	898	77,91%	12,39%
Enforcement		2668		1062		39,81%	
Civil (on appeal)	211	215	426	247	179	114,88%	57,98%
Criminal (on appeal)	222	539	761	487	274	90,35%	63,99%
Total	2227	4222	3781	2507	2336	59,38%	66,31%
First Instance Court - Jericho							
Civil	90	65	155	60	95	92,31%	38,71%
Criminal	89	18	107	27	80	150,00%	25,23%
Enforcement		413		464		112,35%	
Civil (on appeal)	26	13	39	11	28	84,62%	28,21%
Criminal (on appeal)	8	34	42	32	10	94,12%	76,19%
Total	213	543	343	594	213	109,39%	173,18%
Conciliation Court - Hebron							
Civil	590	461	1051	586	465	127,11%	55,76%
Criminal	1510	1608	3118	1904	1214	118,41%	61,06%
Total	2100	2069	4169	2490	1679	120,35%	59,73%
Conciliation Court - Bethlehem							
Civil	1010	410	1420	654	766	159,51%	46,06%
Criminal	2814	1631	4445	2700	1745	165,54%	60,74%
Total	3824	2041	5865	3354	2511	164,33%	57,19%
Conciliation Court - Jenin							
Civil	1064	957	2021	878	1143	91,75%	43,44%
Criminal	6269	2461	8730	6991	1739	284,07%	80,08%
Total	7333	3418	10751	7869	2882	230,22%	73,19%

Conciliation Court - Dora							
Civil	351	413	764	358	406	86,68%	46,86%
Criminal	2519	1172	3691	2131	1560	181,83%	57,74%
Enforcement		2092		1283		61,33%	
Total	2870	3677	4455	3772	1966	102,58%	84,67%
Conciliation Court - Ramallah							
Civil	1731	846	2577	1112	1465	131,44%	43,15%
Criminal	5002	4075	9077	4639	4438	113,84%	51,11%
Total	6733	4921	11654	5751	5903	116,87%	49,35%
Conciliation Court - Salfit							
Civil	215	208	423	181	242	87,02%	42,79%
Criminal	486	965	1451	1116	335	115,65%	76,91%
Enforcement		491		238		48,47%	
Total	701	1664	1874	1535	577	92,25%	81,91%
Conciliation Court - Tubas							
Civil	318	346	664	307	357	88,73%	46,23%
Criminal	877	908	1785	1050	735	115,64%	58,82%
Enforcement		405		359		88,64%	
Total	1195	1659	2449	1716	1092	103,44%	70,07%
Conciliation Court - Tulkarem							
Civil	1298	1399	2697	1226	1471	87,63%	45,46%
Criminal	3640	1691	5331	1918	3413	113,42%	35,98%
Total	4938	3090	8028	3144	4884	101,75%	39,16%
Conciliation Court - Qalqiliya							
Civil	491	466	957	957	504	205,36%	100,00%
Criminal	3659	1656	5315	3700	1615	223,43%	69,61%
Total	4150	2122	6272	4657	2119	219,46%	74,25%
Conciliation Court - Nablus							
Civil	2535	1259	3794	1241	2553	98,57%	32,71%
Criminal	9705	3275	12980	7035	5945	214,81%	54,20%
Total	12240	4534	16774	8276	8498	182,53%	49,34%
Conciliation Court - Jericho							
Civil	278	194	472	205	267	105,67%	43,43%
Criminal	638	906	1544	1082	462	119,43%	70,08%
Total	916	1100	2016	1287	729	117,00%	63,84%
Conciliation Court - Halhul							
Civil	157	167	324	185	139	110,78%	57,10%
Criminal	528	874	1402	1129	273	129,18%	80,53%
Enforcement		922		674		73,10%	
Total	685	1963	1726	1988	412	101,27%	115,18%
Grand Total	18895	19618	36105	25740	14257	131,21%	71,29%

YEAR 2010							
Type of litigation	Pending	Incom- ing	Total	Completed	Carried over	Compl./Incom.	Compl./Total
High Court							
Civil	20	130	150	82	68	63,08%	54,67%
Criminal	183	175	358	135	223	77,14%	37,71%
Administrative (HJC)	603	1010	1613	1041	572	103,07%	64,54%
Total	806	1315	2121	1258	863	95,67%	59,31%
Appeals Court - Jerusalem							
Civil	371	413	784	494	290	119,61%	63,01%
Criminal	88	106	194	167	27	157,55%	86,08%
Enforcement	71	668	739	734	5	109,88%	99,32%
Total	530	1187	1717	1395	322	117,52%	81,25%
Appeals Court- Ramallah							
Civil	525	641	1166	574	303	89,55%	49,23%
Criminal	198	466	664	361	592	77,47%	54,37%
Enforcement	4	1019	1023	1053	0	103,34%	102,93%
Total	727	2126	2853	1988	895	93,51%	69,68%
First Instance Court - Hebron							
Civil	965	716	1681	538	1143	75,14%	32,00%
Criminal	493	84	577	70	507	83,33%	12,13%
Enforcement		2311		1615		69,88%	
Civil (on appeal)	178	151	329	211	118	139,74%	64,13%
Criminal (on appeal)	170	521	691	535	156	102,69%	77,42%
Total	1806	3783	3278	2969	1924	78,48%	90,57%
First Instance Court - Bethlehem							
Civil	464	301	765	263	502	87,38%	34,38%
Criminal	411	55	466	126	340	229,09%	27,04%
Enforcement		1530		636		41,57%	
Civil (on appeal)	84	106	190	84	106	79,25%	44,21%
Criminal (on appeal)	194	282	476	338	138	119,86%	71,01%
Total	1153	2274	1897	1447	1086	63,63%	76,28%
First Instance Court - Jenin							
Civil	412	403	815	293	522	72,70%	35,95%
Criminal	465	128	593	238	355	185,94%	40,13%
Enforcement		3421		1680		49,11%	
Civil (on appeal)	58	98	156	83	73	84,69%	53,21%
Criminal (on appeal)	100	247	347	279	68	112,96%	80,40%
Total	1035	4297	1911	2573	1018	59,88%	134,64%
First Instance Court - Ramallah							
Civil	1072	928	2000	873	1127	94,07%	43,65%
Criminal	675	120	795	232	563	193,33%	29,18%
Enforcement		3143		1234		39,26%	
Civil (on appeal)	123	209	332	230	102	110,05%	69,28%
Criminal (on appeal)	239	439	678	545	133	124,15%	80,38%
Total	2109	4839	3805	3114	1925	64,35%	81,84%

First Instance Court - Tulkarem							
Civil	360	283	643	201	442	71,02%	31,26%
Criminal	553	28	581	111	470	396,43%	19,10%
Enforcement		3124		1783		57,07%	
Civil (on appeal)	53	84	137	62	75	73,81%	45,26%
Criminal (on appeal)	57	222	279	204	75	91,89%	73,12%
Total	1023	3741	1640	2361	1062	63,11%	143,96%
First Instance Court - Qalqiliya							
Civil	129	206	335	133	202	64,56%	39,70%
Criminal	396	61	457	93	364	152,46%	20,35%
Enforcement		1412		858		60,76%	
Civil (on appeal)	26	54	80	42	38	77,78%	52,50%
Criminal (on appeal)	41	153	194	162	32	105,88%	83,51%
Total	592	1886	1066	1288	636	68,29%	120,83%
First Instance Court - Nablus							
Civil	988	793	1781	589	1192	74,27%	33,07%
Criminal	900	163	1063	324	739	198,77%	30,48%
Enforcement		3358		1139		33,92%	
Civil (on appeal)	180	261	441	252	189	96,55%	57,14%
Criminal (on appeal)	274	551	825	617	208	111,98%	74,79%
Total	2342	5126	4110	2921	2328	56,98%	71,07%
First Instance Court - Jericho							
Civil	95	77	172	66	106	85,71%	38,37%
Criminal	80	37	117	21	96	56,76%	17,95%
Enforcement		1289		899		69,74%	
Civil (on appeal)	28	31	59	29	30	93,55%	49,15%
Criminal (on appeal)	10	96	106	75	31	78,13%	70,75%
Total	213	1530	454	1090	263	71,24%	240,09%
Conciliation Court - Hebron							
Civil	465	400	865	406	459	101,50%	46,94%
Criminal	1214	1856	3070	2079	991	112,02%	67,72%
Total	1679	2256	3935	2485	1450	110,15%	63,15%
Conciliation Court - Bethlehem							
Civil	766	357	1123	514	609	143,98%	45,77%
Criminal	1744	2193	3937	1867	2070	85,13%	47,42%
Total	2510	2550	5060	2381	2679	93,37%	47,06%
Conciliation Court - Jenin							
Civil	1144	1215	2359	1118	1241	92,02%	47,39%
Criminal	1739	2246	3985	3381	604	150,53%	84,84%
Total	2883	3461	6344	4499	1845	129,99%	70,92%
Conciliation Court - Dora							
Civil	406	334	740	372	368	111,38%	50,27%
Criminal	1560	1696	3256	2347	909	138,38%	72,08%
Enforcement		2483		1290		51,95%	
Total	1966	4513	3996	4009	1277	88,83%	100,33%

Conciliation Court - Ramallah							
Civil	1465	1064	2529	1129	1400	106,11%	44,64%
Criminal	4442	5872	10314	5223	5091	88,95%	50,64%
Total	5907	6936	12843	6352	6491	91,58%	49,46%
Conciliation Court - Salfit							
Civil	242	321	563	324	239	100,93%	57,55%
Criminal	335	1229	1564	1199	365	97,56%	76,66%
Enforcement		665		310		46,62%	
Total	577	2215	2127	1833	604	82,75%	86,18%
Conciliation Court - Tubas							
Civil	357	231	588	299	289	129,44%	50,85%
Criminal	735	1230	1965	1509	456	122,68%	76,79%
Enforcement		489		227		46,42%	
Total	1092	1950	2553	2035	745	104,36%	79,71%
Conciliation Court - Tulkarem							
Civil	1472	1706	3178	1615	1563	94,67%	50,82%
Criminal	3416	2078	5494	3013	2481	145,00%	54,84%
Total	4888	3784	8672	4628	4044	122,30%	53,37%
Conciliation Court - Qalqiliya							
Civil	454	632	1086	677	409	107,12%	62,34%
Criminal	1615	2211	3826	2668	1158	120,67%	69,73%
Total	2069	2843	4912	3345	1567	117,66%	68,10%
Conciliation Court - Nablus							
Civil	2563	1207	3770	1595	2175	132,15%	42,31%
Criminal	5946	4050	9996	6108	3888	150,81%	61,10%
Total	8509	5257	13766	7703	6063	146,53%	55,96%
Conciliation Court - Jericho							
Civil	268	188	456	260	196	138,30%	57,02%
Criminal	462	949	1411	988	423	104,11%	70,02%
Total	730	1137	1867	1248	619	109,76%	66,85%
Conciliation Court - Halhul							
Civil	139	153	292	143	149	93,46%	48,97%
Criminal	273	1083	1356	1015	341	93,72%	74,85%
Enforcement		1027		575		55,99%	
Total	412	2263	1648	1733	490	76,58%	105,16%
Grand Total	12616	24722	32066	23752	12840	96,08%	74,07%

YEAR 2011							
Type of litigation	Pending	Incoming	Total	Completed	Carried over	Compl./Incom.	Compl./Total
High Court							
Civil	68	228	296	175	121	76,75%	59,12%
Criminal	223	208	431	203	228	97,60%	47,10%
Administrative (HJC)	572	370	942	438	504	118,38%	46,50%
Total	863	806	1669	816	853	101,24%	48,89%

Appeals Court - Jerusalem							
Civil	291	689	980	887	93	128,74%	90,51%
Criminal	27	167	194	172	22	102,99%	88,66%
Enforcement	5	643	648	637	11	99,07%	98,30%
Total	323	1499	1822	1696	126	113,14%	93,08%
Appeals Court - Ramallah							
Civil	604	648	860	791	461	122,07%	91,98%
Criminal	320	540	1252	434	426	80,37%	34,66%
Enforcement	23	1688	1711	1682	29	99,64%	98,31%
Total	947	2876	3823	2907	916	101,08%	76,04%
First Instance Court - Hebron							
Civil	1143	852	1995	793	1202	93,08%	39,75%
Criminal	507	90	597	157	440	174,44%	26,30%
Enforcement		2886		2515		94,18%	72,86%
Civil (on appeal)	118	233	351	211	140	90,56%	60,11%
Criminal (on appeal)	156	533	689	502	187	94,18%	72,86%
Total	1924	4594	3632	4178	1969	90,94%	115,03%
First Instance Court - Bethlehem							
Civil	502	399	901	319	582	79,95%	35,41%
Criminal	341	65	406	146	260	224,62%	35,96%
Enforcement		2323		976		42,01%	
Civil (on appeal)	106	73	179	126	53	172,60%	70,39%
Criminal (on appeal)	138	281	419	336	83	119,57%	80,19%
Total	1087	3141	1905	1903	978	60,59%	99,90%
First Instance Court - Jenin							
Civil	523	490	1013	386	627	78,78%	38,10%
Criminal	355	117	472	185	287	158,12%	39,19%
Enforcement		4030		2994		74,29%	
Civil (on appeal)	73	96	169	103	66	107,29%	60,95%
Criminal (on appeal)	68	255	323	248	75	97,25%	76,78%
Total	1019	4988	1977	3916	1055	78,51%	198,08%
First Instance Court - Ramallah							
Civil	1127	1136	2263	789	1474	69,45%	34,87%
Criminal	570	159	729	125	604	78,62%	17,15%
Enforcement		4227		1390		32,88%	
Civil (on appeal)	102	251	353	213	140	84,86%	60,34%
Criminal (on appeal)	133	435	568	362	206	83,22%	63,73%
Total	1932	6208	3913	2879	2424	46,38%	73,58%
First Instance Court - Tulkarem							
Civil	442	300	742	222	520	74,00%	29,92%
Criminal	470	74	544	236	308	318,92%	43,38%
Enforcement		4138		2108		50,94%	
Civil (on appeal)	76	118	194	88	106	74,58%	45,36%
Criminal (on appeal)	75	319	394	333	61	104,39%	84,52%
Total	1063	4949	1874	2987	995	60,36%	159,39%

First Instance Court - Qalqiliya							
Civil	202	151	353	143	210	94,70%	40,51%
Criminal	365	90	455	158	297	175,56%	34,73%
Enforcement		1757		1019		58,00%	
Civil (on appeal)	38	41	79	55	24	134,15%	69,62%
Criminal (on appeal)	32	156	188	168	20	107,69%	89,36%
Total	637	2195	1075	1543	551	70,30%	143,53%
First Instance Court - Nablus							
Civil	1195	1002	2197	733	1464	73,15%	33,36%
Criminal	740	213	953	327	626	153,52%	34,31%
Enforcement		4621		2150		46,53%	
Civil (on appeal)	186	344	530	307	223	89,24%	57,92%
Criminal (on appeal)	208	753	961	660	301	87,65%	68,68%
Total	2329	6933	4641	4177	2614	60,25%	90,00%
First Instance Court - Jericho							
Civil	106	64	170	74	96	115,63%	43,53%
Criminal	96	46	142	45	97	97,83%	31,69%
Enforcement		1752		1310		74,77%	
Civil (on appeal)	30	44	74	54	20	122,73%	72,97%
Criminal (on appeal)	31	74	105	88	17	118,92%	83,81%
Total	263	1980	491	1571	230	79,34%	319,96%
Conciliation Court - Hebron							
Civil	459	618	1077	609	468	98,54%	56,55%
Criminal	992	2016	3008	2222	786	110,22%	73,87%
Total	1451	2634	4085	2831	1254	107,48%	69,30%
Conciliation Court - Bethlehem							
Civil	610	453	1063	400	663	88,30%	37,63%
Criminal	2073	3157	5230	2496	2734	79,06%	47,72%
Total	2683	3610	6293	2896	3397	80,22%	46,02%
Conciliation Court - Jenin							
Civil	1243	1347	2590	2590	1364	192,28%	100,00%
Criminal	607	3058	3665	2983	682	97,55%	81,39%
Total	1850	4405	6255	5573	2046	126,52%	89,10%
Conciliation Court - Dora							
Civil	368	571	939	939	485	164,45%	100,00%
Criminal	909	1491	2400	1595	805	106,98%	66,46%
Enforcement		3891		1933		49,68%	
Total	1277	5953	3339	4467	1290	75,04%	133,78%
Conciliation Court - Ramallah							
Civil	1401	1540	2941	1067	1874	69,29%	36,28%
Criminal	5100	7613	12713	5768	6945	75,77%	45,37%
Total	6501	9153	15654	6835	8819	74,67%	43,66%
Conciliation Court - Salfit							
Civil	239	496	735	735	505	148,19%	100,00%
Criminal	365	1195	1560	1375	185	115,06%	88,14%
Enforcement		1123		404		35,98%	

Total	604	2814	2295	2514	690	89,34%	109,54%
Conciliation Court - Tubas							
Civil	289	309	598	264	334	85,44%	44,15%
Criminal	456	1074	1530	1265	265	117,78%	82,68%
Enforcement		871		649		74,51%	
Total	745	2254	2128	2178	599	96,63%	102,35%
Conciliation Court - Tulkarem							
Civil	1564	2021	3585	1834	1751	90,75%	51,16%
Criminal	2486	2347	4833	3360	1473	143,16%	69,52%
Total	4050	4368	8418	5194	3224	118,91%	61,70%
Conciliation Court - Qalqiliya							
Civil	408	761	1169	679	490	89,22%	58,08%
Criminal	1158	2273	3431	2632	799	115,79%	76,71%
Total	1566	3034	4600	3311	1289	109,13%	71,98%
Conciliation Court - Nablus							
Civil	2188	1542	3730	1742	1988	112,97%	46,70%
Criminal	3902	4752	8654	6206	2448	130,60%	71,71%
Total	6090	6294	12384	7948	4436	126,28%	64,18%
Conciliation Court - Jericho							
Civil	196	259	455	271	184	104,63%	59,56%
Criminal	423	917	1340	952	388	103,82%	71,04%
Total	619	1176	1795	1223	572	104,00%	68,13%
Conciliation Court - Halhul							
Civil	149	231	380	180	200	77,92%	47,37%
Criminal	341	1231	1572	1261	311	102,44%	80,22%
Enforcement		1497		671		44,82%	
Total	490	2959	1952	2112	511	71,38%	108,20%
Grand Total	11453	31572	33966	29295	13841	92,79%	86,25%

YEAR 2012							
Type of litigation	Pending	Incoming	Total	Completed	Carried over	Compl./Incom.	Compl./Total
High Court							
Civil	121	310	431	203	228	65,48%	47,10%
Criminal	228	292	520	317	203	108,56%	60,96%
Administrative (HJC)	504	245	749	364	385	148,57%	48,60%
Total	853	847	1700	884	816	104,37%	52,00%
Appeals Court - Jerusalem							
Civil	149	553	702	586	116	105,97%	83,48%
Criminal	22	185	207	194	13	104,86%	93,72%
Enforcement	11	839	850	838	12	99,88%	98,59%
Total	182	1577	1759	1618	141	102,60%	91,98%
Appeals Court - Ramallah							
Civil	477	817	1294	624	670	76,38%	48,22%

Criminal	443	514	957	531	426	103,31%	55,49%
Enforcement	68	2043	2111	2125	0	104,01%	100,66%
Total	988	3374	4362	3280	1096	97,21%	75,19%
First Instance Court - Hebron							
Civil	1204	935	2139	748	1391	80,00%	34,97%
Criminal	440	117	557	163	394	139,32%	29,26%
Enforcement		4064		2430		59,79%	
Civil (on appeal)	140	383	523	322	201	84,07%	61,57%
Criminal (on appeal)	187	668	855	600	255	89,82%	70,18%
Total	1971	6167	4074	4263	2241	69,13%	104,64%
First Instance Court - Bethlehem							
Civil	582	422	1004	318	686	75,36%	31,67%
Criminal	260	106	366	92	274	86,79%	25,14%
Enforcement		2766		1104		39,91%	
Civil (on appeal)	53	146	199	117	82	80,14%	58,79%
Criminal (on appeal)	83	293	376	279	97	95,22%	74,20%
Total	978	3733	1945	1910	1139	51,17%	98,20%
First Instance Court - Jenin							
Civil	629	503	1132	474	1606	94,23%	41,87%
Criminal	287	120	407	133	274	110,83%	32,68%
Enforcement		4619		1638		35,46%	
Civil (on appeal)	66	161	227	141	86	87,58%	62,11%
Criminal (on appeal)	75	227	302	256	46	112,78%	84,77%
Total	1057	5630	2068	2642	2012	46,93%	127,76%
First Instance Court - Ramallah							
Civil	1474	1250	2724	802	1922	64,16%	29,44%
Criminal	604	161	765	180	585	111,80%	23,53%
Enforcement		5806		1996		34,38%	
Civil (on appeal)	140	247	387	214	173	86,64%	55,30%
Criminal (on appeal)	206	472	678	344	334	72,88%	50,74%
Total	2424	7936	4554	3536	3014	44,56%	77,65%
First Instance Court - Tulkarem							
Civil	520	296	816	307	509	103,72%	37,62%
Criminal	310	99	409	185	224	186,87%	45,23%
Enforcement		5373		2302		42,84%	
Civil (on appeal)	108	129	237	130	107	100,78%	54,85%
Criminal (on appeal)	61	219	280	235	45	107,31%	83,93%
Total	999	6116	1742	3159	885	51,65%	181,34%
First Instance Court - Qalqiliya							
Civil	210	208	418	177	241	85,10%	42,34%
Criminal	300	92	392	158	234	171,74%	40,31%
Enforcement		2067		1102		53,31%	
Civil (on appeal)	24	57	81	42	39	73,68%	51,85%
Criminal (on appeal)	20	133	153	115	38	86,47%	75,16%
Total	554	2557	1044	1594	552	62,34%	152,68%

First Instance Court - Nablus							
Civil	1469	1125	2594	852	1742	75,73%	32,85%
Criminal	628	196	824	222	602	113,27%	26,94%
Enforcement		5823		1895		32,54%	
Civil (on appeal)	225	409	634	365	269	89,24%	57,57%
Criminal (on appeal)	301	756	1057	645	412	85,32%	61,02%
Total	2623	8309	5109	3979	3025	47,89%	77,88%
First Instance Court - Jericho							
Civil	96	80	176	91	85	113,75%	51,70%
Criminal	97	16	113	43	70	268,75%	38,05%
Enforcement		1616		1222		75,62%	
Civil (on appeal)	23	41	64	42	22	102,44%	65,63%
Criminal (on appeal)	17	98	115	96	19	97,96%	83,48%
Total	233	1851	468	1494	196	80,71%	319,23%
Conciliation Court - Hebron							
Civil	467	945	1412	1034	378	109,42%	73,23%
Criminal	787	2916	3703	3071	632	105,32%	82,93%
Total	1254	3861	5115	4105	1010	106,32%	80,25%
Conciliation Court - Bethlehem							
Civil	663	720	1383	544	839	75,56%	39,33%
Criminal	2739	3738	6477	3691	2786	98,74%	56,99%
Total	3402	4458	7860	4235	3625	95,00%	53,88%
Conciliation Court - Jenin							
Civil	1227	1492	2719	1251	1468	83,85%	46,01%
Criminal	682	3857	4539	3650	889	94,63%	80,41%
Total	1909	5349	7258	4901	2357	91,62%	67,53%
Conciliation Court - Dora							
Civil	454	848	1302	649	653	76,53%	49,85%
Criminal	805	2041	2846	2066	780	101,22%	72,59%
Enforcement		3700		1858		50,22%	
Total	1259	6589	4148	4573	1433	69,40%	110,25%
Conciliation Court - Ramallah							
Civil	1874	2561	4435	1800	2635	70,29%	40,59%
Criminal	6943	7239	14182	7099	7083	98,07%	50,06%
Total	8817	9800	18617	8899	9718	90,81%	47,80%
Conciliation Court - Salfit							
Civil	230	541	771	521	250	96,30%	67,57%
Criminal	185	1170	1355	1355	1150	115,81%	100,00%
Enforcement		1819		914		50,25%	
Total	415	3530	2126	2790	1400	79,04%	131,23%
Conciliation Court - Tubas							
Civil	334	431	765	370	395	85,85%	48,37%
Criminal	265	1146	1411	1113	298	97,12%	78,88%
Enforcement		1075		740		68,84%	
Total	599	2652	2176	2223	693	83,82%	102,16%

Conciliation Court - Tulkarem							
Civil	1752	2157	3909	2156	1753	99,95%	55,15%
Criminal	1498	2501	3999	2621	1378	104,80%	65,54%
Total	3250	4658	7908	4777	3131	102,55%	60,41%
Conciliation Court - Qalqiliya							
Civil	490	739	1229	707	522	95,67%	57,53%
Criminal	799	2361	3160	2399	761	101,61%	75,92%
Total	1289	3100	4389	3106	1283	100,19%	70,77%
Conciliation Court - Nablus							
Civil	1992	2023	4015	1795	2220	88,73%	44,71%
Criminal	2468	5259	7727	5724	2003	108,84%	74,08%
Total	4460	7282	11742	7519	4223	103,25%	64,04%
Conciliation Court - Jericho							
Civil	184	484	668	266	402	54,96%	39,82%
Criminal	388	962	1350	926	424	96,26%	68,59%
Total	572	1446	2018	1192	826	82,43%	59,07%
Conciliation Court - Halhul							
Civil	200	329	529	297	232	90,27%	56,14%
Criminal	311	1176	1487	1128	359	95,92%	75,86%
Enforcement		2049		1023		49,93%	
Total	511	3554	2016	2448	591	68,88%	121,43%
Grand Total	12236	36864	39190	31835	15510	86,36%	81,23%

Annex F2 – In Gaza Strip (2007-2014)

September 2007 - September 2012			
Type of litigation	Incoming	Completed	Compl./Incom.
High Court			
Civil	1650	1956	118,55%
Criminal	191	81	42,41%
Administrative (HJC)	423	395	93,38%
Constitutional	7	5	71,43%
Other	3024	2330	77,05%
Total	5295	4767	90,03%
Appeals Court			
Civil	2694	2287	84,89%
Criminal	2027	2144	105,77%
Enforcement	3730	2290	61,39%
Other	713	407	57,08%
Total	9164	7128	77,78%
First Instance Courts			
Civil	6372	3443	54,03%
Criminal	4738	2328	49,13%
Enforcement	25167	8818	35,04%
Civil (on appeal)	2887	2140	74,13%

Criminal (on appeal)	8042	4871	60,57%
Total	47206	21600	45,76%
Conciliation Courts			
Civil	19371	11780	60,81%
Criminal	32899	25590	77,78%
Enforcement	18157	7279	40,09%
Traffic tickets	1766	1469	83,18%
Total	72193	46118	63,88%
Grand Total	133858	79613	59,48%
Municipal contraventions	39022	244377	626,25%

YEAR 2012							
Type of litigation	Pending	Incoming	Total	Completed	Carried over	Compl./Incom.	Compl./Total
High Court							
Civil	1196	695	1891	749	1142	107,77%	39,61%
Criminal	119	83	202	67	135	80,72%	33,17%
Administrative (HJC)	348	140	488	140	348	100,00%	28,69%
Constitutional	2	4	6	1	5	25,00%	16,67%
Other	760	1795	2555	1316	1239	73,31%	51,51%
Total	2425	2717	5142	2273	2869	83,66%	44,20%
Appeals Court							
Civil	1082	603	1685	648	1037	107,46%	38,46%
Criminal	922	1093	2015	1186	829	108,51%	58,86%
Enforcement	235	774	1009	732	277	94,57%	72,55%
Other	410	216	626	213	413	98,61%	34,03%
Total	2649	2686	5335	2779	2556	103,46%	52,09%
First Instance Courts							
Civil	1791	1485	3276	910	2366	61,28%	27,78%
Criminal	5419	2439	7858	683	7175	28,00%	8,69%
Enforcement							
Civil (on appeal)	1127	1174	2301	1211	1090	103,15%	52,63%
Criminal (on appeal)	1376	2498	3874	2211	1663	88,51%	57,07%
Total	37816	17439	55255	9493	45762	54,44%	17,18%
Conciliation Courts							
Civil	5899	6647	12546	4493	8053	67,59%	35,81%
Criminal	7161	12513	19674	13680	5994	109,33%	69,53%
Enforcement	16814	9401	26215	3751	22464	39,90%	14,31%
Traffic tickets	4321	740	5061	493	4568	66,62%	9,74%
Total	34195	29301	63496	22417	41079	76,51%	35,30%
Grand Total	77085	52143	129228	36962	92266	70,89%	28,60%
Municipal contraventions	1628	14591	16219	13708	2511	93,95%	84,52%

YEAR 2013							
Type of litigation	Pending	Incoming	Total	Completed	Carried over	Compl./In-com.	Compl./Total
High Court							
Civil	831	545	1376	739	637	135,60%	53,71%
Criminal	70	77	147	67	80	87,01%	45,58%
Administrative (HJC)	53	140	193	138	55	98,57%	71,50%
Constitutional	1	0	1	0	1	0,00%	0,00%
Other	153	1569	1722	1533	189	97,71%	89,02%
Total	1108	2331	3439	2477	962	106,26%	72,03%
Appeals Court							
Civil	454	767	1221	610	611	79,53%	49,96%
Criminal	447	1348	1795	1106	689	82,05%	61,62%
Enforcement	169	901	1070	791	279	87,79%	73,93%
Other	107	300	407	196	211	65,33%	48,16%
Total	1177	3316	4493	2703	1790	81,51%	60,16%
First Instance Courts							
Civil	2721	1625	4346	1155	3191	71,08%	26,58%
Criminal	6869	2212	9081	749	8332	33,86%	8,25%
Enforcement	28958	11325	40283	3039	37244	26,83%	7,54%
Civil (on appeal)	1389	1246	2635	1190	1445	95,51%	45,16%
Criminal (on appeal)	1765	3037	4802	2913	1889	95,92%	60,66%
Total	41702	19445	61147	9046	52101	46,52%	14,79%
Conciliation Courts							
Civil	5867	8036	13903	5505	8398	68,50%	39,60%
Criminal	6908	16329	23237	16063	7174	98,37%	69,13%
Enforcement	20424	11309	31733	5216	26517	46,12%	16,44%
Total	33199	35674	68873	26784	42089	75,08%	38,89%
Grand Total	77186	60766	137952	41010	96942	67,49%	29,73%
Municipal contra-ventions	1821	11740	13561	12854	707	109,49%	94,79%

YEAR 2014							
Type of litigation	Pending	Incoming	Total	Completed	Carried over	Compl./Incom.	Compl./Total
High Court							
Civil	637	508	1145	396	749	77,95%	34,59%
Criminal	80	61	141	76	65	124,59%	53,90%
Administrative (HJC)	55	152	207	118	89	77,63%	57,00%
Constitutional	1	3	4	0	4	0,00%	0,00%
Other	183	1338	1521	1349	172	100,82%	88,69%
Total	956	2062	3018	1939	1079	94,03%	64,25%
Appeals Court							
Civil	611	758	1369	594	775	78,36%	43,39%
Criminal	689	1409	2098	1326	772	94,11%	63,20%
Enforcement	279	789	1068	725	343	91,89%	67,88%
Other	211	388	599	258	341	66,49%	43,07%

Total	1790	3344	5134	2903	2231	86,81%	56,54%
First Instance Court - Gaza							
Civil	2145	955	3100	767	2333	80,31%	24,74%
Criminal	4804	1544	6348	846	5502	54,79%	13,33%
Enforcement	22237	7108	29345	1441	27904	20,27%	4,91%
Civil (on appeal)	727	535	1262	485	777	90,65%	38,43%
Criminal (on appeal)	719	1271	1990	1211	779	95,28%	60,85%
Total	30632	11413	42045	4750	37295	41,62%	11,30%
First Instance Court - Khan Yunis							
Civil	738	326	1064	200	864	61,35%	18,80%
Criminal	2497	970	3467	233	3234	24,02%	6,72%
Enforcement	7617	3852	11469	1295	10174	33,62%	11,29%
Civil (on appeal)	484	433	917	235	682	54,27%	25,63%
Criminal (on appeal)	1108	832	1940	1111	829	133,53%	57,27%
Total	12444	6413	18857	3074	15783	47,93%	16,30%
First Instance Court - Deir Balah							
Civil	308	154	462	97	365	62,99%	21,00%
Criminal	1031	540	1571	107	1464	19,81%	6,81%
Enforcement	310	43	353	5	348	11,63%	1,42%
Civil (on appeal)	234	247	481	185	296	74,90%	38,46%
Criminal (on appeal)	62	390	452	369	83	94,62%	81,64%
Total	1945	1374	3319	763	2556	55,53%	22,99%
Conciliation Court - Gaza							
Civil	4177	2012	6189	1429	4760	71,02%	23,09%
Criminal	3449	4753	8202	7200	1002	151,48%	87,78%
Total	7626	6765	14391	8629	5762	127,55%	59,96%
Conciliation Court - Jabalia							
Civil	1429	881	2310	775	1535	87,97%	33,55%
Criminal	2040	2072	4112	2119	1993	102,27%	51,53%
Enforcement	13229	4223	17452	1556	15896	36,85%	8,92%
Total	16698	7176	23874	4450	19424	62,01%	18,64%
Conciliation Court - Deir Balah							
Civil	925	1111	2036	939	1097	84,52%	46,12%
Criminal	623	1276	1899	1301	598	101,96%	68,51%
Enforcement	7628	2509	10137	903	9234	35,99%	8,91%
Total	9176	4896	14072	3143	10929	64,20%	22,34%
Conciliation Court - Khan Yunis							
Civil	1112	1237	2349	1283	1066	103,72%	54,62%
Criminal	615	1731	2346	1724	622	99,60%	73,49%
Total	1727	2968	4695	3007	1688	101,31%	64,05%
Conciliation Court - Rafah							
Civil	755	939	1694	909	785	96,81%	53,66%
Criminal	421	1104	1525	1016	509	92,03%	66,62%
Enforcement	5660	3302	8962	1300	7662	39,37%	14,51%
Total	6836	5345	12181	3225	8956	60,34%	26,48%
Grand Total	89830	51756	141586	35883	105703	69,33%	25,34%
Municipal contraventions	723	6500	7223	5494	1729	84,52%	76,06%

Annex G – HJC Gaza: Technical Office’s 6-Month Workplan (translated by the author)

Implementation Plan of the Studies and Research Unit					
Main Objective: Developing Judges’ Capacities					
Specific Objective: Contributing to Encouraging Judges to Research and Study					
#	Activity	Responsible Party	Period	Cost	Indicators
1	Communicating with the Judicial Inspection Unit to identify key areas of research	Research and Studies Unit	Jan	0	List of research and judges is developed
2	Communicating with judges to identify key areas of research	Research and Studies Unit	Oct	0	List of research and judges is confirmed
3	Requesting judges to prepare research	Research and Studies Unit	6 months	0	3 researches are developed
4	Commissioning judges to prepare researches based on the recommendations of the Inspection Department	Research and Studies Unit	Feb	0	A number of research are ready based on the request of the Inspection Department
5	Prepare semi annual research competition for judges	Research and Studies Unit	Announced in Dec	\$600	Awards Ceremony is conducted
6	Conduct a training course in research writing skills in collaboration with the training unit	Training Unit	Nov	0	Training is completed and certificates are disseminated
7	Conduct workshops to discuss research and legal studies	Training Unit	Dec & Feb	\$100	Two workshops are conducted
8	Publishing research and legal studies in collaboration with the printing and publishing unit	Printing and Publishing Unit	Jan	\$100	Publishing a number of researches in law journals
9	Disseminating publications to judges based on their need	TO	6 months	\$100	Research is distributed to judges
10	Classifying the library	Librarian	Oct & Nov	\$0	Library resources are classified
11	Feeding the library with books and references	Librarian	Ongoing	\$2 000	100 books are provided
12	Provide a database with legal references	Unit Employee	Oct & Nov	\$30	studies are made available
13	Prepare an automated system to classify the available research and studies	Computer Unit in the Maintenance Department	Oct & Nov	\$0	Program is in place and ready for use
14	Develop library use policy	Librarian	Dec	\$0	Mechanism is developed and adopted
15	Provide information to judges	Head of the TO	Jan	\$0	Announcements are made
				Total	\$2 930

Legal Principles Extraction Unit (November -2014 May 2015)

Main Objective: Supporting judges in accomplishing their judicial responsibilities					
Specific Objective: Extracting legal principles					
#	Activity	Responsible Party	Period	Cost	Indicators
1	Communicating with the Judicial Inspection Unit to obtain Supreme Court judgements	Legal Principles Ex- traction Unit	Nov	\$0	CD containing judge- ments is received
2	Classifying court judgments (civil, criminal, administrative) for the peri- od between 2008- 2014	Unit Employee	Nov	\$0	Classification list is ready
3	Extracting legal principles from Court of Cassation judgements for the peri- od between 2008- 2014	Legal Principles Ex- traction Unit	Jan	\$0	Classification list and principles are pre- pared
4	Editing and classyfing the extrated legal principles	Legal Principles Ex- traction Unit	Feb	\$0	Classification list and principles are pre- pared
5	Publishing a number of the most important precedents in collaboration with the printing and publishing unit	Printing and Publish- ing Unit	Through- out the plan	\$0	Precedents published
6	Disseminating publications to judges based on their need	TO	April	\$100	Precedents are distrib- uted to judges
7	Soliciting the legal judgements of the Supreme Court judgements for the period between 2008- 2014	TO Secretary			
8	Distributing Tasks among staff				
9	Editing and classyfing the extrated legal principles				
10	Classifying Court of Cassation judg- ments (Walid Hayek Collection) for the period between 2001- 2006				
11	Classifying principles				
				Total	\$100

Printing and Publishing Unit

#	Activity	Fashion
1	Publishing a number of the mostused laws (Civil and Commercial Procedures, Criminal Procedures, Evidence, Civil Law No. 4 of 2001 and the Official Gazette).	Currently on a CD, the following step is to print it out in a form of booklets
2	Publishing Court of Cassation precedents in collabora- tion with the Legal Principles Extraction Unit- monthly basis	Currently on a CD, the following step is to print it out in a form of paperpack
3	Publishing a number of the most important refrences, which judges may need	Electronically and in paperpack format
4	Publishing summaries and minutes of training courses and workshops in collaboration with the Training unit	Electronically
5	Assessing judges needs for publications	Questionnaire
6	Publishing lists of available books and resources in col- laboration with the Research and Studies Unit	
7	Network with universities and faculties of law to ac- quire recent legal researches, studies and dissertations	Electronically

(Judicial Training Unit (September 2014- January 2015						
#	Training Activity	Program	Targeted Group	Implementing Party	Anticipated Date	Indicators
1	Case Management: Civil and Criminal	Specialized Training	Newly appointed judges: Magistrate	Judicial Training Unit	21/09/2014-01/10/2014	Attendance list & number of beneficiaries
2	Land Disputes	Specialized Training	Newly appointed judges: Magistrate	Judicial Training Unit	12/10/2014-29/10/2014	Attendance list & number of beneficiaries
3	Judicial Code of Conduct	Specialized Training	Newly appointed judges: Magistrate	Judicial Training Unit	02/11/2014-12/11/2014	Attendance list & number of beneficiaries
4	Formal and Procedural Defence	Specialized Training	Newly appointed judges: Magistrate	Judicial Training Unit	16/11/2014-26/11/2014	Attendance list & number of beneficiaries
5	Customers Service Skills	Specialized Training	Non-Judicial Staff	Judicial Training Unit	Nov	Attendance list & number of beneficiaries
6	Customers Service Skills	Specialized Training	Judicial Police	Judicial Training Unit	Nov	Attendance list & number of beneficiaries
7	Refreshing Course in Arabic Grammar	Specialized Training	Judges: Magistrate, First Instance and Court of Appeals	Judicial Training Unit	Dec	Attendance list & number of beneficiaries
8	Computer Skills	Specialized Training	Judges: Magistrate, First Instance and Court of Appeals	Judicial Training Unit	Dec	Attendance list & number of beneficiaries
9	Legal Research Skills	Specialized Training	Judges: Magistrate, First Instance and Court of Appeals	Judicial Training Unit	Jan	Attendance list & number of beneficiaries

- 1 Samples in need of examination in the framework of criminal cases have to be sent to Egyptian labs. Costs are high and due to the constant border closure, samples very often don't reach there in time.
- 2 It was reported recently that a number of pre-division Gaza prosecutors had been transferred to the position of Conciliation Court judge by the West Bank authorities. In order not to introduce confusion between the pools of pre-division judges and prosecutors, this is not reflected in the current table.

