



The Palestinian Centre for the independence
of the judiciary and legal profession
“Musawa”

The First Legal Observatory for the Situation of Justice in Palestine

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Legal Observatory for the situation of Justice in Palestine

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Palestinian Center for the independence of the legal profession and Justice, Musawa

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Musawa's Word:

In June 2008, the Palestinian Center for the independence of legal profession and Judiciary Musawa issued the first sectors survey about the situation of Justice in Palestine at the country level. So, it has been prepared for making it a basis for the annual report that form a legal observatory that highlights periodically the variable concerning the development and situation of Justice in Palestine. Therefore, we, in Musawa "issues the first monitoring report entitled Legal Observatory in Palestine to disclose, identify and clarify to enable decision-makers to develop solutions , policy-making and the construction of Justice platform on strong fixed basis that develop Justice to the desired level. Observatory aims to clarify indicators of progress in the development and extent of Justice or failure, and failure and not to respond to the requirements of review, policy-making and processing errors which keeps the development of Justice in Palestine below the desired level.

Musawa hopes that the first report of the legal Observatory that aimed to hold make comparison of the situation of Justice, two years after the issuance of its first survey as a revealing evidence for the need to give Justice Sector in Palestine sufficient and necessary interest for the advancement of Justice and to progress in Justice situation to embody the principle of law sovereignty and judiciary impartiality and efficiency and effectiveness of those who are responsible for Justice sector in Palestine.

First Legal Observatory embodies its content and indicates that that the situation of Justice in Palestine still has an urgent need to reconsider and review its construction, including legislative and human components to qualify it to carry out its social function.

Musawa hopes from legislative, executive and judiciary decision makers and representatives of various social activities and various civil society institutions to focus on the results of the legal Observatory results and devise solutions to its multiple problems and hopes to achieve success in overcoming these dilemmas, which will prove its success or failures in the second legal observatory, which "Musawa " hopes to release after a year.

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At the beginning, we express our appreciation and thanks to all the institutions, bodies, universities and ministries that cooperated with open-mindedness as we believe in the importance of control on the performance of pillars of Justice to pay the attention of decision-makers to the weaknesses and shortcomings in order to tackle them.

Musawa regrets for the negative attitude taken by the judiciary staff in Gaza by preventing judges and court staff from cooperation. Musawa also regrets to prevent the judges in West Bank from filling questionnaires / forms of the Observatory although giving freedom for staff in the courts of the West Bank to report on their cooperation, and thank the judges who cooperated with it.

Musawa offers thanks and appreciation to all male and female researchers who have collected information with efficiency, accuracy, impartiality and high responsibility despite the administrative difficulties they encountered in field work. Musawa addresses thanks to Musawa working group who followed the process of surveying field views, reviewing and auditing.

We are pleased in this regard to extend our sincere thanks and appreciation to “Foundation for the Future” for supporting this project. This support has contributed effectively in accomplishing this report. We look forward to deepening ties of cooperation with Future Foundation to achieve our shared vision in building the state of Justice and law.

“Musawa”

Executive summary:

The Palestinian Centre for the independence of the judiciary and legal profession, implemented the first descriptive study for the performance of Justice elements in Palestine, and the first clear impression on the situation of Justice in Palestine during the years 2008 and 2009, based on indicators that have been developed under the "sector survey for the performance of staff Justice in Palestine, "which was carried out by" Musawa "in 2007 and its consequences, in which various sectors of Justice have been identified , and indicators for each sector separately. In addition to surveying the views of the main sectors of Justice such as judges, prosecutors, court staff and prosecutors. Moreover, surveying views of practicing lawyers and trainees, professors and law students at Palestinian universities, and the public of the litigants and the attendees of Palestinian courts. This year, the sector of Shari judges sector has been added, the views of judges and staff of religious courts have been surveyed as a pillar of Justice in Palestine.

The legal "Observatory" aims to monitor the situation of Justice in years 2008,2009 and providing information and descriptive data to the bodies and elements of Justice in Palestine, as well as impressions on the work and performance of bodies and pillars of Justice, and to compare these perceptions and indicators with the results of the sector survey sector for the elements of Justice in Palestine and its performance carried out by the "Musawa "In the year 2007 to determine the extent of improvement or decline in various indicators that have been based on .

The components of this study aimed to:

Control over the functioning of the judiciary body during the years 2008 and 2009 based on the following indicators: level of satisfaction on the performance of the Supreme Judicial Council, number of judges, preparation, rehabilitation, institutionalization of the judicial system, the criteria for appointment and promotion in the judiciary body, control over the judiciary body, inspection on judges and their work, and interference in the judicial system, , confidence in the judicial system as a whole and judges in particular. The satisfaction survey on the implementation of execution rules, and reporting, and notary public departments , in addition to preparing regular court personnel, preparing them , rehabilitating them, recruitment and promotion criteria for court personnel, control over the staff and inspecting their work, and trust in staff.

Control on the Attorney General performance in years 2008 and 2009 in accordance with the following indicators: the number of members in the public prosecution, preparation, rehabilitation, institutionalization of public prosecutors, criteria of recruitment and promotion in the public prosecutor, affiliation of Public Prosecution and control and inspection on the members of the public prosecutor, interference in the work of the Public Prosecution, confidence in the Attorney-General as a whole, and members of the prosecution in particular. In addition to the number

of public prosecutors, preparation and rehabilitation, criteria of recruitment and promotion for the Public Prosecution staff, control staff and inspecting their work, and trust in staff.

Control on the performance of the religious judiciary during the years 2008 and 2009 in accordance with the following indicators: the number of judges of the courts, preparation, rehabilitation, institutionalization of the religious judiciary, criteria for appointment and promotion in the Shari (religious) courts, control and inspection of the Shari's judges, confidence in the religious judiciary as a whole. In addition to the number of courts staff, and prepare and qualify them, criteria for appointment and promotion to staff courts, control on staff and inspecting their work and trust in staff.

Control on the lawyers' union and law profession during the years 2008 and 2009 in accordance with the following indicators: the functions performed by the union, the roles of that lawyers feel that union of lawyers should conduct, the level of lawyers and the reasons for their low performance, training and its problems, topics that should be focused, the most important problems of the law(legal) profession.

Control on the teaching law in Palestine in 2008 and 2009 in accordance with the following indicators: the number of professors and their specialties, in addition to the number of students and criteria for admission in Palestinian law colleges rights. In addition to the followed methodology of teaching and the level of students when they graduate from college.

Assessing the general situation of Justice in Palestine from the viewpoint of the public during the years 2008 and 2009 based on the litigants and the attendants of Palestinian courts, including the general situation of the judiciary body, public prosecution, the Shari(religious) judiciary, the rule of law in general, and public confidence in the Palestinian elements of Justice.

Moreover, a descriptive study has been prepared for the functions and competencies of the Ministry of Justice in Palestine, and assessing the overall situation of reform and rehabilitation centers.

Study Methodology:

A set of rules and procedures have been approved in this study represented in approaches and techniques based on descriptive analytical method to describe the phenomenon and access to its causes and factors that control it to draw conclusions and disseminating them through various ways:

1. Survey method:

The situation of Justice in Palestine has been studied in general taking into account all the factors and causes that affect it. It has been also taken into account that the samples that are used for some groups representing the population of the study to disseminate the results on this population.

2. Statistical methods:

These methods are based on collecting data on this phenomenon and examine them regularly. They are methods used to interpret the results and quantitative data and achieve several benefits including:

- Avoiding bias.
- Analyzing and interpreting the results statistically.
- Assessing the interaction between transactions.

3. Round Table Discussions.

4 Discussion sessions were held, two of them with the class of trainee lawyers and two with practicing lawyers West Bank and Gaza Strip to discuss the most important indicators related to them, as well as conducting several modifications required on the questionnaire based on their suggestions.

1. Study Problem:

"Judicial security" in Palestine did not meet sufficient attention since the establishment of the Palestinian National Authority; PNA did not grant judicial independence, human and material resources necessary to perform its functions in an acceptable manner. The executive authority interfered with the functions of the judiciary authority. The legislative authority fell short in its jurisdiction and legislative specialization framework which led to a feeling that there is something wrong, each party attributed to the other. Therefore, there are calls for the restructuring of the supreme judicial council, and amending the law of the judiciary authority, and the provision of political will.

Therefore, this study has been prepared and developed to complete the series of steps for the establishment of the legal observatory which evaluate the situation of "judicial security" in Palestine periodically by analyzing the current situation of the Justice system and its pillars, and assessing the development that occurs each year and identify weak points and various problems that are devoted in "judicial security", and to identify responsibilities of all related bodies related to Justice situation .

In order to have a comprehensive study that include all Justice bodies and its elements, performance indicators in the three authorities have been provided with special indicators to measure the situation of the judiciary body "lawyers", Shari jurisdiction, Palestinian legal colleges, and relevant civil society institutions in addition to an opinion poll for the Palestinian public.

2. Data Collection:

Sources of data have been multiple to serve the various objectives of the study which have been:

- *Relevant letters.
- *statistics represented in judges, practicing lawyers and trainees ... etc..
- *Administrative records.
- * Questions and answers in the form of questionnaire.
- *Personal interviews, such as meeting with the lawyers' union and rehabilitation centers.
- * Internet.

3. Surveying questionnaires:

Sectoral survey questionnaire consisted of all classes, from three main sections, namely:

Section one: Identification data such as questionnaire number, governorate and interview result.

Section two: Demographic data such as sex, age, marital status and educational level.

Section three: This section included on several legal indicators. This section contained in all questionnaires on several areas that describe the situation and development of Justice and law in the country for the target group. The mark for each sub-indicator ranging between (1-5) marks as a maximum upon adopting Likert five scale, where the number 5 is given the statement (strongly agree), 4 (agree), 3 (no opinion), 2 (disagree), and 1 (strongly disagree). Mark number (1) is given when the answer is yes and the mark (2) is given when the answer is no to some indicators.

4. Study Population:

The study population in the sector survey composed of several categories to represent the development of law and Justice in Palestine, which included the following:

* Regular judges: they are working in regular courts of all kinds, including the Supreme Court.

*Staff of regular courts: they are staff members who conduct administrative procedures in the regular courts in normal way.

* Shari'a (religious) judges: judges who work in the shari'a courts of all kinds, including the appeal shari'a court.

*Staff of shari'a courts: they are staff members who conduct administrative procedures in the shari'a courts routinely.

* Members of the Public Prosecution: they are whose job description ranges attorney assistant, attorney general, prosecution chief, assistant attorney general and the attorney general.

* Public Prosecution employees: they are the staff members who conduct administrative procedures in the attorney general in an ordinary way.

*Trainees lawyers: they are lawyers registered in the register of trainee lawyers in accordance with the provisions of the law and who are currently in training phase.

*Practicing Lawyers: they are professors' lawyers who are still practicing legal profession.

*Public: they are the people who visit the courts either to document the transaction or to review the lawsuit.

*College students: they are law students who are currently at universities to finish a bachelor's degree in law with all specialties'- Quds University (Abu Dees) has been selected to represent the (northern governorates), and Al-Azhar University to represent the (southern governorates).

*University professors: they are teachers in law colleges in all Palestinian universities who have ordinary permanent residence at the college in all legal specialties.

Lawyers' Union: a questionnaire has been filled to represent lawyers' union in Ramallah and another in Gaza City, and include identification and legal data.

Palestinian Law faculties: a questionnaire has been filled that represent Palestinian law faculties have been mobilized to form a Palestinian law faculties in West Bank and Gaza Strip, including identification and legal data for each college separately.

Rehabilitation centers: a questionnaire has been filled that represent Palestinian rehabilitation centers in West Bank, including identification and legal data.

5. Sample size and design:

Sectoral survey included several categories to represent the situation and development of Justice in Palestine. The sample consisted of the following categories:

1. Regular judges sample: A stratified random sample numbered (169) judges, by (141) judges in the West Bank, and (28) judges in the Gaza Strip. They have been distributed to classifications to represent Justice of the peace by (58), first judges (59), appeal judges (18), and the judges of Supreme Court by (34).
2. Regular courts staff sample: A stratified random sample numbered (331) employees, (199) employees from the West Bank, and (132) employees from the Gaza Strip. They have been distributed to classifications to represent (44) attendants, and (287) administrative employees.
3. Shari'a judges sample: A stratified random sample numbered (49) Islamic judges, by (31) in the West Bank, and (18) in the Gaza Strip. They have been distributed on

classifications to represent the judges of court of first instance of (34), and judges of religious supreme court by (4), and religious court appeals judges by (11) Islamic judges.

4. Sharia Islamic courts sample: it is a stratified random sample numbered (225) employees, by (103) in the West Bank, and (122) in the Gaza Strip. They have been distributed on categories to represent (26) record /informant, and (199) administrative staff.
5. General attorney: it is a stratified random sample numbered (128) general attorney member, by (96) general attorney member in the West Bank, and (32) general attorney member in the Gaza Strip. They have been distributed on categories to represent (27) attorney general chief and (45) and acting as prosecutors, and (53) attorney general assistants and (1) assistant attorney general, and (2) attorney general.
6. Attorney General employees sample: It is a stratified random sample number (157) employees by (92) in the West Bank, and (65) in the Gaza Strip. They have been distributed on categories to represent (23) clerks and (134) administrative employees.
7. A sample of trainee lawyers and practicing lawyers: a stratified random sample numbered (1,225) trainee lawyers and practitioners, by (505) trainee lawyers, and (720) practitioners. They have been distributed on the country governorates to represent these classes, by (380) trainee lawyers in the West Bank, and (125) trainee lawyers in the Gaza Strip. They have been distributed by (479) practitioner lawyers in the West Bank, and (241) in the Gaza Strip.
8. Public sample: it is a stratified random sample numbered (2,494) person, by (1743) people in the West Bank, and (751) people in the Gaza Strip. Nablus governorate has been selected to represent the northern West Bank, Ramallah and Al -Bireh governorate to represent the central West Bank, and Hebron governorate to represent the southern of West Bank. Gaza city has been selected to represent the Gaza Strip. However, Gaza strip questionnaires have been distributed on the five governorates to take into account randomness and non-bias.
9. University students sample: it is a stratified random sample numbered (968) students, by (368) students in the West Bank, and (601) students in the Gaza Strip. Al-Quds University has been selected to represent the northern governorates, Al-Azhar University to represent the southern governorates. The school years represented (study level) class and selection conducted randomly within each class.
10. University professors' sample: no sample is taken from them, but confinement method is used with them.
11. Palestinian law universities: exclusiveness method has been used on all law faculties in country governorates, they are 7 universities.
12. Rehabilitation centers: exclusiveness method has been used for rehabilitation centers in the West Bank whose number is 9 centers.
13. Lawyers union: a questionnaire has been filled to include lawyers union in the West Bank and Gaza Strip.

Chapter One: The judicial authority

Results of surveying judges' views and regular court staff

Comparing the general situation of the Palestinian judiciary in 2007 and its situation in 2008 and 2009 showed the following results:

Results:

- Rise in indicator the subject of judgments issued from judiciary to the effects and the external pressures is negative. It means the existence of conviction of effects and external pressures on the rules has increased.
- Rise in indicator of judges' satisfaction that the commitment of judges in the formal attendance and the decline of their commitment of attendance at eight in the morning until two and a half, and the decline of indicator of the efficiency of employees for access to files, raise in indicator of notifications problems as a negative indicator of litigation.
- Rise in satisfaction of the judges that weakness of lawyers is due to the weakness of the judiciary.
- Rise in indicator of the urgent need to amend the law jurisdictions.
- The decline in the indicator of judges' satisfaction that the Palestinian Authority has managed in maintaining judiciary independence and that the Basic Law guarantees the independence of the judiciary.
- Rise the indicator of judges satisfaction that the method of appointment of judges in the judiciary depends on personal relationship, nepotism and cronyism, and judges satisfaction by the judges that the recent appointments in judiciary were unsuccessful because the individuals who had been appointed lack of experience.
- The decline of the judges' satisfaction that the promotion is done in accordance with the entitlement.
- Rise in judges' satisfaction that judges receive training on an ongoing periodical basis.
- Rise in judges' satisfaction on the impact of the rules of judges and their decisions.
- Rise in judges' satisfaction that there are many training programs which are not needed and reduction in indicator of judges' satisfaction on orientation towards training of judges on specialization.
- The decline of the judges' indicator satisfaction that the Supreme Judicial Council is leading the judiciary to independence and conducts its duties extremely well.
- The decline of the judges' satisfaction in neutrality of Supreme Judicial Council and its objective interaction with judges declined significantly which shows benefit the high impression of judges that the Supreme Judicial Council does not deal with the judges objectively and judge on the basis of personal relationship.
- Rise in satisfaction of judges that the President of the Supreme Judicial Council is central members and does not involve the Council members in making decisions.
- Low satisfaction of judges that no authority is specialized on control over judiciary and the increasing conviction in right of other parties to control the judiciary.

- Increase in satisfaction of judges by the institutions of civil society actors to control the performance of the judiciary.
- Decrease in indicators of judges' confidence in employees and their recruitment.
- Rise in indicators of judges' confidence in lawyers is slightly higher.
- Increase in indicators of dissatisfaction with the appropriateness of court premises.

According to the survey of regular judges' views and regular court officials about the general situation of the Palestinian judiciary during the years 2008 and 2009, the following numerical results have been showed:

- 54.5%) of judges sample objected that the Palestinian Authority has managed in the maintenance of the independence of the judiciary.
- (66.7%) of judges sample said that there is slowness to take action on issues in the regular courts.
- (100%) said that notifications form a fundamental problem in the litigation.
- The sample considered that the most problematic of judiciary is the Israeli occupation (83.4%), followed by a legacy from citizens not to accept the rule of law, lack of training and rehabilitation for staff and judges (66.7% each), then the lack of political will for reform (58.4%) , and interference by the executive authority (50%)
- (72.7%) of the sample of judges said that the number of judges is reasonable but that there is a problem in the distribution of judges according to the city.
- (72.7%) of the sample of the judges objected that the criteria for recruiting in judiciary body is clear, or that the judicial appointment procedures are transparent and consistent with the provisions of the law and agreed by (63.6%) that the method of judicial recruitment is based on personal relationship, mediation and nepotism.
- (81.8%) of respondents said that recruitment in the judiciary in 2008 and 2009 were unsuccessful.
- (90.9%) of the respondents objected that the criteria for promotion of judges are clear or that the promotions of judges are conducted are based on their expectations and entitlements.
- (81.8%) of respondents said that the promotion of judges this year is consistent with the provisions of the law.
- (100%) of the sample agree that judges in general need ongoing training programs, opposing by (81.8%) that newly appointed judges are the only ones who need training, the same rate reported that it is important to train judges on specialization.
- (72.8%) of a sample of judges reported that the Supreme Judicial Council favors the executive body. 63.6% of respondents believed that the Supreme Judicial Council does not the perform tasks entrusted to them as expected and 63.7% of respondents believed that the sessions of the Supreme Judicial Council are inconsistent with the law.
- (60%) of the sample of judges reported that the Supreme Judicial Council affect the decisions of judges.
- 81.9% of the sample reported that the performance of the Supreme Judicial Council is not in accordance with the law and 91.7% of the sample of judges reported that there is an urgent need to amend the jurisdictions laws.

- (63.6%) of a sample of judges reported that the Chief of Justice does not involve members of the council in making decisions opposing by (81.9%) that the Supreme Judicial Council deals with the judges objectively and away from the personalization in its provisions.
- (81.8%) of sample of judges reported that the level of lawyers in general is weak, and by (63.6%) of lawyers do not hold moral character required by the profession.
- 81.8% of the sample of judges reported that judicial independence does not occur only through legislations, and 54.6% of the sample of judges considered that judges do not have role in drafting legislations.
- The percentage of regular courts staff confidence in courts staff of the Palestinian courts the highest degree is (69.9%), followed by confidence in the Palestinian judiciary (62.7%), and confidence on Palestinian general attorney (54%), then confidence in the Police force (47.3%), and finally trust with lawyers (33.4%).
- (51.7%) of a sample of the regular courts staff reported that Ministry of Justice should be responsible for court personnel, divided between supporters and opponents for the phrase the Ministry of Justice fulfill its role as required, and the proportion who do not have view in the phrase is (41.6%).
- (74.2%) of respondents said that the salaries of staff in the courts and public prosecution is relatively low.
- (67.4%) of sample of court personnel said that notifications is a fundamental problem in the litigation. (62.4%) of the respondents said that there is a real problem for those who conduct notifications on the basis that they do not receive reasonable salaries and / or transportation allowance.
- The major problems that face the regular courtsemployees is insufficient salaries (45.7%), and lack of numbers (31.4%), and then not receiving the necessary rehabilitation and training (22.9%).
- (65.5%) of sample of court officials said that there is a need to supply the Palestinian courts with a number of staff and (64.1%) of the respondents said that there is a need to supply the Palestinian courts with a number of jurists.
- (46.4%) of sample of court officials that nepotism and cronyism are the basis for appointment and promotion in the Palestinian courts, opposing by (55.1%) that the promotion of staff is to built on their achievements during the year.
- (47.4%) of sample of court officials said that there is insufficient attention to train court personnel, by (69.6%) reported that the Judicial Training Institute should specialize in training court personnel.
- (72.3%) of sample of court officials said that it is necessary to activate the judicial inspection.
- 63.4% of sample of court personnel said that judges who were appointed during the past two years lack experience in the legal profession, and 65.2% reported that the new judges are young and lack experience in life.

Recommendations:

- The necessity to reconsider the way judges and staff are appointed.
- The need that political and administrative decision-makers and for all measures of preventing interference in the judicial verdicts.
- The need to reconsider the judicial legislations, judiciary, and the need to involve judges in any amendments to the legislations on the judicial work. They are the people who competence and expertise in this area, and they are the most aware of the gaps and requirements in the legislation.
- The need to reconsider the training programs for judges and the need to provide specialized training programs and development of continuous training.
- The need to institutionalize the Supreme Judicial Council, and its commitment in the rule of law in dealing with the impartiality of judges and strengthening it.
- The need to activate and control the development of civil society institutions on the performance of the judiciary authority.
- Activating the cooperation between the judiciary body and public prosecutors, and to enable prosecutors to perform their legal duties.
- The need to empower the Palestinian police in particular the judicial police, and providing sources of qualified human resources, and capacities that qualify them to carry out its duties in implementing the provisions, and judicial control.
- The need to prepare a study on the burdens of cases for each judge based on the city, and then the distribution of judges according to the needs of the different Palestinian cities.

Chapter Two: Public Prosecution

Results of survey the views of members and staff of the Public Prosecution

Comparing the results of survey of prosecutors and staff in 2007, the results of surveying their opinions for the years 2008 and 2009 showed the following results:

Results:

- High index of the implementation of judicial rules.
- Low index of confidence in all pillars of Justice, including the Public Prosecution and the high index of dissatisfaction on the premises of the Public Prosecutor and the number and salaries of its members and staff.
- The decline of the fact that notifications form a fundamental problem in the litigation.
- The decline of the success of the Palestinian Authority in the maintenance of the independence of the judiciary.
- Low index of the judiciary to be impartial, fairness and Justice compared to other Arab countries.
- The decline of the possession of members of the public prosecutor for information and expertise necessary to do their jobs.
- High index that proceedings in the prosecution subject to of the effects of the external pressure.
- The decline of the appointment of members of the Public Prosecutor based on education and experience.
- Rise in index as considering the basis of nepotism and favoritism in the appointment and promotion of Public Prosecutions.
- Rise in index in satisfaction about the necessity to activate the inspection on the performance of prosecutors and their staff.
- Rise in index of satisfaction that decisions issued from the Public Prosecutor for subject to the effects external pressure.
- The decline of indicator of commitment of members of the Public Prosecution in official working hours.
- Low index of the adequacy of training programs for members of the public prosecutor.
 - Low index of all training programs as useful and high index that training programs are plenty but no need to be so.
- The decline of the competency of administrative staff in the Public Prosecution.
 - The decline of the indicator to provide employees of the Attorney General the in the necessary and adequate training.
- Low confidence index in staff of Public Prosecutions.
- The decline of the good treatment of members of the Public Prosecutor for the citizens and lawyers.
- High index in dissatisfaction with appropriate premises of Public Prosecutions.

According to survey the views of members and staff of the Public Prosecutor in 2008 and 2009, the following numeric results have appeared:

- (51.4%) of a sample of members of the public prosecutor reported that the situation of Justice, "judicial security" in Palestine is bad.
- (63%) of a sample of members of the public prosecutor said that the prosecution does not have the requirements to investigate crimes such as centers of forensic medicine and specialized laboratories and so on.
- (84%) of the sample of prosecutors indicated that it is necessary to activate inspection on members and staff of the Public Prosecution.
- The (87%) of a sample of members of the public prosecutor said that there is an urgent need for training of prosecutors regularly and continuously and (72.7%) opposed that training programs for prosecutors are enough.
- (70.8%) of the sample of members of the public prosecutor objected that the number of administrative staff at the Public Prosecution is enough, or that they are provided with the necessary and adequate training (65.7%).
- (40.8%) only of members of the prosecution and staff trust in lawyers.
- (56.8%) of sample of public prosecutors reported that Ministry of Justice should be responsible for the employees of the Attorney General, and the percentage in the Gaza Strip is very high (81.4%).
- (53.4%) of the sample of employees of reported that the Attorney General that is neglected, and the percentage in the Gaza Strip was (74.4%).
- Most problems that face the Public Prosecutor respectively, in accordance with the sample in the West Bank are: low salaries (49.4%) and then not receiving the necessary rehabilitation and training (28.5%), and finally lack of number is (22.1). However, according to the sample in the Gaza Strip, in first place is lack of enough salaries (54.8%), followed by lack of number (38.1%), and finally not receiving the necessary rehabilitation and training is (7.1%).
- The most important Problems of Public Prosecution from the standpoint of the prosecution are, respectively, the Israeli occupation and political conditions (22.4%), followed by a legacy of citizens not to accept the rule of law (19%), and interference in the executive body is (17.2%), and a lack of number of staff and judges (15.5%), and the lack of adequate training and qualification for staff and judges (10.3%), and the lack of political will for reform (8.6%), and finally lack of confidence in public prosecution is (7%).
- 81.2% of sample of the staff of the prosecution that the staff of the public prosecution needs a continuing legal training but (61%) of respondents reported that no training for the Public Prosecution staff, and 64.4% of a sample of the staff of the prosecution reported that there was no enough interest to train the staff of the prosecution.

Recommendations:

- The need to provide centers of forensic medicine and specialized laboratories.
- Reviewing methods of recruitment of members of the public prosecutors and their staff.
- The need for the political and executive decision makers and to take all the measures that will reduce the interventions in the work of the Public Prosecution.
- The necessity of activating the inspection on the performance of prosecutors and their staff.
- The need to take measures that would commit members of the Public Prosecution in official working hours.
- The need to reconsider the continuous training system for specialized prosecutors and employees in order to develop it.
- The need to increase the number of public prosecutors and the provision of the necessary premises for the development of its work.
- The need to issue a list of manners and professional conduct for prosecutors and their staff to ensure proper treatment of lawyers and professionals.

Chapter Three: The Shariah courts

Survey the views of judges and court staff legitimacy

According to a survey the views of the Shari'a court judges and staff, appeared the following results:

Results:

- There is the perception among judges that the legitimate Palestinian Authority has managed the maintenance of the legitimate independence of the judiciary in general, and that the legal status of the judiciary in Palestine continues to improve. Judges of the courts trust the religious judiciary and the Police Force, while low-trust lawyers.
- There is an impression that the elimination of the legitimate Palestinian fair and there is no financial corruption.
- Committed to religious judges official hours, and are convinced that the salaries of staff in the courts relatively low.
- Convinced that there are legitimate issues in the chapter fairly quickly and judges attributed legitimate reasons for the slow walk in the cases to the communications, and the weakness of the judges in case management, and the absence of judges and lawyers not to attend, and auditing is required on the issues of legitimacy.
- Reflects the most problematic eliminate the legitimate Israeli occupation and political conditions, and lack of training and rehabilitation of adequate staff and judges, and the lack of numbers of staff and judges, and lack of trust with Justice, then there is the legacy of when the citizens not to accept the rule of law, followed by executive interference, and finally the absence of the will political reform.
- Are convinced that religious judges in Palestine are independent in their judgments and there is the impression that the judiciary does not suffer from the legitimate interference in its provisions and decisions.
- There is satisfaction in general in the West Bank from the number of judges in the courts legitimacy and competence, while this consent is less clear in the Gaza Strip.
- There is the impression that the criteria for appointment and promotion in the courts and clear, and recruitment procedures are transparent.
- Are convinced that the appointments this year were necessary to supplement the religious judiciary required number of judges, and restore people who consider the nominations this year were unsuccessful because the number of appointments few and does not meet the need, and because the new judges to young people without experience in life in general, and because they believe he shall not be appointed as judges in the religious judiciary, and that persons who have been appointed to lack practical experience.
- The first reason for considering appointments this year, but successful and according to the sample of Shari'a judges in the Gaza Strip is the conviction not be appointed as judges in the religious judiciary.

- Judges need to legitimate ongoing training programs, especially since it is not legal training of judges periodically and continuously.
- There must be convinced to activate the judicial inspection especially on administrative matters concerning the judges Caldwan, leave and absenteeism, and administrative matters relating to staff only, and functions of the staff of the Islamic Courts. And that the inspection is based on clear criteria, and / or based on information collected and received by the competent authority for the purpose of inspection, and / or upon the complaint.
- Increased the conviction of censorship of the Legislative Council on the performance of Shariah courts in the Gaza Strip, a decline in this conviction in the West Bank.
- Control of the sample was considered high courts more effective types of control and accuracy. Declined conviction by civil society organizations control the performance of the religious judiciary.
- There is an impression of the sample in the West Bank that the level of lawyers in general is weak.
- Staff need courts to programs of continuous training.

The According to a survey of views and the staff of the Islamic Courts during 2008 and 2009 identified the numerical results the following:

- The (87.5%) of the sample of judges immigrants in the West Bank to trust religious judiciary is high, followed by confidence in the Police Force (83.3%), followed by the confidence the staff of the courts (58.3%), and finally reported (39.2%) of the sample of judges immigrants in the West Bank confidence that the lawyers are high.
- In the Gaza Strip, according to the sample as a whole should trust the Elimination of legitimate high followed by 90% trust the staff of the courts, and the Police Force (80%), and finally reported (20%) only from a sample of Shari'a judges in the Gaza Strip to trust lawyers is high.
- Viewer (64.9%) of a sample of Shari'a judges that the premises of the Islamic courts to decent and appropriate.
- The (60.6%) of a sample of Shari'a judges they support the appointment of women judges in the judicial system pathology.
- Reflects the most problematic Shariah courts in accordance with the sample of judges immigrants in the West Bank, the lack of training and rehabilitation of adequate staff and judges (82.6%), and shortages of staff and judges (74%), and then the Israeli occupation and political conditions (69.6%), and lack of confidence with Justice (56.6%), then there is the legacy of when the citizens not to accept the rule of law (52.3%), followed by the interference of the executive (39.2%), and finally the absence of political will for reform (39.1%).
- A 73% sample of the staff of the Islamic courts that the most important problems faced by courts is the lack of rehabilitation and training.
- And according to the sample judges immigrants in the Gaza Strip, Vtaatgely most problematic Shariah courts in the Israeli occupation and political conditions and

the shortage of staff and judges (90%), and the lack of training and rehabilitation of adequate staff and judges (77.8%), followed by a legacy of when the citizens not to accept the rule of law (30%), and the lack of political will for reform (22.2%), and finally enter the executive and the lack of confidence with Justice (11.1%).

- Agreed (56.5%) of the sample of judges immigrants in the West Bank that the number of judges in the courts is a big year and agreed with the need for courts, as opposed (80%) of a sample of Shari'a judges in the Gaza Strip that the number of judges in the Shari'a courts of a large and consistent with the need for the courts.
- The proportion who did not seem to view a sample of judges legitimate in the West Bank that the upgrade in the courts based on personal knowledge, mediation and nepotism.
- Take (75%) of a sample of Shari'a judges in the Gaza Strip that the main reason for considering the appointments this year, but a successful conviction is not permissible to appoint judges in the religious judiciary.
- Viewer (60.6%) of respondents say that judges are trained forensic periodically and continuously.
- See a sample of Shari'a judges to higher courts are competent to control the performance of the judiciary, followed by the Legislative Council, followed by the institutions of civil society. Considering rate (46.9%) of respondents said that the control of the Supreme Courts of the decisions and judgments are the most effective types of control and accuracy.
- The (56.5%) of a sample of judges legitimate in the West Bank that the level of lawyers in general is weak.
- The proportion of the confidence of the staff of courts staff courts to reach (70.6%) of a sample of the staff of the Islamic courts in the West Bank, followed by confidence in the judiciary legitimate (63.1%), and confidence in the Police Force (55.9%), and finally reported (28.2%) only of the respondents said their trust in lawyers Palestinian high. As reported (72.3%) of a sample of the staff of the Islamic courts in the Gaza Strip to trust religious judiciary is high, followed by confidence in the staff of the Islamic courts rose (71.1%), and then came the confidence in the Police Force of Palestine (62.3%), and finally came trust lawyers (27.8%) .
- Viewer (64.7%) of the staff of the Islamic courts to the court buildings legitimacy to decent and appropriate.
- Agreed (79.6%) of respondents said that the graduate studies must be legitimate. As reported (72.6%) reported that law graduates should perform some functions in the courts.
- Viewer (59.7%) of a sample of the staff of the Islamic courts in the West Bank say they are against the appointment of women judges in the courts. As reported (51.5%) of a sample of staff in the Gaza Strip as against the appointment of women judges in the courts.
- Most problems faced by courts in the Palestinian territories, is the lack of salaries, followed by lack of preparation and, finally, receive the necessary rehabilitation and training. While considered a sample of staff in the Gaza Strip, the most important problems faced by the Islamic courts are not to receive the necessary rehabilitation and training, followed by the same percentage as the lack of salaries and lack of numbers.

- The (54.1%) of the respondents said there is a need to supply the courts a number of staff by opponents (52%) the number of staff in the courts is a large and consistent with the need for courts.
- The (66.5%) of those surveyed said there was no training for staff of the Islamic courts, despite the fact that (88.8%) of the sample considers that the staff of the Islamic courts need to train a continuing legal, and consistent majority of respondents that there is insufficient attention to train court personnel.
- A 94% sample of Shari'a judges must activate the Judicial Inspection on the performance of judges and staff, as reported by 83.3% of a sample of staff to activate the existence of the Islamic courts on the performance of the inspection staff of the Islamic Courts.

Recommendations:

- The need to develop mechanisms to monitor the work amounts to activate notifications.
- The need to raise the salary scale for staff of the courts because of the importance of their work and sensibility.
- The necessity of activating the judicial inspection, and to establish clear criteria for the inspection of the performance of judges and court staff legitimacy.
- The need to develop clear criteria and a code of appointment and promotion to the Shariah judiciary, and transparent procedures in recruitment.
- The need to develop a system of legal training of judges, so that training is ongoing, and essential before and during the sitting of the judiciary.
- The need to activate the role of civil society in monitoring the performance of the Shariah courts, as well as the role of the Legislative Council.
- The need to provide buildings fit for the Islamic courts.
- The need to appoint more women to eliminate legitimate.
- Need to develop a training system for staff of the Islamic courts and in particular, are reflected.
- The need to develop an ongoing training program for lawyers' immigrants.

Chapter four: lawyers:

Results of survey of practicing lawyers and trainees

First: Practicing lawyers:

Comparing the results of the legal observatory in 2008 and 2009 and the results of the sectoral survey in 2007, we see the following numerical results:

- 59.1% of lawyers professors see weakness in the level of their performance of lawyers in West Bank attribute this weakness to poor training, and the failure of the lawyers' union in its role required for development of the profession and the weakness of law faculties and the weakness of the judiciary. While lawyers attribute this weakness for the same reasons in different order while they perceive as the failure of the lawyers' union in its role required from them for the development of the profession the is primary cause of weakness, followed by weakness of law faculties and then poor training and weak judiciary .
- 74.6% of sample believe that it is necessary to provide ongoing training for lawyers, professors, still 79.3% of lawyers say that the union is developing the performance of lawyers and the legal profession, 79.1% of them are demanding the union to publish the legal culture, 78% demand to develop its role in defending the interests of lawyers, and 77.8% are demanding the relationship between the lawyers' union and the pillars of Justice and 77.6% asking the union to provide economic , social and cultural services for its members and 77.3% of asking the union to develop its role and amend the legislations to apply Justice and 64.2% calling for activating the role of the union in political life.
- The majority of lawyers and professors, the existence of a problem concerning relationship of lawyers between each other, still 53.5% of lawyers in the West Bank believe that the lawyers are seeking to bring the owners of the issues through brokering and sharing of profits and fees with people who are not lawyers, which indicates high impression that the lawyers do not enjoy in ethics and manners of profession.
- Low index of the union to play a distinctive role in Palestinian political life, as still 68.1% of lawyers, professors believe that the union does not play an active role in Palestinian political life, and 62.3% of lawyers, professors believe that the union does not play an active role in proposing and amending Palestinian legislations. It is still that 60.2% of lawyers say that the union has not since its establishment and until now its required trade role requested to improve the profession. Index by the lawyers' union for activating the articles related to retirement.
- Still 60.8% of lawyers find a weakness in the role of the General Authority of the union, and 53.1% of them think that the trade-union committees monopolized by a certain group of lawyers.
- Still the majority of lawyers, professors see that the Palestinian Authority did not succeed in the maintenance of the independence of the judiciary and believes that

the Palestinian judiciary does not have the neutrality, impartiality and Justice.

- Still the majority of lawyers see that the judgments and rules of the judiciary subject to the effects of the external pressure.
- Increase in the satisfaction index of lawyers on the implementation of civil judgments. Still 66.1% of lawyers believe that professors, judges suffer from lack of experience. Still 70.5% of professor lawyers believe that notifications is a fundamental problem in the litigation.
- Still 65.1% of lawyers see that the judicial recruitment is not transparent and still 69% believe that the recruitment of the Prosecutor is not transparent and still 67% of them think that the recruitment is not based on education and experience. It is still 54.1% of lawyers consider mediation and accountability is the base of recruitment and promotion is based in judiciary body and the prosecution.

Recommendations:

- The necessity of activating the role of the union in public life and legislation.
- The need to provide ongoing training program for lawyers, professors. The need to approve the Charter and the rules of professional ethics.
- The necessity of activating the role of the various trade-union committees and review mechanisms of its selection.
- The need for the union to take part in the Supreme Judicial Council to reconsider the terms of recruitment of judges and their experience, as well as nominations for the prosecution.
- The need to control sub-committees of the union, especially those away from the main place of union in Ramallah, and to ensure communication with lawyers and perform the tasks required from them without delay, reviewing the selected method .
- The need to activate the vital work of the committees' such as financial committees, companies, freedoms and women and provide the necessary capacities of material and human potential.
- The need for the union to conduct the proposed role in the protection of human rights, especially the initiative that represent victims of violations of human rights, and assistance in providing legal aid for not affordable to hire a lawyer.
- The need for coordination and cooperation on the highest levels between the lawyers' union and staff of Justice.
- Encouraging lecturers at the lawyers' union to adopt new technologies in the lectures in order to avoid boredom and increase the benefit, and encourage the involvement of attendance at the debates, and select records commensurate with the subject, and adopt modern methods of evaluation.
- The involvement of lecturers from outside the university professors and lawyers, legal advisers and human rights activists to enrich the training and diversification. The allocation of rewards for lecturers.
- The involvement of members with proven experience of academic research in the relevant committees.
- The need to establish a special institute to train lawyers.
- The need to reconsider the legislative structure of the lawyers' union.

Chapter IV: Lawyers:

Results of survey of practicing lawyers and trainees

First: lawyers are engaged:

Comparing the results of the observatory's legal in 2008 and 2009 and the results of the sector survey in 2007, we see the numerical results the following:

- still 59.1% of lawyers professors see weakness in the level of performance, re-lawyers in the West this weakness to poor training, and the failure of the Bar Association, the role of trade union those required for development of the profession and the weakness of law schools and the weakness of the judiciary. While the lawyers re-doubled to the same reasons in different order in which they perceive as the failure of the Bar Association role required of them for the development of the profession the primary cause of weakness, followed by weakness of law schools and then poor training and weak judiciary.
- Is still 74.6% believe that they must provide ongoing training for lawyers, professors, and still 79.3% of lawyers say that the union that is developing the performance of lawyers and the legal profession, and 79.1% of them are demanding the union publication of the legal culture, 78% tell them to develop their role in defending the interests of Association and the lawyers, and 77.8% are demanding the relationship between the Bar and the Elements of Justice and 77.6% of asking the union to provide economic services, social and cultural for its members and 77.3% of asking the union to develop its role and amend the legislation to the administration of Justice and 64.2% calling for activating the role of the union in political life.
- Recognizes the majority of lawyers, professors, the existence of an anomaly in the relationship of lawyers to each other is still 53.5% of lawyers in the West believe that the lawyers are seeking to bring the owners of the issues brokering and sharing of profits and fees with people who are not lawyers, which indicates high impression that the enjoyment of lawyers ethics and professional ethics.
- Low index of the union a distinctive role in Palestinian political life, as is still 68.1% of lawyers, professors believe that the union does not play an active role in Palestinian political life, is still 62.3% of lawyers, professors believe that the union does not play an active role in proposing and amending legislation Palestinian It is still 60.2% of lawyers say that the union has not since its inception and until now the role of trade union requested to improve the profession.
- Index by the Association for activating the articles on retirement.
- Is still 60.8% of lawyers find a weakness in the role of the General Authority of the union, and 53.1% of them think that the trade-union committees monopolized by a certain group of lawyers.
- Still the majority of lawyers, teachers see that the Palestinian Authority did not succeed to the maintenance of the independence of the judiciary and believes that the Palestinian judiciary does not have the neutrality, impartiality and Justice.

- Still the majority of lawyers see that the judgments of the judiciary are subject to the effects of the external pressure.
- Increase in satisfaction index lawyers on the implementation of civil judgments.
- Is still 66.1% of lawyers believed that professors, judges suffer from lack of experience.
- Is still 70.5% of lawyers believed that professors of communications are a fundamental problem in the litigation.
- Is still 65.1% of lawyers Alosatazp see that the judicial appointment is not transparent and is still 69% believe that the appointment of the Prosecutor is not transparent, and still 67% of them think that the appointment is not based on science and experience. It is still 54.1% of lawyers consider mediation and patronage-based recruitment and promotion in the judiciary and the prosecution.

Recommendations:

- The necessity of activating the role of the union in public life and legislation.
- The need to provide ongoing training program for lawyers, professors.
- The need to approve the Charter and the rules of professional ethics.
- The necessity of activating the role of the various trade-union committees and review mechanisms selected .
- The need for the union took part in the Supreme Judicial Council to reconsider the terms of appointment of judges and their experience, as well as nominations for the prosecution.
- The need to control sub-committees of the union, especially away from the Press Syndicate headquarters in Ramallah, and to ensure communication with lawyers and perform the tasks required of them without undue delay, a review of the method chosen.
- The need to activate the vital work of the committees Kgan financial companies and freedoms for women and provide the necessary material and human potential.
- The need for the union hoped their role in the protection of human rights, especially in the initiative represent victims of violations of human rights, and assistance by providing legal aid to not afford to hire a lawyer.
- The need for coordination and cooperation at the highest levels between the Bar Association and staff of Justice.
- Encouraging lecturers at the Bar Association to adopt new technologies in the lectures in order to avoid boredom and increase the benefit, and encourage the involvement of attendance at the debates, and select records commensurate with the subject, and adopt modern methods of evaluation.
- The involvement of lecturers from outside the university professors and lawyers, legal advisers and human rights activists to enrich the training and diversification.
- The allocation of rewards for lecturers.
- The involvement of members with proven experience of academic research in the relevant committees.

The need to establish a special institute to train lawyers.

- Need to reconsider the legislative structure of the Bar Association.

Second: lawyers trainees:

Comparing the results of the legal Observatory for the years 2008 and 2009, and the results of the sector survey in 2007, we see the numerical results the following:

- Is still 64.3% of trainee lawyers believe that the Bar does not play an active role in proposing and amending judicial legislation is still 67.4% of them think that the union does not play a significant role in Palestinian political life and see the 63% that it did not role required of them since its inception.
- Index by the Association for activating the material relating to retirement as it finds 76.3% of trainee lawyers that the union succeeded in doing so.
- Is still 57.2% of trainee lawyers believe that the committees of the Bar monopoly of a certain group of lawyers.
- Is still 57.3% of trainee lawyers say they are benefiting from training programs organized by the institutions of civil society more than those organized by the union.
- Still 75% of trainee lawyers believe that the lawyers, teachers are not qualified and they see the need to provide ongoing training for lawyers and professors. Still two thirds of lawyers AlmtD Lockerbie in the Gaza Strip believe that the appointment in the judiciary and the prosecution is not transparent, and 67.3% of them believe that the appointments are not based on science and experience.
- Is still 86.3% of the trainee lawyers are demanding the allocation of the salary of the trainee lawyer, and 67.1% of them were asking for letters of request from other lawyers as well as the attorney coach.
- Still 62.2% of trainee lawyers Btalibon union the obligation of all lawyers practicing to provide a certain number of lectures for lawyers trainees.
- Still the majority of trainee lawyers do not trust the police as the rate has fallen to trust them to 31% only.
- Low satisfaction trainee lawyers for the performance of their teachers.

Recommendations:

- The need to develop regulatory mechanisms for training in terms of formation of a committee centralized training, and advancing Secretarial Training Service for more administrative staff to provide the service necessary predicate to the Training Committee, and follow-up training programs.
- The need to adopt modern methods of training, mock courts established-and legal clinics, and encourage the use of modern technologies in training, not in order to motivate lawyers to actively participate in training, but also to increase the use envisaged.
- The need for the Council of the Bar to study the possibility of issuing a special regime for the payment of nominal amount to counsel the trainee for the duration of training and / or operate the Bar Association to establish a special fund to provide financial support to lawyers, trainees and the provision of minimum subsistence needs.

Chapter Five : Law Colleges

Survey the views of professors and law students

First: Professors:

Comparing the results of the legal Observatory for the years 2008 and 2009 and the results of the sectoral survey in 2007 shows us the numerical results the following:

- Is still 68.2% of professors at law schools believe that the number of students who are accepted into law school senior, is incompatible with the needs of society, and still majority view that the criteria for admission to law schools do not contribute to raising the college level.
- Low index of the law schools a distinct role in the commentary on the laws and judicial decisions.
- Low index of satisfaction with the curricula of law schools, and low Mwcw insufficient number of hours approved for the study of rights, and insufficient number of teachers. Is still 71,4% of professors at law schools see the need for specialization in law schools.
- The decline of the faculties of law professors went to a request for legal research of students and refer to the decisions and judgments of the courts and comment, or ask them to visit and attend court hearings.
- The decline of the teaching of Palestinian legislation in law schools as well as the decline of the focus on the practical aspects of teaching university.
- Is still 85.3% of professors at colleges say should be teaching some legal concepts in the schools, and 66.1% believe that the level of law students upon graduation from the school is weak.
- Low satisfaction index, professors of law schools on the level of law school graduates and their ability to analysis and extraction and writing legal research and studies.
- The results show a clear contrast in the methodology of education between the universities of Jerusalem, Al-Azhar; While the consensus majority of respondents (57.2%) at the University of Jerusalem, he is focusing on the development of research at the university and to comment on the decisions of the courts in the courses different (49.7%), and the focus is on practical aspects in the study of rights (49.4%). The responses of the sample students Azhar University, the opposition majority (64.9%) of the expressions that are focusing on the development of research at the University, or he is to comment on the decisions of the courts in the courses different (59.4%) or that the focus is on practical aspects to study law (56.4%).
- The 79.5% of a sample of professors of law schools to colleges to emanate a magazine or a legal journal.

Recommendations:

- The need to introduce the teaching of legal concepts in the school education courses.
- Need to reconsider the criteria for admission to law schools in the commentary on the decisions and judicial rulings.
- The need to activate the role of law schools in the commentary on the decisions and judicial rulings.
- The need to reconsider the curricula of law schools and the number of credit hours to study law and the number of teachers.
- The need for specialization in law schools.
- The need to stimulate the faculties of law professors to the request of law students conduct legal research and return to the Palestinian legislation and resolutions and provisions of the Palestinian courts and comment on them and increasing the courts and attend hearings.
- The need to introduce legislation in the Palestinian course in the curricula of law schools.
- The need to focus on the Palestinian universities Kaltaliq the practical aspects of the decisions and court rulings and legal theories linking reality and focus on the need to visit the courts and attend meetings; to its effect in increasing the confidence level for the student and his knowledge and ability to enter the labor market.
- The need for coordination between the law faculties and the Bar Association select the number of students who should be admitted in the colleges of Palestinian rights in line with the needs of society.

Second: Students:

Comparing the results of the legal Observatory for the years 2008 and 2009, the results of the sectoral survey in 2007 shows us the following:

- Low index of focus on the preparation of research in the university.
- Index down to comment on the decisions and judgments of the courts in educational courses in universities.
- Low index of focus on the practical aspects in the study of law.
- Index down by law students to visit the courts.
- Is still 70.1% of students from universities in the West Bank and 84.5% of university students in the Gaza Strip believe that the ability of graduates of U.S. and European universities for analysis and writing research is much better than the ability of graduates of universities.
- Is still 71.6% of law students in the Gaza Strip believe that the status of the judiciary in Palestine is not the improvement is still 61.5% of them believe that the mediation and nepotism are the basis for appointment and promotion in the judiciary.
- Is still 59.2% of them think that the judgments of the judiciary are subject to influences and external pressures.
- Low confidence index law students in the judiciary, prosecutors, and police and lawyers.

- Agree (74.8%) of a sample of students at the Universities of Jerusalem, Al-Azhar to say that there must be majoring in law schools.
- Decreased the proportion of trust law students in all corners of Justice.

Recommendations:

- The need to reconsider the curricula of legal education in universities so as to include a focus on the preparation of research and comment on the decisions and judgments of the judiciary and to focus on the process and ensure students continue with the courts.
- The level at which the student finds himself affects the self-confidence and ability to compete. From here we must focus since the school on the preparation of research, and requiring students Bmsaq particular methodology for writing legal research.

Chapter six: The public

Results of surveying the views of the Palestinian public

Through comparing the results of the legal observatory in 2008 and 2009 and the results of the sectoral survey in 2007, the following results are showed to us:

Results:

- The majority of the public still believe that the Palestinian Authority has failed to preserve the independency of the judiciary. They see that the Palestinian judiciary does not have neutrality, fairness and Justice compared to other Arab countries and believe that the judiciary continues to suffer from corruption.
- The majority of the public believe that the tribal judiciary has more capacity to resolve disputes more than the courts and see that the rules of the courts are not quickly implemented .They see that the courts do not deal with them on the basis of equality before the law and believe that the expenses of litigation do not fit their financial capacities .They believe that the litigants are not very familiar with the procedures to be taken upon going to the courts.
- Raise in the index of public satisfaction about the role of civil society in monitoring the performance of the pillars of Justice.
- Still 69.7% of the public believe that public culture would prefer to resort to tribal judiciary and the security bodies instead of resorting to the courts to resolve disputes, and still 76.2% of the public demanding that the Palestinian citizens should have a legal culture through the inclusion of law in curriculum in schools.
- Still 50.4% of the public does not trust the regular courts and 56.3% of them do not trust the staff of the courts and 53.8% do not trust the attorney general.
- Still 71% of the public in Gaza have been calling for disseminating judicial decisions and judgments, and 56.7% of the West Bank are demanding the same thing.
- Still 58.1% of the public see a lack in training judges and staff as well as in Gaza, as 62.9% of the public see that too.
- Still 59.1% of the public do not think to go to court to get their rights.
- Still 52.3% of the public prefer to search for any solution to their problems instead of resorting to the court.
- Still the majority of the public believes that the interference of the executive authority and the lack of political will to reform one of the main Problems of the Palestinian judiciary.
- Still 63.4% of the public do not like to go to court considers that the lack of confidence to obtain a just solution to the top reasons for their reluctance to resort to the courts.
- Still 56.7% of the public believes that the general attorney does not have the qualifications to investigate crimes such as criminal laboratories and forensic centers.
- Still 53.1% of the public believe that the prosecutors do not deal with them nicely. Still the majority of the public believes that general attorney do not conduct its role in the investigation as required.

Recommendations:

- There is a need to inform the Palestinian public on permanent basis on information related to the work of the judiciary authority, its functions and its role in establishing the rules of Justice and the rule of law, which would increase public confidence.
- The importance of legal culture in various social segments and the dissemination of judicial decisions so that citizens can access them. The need to include the law curriculum at school to instill the idea of the rule of law in minds of students. There is also an urgent need for awareness campaigns in the subject of rule of law and jurisdiction of the courts, and to shed light on the rules in some of the issues that concern the society.
- The need to sensitize the public in their right to submit a complaint against the court officials who abuse them. This can be done through the development of regulations in the courts, or through media awareness campaigns to the public, explain the duties of court officers, and the rights of visitors from the public.
- The need to work to organize notifications in a transparent manner on a way to ensure control over the conduct of informants to conduct notifications entrusted to them. It should also take the issue of covering transportation expenses for informants and / or providing means of transportation for them especially the for reporting/notifying districts.
- The need to allocate some of the posts in the courts such as notary public and the bailiff for graduates of law faculties.
- The need to provide notary public departments with a number of competent personnel.
- The need to inform the Palestinian public and educating it about the role of prosecutors in various criminal cases and develop the infrastructure necessary for their work, and increase the number of their members, staff and rehabilitating them.
- The need to work on the development of boards in the corridors of public prosecutors and courts that determine the duties of prosecutors and staff, rights of citizens , and the possibility of presenting complaints against abusive and mechanisms.
- The need to develop a code of profession ethics conduct for lawyers in practice.