



**MUSAWA - the Palestinian Center  
for the Independence of the  
Judiciary and the Legal Profession**

**05**

# **Executive Summary**

**The Fifth Legal Monitor Report**

**December 2018**

**With the support from  
The Ministry of Foreign Affairs- Netherlands**





**MUSAWA- the Palestinian Center for the Independence of the  
Judiciary and the Legal Profession**

## **Executive Summary**

### **The Fifth Legal Monitor Report**

The national report on the perceptions of the Palestinian Community  
on the performance of the justice system in Palestine

(Comparative survey identifying the changes within the justice sector  
in Palestine between 2015 and 2018)

**December 2018**

MUSAWA - The Palestinian Center for the independence of the Judiciary and the Legal Profession

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## Thanks and Gratitude

MUSAWA- The Palestinian Center for the Independence of the Judiciary and the Legal Profession is pleased to express its thanks and appreciation to the Netherlands Representative Office in Palestine for supporting the first national report of the Palestinian public's views on the performance of the formal system of justice, and Sawasya, the program of Strengthening the Rule of Law in Palestine for their positive and effective partnership, and their professional advice that contributed to publishing this first of a kind report. MUSAWA also thanks the Palestinian Central Bureau of Statistics for providing a comprehensive database that was built according to the latest statistical methodologies, what constitutes a resource for jurists and researchers interested in the justice status in Palestine. The database provided by the Palestinian Central Bureau of Statistics contributed to publishing this report in a way that reflects the Palestinian public's views on the performance of the justice system, and highlights both the positive and negative aspects of the judicial system facing the decision makers with the justice's status quo, in order to motivate them to make decisions that can help in strengthening and developing the positive aspects, and address the vulnerabilities of the system to achieve the state of law and justice.

We cannot fail, either, to thank all the citizens who enriched the report with their views, and MUSAWA's team, which worked like a real hive to publish this report following MUSAWA's approach of achieving its objectives, and among them is contributing to building the state of law, ensuring the citizens' rights to access to justice & equality before the judiciary, to ensure the fair-trial guarantees, and to build a capable, neutral, honest, competent, unified and fair justice system

**MUSAWA**

# The Fifth Legal Monitor Report

## Executive Summary

### Introduction

The significance of the rule of the law lies in that it ensures civil peace, which is the basis of development and full enjoyment of human rights. The success of all institutions working on supporting the rule of the law and the access to justice, whether they were governmental or Civil Society Organizations (CSOs), can be seen through the changes in the views of the Palestinians public, both litigant and non-litigant, in addition to the views of the individuals and experts involved in the Palestinian justice institutions, such as judges, members of the Public Prosecution, and lawyers. The confidence of the Palestinian citizen in the justice system institutions is one of the most important foundations that ensure strengthening the rule of law, as the citizens' poor confidence in the ability of the justice institutions to secure their rights leads them towards adopting violence and threats so that they are able to obtain their rights on their own. This, in turn, leads to the intensification of conflicts, most of which cause societal, and sometimes familial divisions. In case women were part of these disputes, they often have to renounce their rights because they are the weaker party.

On the other hand, strengthening the rule of law and instilling a high level of confidence in the justice system among the citizens motivate them to become more active and effective, through their participation in the democratic process of developing, amending and implementing laws. Furthermore, ensuring the democratic participation creates the sense that laws were drafted to guarantee their civil rights, thus creating a general culture among the Palestinian public towards commitment and compliance to these laws, and towards becoming cooperative by reporting violations.

Proceeding from the fact that the public's confidence in the ability of the justice system institutions to provide effective and quick services reflects on their social behavior, and that the absence of this confidence prevents the Palestinian public from accessing and requesting services from the formal justice institutions; therefore weakening the role of the justice institutions in strengthening the rule of law; proceeding from that fact and based on it, conducting periodic surveys to measure the changes in the level of satisfaction of the Palestinian public with the performance of the justice institutions, and the level of confidence in their role in guaranteeing justice, becomes important. These surveys also help in tracking the efforts and

investments of all workers in the justice sector, whether they were governmental, international, or CSO-related, to improve the situation of the sector, identify the weaknesses, and accordingly identify the priority interventions.

This is the fifth report issued by MUSAWA – The Palestinian Centre for the Independence of the Judiciary and the Legal Profession, which is based on a number of surveys not limited to the Palestinian public; both litigant and non-litigant, but also covering individuals and experts involved in the justice system. The surveys, conducted in partnership with the United Nations Development Program (UNDP), and implemented by the Palestinian Central Bureau of Statistics (PCBS), covered practicing lawyers across Palestine, trainee lawyers in the West Bank (WB), in addition to sharia judges, members of the Public Prosecution, students and faculty members at the Palestinian law faculties across Palestine, as well as service recipients from the Palestinian Ministry of Justice in the WB. The surveys were designed to serve as a comparison between the WB and Gaza Strip. Furthermore, the surveys of the public and the litigant public were designed to serve as a comparison between males and females.

What distinguishes these surveys is that they were carried out in partnership with the Palestinian Central Bureau of Statistics (PCBS), which facilitated data collection from the formal institutions in the justice sector, and ensured a greater comprehensiveness of the indicators; thus serving a larger number of people benefiting from the database. Moreover, the partnership with PCBS ensured the partnership of the formal institutions, through the formation of the technical committee, which included representatives of the justice institutions, who participated in drafting the survey questionnaires, and followed the progress of data collection. In turn, this ensured that these surveys should serve the efforts of the Palestinian government to measure the progress achieved in the justice sector strategy, in addition to providing data on a number of indicators of the 2030 Sustainable Development Goals (SDGs). The provision of a database on a larger scale as compared to the surveys conducted in 2014 makes the comparison between 2018 and 2014 limited only to corresponding variables, while the new variables added to the surveys of 2018 will form the baseline data for future surveys.

This executive summary presents the most important and prominent findings of the surveys, which should be taken into consideration, along with the most prominent shortcomings, according to the Palestinian public, the litigant public, and the experts and people involved in the Palestinian justice institutions. It is worth mentioning here that the public's point of view, which includes people of all levels of education, is mainly based on the general developments in the justice sector, which means that



the results of the surveys of the public do not necessarily reflect the full picture of the justice sector.

## **First: The Perceptions of the Palestinian Public towards the judiciary and its Integrity**

The results of the surveys show that there is a discrepancy between the WB and Gaza Strip regarding the future of the Palestinian Judiciary. Pessimism was evident among the public in the Gaza Strip on the opportunities for future improvement and development of the judiciary, compared to less pessimism in the WB. The same is the case regarding the success of the Palestinian state in maintaining the independence of the judiciary, and the integrity, neutrality, and fairness of the Palestinian judiciary in comparison to other Arab countries. The results show that only 18.8% of the Gaza Strip public see that the situation of the judiciary in Palestine is in constant progress, while 53.8% oppose that, and 27.4% are either neutral or have no opinion on the matter. On the other hand, 37.4% of the public in the WB see that the situation of the judiciary is in constant progress, while 29.2% oppose that and 33.4% are either neutral or have no opinion on the matter. In the Gaza Strip, 18.2% of the public believe that the Palestinian state has succeeded in maintaining the independence of the judiciary, while 53.4% oppose that and 28.4% are either neutral or have no opinion on the matter. In the WB, the percentage of those who believe the Palestinian state has succeeded in maintaining the independence of the judiciary converge with those who oppose them, by 30.5% and 29.7% respectively, while 39.8% are either neutral or have no opinion on the matter. At another level, 25.4% of the public in the Gaza Strip believe the Palestinian judiciary is neutral, has integrity and is fair compared to other Arab countries, whereas 46.7% of them oppose that and 27.9% are either neutral or have no opinion on the matter. In the WB, 33.9% of the public believe the Palestinian judiciary is neutral, has integrity and is fair compared to other Arab countries, whereas 28.1% of them oppose that, and 38% are either neutral or have no opinion on the matter.

In the Gaza Strip, 44.3% of the Palestinian public believe that the performance of the people employed in the courts and the Public Prosecution lacks transparency and is corrupt, while 27.8% of the public in the WB believe that their performance is transparent and free of corruption, and 26.1% of them oppose that. Moreover, 41% of the public in the Gaza Strip do not believe that they would receive a fair trial in case they were accused of committing a criminal offence, while 36% of them oppose that and 23% are either neutral or have no opinion on the matter. The results in the WB indicate that 42% of the public believe they will receive a fair trial in case they were accused of committing a criminal offence, while 28% of them oppose that and 30% are

either neutral or have no opinion on the matter. However, the public in both the WB and Gaza Strip agree that the judicial system lacks independence of external influences. It is worth mentioning that the Palestinian public in both the WB and Gaza Strip has a noticeable poor knowledge in the procedures of lodging complaints at the justice and security sectors institutions. This constitutes one of the main factors leading to the weak access to justice, beside the poor financial capacity.

When asked about the problems that could weaken the functioning of the justice institutions, the Palestinian public noted that not receiving notices is a major issue in litigation in both the WB and Gaza Strip. They added that the civil and sharia courts in both the WB and Gaza Strip are slow in the adjudication of cases. Add to that the public's view of the slow implementation of court rulings, which they stressed to be one of the reasons weakening the rule of law. In addition, litigation before courts is costly, which impedes low-income groups and marginalized groups from access to justice. Moreover, the interference of the Executive Authority in the judiciary is one of the problems facing the judiciary in both the WB and Gaza Strip, according to the Palestinian public, where 30% of them in the WB confirm that, and only 11.7% oppose it. In the Gaza Strip, 41.5% of the public confirm this view, and only 17.4% oppose it. In the same context, 34.7% of the public in the WB said the security services interfere in the judiciary, and only 12.1% of them opposed it; while in the Gaza Strip, 45.4% of the public confirmed that statement and 19.8% opposed it. Furthermore, the Palestinian public did not lose sight of the role of the Israeli occupation in weakening the efforts of enhancing the rule of law, where they clearly referred to the Israeli occupation as one of the reasons, as it impedes the realization of justice in the areas under its control. Of the Palestinian public, 59% in the WB and 54% in the Gaza strip noted that there are Palestinians who resort to areas under Israeli control to escape justice. Additionally, the Palestinian public holds the Palestinian political leadership partly responsible, considering the lack of a political will for reforming the judiciary an issue that weakens the role of the Palestinian judiciary. This has been assured by 30.2% of the public in the WB, and opposed by 19.8%, while 50.3% of the public in the Gaza Strip confirmed that, and 20.8% opposed it.

Despite the pessimistic view of the Palestinian public on the performance of the justice and security institutions, 50% of the public in the WB and 51% in the Gaza Strip are willing to resort to the formal judiciary in the event they face any near future disputes. This reflects a greater awareness among the Palestinian public of the role of the formal judiciary in resolving disputes and institutionalizing the litigation process. Palestinians, in both the WB and Gaza Strip, continue to cling to the Palestinian justice institutions as a substitute for rampant insecurity and taking one's right by hand,

despite the weaknesses they find in these institutions. The percentage of people who have confidence in the Palestinian Civil Police reached 58% in the WB and 49% in the Gaza Strip. The percentage of people who have confidence in the Public Prosecution reached 48% in the WB and 45% in the Gaza Strip. Finally, the percentage of people who trust the courts reached 53% in the WB and 46% in the Gaza Strip. When Asked about their level of confidence in the judicial system, with all its components, 50% of the public in the WB and 43% in the Gaza Strip said they have confidence in it, while still having a high percentage of people who trust the non-formal legal institutions (the tribal judiciary), which reached 37.8% in the WB and 49.5% in the Gaza Strip.

A comparison between the current Legal Monitor Report and the previous one, where the same questions occur, shows a slight progress in the perceptions of the public towards resorting to civil courts as the quickest and best way to regain rights. The same is the case in the public's view on the transparency and the integrity of the performance of court and Public Prosecution's staff, as well as their perception on the neutrality, integrity and fairness of the Palestinian judiciary in comparison to other Arab countries, and in the success of the Palestinian state to maintain the independence of the judiciary, in addition, the Palestinian public believes that there is a continuous improvement in the situation of the judiciary in Palestine.

On the other hand, comparisons with the previous report indicate a decline in the public's perceptions of the tribal judiciary as being more capable of resolving disputes than the formal judiciary, and in its perceptions of the Sharia courts at being quick at the adjudication of cases and being in constant improvement. In addition, a decline in the perceptions of the public is found regarding the improvement of the role of CSOs in monitoring the performance of the justice system. It is worth mentioning that this decline does not reflect a decline in the percentages, as most of them are high percentages representing the majority of the Palestinian public, but that there has been a decline, even if simple, in comparison to the previous report.

Comparisons at the area level show clear pessimism in the Gaza Strip compared to the previous report. The Gaza Strip public indicated a decline in their perceptions of the civil courts as the best and quickest to regain rights, and a decline in their perceptions of the transparency and the integrity of the work of the court and Public Prosecution's staff, as well as a decline in their perceptions of the neutrality, integrity and fairness of the Palestinian judiciary in comparison to other Arab countries. In addition, there has been a decline in their views of the role and success of the Palestinian state in maintaining the independence of the judiciary, and a decline in the views that the Palestinian judiciary is in constant progress, and that the Sharia courts are quick in the adjudication of cases and are in constant progress. Finally, the results reflected a decline in the public's view

on the role of CSOs in monitoring the judiciary. However, tribal judiciary became more capable of resolving disputes.

As for the WB, there has been progress in the Palestinian public's confidence in the judiciary, the culture of accepting the law, as well as the interference of the Executive Authority, which declined. This reflects a progress in the views of the Palestinian public in the WB compared with the public in the Gaza Strip.

Same as other nations that suffered from occupation, the absence of the rule of law for so long creates generations that find it hard to accept laws and adhere to them. 34% of the WB residents and 38% of the Gaza Strip residents noted that the citizens' culture does not accept the rule of law. This adds yet an additional burden on all institutions working in the justice sector to change the culture shared among a high percentage of the Palestinian public to become more receptive and respectful to laws.

## **Second: Results of the Survey of the Public Dealing with the Justice Institutions in Palestine**

The results of the survey of the public in contact with the Palestinian justice institutions show a clear convergence with those of the general public who have no contact with the justice institutions. The results indicated a disparity between the WB and Gaza strip regarding the future of the Palestinian judiciary. Pessimism was evident among the public dealing with the justice institutions in the Gaza Strip regarding the opportunities for improvement and future development of the judiciary, in comparison to less pessimism in the WB. In addition, the public dealing with the justice institutions in the Gaza Strip believe that the Palestinian state did not succeed in maintaining the independence of the judiciary, compared to a lower percentage in the WB. The pessimism among the public dealing with the Palestinian justice institutions, particularly in the Gaza Strip, places the neutrality, integrity and fairness of the Palestinian judiciary in a worse position in comparison with the judiciary in the other Arab countries. This reflects a clear convergence between the opinions of the public dealing with the justice institutions and those who judge its performance depending on what they hear from neighbors, relatives, social media, and any other data sources except the direct contact with the Palestinian justice institutions.

The Palestinian public in the Gaza Strip believe that the performance of the staff of the courts and the public Prosecution is corrupt and lacks transparency, while the public in the WB was more inclined to say that their performance is transparent and free of corruption. A high percentage of the public in the Gaza Strip believe that they would not receive a fair trial in case they were accused of a committing a criminal offence,

whereas the results in the WB indicate the opposite. However, the public dealing with the justice institutions in both the WB and Gaza Strip believe that the judicial system is not independent of external influences.

The public dealing with the justice institutions pointed out some of the positive aspects of their experiences, as they were satisfied with the courthouse buildings, which they consider to be suitable and proper in both the WB and Gaza Strip. In addition, they were satisfied with the courts staff adherence to the official working hours, and the proper way of dealing with the visitors.

In their assessment of the performance of the Public Prosecution, the public dealing with this institution noted that its staff treat the visitors properly, and they believe that the Public Prosecution does its part in the investigation as required, as well as its part in initiating criminal proceedings. In addition, the public believe that the members of the Public Prosecution have the knowledge and the experience necessary to carry out their work, and that their performance is transparent and is not corrupt in the WB, although data indicates otherwise in the Gaza Strip, where people believe that the Public Prosecution does not have what is necessary to investigate in crimes, such as crime labs and forensic centers.

Interestingly, even the people dealing with the justice institutions have shown a poor knowledge in the procedures of filing a case at the institutions of the Palestinian Justice and Security sectors.

People dealing with the justice institutions pointed out that there are differences between the salaries of the judges and the administrative employees. The judges' salaries were considered relatively high, whereas the court staff salaries were considered relatively low. They also noted that there is a clear shortage in the number of judges in the Palestinian courts.

People dealing with the justice institutions listed a number of reasons to which they attribute the slowness in the progress of proceedings. In the WB, witnesses' absenteeism comes first, followed by the absenteeism of judges. In the Gaza Strip, however, people attribute the slowness to the issue of not-receiving notices first, followed by the poor ability of the judges in case management, and the lack of material and human resources. When comparing the results to those found in the previous Legal Monitor Report, the order of importance on the reasons behind the slowness in the progress of proceedings differs. In the previous report, the highest ranking reason in the WB was the Israeli occupation and the political conditions that hinder the work of the judiciary, followed by the community culture that does not accept the rule of law, and the interference of the Executive Authority. As for the Gaza Strip, the highest ranking factor was that there is no political will for reform, followed by the interference of the Executive Authority

in the judiciary and the political conditions that hinder its work.

Despite the observations of the public dealing with the justice institutions on their performance and the obstacles facing them, they have expressed confidence in these institutions, which reflects the Palestinian society's commitment to the state of law. When comparing the level of confidence in the different justice institutions in the WB and Gaza Strip, we note that it is relatively higher in the WB. If compared to the previous Legal Monitor Report, the confidence level in both the WB and Gaza Strip has improved.

The results show that people dealing with the justice institutions in the WB and Gaza Strip do not favor hiring a lawyer to solve problems or conflicts that may face them in the future. However, they also believe that lawyers are professional, even though they accept bribes and gratuities, and that judges are influenced by the strength of the lawyer pleading before them.

The public who do not prefer resorting to courts in the event of any future disputes (their percentage is lower than those who prefer resorting to courts) were asked about the reasons behind this conviction. Their responses included the interference of the families, acquaintance and friends of the disputing parties, which makes resorting to courts uncomfortable for the right holder, followed by the impression that the tribal and non-formal judiciary is faster and fairer, and then their lack of confidence in receiving fair rulings through the formal judiciary<sup>1</sup>.

### **Third: The Results of the Survey of Law Faculty Members in Palestine**

The views of the Law faculty members in the WB on the situation of the judiciary and its institutions, and the reality of the law faculties in the WB, were surveyed from different angles. The results reveal negative views regarding the judiciary and the judicial institutions, and positive views regarding law faculties, curricula, and faculty members.

The results show that the Palestinian law faculties contribute to developing the legal profession; that the admission criteria in law faculties contribute to upgrading the level of faculties; and that the number of faculty members at their respective faculties is sufficient, while the number of the students accepted to the law faculties is too large compared to the community's need. It has been found that the faculty members believe the curriculum in their faculties is excellent.

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<sup>1</sup> It should be noted that the lack of confidence in obtaining a just solution through the judiciary does not conflict with the high level of confidence in the formal justice system, because the lack of confidence in a just solution through the judiciary is limited to those who do not want to go to the courts to resolve their future disputes.

When comparing the indicators of the general status of law faculties between the WB and Gaza Strip, the overall results show that the WB is ahead of the Gaza Strip in each of the admission criteria that maintain the level of the students, as well as the contribution of law faculties in developing the legal profession. On the other hand, the Gaza Strip is ahead of the WB in the quality of curricula and the adequacy of the number of faculty members.

Comparing the above-mentioned indicators with those in the previous Legal Monitor Report to evaluate the progress, it becomes clear that there is a slight improvement in most of the indicators, especially regarding the adequacy of the number of faculty members in the law faculties. On the other hand, the belief that the excellent quality of curricula adopted in teaching has recorded a slight decline, which could be attributed to that the curricula taught in law faculties haven't been developed.

The results show that 81% of the faculty members noted that no journals, nor periodic legal gazettes, are issued by the law faculties they work at, which indicates the poor scientific research activities in these faculties, and the lack of real incentives for law faculty members to work on the development of scientific research.

Contributing to the development of legislation is one of the important roles law faculties should play; however, 49% of faculty members believe law faculties do not play a distinctive role in that field, and only 41% of them believe otherwise. Noticeably, the percentage of faculty members who are unaware of the role law faculties play in developing legislation reached 10%. This indicates a serious issue inside law faculties concerning the level of involvement of faculty members in the extracurricular activities, and brings to mind the absence of the Legislative Council, which provides space for participation in the development of legislation.

Regarding the curricula and the teaching methods, from the point of view of faculty members, the results show that the faculties' curricula include courts' decisions and commentary on them, as well as visiting courts and attending court sessions. In addition, there is a focus on the strengthening of languages in the study of law, and on teaching Palestinian legislation in various courses. The results also show that there must be specialization in law schools; that law faculties do focus on the practical aspects; that there is at least one course at the law faculties taught in a foreign language, and there are courses on the ethics of the legal profession.

When comparing the quality of the curricula between the WB and Gaza Strip, law faculty members view the curricula in the WB to be more advanced in all indicators than in the Gaza Strip, with the exception of focusing on the practical application and court visiting, which are more advanced in the Gaza Strip.

When comparing the above-mentioned indicators with those in the previous Legal Monitor Report, we find that there has been no significant change on the curricula and teaching methods. Quite the contrary, there are two important indicators that have seen a noticeable decline: the decline in the demand of professors from students to conduct legal research, which declined from 91% in the last report to 70% in the report at hand, and the decline in the focus on the practical application, which declined from 80% in the last report to 67% in the report at hand. In addition, the results show a poorness in the level of students accepted in law faculties, and a need to teaching legal concepts in the pre-college stage. On the other hand, the results show that the academic level of law faculty graduates is good, and that they have sufficient knowledge and skills to analyze and devise allowing them to enter the labor market. From their point of view, certain court functions should be uniquely reserved for law graduates.

Comparing the views of the law faculty members between the WB and Gaza Strip, we find that the academic level and the ability to analyze are better in the Gaza strip than in the WB. When comparing the results to the previous Legal Monitor Report, we note a decline in all indicators, but to a small degree that does not raise any concern.

Law faculty members have the opportunity to meet students from universities abroad - especially American and European universities - during their studies or while attending conferences and workshops. Therefore, they were asked to compare the levels of the Palestinian and foreign students in several aspects. The following results were obtained: 67% of the faculty members are unaware of the levels and capabilities of law students at the American and European universities, while 33% are aware of their levels and capabilities.

Concerning the faculty members' views on the general status of justice in Palestine, the results show that there is no improvement in the situation of the judiciary; that appointments and promotions in the judiciary lack transparency; that appointments of judges are not based on their knowledge, expertise and integrity; that the Palestinian judiciary lacks integrity and is corrupt; that the Palestinian justice institutions lack independence and are ineffective; that the Palestinian judges and members of the Public Prosecution are not independent, and that the Palestinian Civil Police lacks integrity and is corrupt. Despite their pessimistic views regarding the judiciary, their views on the professional level of judges, prosecution members, and lawyers were good.

Moreover, law faculty members believe that the Palestinian justice institutions are gender-sensitive and that the non-formal justice plays a key role in the justice sector, in addition to that the verdicts of the judiciary are subject to external pressures and influences.

It is noted here that despite the many observations on the justice status in Palestine, such



as the prevalence of nepotism and corruption among other things, law faculty members in the WB and Gaza Strip still have confidence in the state of law and its institutions.

However, law faculty members in the Gaza Strip have higher levels of confidence in the justice institutions than their counterparts in the WB.

Regarding the jurisprudential databases, the vast majority of law faculty members both in the WB (93%) and Gaza Strip (85%) are familiar with Al-muqtafi database. The vast majority of law faculty members believe the database is fundamental to their work, easy to use, and is regularly updated. The vast majority also believes that it contains sufficient legislation. Generally speaking, 85% of law faculty members are satisfied with Al-muqtafi database. According to them, it lacks some jurisprudential aspects and the commentary on them.

Regarding their knowledge of the existence of the High Judicial Council case management system, Mezan program, 57% of law faculty members are familiar with it, while 43% are not. As for the role Mezan program plays in facilitating the work of the judiciary, 84% of law faculty members believe it has contributed to increasing the pace of the judiciary, 78% believe it has contributed to increasing the efficiency of the judicial system, and 64% believe it has contributed to increasing the transparency of the judicial system.

## **Forth: Results of the Survey of Law Students in Palestine**

The results of the survey of students in law faculties in the WB on the status of the judiciary, judicial institutions, and law faculties, show that during the university education, different courses focus on preparing legal researches and commenting on courts decisions. The practical aspects in the law studies are neglected in WB, whereas in the Gaza Strip they are not, and conducting court visits is a requirement in the curricula. The results also show that the Palestinian legislation is taught at the Palestinian law faculties. When comparing the above-mentioned indicators in the WB and Gaza Strip, we find that the indicator on the teaching approaches was relatively better in the Gaza Strip. And when comparing these indicators with the ones in last Legal Monitor Report, in the WB, we find that there is progress regarding teaching the Palestinian legislation in the law faculties, and that courts decisions are examined in the academic courses. However, there has been a decline in the focus on scientific and legal research and the focus on the practical application in the study of law. On the other hand, comparing these indicators to the previous report in regards to the Gaza Strip, there has been a slight improvement regarding teaching the Palestinian legislation in the law faculties, and that courts decisions are examined throughout the academic courses, whereas a slight decline has been recorded regarding the focus on scientific and legal research,

and the focus on the practical application of law studies. In addition, there has been a decline in the indicator on court visits during the university study.

Furthermore, the results have shown that teaching legal concepts should be initiated during school education; that the academic level of law graduates is excellent; that law students graduate having the ability to analyze and write reports; that law graduates have sufficient information to enter the labor market; that law graduates have excellent creative thinking abilities, and that certain court functions, such as Notary Public and Execution officer, should be uniquely reserved to law graduates.

When comparing the answers of the law students in the WB and Gaza Strip, we find that the questions assessing the different abilities of the Gaza Strip students were greater than the abilities of the students in the WB. When comparing the above-mentioned indicators with the last Legal Monitor Report, we find improvement in the WB regarding the need for reserving certain court functions for law graduates, and a slight improvement in the creative thinking abilities of the students, whereas a decline has been recorded in the necessity to teach legal concepts during the school education, as well as the academic level of the law students.

When comparing these indicators to the last report, in the Gaza Strip, we find improvement in all indicators on the level of students, as there has been an improvement in the need for reserving certain court functions for law graduates, as well as a noticeable improvement in the creative thinking abilities, and an improvement in the academic level of law students, while there has been a slight decline regarding the necessity to teach legal concepts during school education.

Regarding the point of view of law students on the curricula, it has been found that legal research is a requirement in the curricula, and so are courts decisions. However, court visits and attending court sessions are not part of the curricula in the WB, though they are in the Gaza Strip. The results show that there are no efforts to strengthen languages in law studies, whereas there is a focus on teaching Palestinian legislation in different courses. Students believe that there should be specialization in the law faculties. In the WB, students agree that there is no focus on the practical aspects in the study of law, while there is focus in the Gaza Strip. They also said there is at least one course taught in a foreign language, and there are courses that focus on the ethics of the legal profession.

When comparing the teaching methods and approaches in the WB and the Gaza Strip, all indicators related to the curricula appear to be better in the WB than in the Gaza Strip, except for the existence of a course focusing on the ethics of the legal profession, which was better in the Gaza Strip.

When comparing these indicators with the ones in the previous Legal Monitor report, we find that there has been an improvement in most of the indicators related to the curricula and teaching methods. There has been an improvement in the availability of courses on the ethics of the legal profession, the existence of at least one course taught in a foreign language, the focus on Palestinian legislation, visiting courts and attending court sessions, and including courts decisions in the curricula. On the other hand, there has been a decline in the focus on the practical aspects of law studies, the necessity to have specializations in the law faculties, and in legal research.

Comparing the above-mentioned indicators in the Gaza Strip with the last report, we find there has been improvement in the indicators on the availability of at least one course taught in a foreign language, the focus on Palestinian legislation, and the inclusion of courts decisions as part of the curricula. On the other hand, there has been a decline in the indicators related to the practical aspects of law studies, the need to have specializations in the law faculties, as well as legal research, the availability of courses on the ethics of the legal profession, and the inclusion of court visits as part of the curricula.

## **The Judiciary's Status in Palestine is Constantly Declining, both in the WB and Gaza Strip**

Regarding the status of the judiciary, law students believe that appointments and promotions in the judicial institutions lack transparency. Nevertheless, In the WB, law students believe that judges are appointed based on their knowledge and experience, while the case is not the same in the Gaza Strip. The results show that favoritism and nepotism are the basis for appointments and promotions in the judicial system, and that the verdicts of the courts are subjected to external influences and pressures. Generally speaking, law students believe the Palestinian judiciary lacks transparency and has corruption.

When comparing the WB and Gaza Strip, it turns out that the indicators, in general, are slightly better in the Gaza Strip, except for the pessimistic view on the future of the judiciary. Also, law students' views on the transparency of appointments in the judiciary were more negative in the Gaza strip.

As for comparing the indicators with the last report in both the WB and the Gaza Strip, we find that some indicators worsened while others improved. For example, students became generally more pessimistic regarding the Palestinian judges, as the percentage of students who believe that judges are corrupt has increased compared to the last report. In addition, the percentage of students who believe that appointment mechanisms of the judges lack transparency has also increased.

Regarding the law students' confidence levels in the justice institutions, the Sharia judiciary received the highest level by over 70% of the students, followed by the civil judiciary by 62% and the Bar Association by 60%. On the other hand, the non-formal judiciary received the lowest level by 33%, followed by the Palestinian Police by 40%.

It has been found that the vast majority of law students are not familiar with the legal and jurisprudential database, Al-muqtafi, both in the WB and Gaza Strip. However, the percentage of students who are not familiar with the database is greater in the Gaza Strip. In addition, it has been found that males are more familiar with the database compared to females in both the WB and Gaza Strip.

The vast majority of law students in the WB use Al-muqtafi from time to time, while the vast majority of law students in the Gaza Strip do not use it at all.

The results show that Al-muqtafi is fundamental for work, easy to use, and is regularly updated. It also has sufficient legislation. Generally speaking, law students are satisfied with Al-muqtafi database.

It has also been found that the vast majority of law students, in both the WB and Gaza Strip are not familiar with the High Judicial Council's Mezan program. The percentage of students who are not familiar with the program was greater in the Gaza Strip, and the percentage of males who are familiar with the program was greater than females, both in the WB and Gaza Strip.

Students who are familiar with Mezan program believe it has contributed to increasing the pace and efficiency of the judiciary, as well as increasing the transparency of the judicial system.

## **Fifth: The Results of the Survey of Practicing lawyers in Palestine**

Lawyers play a key role in the judiciary through their representation of the litigating parties before courts, and through facilitating litigation and enforcement. Therefore, the existence of a mutual trust between lawyers and the rest of the judicial system could help facilitate the procedures and contribute to the realization of justice and the prevalence of security.

The results show that 73% of the practicing lawyers in the WB assess the professional level of their colleagues to be acceptable, while 16% of them assess it as weak, and only 11% assess it as excellent. On the other hand, the results show that 75% of the practicing lawyers in the Gaza Strip assess the professional level of their colleagues as acceptable, while 10% of them assess it as weak, and only 15% assess it as excellent.

Practicing lawyers in the WB attribute these percentages to the weakness of law faculties, and to the poor training provided by the Bar Association in the WB. In addition, the

poor professional levels of lawyers in general could be attributed to the weakness of the judicial system. Lawyers also believe that the Bar does not perform the role required of it to develop the profession, and that lawyers do not seek to develop themselves.

Lawyers in the WB and Gaza Strip agree that the main reason leading to the poor levels of lawyers include that they do not seek to develop themselves, followed by the weakness of law faculties.

Lawyers view the problems facing the legal profession differently according to their expertise and personal experience. However, the most notable problems include the corruption in the judiciary, the interference of the security services in the judicial system, in addition to the poor professional levels of judges in performing their duties and the lack of trust in lawyers.

From the point of view of practicing lawyers, the following are the issues facing the legal profession in Palestine, listed by importance: the interference of the security services in the judicial system, followed by the lack of citizens' trust in lawyers in both the WB and Gaza Strip. Both of these issues were indicated to be slightly greater in the WB than in Gaza Strip, while corruption in the judiciary and the poor professional levels of judges were greater in the Gaza Strip.

On the other hand, it has been found that there is no continuous consultation with the Bar Association when proposing and amending legislation related to the justice sector, although the Bar plays a prominent role in the Palestinian political life in the WB (and does not play this role in the Gaza Strip). The Bar issues the bylaws and regulations governing the legal profession. According to the point of view of lawyers, the Bar Association is politicized. The results also show that the Bar should activate the articles on the retirement age for lawyers and determine the number of General Power of Attorney of companies and institutions assigned to each lawyer. Practicing lawyers also believe that there is no Monopoly over the Bar from a certain group of lawyers in the WB, but that it is monopolized in the Gaza Strip. As for the General Assembly of the Bar, while lawyers in the WB do not think that it is weak, lawyers in the Gaza strip think that it is.

When comparing the performance of the Palestinian Bar Association and the role required of it according to the practicing lawyers in the WB and Gaza Strip, the results converge between them except that the General Assembly of the Bar is weaker in the Gaza Strip, and the degree of monopoly of the Bar by a group of lawyers. The Bar plays a bigger role in the political life in the WB than in Gaza Strip.

There are various roles and duties that the Bar is supposed to perform towards the lawyers registered in it. According to the practicing lawyers, the most important of these duties include that the Bar should train and develop the capacities of

the practicing lawyers, as well as defend their interests. The Bar should also work on developing and amending legislation to facilitate justice, and regulate the relationship between lawyers and the pillars of justice (the Judicial Council, the Public Prosecution and the Ministry of Justice). It is necessary for the Bar to participate in the political life, and it should provide its members with economic, social and cultural services. Finally, the Bar should activate legal research, and has a role in spreading the legal culture.

According to the practicing lawyers, the most important role the Bar should play is defending the interests of the Bar and the lawyers, followed by regulating the relationship between the lawyers and the pillars of justice, spreading the legal culture and training and developing lawyers.

The results on the attitudes of practicing lawyers towards the training programs for trainee lawyers show that they do not think the duration of the training is long, and that there is no need to provide continuous training for all lawyers as a requirement to renew the license to practice the profession. They also believe that a salary should be allocated to the trainee lawyers, and that the training should not be replaced by acquiring a specialized professional diploma.

With regard to the level of optimism and pessimism of the practicing lawyers on the situation of justice, the results show that there is pessimism regarding the situation of the judiciary in terms of the possibility for continuous improvement. They believe that the verdicts issued are subject to external pressures and influence, the courthouse buildings are not suitable nor proper, and that the delivery of notices constitutes a main problem in litigation. However, at the same time, they do not believe the Palestinian judiciary to be corrupt.

On the other hand, practicing lawyers believe that the Civil Society Organizations (CSOs) working in the justice sector do not play a distinctive supervisory role on the performance of the judicial system in the Gaza Strip, but does so in the WB. They also believe there is a significant slowness in the adjudication of cases in the civil courts, while the Sharia Judiciary is in continuous improvement, and the Sharia courts are characterized with speedy adjudication of cases.

When comparing the views of the practicing lawyers in the WB and Gaza strip on the general status of the justice sector, we find that there is more optimism in the WB than in Gaza Strip on the continuity of improvement in the judiciary; that the level of corruption in the Palestinian judiciary is slightly greater in the Gaza Strip, and that the delivery of notices issue is greater in the Gaza Strip than in the WB. Also, the role CSOs play in the judiciary is greater in the WB than in Gaza Strip. On the other hand, the Sharia courts in the Gaza Strip are quicker in the disposition of cases, and the judicial

verdicts in the WB are more subject to external influences.

When comparing the practicing lawyers' level of trust in the justice institutions, we find that the most trusted is the Bar Association, followed by the Sharia Judiciary, and then the Civil Judiciary. On the other hand, the least trusted of these institutions are the tribal judiciary, followed by the military justice.

When asking the practicing lawyers on the existence of an overcrowding issue at the Notary Public, 55% of them in the WB said there is no issue, while 45% said there is. In the Gaza Strip, 53% of the practicing lawyers said that there is an issue, while 47% said there is not.

As for the factors leading to the overcrowding issue at the Notary Public, the practicing lawyers see that the main reasons include the lack of staff there, followed by the complexity of procedures, and the incompetence of staff.

When asked about the progress of proceedings in the Palestinian courts, 90% of the practicing lawyers confirmed the slowness in the progress of proceedings, and 10% of them believed otherwise.

As for the factors that lead to the slowness in the progress of proceedings according to the practicing lawyers, they include the delay in the delivery of notices, the absence of lawyers and the absence of judges, in addition to the poor ability of judges in case management, the complexity of civil procedures, where there is a necessity for simplification and reform, and the complexity of the penal procedures.

The practicing lawyers' sample members were asked about their views on a number of problems faced by the Palestinian judiciary. Their answers revolved around the interference of the security services (Preventive Security, Intelligence services...), the lack of a political will for reform, followed by the shortage of staff and judges, and the citizens' legacy of not accepting the rule of law as a result of the successive occupation of Palestine, in addition to the accumulation of incoming cases, followed by the shortage of staff and judges, the lack of adequate training for staff, the lack of legal compatibility between the WB and Gaza Strip and the absence of a unified judiciary between the two parts of the country. It is noticeable, when comparing these indicators between the WB and Gaza Strip, that there are no significant differences in them between the two parts of the country.

Regarding the appointment mechanisms in the judiciary and the Public Prosecution, the practicing lawyers believe that there is favoritism and poor transparency in the judiciary appointments, and that there is favoritism and a lack of transparency in appointments at the Public Prosecution. In addition, it has been found that appointments of judges are not based on knowledge, expertise and integrity, and that favoritism and nepotism are

the basis for appointments and promotion in the judicial system.

As for the legal and jurisprudential databases, it has been found that the vast majority in the West Bank (90%) and in the Gaza Strip (53%) of the practicing lawyers are familiar with Al-muqtafi database. The majority of the practicing lawyers (50%) use it always, while 41% of them use it from time to time. When assessing Al-muqtafi from the point of view of practicing lawyers, it has been found that the vast majority consider it to be fundamental to their work, easy to use and is regularly updated. The vast majority also believe that it contains sufficient legislation. Generally speaking, 94% of the practicing lawyers are satisfied with the database. According to the practicing lawyers, the database lacks some of the jurisprudential aspects and commentary on them.

Regarding the knowledge of the existence of the case management system of the High Judicial Council, Mezan program, it has been found that the majority of practicing lawyers (86%) are familiar with it, while only 14% of them do not know about it, and that the vast majority (78%) use it continuously to follow-up on their cases. The percentage of practicing lawyers who know about the said program in the WB is greater than that in the Gaza Strip.

In more details, it has been found that 80% of the respondents believe that Mezan program contributed in increasing the pace of the judiciary, and 82% agree that it contributed in increasing the efficiency of the judicial system. Finally, 71%, agree that the program contributed in increasing the transparency of the judicial system. The vast majority of the respondents (96%) see that the system is easy to use.

## **Sixth: Results of the Survey of Trainee Lawyers in the West Bank**

Responding to the question raised on the reasons for which they chose to study Law, the trainee lawyers listed their motives in the following order: personal desire, parents' desire, GPA of the General Secondary School Examinations, social status, the aspiration to improve the material situation, and the poor professional level of lawyers in general.

On the reasons leading to the poor professional level of lawyers in general, the trainee lawyers attributed that to the poor training programs provided by the Bar, followed by weaknesses in the judiciary, the Bar not playing the role required of it to develop the profession, the large number of lawyers, the lack trust in lawyers by the people, in addition to that lawyers do not seek to develop themselves.

There isn't any profession that is free from problems and difficulties, particularly as we live in extraordinary political and social circumstances. Lawyers view the issues facing the legal profession differently according to their level of expertise and personal experiences. The trainee lawyers ranked the problems facing their profession in the



following order: the lack of judicial independence, the interference of the security services in the judicial system, the Bar's lack of interest in training lawyers and the corruption in the judiciary.

The trainee lawyers were asked about their opinion of the duties the Bar currently performs, and the duties they think that it should perform. The trainee lawyers agreed upon the issuance of bylaws and regulations that govern the legal profession, followed by the development of the ethics and behaviors of the profession as the most prominent duties currently performed by the Bar. As for the duties the Bar should guarantee working on, the trainee lawyers believe that the most important roles include defending the interests of the Bar and the lawyers, regulating the relationship between the lawyers and the pillars of justice (the Judicial Council, the Public Prosecution and the Ministry of Justice), training and developing the lawyers and the legal profession, providing economic, social and cultural services to its members, as well as promoting legal research, spreading the legal culture and contributing to the access of marginalized groups to legal aid services. The last and least important role was the participation in political life.

Trainee lawyers form the group that needs to be trained, developed and their legal personality refined the most. The following are their attitudes on the training programs for trainee lawyers the Bar adopts to develop its members:

- It is hard for trainee lawyers to find a practicing lawyer's office to train at.
- Training is very important as it prepares them to plead before the courts on behalf of the practicing lawyer's office they train at.
- The two-year training duration is necessary to learn the profession and the principles of practice.
- Trainee lawyers believe that the Bar has to oblige each practicing lawyer to give a specific number of lectures to trainee lawyers.
- Trainee lawyers should be allowed to attend training activities organized by the various CSOs.

On their attitudes towards the situation of justice in Palestine, the results show that there is optimism regarding the continuity of improvement, although the verdicts of the judiciary undergo are subjected to external influences and pressures. In addition, the results show that, from the point of view of trainee lawyers, the Palestinian judiciary is not corrupt, that the Palestinian justice system/institutions are independent and effective, and that the Palestinian judges are independent and so are the Palestinian prosecutors. On the other hand, the trainee lawyers

believe that there is corruption in the Palestinian Public Prosecution, and that the Palestinian Civil Police is not corrupt, but that it is influenced by political pressures. It has also been found that the Palestinian justice system/ institutions are gender-sensitive and sensitive to children's issues.

From the point of view of trainee lawyers on the judiciary and the Public Prosecution, the justice sector employees adhere to the official working hours. However, the number of judges in Palestinian courts is generally unfit for court needs, unlike the number of prosecutors in Palestinian courts, which is generally adequate to meet the needs of the courts. Trainee lawyers also believe that the courthouse buildings are suitable and proper.

As for trust and confidence levels, it has been found that the trainee lawyers are holding on to the state of the rule of law, given that they have confidence in the various institutions of the justice system. The trainee lawyers do not have confidence in the non-formal justice (tribal judiciary), although they believe that it plays a key role in the justice sector.

When relatively comparing the levels of confidence in the justice system institutions, we find that the highest ranking among them, from the point of view of trainee lawyers, is the Bar Association, followed by the Sharia Judiciary, the Civil Judiciary and the High Judicial Council. On the other hand, the lowest ranking and least trusted is the tribal judiciary and the military justice.

Furthermore, 51% of the trainee lawyers said that there is an overcrowding issue at the Notary Public, as opposed to 49% who disapproved. In other words, it cannot be said that there is unanimity among the trainee lawyers about the existence of an overcrowding issue. However, those who confirmed the issue were asked about the factors leading to this problem, which they listed in the following order: the lack of staff at the Notary Public, ranking first by 93% consensus, followed by the complexity of procedures, ranking second by 50%, and the incompetence of the staff working there, ranking third by 23%.

The majority of the trainee lawyers (85%) confirmed the slowness in the progress of proceedings in the Palestinian courts. The factors leading to this slowness were limited to the following, listed by importance; the delay in the delivery of notices by 92% consensus, followed by the complexity of civil and penal procedures by 74%, the absence of lawyers by 66%, the poor ability of the judges in case management by 41% and the absence of judges by 30%.

It has been found that the main problems facing the judiciary, from the point of view of trainee lawyers, include the accumulation of incoming cases, followed by

the lack of legal compatibility between the WB and the Gaza Strip, the absence of a unified judiciary between the WB and the Gaza Strip, the lack of compatibility with the International Law, the shortage of staff and judges, the Israeli occupation, and the interference of the Security Services (Preventive Forces, Intelligence Service... etc.).

Trainee lawyers believe that their contact with the judiciary and the Public Prosecution lead to them creating a negative idea on the appointments in the judiciary and the Public Prosecution, as they believe that appointments in the judiciary are based on favoritism and non-transparency, where half of the trainee lawyers (50%) believe that appointments lack transparency and procedures are not clear and are closer to favoritism, whereas 31% of them think otherwise. The same is the case for appointments in the Public Prosecution, which are thought to be based favoritism and non-transparency, where more than half of the trainee lawyers (58%) believe that appointments lack transparency and procedures are not clear and are closer to favoritism, whereas 26% of them think otherwise. Consistent with this belief of favoritism and lack of transparency in appointments is that half of the trainee lawyers (51%) believe that the appointment of judges and prosecutors is not based on expertise and academic qualifications. However, half of the trainee lawyers consider the lack of clarity in appointments a serious indicator that should be taken seriously.

## **Seventh: Results of the Survey of the Public Prosecution Members in Palestine**

Members of the Public Prosecution play a key role in the justice system; therefore, building a mutual trust between them and the rest of the justice system can help facilitate procedures before the judiciary and contribute to the realization of justice and the prevalence of security.

The results in the West Bank show that 60% of the Public Prosecution members (prosecutors) assess the professional level of their colleagues as excellent, while 40% of them assess it as acceptable, and no one assesses it as poor. In the Gaza Strip, results show that 49% of the prosecutors assess the professional level of their colleagues as excellent, while another 49% assess as acceptable, and only 2% view it as poor.

Prosecutors believe that the problems facing their work in the Gaza Strip are greater than those in the West Bank. The ranking order of these problems differs in the WB and the Gaza Strip. The main obstacles in the WB include the inadequacy of prosecutors, followed by the interference of the security services in the work of

the Public Prosecution. Interestingly, in the Gaza Strip, the main obstacles were the interference of the security services in their work, followed by the lack of independence of the Public Prosecution and the incompetence of its members.

The prosecutors expressed their confidence in both the High Judicial Council and the civil judiciary. Confidence in the military justice exists among the prosecutors in the WB (but not among the prosecutors in the Gaza Strip). Prosecutors also have confidence in the Sharia judiciary, the Public Prosecution and the Palestinian Civil Police, as well as courts' staff and the lawyers. The results show that prosecutors have confidence in the CSOs working in the field of justice, rule of law and human rights, while they do not have confidence in the tribal judiciary.

On comparing confidence levels in terms of relative importance and between the WB and the Gaza Strip, it has been found that the prosecutors have the highest confidence in their institution, the Public Prosecution itself, both in the West Bank and the Gaza Strip, though it was slightly higher in the Gaza Strip. The Public Prosecution is followed by the civil judiciary, the High Judicial Council and the Bar Association. On the other hand, the lowest confidence was in the military justice and the tribal judiciary.

When asked about the existence of an overcrowding issue at the enforcement departments, the majority in the WB (96%) confirmed that there is an issue, which was greater than in the Gaza Strip, where 86% of the respondents confirmed it. As for the existence of an overcrowding issue at the Notary Public, 80% of the prosecutors in the WB confirmed its existence, compared to 59% in the Gaza Strip. The reasons leading to the issue at the Notary Public include the lack of staff working there, followed by the complexity of procedures, and the incompetence of the staff.

Regarding the existence of an overcrowding issue at the Service Departments, 92% of the prosecutors in the WB confirmed its existence, compared to 82% in the Gaza Strip. As for the factors to which they attribute the issue, they included the lack of staff, followed by the difficulty to obtain the correct addresses of the litigants, and the difficulty to deliver the notifications due to the Israeli occupation.

Regarding the issue of the slowness in the progress of proceedings, 86% of the prosecutors in the WB, and 88% in the Gaza Strip confirmed it. The prosecutors in the WB attributed this issue to the following factors, in the following order: the delay in the delivery of notices, the complexity of procedures, and the absence of lawyers. In the Gaza Strip, the main factors were in the following order: the delay in the delivery of notices, the absence of lawyers, and the complexity of

procedures.

When asked about their opinions on a group of problems faced by the Palestinian judiciary, the prosecutors' sample members said the main problem is the shortage in the number of staff and judges, followed by the accumulation of incoming cases and the lack of legal compatibility between the WB and the Gaza Strip.

Regarding the appointment mechanisms in the judiciary and the Public Prosecution, prosecutors believe that they are transparent, based on knowledge, expertise and integrity, and that favoritism and nepotism do not influence appointments and promotion in any way.

As for the legal and jurisprudential databases, it has been found that the vast majority of the prosecutors in the West Bank (90%) and in the Gaza Strip (76%) are familiar with Al-muqtafi database. In addition, 52% of the prosecutors in the WB, and 45% in the Gaza strip actually use the database.

The vast majority of the prosecutors consider the database to be fundamental to their work, easy to use and is regularly updated. The vast majority also believe that it contains sufficient legislation. Generally speaking, 91% of the prosecutors in the WB, and 81% in the Gaza Strip, are satisfied with the database. However, according to the prosecutors, the database lacks some of the jurisprudential aspects and commentary on them.

Regarding their knowledge of the existence of the case management system of the High Judicial Council, Mezan program, and the extent of using it, it has been found that the level of knowledge in the WB is higher than in the Gaza Strip, as 86% of the prosecutors in the WB are familiar with it, while the majority in the Gaza Strip (65%) do not know about it. The vast majority (90% of the prosecutors who are familiar with Mezan program in the WB) use it continuously to follow-up on their cases.

As for the role Mezan program plays in facilitating the work of the judiciary, it has been found that 91% of the prosecutors in the WB, and 100% in the Gaza Strip<sup>2</sup>, believe that Mezan program contributed to increasing the pace of the judiciary. Also, 95% in the WB, and 100% in the Gaza Strip, agree that it contributed to increasing the efficiency of the judicial system. Finally, 92% in the WB, and 75% in the Gaza Strip, agree that the program contributed to increasing the transparency of the judicial system. The vast majority of the respondents, 91% in the WB and 100% in Gaza Strip, believe the system is easy to use.

<sup>2</sup> It should be noted that these percentages are limited only to prosecutors who are familiar with Mezan program, and not all prosecutors included in the study.

## **Eighth: Results of the Survey of the Sharia Judges in Palestine**

Sharia judges play a key role in the justice system. Therefore, building a mutual trust between them and the rest of the justice system can contribute to the realization of justice and the prevalence of security.

The results in the WB show that 64% of the sharia judges assess the professional level of their colleagues to be acceptable, while 36% of them assess it to be excellent, and no one believes it is poor. In the Gaza Strip, results also show that the majority (62%) of sharia judges assess the professional level of their colleagues to be acceptable, while 37% of them assess it as excellent, and no one assesses it as poor. The sharia judges in both the WB and the Gaza Strip agree that the professional levels of the sharia judges need to be enhanced.

The obstacles facing the sharia judges were similar in the WB to those in the Gaza Strip. The main obstacle was the shortage of judges, where 77% of the sharia judges in the WB and all of the judges in the Gaza Strip confirmed it. All other problems were considered marginal by them.

The results show that the sharia judges in both the WB and Gaza Strip have confidence in the High Judicial Council, the sharia judiciary, the Supreme Judge Department and the Public Prosecution. However, while there has been clear confidence by the sharia judges in the WB in the civil judiciary, the military justice, the Palestinian Civil Police, the Public Prosecution, court employees and the lawyers; their counterparts in Gaza had weak confidence in them.

It has also been found that the sharia judges have confidence in the CSOs working in the field of justice, rule of law and human rights. However, while the sharia judges in the WB do not have confidence in the tribal judiciary, and have confidence in the Constitutional Court, the results in the Gaza strip show hesitation in both of these institutions.

When comparing the confidence levels in the different institutions by relative importance, and between the WB and the Gaza Strip, it appears that the sharia judges have the highest confidence in their institution, which is the Sharia Judiciary both in the WB and the Gaza Strip, although it was slightly higher in the WB. That is followed by the court staff, the Supreme Judge Department and the Public Prosecution in the WB. On the other hand, the confidence of the sharia judges in the WB was the lowest the Tribal judiciary, followed by the High Constitutional Court, whereas in Gaza Strip it was lowest in the military justice, followed by the High Constitutional Court.

Regarding some statements describing the Palestinian Sharia Courts, from the

point of view of sharia judges, the results show that the number of court staff is insufficient, but that their qualifications are good. Also, there is equality in dealing with individuals before the law, and courts are independent of external influences. The results also show that the number of court clerks is insufficient, that cleanliness and order are good in the courts, that times are organized for court hearings, that there is a sense of security inside court sessions, that the competencies of judges are suitable and that the information service in the courts is good, but that the courts are not adapted to meet the needs of people with disabilities in both the WB and the Gaza Strip.

As for the existence of an overcrowding issue at the Sharia enforcement departments, 70% of the sharia judges in the WB confirmed its existence, while 30% disapproved. On the other hand, the issue of overcrowding at the Sharia enforcement departments was greater in the Gaza Strip, where the percentage of those who acknowledge its existence reached 87%.

As for the existence of an overcrowding issue at the notary public, the sharia judges in the WB were more inclined to say that it does not exist, by 53% of the judges, compared to 47% who confirm it. In the Gaza Strip, however, the sharia judges were more inclined to say the issue does not exist, by 62% of the judges, compared to 38% who confirm it. Judges who confirmed the existence of the issue attributed it to the lack of staff, followed by the difficulty to enforce the decisions in some areas in the WB due to the Israeli occupation, the incompetence of the staff and the complexity of the procedures at the notary public.

On the existence of an overcrowding issue at the Service departments in the Sharia Courts, the majority of the judges in the WB (66%) confirmed its existence, compared to 34% who believed otherwise. In the Gaza Strip, the percentage of judges who confirmed the issue was greater, where it reached 81% compared to 19% who believe otherwise. Judges attribute the issue to the lack of staff, the difficulty of delivering notifications in some areas of the WB due to the occupation, and the incompetence of staff.

It is interesting that the sharia judges in both the WB and the Gaza Strip see that there isn't an actual issue in the slowness of progress of proceedings.

The results show that 15% of the sharia judges in the WB believe the security services interfere with the sharia judiciary, compared to 79% who disapprove. In the Gaza Strip, the percentage of those who believe that the security services interfere in their work reached 81%, compared to 12% who think otherwise. Regarding the non-existence of a political will for reform, 15% of the sharia judges in the WB confirmed that, while 81% disagreed. On the other hand, 34%

confirmed that statement in the Gaza Strip, compared to 37% who disagreed. As for the shortage in the number of staff and judges, 81% agreed to this statement in the WB, compared to 19% who disagreed. However, in the Gaza Strip, there was 100% consensus on that statement. In the WB, 43% of the respondents agreed that citizens have a legacy of not accepting the rule of law as a result of the successive occupation of Palestine, while 51% disagreed. In the Gaza Strip, on the other hand, 31% agreed to that statement, while 44% opposed it. In addition, 83% of the sharia judges in the WB confirmed the issue of the accumulation of incoming cases (judicial bottlenecks), and 15% disagreed. In the Gaza Strip, 62% confirmed that issue, while 37% disagreed.

Regarding the opinion of sharia judges on the appointment mechanisms, they believe that, both in the sharia judiciary and the Sharia Prosecution, the appointments are currently transparent, are based on knowledge, expertise and academic qualifications, and that favoritism and nepotism are inexistent.

As for the legal and jurisprudential database (Al-muqtafi), the vast majority of sharia judges in the WB and the Gaza Strip use it from time to time. The vast majority also consider it to be fundamental to their work, easy to use and is regularly updated. In addition, the vast majority believe that it contains sufficient legislation. Generally speaking, 89% of the sharia judges in the WB, and 50% in the Gaza Strip are satisfied with the database. According to them, the database lacks some of the jurisprudential aspects and commentary on them.

## **Ninth: Results of the Survey of Ministry of Justice Service Recipients**

The Ministry of Justice service recipients in the WB were surveyed on their opinions regarding the various services provided by the Ministry and their assessment of them. The results show that the infrastructure of the Palestinian Ministry of Justice (rooms, equipment...) is acceptable; that the number of ministry's staff is adequate; that the qualifications of the ministry staff are good, and that the Ministry of Justice treats the individuals "the public" on the basis of equality before the law. The results also show that the ministry is independent of the external influences (partisan, personal, security...); that cleanliness and order in the ministry are good; that the signals guiding visitors within the ministry are clear; that the information service in the ministry is good, and that reaching the Ministry of Justice is easy. In addition, the results show that the Ministry of Justice has adapted its services to meet the needs of persons with disabilities, and that



it responds to the needs of women, and the needs of children (whether they are defendants, victims or witnesses).

Comparing the relative importance of the evaluation of the services of the Ministry of Justice, from the point of view of service recipients, it was found that the highest evaluation was given to cleanliness and order, followed by the information service and the infrastructure. On the other hand, the lowest evaluation was given to the adaptation of the ministry services to the needs of the persons with disabilities, and then the Ministry's response to the needs of children.

When assessing visiting the website of the Ministry of Justice, the results show that the vast majority did not visit it, where only 21% of the males and 18% of the females visited it.

As for the nature of services received from the Ministry of Justice, the results show that they include the criminal record (non-criminal record certificates) for males 59% and females 72%, followed by ratifications by 31% for males and 22% for females. The percentages of recipients of other services are low.

Regarding the mechanism through which they came to know about the services of the Ministry, the results show that 37% of males and 47% of females were informed by official bodies, followed by friends and relatives by 32% for males and 28% for females.

The results also show that 41% of males and 38% of females are satisfied with the ratification services provided by the Ministry of Justice.

The results show that 21% of males and 13% of females are dissatisfied with the accreditation of associations service provided by the Ministry of Justice. The results show that 15% of males and 12% of females are satisfied with the inspection service provided by the Ministry of Justice, and that 17% of males and 14% of females are satisfied with the service of the complaints office provided by the Ministry of Justice. The results also show that 26% of males and 19% of females are satisfied with the service of accreditation of arbitrators provided by the Ministry of Justice. The results show that the majority of males (75%) and females (77%) are satisfied with the service of the criminal record (non-criminal record certificates). Finally, the results show that 15% of males and 13% of females are satisfied with the service of accreditation of translators by the Ministry of Justice.