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**NETHAM**

Rule of Law Program - Justice and Enforcement

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**West Bank and Gaza**

**NETHAM**

**Rule of Law Program**

**Justice and Enforcement**

**DFD-I-01-04-00173-00**

**Implemented by DPK Consulting**

**Tenth Quarterly Report**  
**January 1-March 31, 2008**

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## 1. EXECUTIVE SUMMARY

This quarter, the United States Agency for International Development (USAID) began processing a contract modification for the Netham, Rule of Law- Justice and Enforcement Program. The proposed modification reflects changes incorporating three components of assistance to the judiciary, as opposed to the original two components including professionalizing the formal justice sector through targeted assistance to the Ministry of Justice (MOJ), Supreme Judicial Council (SJC), Court Administrators and other bodies; strengthening the enforcement of laws and court decision; and newly incorporated assistance in building the capacity of legal professionals and non-governmental rule of law institutions as a foundation for rule of law reform. Also supplementing the original Scope of Work (SOW) is added emphasis on building the capacity of the SJC, Notary Public offices, supporting improved case management, and strengthening mechanisms of inter-institutional cooperation. The SOW also includes a caveat that due to statutory prohibitions and USAID regulations, potential activities supporting criminal enforcement under the Attorney General's Office (AGO) would need to go through a separate approval process. During the final week of the quarter, the modification was released to DPK/Netham as a draft and a budget re-alignment was requested before the final SOW is released.

During the month of March and in anticipation of the new contract modification and hence the USAID requirement of submitting a new work plan, several planning sessions were held with the project's newly assigned Cognizant Technical Officer (CTO), Ms. Ashley Kushner to collaboratively develop the work plan and activities supporting the judiciary that will cover an 18-month period from April 2008 through September 2009.

While awaiting the modification and potential supplemental funding, Netham operated on a somewhat restricted budget causing the project to prioritize activities, and only high priority and high impact activities were initiated during this period.

Despite budgetary constraints, Netham was able to work effectively with judicial counterparts providing technical assistance which yielded key achievements particularly in the area of strategic planning and developing justice sector plans. This activity was marked as a priority this quarter due to Ministry of Planning (MOP) requirements to develop a Justice Sector National Plan but more importantly because justice sector players demonstrated political will to institutionalize individual development plans that would address issues related to sector reform as well as strengthening of judicial institutions. As opposed to hiring strategic planning specialists to carry out this task, Netham's technical staff worked closely primarily with counterparts in the Supreme Judicial Council (SJC) and Ministry of Justice (MOJ) on developing these plans. The Chief Justice, also took a pro-active role in developing the SJC's plan which highlight the development of integrated and harmonious relationship with the executive and legislative branches; ensuring fair and just trials; strengthening, supporting, and empowering the judiciary; and protection of citizen's rights and fundamental freedoms.

By the end of the quarter, the SJC Strategic Plan was finalized and the first draft of the MOJ Strategic Plan was developed after gathering feedback from within the Ministry, as well as other judicial sector players. The Justice Sector National Plan was also finalized to help guide the vision and goals of the judiciary over the next two years. The ultimate objective of the Justice Sector Strategic Plan is to secure public confidence in the judiciary and strengthen rule of law. Clear objectives are outlined in the plan to attain these results. In addition, technical assistance and coaching was provided to respective judicial staff which will enable them to draft and implement such plans with minimal support in coming years.

The process of planning and developing these strategic plans is a significant achievement due to the fact that this was the first time that the judiciary has been involved in carefully planning strategy for the sector. Furthermore, the respective judicial institutions realize that these plans should be more than ink on paper and are working with their planning teams and or unit/s to implement their defined strategy. Also, in a first for the judiciary, the institutions want to publicize the content of these plans to the public in an effort to demonstrate real intent for reform and modernizing the judicial sector, in addition to building confidence in the judiciary.

While funding levels were limited this quarter, Netham was able to successfully make use of grants available through the Democracy and Governance/ARD Mechanism to implement various activities supporting the judiciary. This mechanism was able to provide and/or initiate the grants process to judicial institutions in several areas including furnishing and equipping a courthouse in Jericho, providing staff and equipment to the MOJ's Strategic Planning Unit, partitioning and creating space for new employees at the MOJ, and supporting IT technology at the SJC that would connect all West Bank courts to the SJC headquarters. While ARD was able to provide funding for these initiatives, Netham is responsible for follow-up and technical assistance in implementation. All these activities are expected to come to fruition next quarter and will lead to improved services, administration and planning in the MOJ and SJC.

On the project's administrative level, two technical staff members resigned this quarter including the Institutional Development Manager and the Enforcement Process and Procedures Manager. After completing the recruitment process, which included advertising vacancies in the local press, Netham was able to recruit qualified candidates to fill both these positions, in addition to an Administrative Assistant opening which has been vacant for some time. At the end of the quarter, USAID approval was received for all three candidates and they were expected to begin work early next quarter. The three candidates have extensive experience in their respective fields of institutional development and capacity building, enforcement of laws, and administration and are expected to positively contribute to the project.

In other noteworthy news, a meeting took place this quarter between Chief Justice, Issa Abu Sharrar and USAID's Assistant Administrator, Mr. Mike Hess. During the meeting, the Chief Justice offered Mr. Hess a briefing on the Palestinian judicial sector and a discussion took place of the judiciary's top priorities in the coming period.

Finally, coordination with donors working in the justice sector continued to be a priority in order to avoid duplication of efforts and to provide the best possible assistance to the judiciary. In particular, coordination continued to take place with the European Commission's "Seyada" Strengthening the Judiciary Project. A broader coordination meeting took place with Seyada, EUCOPPS, and UNDP representatives. A positive outcome of this meeting resulted in shifting of resources and funding of the Seyada Project to cover equipment for the MOJ which was not previously envisioned but took place at USAID and Netham's recommendation. This step will allow Netham to allocate resources to other key activities supporting the judiciary.

## 2. ACTIVITIES AND RESULTS

### SPECIFIC PROJECT ACTIVITIES

This section provides information on project activities, progress, and challenges regarding the key project activities described in Netham's workplan.

### PROFESSIONALIZING THE FORMAL JUSTICE SECTOR THROUGH ASSISTANCE TO THE MINISTRY OF JUSTICE, SUPREME JUDICIAL COUNCIL, COURT ADMINISTRATORS AND OTHER BODIES

#### Development of the Justice Sector National Plan

With guidance from Netham, a draft of a comprehensive strategic plan for the entire justice sector was developed. During the preparation stage for this Justice Sector National Plan, brainstorming sessions took place with the justice sector institutions. While all institutions contributed to the plan's development, the Ministry of Justice took the lead in shaping this plan, with technical assistance from Netham.

This plan contains two primary strategic objectives. The first is strengthening and enabling the civil and criminal legal system. This objective highlights complementary relations among justice sector institutions and securing fair and speedy trials. An emphasis is also placed on promoting greater cooperation between justice sector institutions. In this regard, the plan addresses the need to prepare a Memorandum of Understanding between the judiciary and the Executive Branch to identify the relationship between the Supreme Judicial Council, Ministry of Justice, the Attorney General's Office, Ministry of Interior, Ministry of Finance, Bureau of Personnel, Office of Oversight, and the Prime Minister's Office to define roles and lines of authority. In addition, a point is clearly made for the need to address the role of the Ministry of Justice regarding the supervision of courts in addition to drafting of a memorandum of understanding between the Attorney General's Office and the Ministry of Interior on the daily relationship and procedures to ensure that fair trials take place.

Other key goals of the Plan include the following:

- Preparation, development, and modernization of judicial legislation that would cover a review of laws, by-laws, and proposed legislative amendments. Specific legal frameworks of interest are those relating the Office of Legal Advice (Diwan Al- Fatwa), controlling the inspection of prisons, amending the draft law on the status of forensics and preparation of an internal by-law for the forensic lab, and the legal framework for developing the Judicial Record System.
- Establishing the Court Administration Department as the central basis on which to follow-up on case management.
- Raising the efficiency of judges and Prosecution Members and their assistants through working on establishing a judicial training institute, developing basic and continuing training programs, and activating the role of the SJC Technical Office.
- Strengthening the oversight and accountability systems by carrying out a review for the inspection systems at the Attorney General's Office and the judiciary, increasing the number of qualified inspectors, establishing the Quality Assurance Office at the Court Administration Department, and developing a code of conduct for the members of justice sector institutions.
- Upgrading the legal profession to match the requirements of the justice sector development plan.

The second strategic objective calls for strengthening justice sector institutions. This objective highlights supporting strategic planning, developing financial, administrative, and technical systems, upgrading human resources, and providing equipment to justice sector institutions. A fundamental element of this objective includes safeguarding citizen's rights and fundamental freedoms by focusing on improving public services, activating inspection of prisons, as well as activating alternative means of dispute resolution. A final element includes working with civil society and media organizations on public outreach and educational programs.

In order to meet one of the goals of this plan which calls for increasing public outreach and educational programs, the judiciary, working with Netham made preliminary plans at the end of the quarter to conduct a public outreach campaign around the adoption of this plan. It is expected that this campaign will take place next quarter.

### Supporting the Process of Developing the Supreme Judicial Council (SJC)

#### ***Supporting the Development of a SJC Strategic Plan***

Intensive efforts began and successfully concluded this quarter in developing a Strategic Plan for the SJC. At the end of the quarter, the Chief Justice had a final strategy document to circulate internally to the PA before preparing for its public dissemination.

The process of developing this plan began with several meetings with the Chief Justice, who later designated a committee of SJC staff to work with Netham in formulating the strategy. After numerous brainstorming sessions, and extensive meetings with the Chief Justice, the plan was finalized. While SJC staff was active in shaping this plan, the Chief Justice personally took a leading role in formulating the plan, and participated in weekend meetings with Netham staff to produce a final document. This Strategic Plan is based on four primary pillars including the development of integrated and harmonious relationship with the Executive and Legislative Branches; ensuring fair and just trials; strengthening, supporting, and empowering the judiciary; and protection of citizen's rights and fundamental freedoms. Parties following and working with the judiciary have hailed this development as a key milestone because it represents the first time since the SJC was formed that a clear and defined strategy was developed and officially adopted for implementation.

Key elements of the plan are outlined below.

- The plan outlines concrete steps to achieve a fair and just trial which first requires efforts to counter the case backlog at the courts. Case backlog has been one of the public's greatest grievances with the court system. Therefore, the strategy document proposes addressing this problem and creating a "Claims Administration Department" to hinder the accumulation of cases at courts.
- To empower the judiciary, the plan proposes the acceleration of the establishment of the Court Administration Department to relieve the SJC of the heavy administrative and financial processes associated with court proceedings.
- In an important area of protecting human rights, the strategy strongly emphasizes the principle of access to justice in order to enable the public to resort to the courts in seeking justice as opposed to other means.
- The continuation of the public services enhancement process that began with the Notary Public plays a strong role in the plan as enhancement of public services is a key to improving the public's appreciation of the judiciary.
- There is the call for the Notification and Enforcement Departments to be fully re-organized due to their importance in the enhancement of the litigation process.
- The plan includes public outreach campaigns to educate the public of the importance of the judiciary and its role in achieving Rule of Law in an effort to gain public trust and confidence in the judiciary.

The plan was translated to English by Netham staff and sent to USAID for review. The SJC intends to publicize the content of the plan and Netham will work with the SJC and other judicial counterparts on conducting a public outreach campaign, as well as assisting in public distribution of the plan.

### ***Improving the Administrative and Financial Capacities of the SJC***

In addition to strategic planning, another key area of support to the SJC this quarter was improving the administrative and financial systems at the institution, making these systems more sound and transparent. Efforts that began last quarter with hiring two finance and administration consultants to work on the systems and procedures, culminated this quarter in the production of two procedural manuals which will serve as a cornerstone in developing financial and administrative systems. It is expected that these manuals will be approved by the Chief Justice early next quarter, upon which they will be distributed to SJC staff as an official manual that guides procedures in these two defined areas. Netham assistance is not perceived to end at this stage, as the project will participate in monitoring the implementation process to make sure all administrative and financial procedures and forms are properly utilized. These newly-developed procedures will also be used in future training provided to the personnel at the Financial and Administrative Departments of the SJC.

In determining which areas and processes in finance and administration needed to be addressed, the consultants began their work by conducting diagnostic and analytical reports which were based on a study of the current systems in place, feedback from staff in both these departments including one-on-one interviews, and a larger workshop. These reports were sent to USAID for review.

The all-finance and administrative staff workshop was held on January 26, 2008. During this workshop, Netham's consultants presented newly proposed systems and procedures to ensure a common understanding among the SJC staff serving within the two departments in addition to gathering feedback from participants before finalizing the systems and procedures. This workshop was attended by the Chief Justice who considered the newly developed systems a concrete step in building a professional institution. The workshop addressed re-engineering administrative and financial procedures according to the regulations of the PNA (e.g., Civil Service Law, Procurement Law) and administrative and finance best practices.

Based on staff feedback and Netham input regarding international best practices, the following procedures and systems were developed and/or modified, in efforts to make them more transparent and effective.

#### **Human Resources System**

- Employee recruitment
- Attendance control including vocations
- Employee file management
- Employee appraisals
- Training management
- Employees' satisfaction survey

#### **Internal and External Communications System**

- Internal meetings management
- Internal correspondence
- Reporting and follow up procedures



### **Documentation and Archiving Control System**

- Documentation control
- Archiving control

### **Financial System**

- Accounting system introduction
- Revenues' collection and auditing
- Deposits collections and payments
- Payments and expenditures management
- Procurement management
- Cash management
- Internal Financial Auditing

The SJC anticipates hiring over 200 employees over the next several months that will be directly impacted by these new systems.

### **Enhance and Build Capacity of Court Administration**

#### ***Assist in Establishment of the Court Administration Department***

The Chief Justice continued to note the importance of establishing the Court Administration Department in order to alleviate the SJC of heavy administrative and financial duties related to courts. The need for establishment of this Department is clearly reflected in the SJC strategic plan. This department would supervise the case management process and provide leadership and guidance for judges and administrators at all levels.

Netham held a meeting with the Chief Justice this quarter to specifically discuss this department and the project stressed that a director should be appointed as a first step. According to regulations, this department is required to be led by a senior judge, who would be responsible for providing high quality court-related support services to the judges, court administrators, and the public. Netham plans to include support to the initiation of the Court Administration Department in the new workplan.

#### ***Capacity Building Plan for Court Administrators***

After intensive planning with the Chief Justice and an SJC appointed committee, a detailed capacity building and training plan was developed for the SJC that aims at building the capacity and upgrading the skills of Court Administrators, Court Clerks, Enforcement, Notification, and Notary Public staff to give these staff members skills that will allow them to provide better and more efficient services to the public using the court system. The capacity-building plan calls for incorporating individual training needs based on both the employees' and the supervisors' feedback. While developing the plan, special consideration was given to the importance of unifying procedures adopted in the various departments.

The capacity- building plan aims at upgrading the skills and knowledge of the targeted Court Administrators. Some of the key sessions include:

- Training on electronic court stenography for the trial hearing sessions. These sessions target the court recorders of hearing sessions. The training will provide the clerks with the training needed to utilize the stenography machines to keep the minutes during the trials. The targeted group of court recorders reaches up to 133 clerks and will be divided over the 14 training sessions.
- Training for 24 Enforcement Officers to focus on various legal and technical issues.
- One- day training session for the 23 Notary Public Officers.
- Three training sessions for 74 Notification Officers.

- One-day training session for the Chief Clerks and Deputy Chief Clerks including administrative skills, the role of the Chief Clerks in case management as well as identifying obstacles facing Chief Clerks in judicial case management.
- One-day training session with the Chief Judges to identify the role of the Chief Judges in case management, and identifying the obstacles facing the Chief Judges in case management.

The capacity- building plan will involve training almost 250-260 SJC staff including judges and court staff in both senior and mid-level positions. Some specialized training is also proposed to be conducted in Jordan and facilitated through the USAID Mission in Jordan as well as DPK's Rule of Law program and judiciary contacts in Amman. As part of the capacity-building plan, Netham will distribute two sets of questionnaires. The first is targeted towards court administrators and aims at identifying their educational and training needs. The second questionnaire is for administrators and will focus on identifying the logistics and human resource needs. This questionnaire will also include a section that focuses on the challenges facing the administrator while carrying out his/ her duties, and allows the administrator to propose any suggestions to improve the service delivery and addressing challenges in carrying out their duties.

The Chief Justice has approved this overall plan and it was sent to USAID for approval. Upon approval, implementation of this plan will begin next quarter and will continue over a six-month period. Pending the appointment of new SJC staff, these new employees could also be incorporated into the training plan.

### ***Improving Information and Communication Technology at the SJC and Courts***

In order to improve communication between the SJC and courts, a grant was provided to the SJC by the Democracy and Governance/ARD mechanism at Netham's recommendation to provide a Wide Area Network (WAN) infrastructure, and time attendance (clocking) system to monitor the attendance of SJC personnel.

#### **Wide Area Network**

This assistance comes as a part of efforts to connect all SJC and court sites with a secure WAN infrastructure to improve communication and administrative coordination between SJC and the courts. The WAN would allow for the following activities:

- Synchronize Mezan database records between all courts and the SJC (after database records are unified).
- Build up the required connectivity for Mezan 2.
- Enable the courts and SJC to exchange information such as emails and to share files.
- Enable notifications to be electronically transferred from/to the court within its respective governorate.
- Enable the public and other institutions to access public information via the Web.
- Enable the exchange of financial and administrative information between the courts and the SJC.
- Transfer time attendance for each court to the administration in Ramallah to enable time logging for all employees.

This quarter, Netham coordinated efforts with the SJC IT and ARD to create a comprehensive document covering all needs pertaining to the WAN in terms of servers, routers, and network items including switches and firewalls for security. After ARD received bids, Netham was involved in the bid analysis and selection process.

Due to the fact that not all the required equipment is available locally, this activity was delayed while the selected vendor waited to receive the equipment from IT sources abroad. Meanwhile,

the SJC took steps to create space to accommodate this equipment including assigning a server room (where most of the equipment would be installed).

Next quarter, it is expected that the WAN equipment will be installed including the central (main) router in Ramallah that would establish links with all the 13 courts in the West Bank. Once all equipment is in place, a test for connectivity will be carried out for at least one week to ensure proper installation.

### **Clocking System**

The purpose of the time attendance/clocking system is to capture employee time attendance. This system will enable courts and the SJC administration to properly manage and control employee arrival and departure times and assist in human resource management as a tool for employee performance evaluations which will ultimately increase the efficiency of personnel at the SJC and courts.

As a continuation of an effort that began last quarter, Netham assisted ARD and the SJC IT in determining specifications of the time attendance software and hardware system as well as analysis of bids. Equipment for this system will be delivered early next quarter including the software application that would manage time attendance clocks.

### **SJC Database Unification Efforts**

The purpose of the database unification effort is to allow all court databases to be placed into one master database in Ramallah which will make it simple to track SJC records. Currently all records do not follow the same record numbering system and formats.

Netham continued to recruit a consultant to carry out this task but after numerous interviews and selecting different candidates, several proposed consultants withdrew their candidacy due to the high availability requirements for this consultancy.

By the end of the quarter, Netham had decided to begin this task internally with support from SJC IT staff until a proper consultant is identified. This SJC-Netham team already produced a study that covered a new case file numbering system. This would be a nationally unique case file numbering system which is essential for the integration of Mezan data into a centralized research and statistics database for the purpose of generating management information on a national level. As a result, the data elements needed to create such a unique national case identifier should be incorporated into Mezan. The study was conducted to develop the system according international standards. During the last week of the quarter, a consultant was identified and request for approval sent to USAID. The consultant would be central to database script writing. This effort could be completed next quarter.

### **Notary Public Services**

To follow-up on the Notary Public upgrading which took place over the previous two quarters in Nablus and Ramallah, Netham staff conducted regular site visits to both offices ensuring that the equipment is properly utilized, and that the systems and procedures are working efficiently. In the Ramallah Notary Public, Netham oversaw work by the supplier of the queuing system in carrying out regular maintenance work.

Netham-sponsored data entry interns continued to work on entering data related to archive files at the Ramallah and Nablus Notary Public Offices. In Ramallah, interns were responsible for entry of all NP files from the years 2000 and 2001, as well as part of 2002. In order to keep more recent files updated, they also completed 2007 files and are currently working on 2008 records. Meanwhile in Nablus, the interns completed entering data from the year 2005 and are currently

working on 2007 files. The data entry interns were contacted through USAID's Youth Empowerment Project "Ruwwad."

## Justice Sector Surveys

Netham sent USAID a concept paper this quarter that details an activity to carry out statistical surveys of the justice sector. These surveys would measure opinions, perceptions and attitudes of court users, lawyers, judges, and court staff. In addition, a national survey to measure public opinion of the judiciary is proposed to help gauge opinions and level of satisfaction with the judiciary. Results and analysis of these surveys would help shape activities across all Netham components including court management, court administration, and public outreach, among other activities.

Netham proposed that due to funding levels, this activity be covered by the Democracy and Governance/ARD Mechanism. This activity will be proposed in Netham's revised workplan.

## Engaging and Building Capacity of the Ministry of Justice

MOJ

### ***Institutional Development and Capacity Building Needs Assessment***

Netham began working this quarter with MOJ staff and the Minister of Justice on developing a proposed Terms of Reference (TOR) for a consultant to carry out a needs assessment for the Ministry. As follow-up, the Minister appointed a committee comprised of key personnel at the Ministry including the Administrative and Financial Unit Manager, head of the Legal Department, and the head of the Strategic Planning Unit.

After the proposed TOR was developed, Netham began to identify candidates to carry out the needs assessment for the MOJ. At the end of the quarter, and after a capacity building specialist was recruited to fill the position of Institutional Development Manager, the project decided to carry out this assessment internally. Work on this assessment will begin early next quarter.

### ***MOJ Space Renovation***

Complimentary to the needs assessment, Netham worked with the MOJ on developing proper space and creating new work areas to enable the MOJ to absorb newly appointed staff. About 30 new staff members are expected to be assigned to the Ministry in the coming period.

To prepare for implementation of this activity, a coordination meeting took place at the MOJ between members of Netham, the MOJ, and the ARD team, who will grant the needed renovation work to the Ministry of Justice through the Democracy and Governance/ARD mechanism. As a next step, ARD will issue a tender for this activity and upon selection of vendors the renovation work will take place.

### ***Establishment of the MOJ Strategic Planning Unit (SPU)***

A key achievement in working with the MOJ was the establishment of the Ministry's Strategic Planning Unit, which became fully functional and operational this quarter. The SPU is responsible for strategic planning for the Ministry as well as leading coordination with other justice sector institutions, in addition to developing activities to enhance the capacity of the Ministry of Justice.

By the end of the quarter, this department was staffed and equipped with support from the ARD mechanism. Beginning in January 2008, the project teamed with MOJ counterparts and the Minister of Justice to recruit two staff members for the unit including a director and an assistant. After a lengthy recruitment process, two candidates were identified and hired to fill these

positions. Netham also worked with ARD on providing furniture and equipment for this department.

Upon taking their positions, the SPU staff worked to establish clear mechanisms and processes for communication and coordination with both MOJ departments and staff who they are required to work closely with in implementation of their mandate. A regular mechanism of coordination with Netham was agreed upon which includes weekly Saturday meetings to facilitate proper follow-up and allow for immediate interventions, when necessary. Regular meetings were also established with the Minister.

After coordination mechanisms were established, the staff began working on one of their key tasks which includes developing the Ministry's Strategic Plan. In addition to work on the plan, the SPU addressed the issue of adopting an organizational structure for the Unit. While several versions of a structure were discussed with Netham, the ultimate recommendation took into account a balance between the requirements of the Planning Unit, and the current available resources at the Ministry.

As of the end of the quarter, March 31, 2008 following are some of the key accomplishments of the Unit:

- Unit is staffed with two members including director and assistant. Funding of positions takes place through ARD mechanism.
- Furniture and equipment are procured through ARD mechanism.
- Organizational structure is proposed for the Unit. Job descriptions developed.
- Workplan was formulated for the Unit.
- MOJ Strategic Plan is developed in draft form for internal discussion.
- SPU developed a list of projects ideas along with a description, and funding needs as part of proposed capacity building activities which was submitted to the Ministry of Planning within a development program for PA institutions.
- Internal coordination meetings were held with all related departments at the MOJ to guarantee smooth launching of the planning operation.
- After residing in temporary offices, the MOJ assigned permanent office space for the SPU.
- SPU took a leading role in preparations for the Justice Sector Working Group meeting that took place in March.

### ***MOJ Strategic Plan***

As mentioned under the Strategic Planning Unit activity, several planning sessions took place this quarter and as a result a first draft of a strategic plan for the MOJ was ready to be submitted to the Minister for review. A matrix was also developed that includes narrative text of the plan. In the process of developing this plan, several meetings took place with MOJ staff as well as other actors in the justice sector to provide input and feedback.

Similar to the SJC Plan the MOJ Plan calls for the development of integrated and harmonious relationship with the Executive and Legislative branches; ensuring fair and just trials; strengthening and empowering the Ministry of Justice; and protecting citizen's rights and fundamental freedoms.

Following are some highlights of the proposed plan:

- Complete a Memoranda of Understanding with the relevant institutions in order to overcome obstacles facing the relationship between the Ministry and its counterparts in the justice system and to ensure cooperation in bridges of trust. Understandings

would be reached with the Supreme Judicial Council, the Office of the Attorney General, and the Ministry of Interior.

- Increase cooperation with Civil Society Organizations and the media in order to raise public awareness and promote understanding of the judiciary.
- Participate in reviewing, evaluating, and proposing legislative policies related to the development of the justice sector. Participate in developing and implementing the National Legislative Plan for the Justice Sector.
- Oversee the Judicial Training Institute.
- Activate the Institute of Forensic Medicine and establishment of the criminal lab.
- Establish and operation the Judicial Police.
- Strengthen strategic planning within the Ministry.
- Activate and develop administrative, financial, and technical systems.
- Provide qualified human resources.
- Automate systems and procedures to the extent that resources allow.
- Improve public services including the Judicial Registry System.

This plan is expected to be finalized next quarter and will be translated and sent to USAID.

### Jericho Courthouse Project

Based on a request from the Prime Minister to the Minister of Justice to work on equipping and preparing a new Jericho Courthouse for opening, Netham assisted the Ministry and the SJC in accomplishing this task. As a start, communication was initiated with USAID's Democracy and Governance/ARD mechanism to fund the needed work.

Complementary to the procurement process, Netham provided advice on the interior design of the court chambers, the main entrance, and the clerk's office based on work by an interior designer/architect. Once a final sketch was prepared by the designer, Netham provided this sketch to the Chief Justice for his review and feedback and after integrating minor changes, a final design was suggested. The sketch was then passed on to the Democracy and Governance/ARD mechanism to be used for the tender process.

Netham conducted several visits to the Jericho court with SJC and MOJ stakeholders and ARD to determine equipment needs and specifications in addition to IT issues including network and power needs. With feedback from the MOJ and SJC, Netham worked on modifying this equipment list which at first contained exaggerated figures for equipment and quantities.

Behind the scenes, the project also made a push for greater cooperation and coordination between the Chief Justice and Minister of Justice, who both felt that equipment and furniture needs should be handled through their respective institutions. The two institutions were able to satisfactorily resolve this issue.

### Improving MOJ Public Services

#### ***The Judicial Registry System***

This quarter Netham submitted to USAID a draft concept paper on the scope of potential Netham support in automating the Judicial Registry system. Certificates produced by this Judicial Registry include the "non-conviction certificate" that is often a requirement in applying for Palestinian Authority jobs, as well as a number of international visas and other transactions. The project's proposed support would include re-engineering the processes to limit corruption and offer better transparency, as well as supporting a proper legal framework for the system. The Ministry of Justice is proposed to be responsible for this system.

Early in the quarter, the Ministry of Justice and other key stakeholders became involved in discussions on means to re-engineer this system in order to better serve the public. The current

system is not transparent and the public experiences long delays in getting certificates issued. Based on recommendations of a documentation study conducted by a Netham consultant last quarter, the Minister of Justice signed a Memorandum of Understanding with the Ministry of Interior to facilitate the processes of the new system development. This understanding includes defined mechanisms of work among the two ministries and the technical staff on the ground.

Meanwhile, Netham began to consider the next phase of the system technical development process, including system analysis and design process necessary for an implementation of a fully operational system. A draft Systems Analysis Report was produced. By mid-quarter these activities were put on hold pending further USAID discussions. Upon approval of the concept paper which redefines assistance to the Judicial Registry, these activities will re-start next quarter.

### The e-Nucleus Project: MOJ Internal Workflow Automation Effort (Document Management System)

At the beginning of this quarter, Netham hired a consultant to carry out a systems analysis which included the business process analysis and process re-engineering for the Judicial Record and the Document Management Solution (DMS) at the MOJ. These are two major components of the e-Government Nucleus project.

By the end of January 2008, the systems analyst produced a full report on the Judicial Record that mainly included a vision of the proposed system, complete analysis of the use cases (including suggestion of new ones), data flow diagrams (DFD's) and Entity Relationship Diagrams (ERD's) that completely describe the functionalities of the Judicial Records within the MOJ, the information flow, and the levels of authorization within the Ministry. The systems analysis for the DMS is expected to be completed next quarter. This would cover all the activities within the Ministry, their functions and a description of levels of authorities and information flow within the entire Ministry. Several meetings were conducted with the Minister to discuss this activity.

The e-Government Nucleus would also require a systems designer who would lay down the system interface and database structure, in addition to system requirements for future implementation. A request for approval was sent to USAID for a system designer and is pending approval.

### Palestinian Judicial Institute

To the surprise of some judicial players, a presidential decree was issued this quarter to regulate the work of the Palestinian Judicial Institute as opposed to approval of a Judicial Institute Law which Netham helped draft with the MOJ. Article eight of the decree states that the appointment of the Institute's Director shall take place through a presidential decision issued based on the recommendation of the Minister of Justice, and the approval of the Council of Ministers. The duration of the appointment is five years and renewable for one time only. The President's Office issuance of this decree did not receive the approval of the Chief Justice and could have potential implications on its implementation. As a result, some parties are calling to nullify the decree, whereas other parties call for reaching a compromise between the Ministry of Justice and the Supreme Judicial Council on implementing the decree, assignment of the director and overall management of the Institute.

In other news, some degree of damage was caused to the Judicial Training Institute due to broken water pipes from the upper floor of the institute. Netham is working with the MOJ to resolve this issue and repairs are currently underway. The Minister of Justice is personally overseeing this matter. By the end of the quarter most the damage was repaired.

## STRENGTHENING THE ENFORCEMENT OF LAWS AND COURT DECISIONS

### Supporting the Process of Developing Public Prosecution

#### ***Operational Manuals***

Three manuals were reviewed and revised this quarter by a Public Prosecution Committee established in Gaza by the Attorney General. The manuals include the Code of Ethics manual, the Crime Scene Manual, and the Trial Advocacy Manual. All three manuals were developed with support from the first DPK Rule of Law project in the West Bank and Gaza. Based on USAID guidance to limit activities with the Attorney General's Office, additional follow-up was not conducted on these manuals. This activity was temporary put on hold by the end of the quarter until activities supporting the Attorney General's Office are further defined.

#### ***Training Needs Assessment***

This quarter Netham received USAID approval to hire a statistician as a project consultant to analyze results of questionnaires that were carried out for the Public Prosecution (PP) staff in an effort to develop a full report on needs of the PP regarding training, human resources, and equipment. The consultant will also prepare analysis of data and cross tabulation, with charts and figures, providing analysis of the results of the questionnaires, and a presentation with the results identifying Public Prosecution needs.

The consultant conducted analysis of three questionnaires. The first questionnaire aims at identifying the continuous education and training needs of the PP members; the second questionnaire aims at defining the human resources, equipment and furniture needs in each PP office and was only distributed to the heads of prosecutions. The third questionnaire seeks to address the training needs of the Attorney General's Assistants and Heads of Public Prosecution point of view. This activity was temporary put on hold by until activities supporting the Attorney General's Office are further defined.

### Supporting Civil Enforcement of Court Decisions

As the Ramallah Civil Enforcement Department was selected by the Chief Justice as a pilot location for Netham to initiate a needs assessment identifying the obstacles facing the enforcement of civil court decisions, the project team began work on data collection of the Department's workload. This information was received through the adoption of a questionnaire developed by the project.

Netham and project sponsored interns began electronically filing information of the enforcement cases in a program in order to assist in analysis and findings once the process is completed. The program was developed by the project, and aims at identifying the obstacles facing the enforcement of court decisions, assessing the workload of the selected department, and ultimately developing a six-month plan of action to address the obstacles facing the civil enforcement of court decisions.

## SUPPORT PUBLIC OUTREACH, NETWORKING, AND CITIZEN ENGAGEMENT ON RULE OF LAW ISSUES

### Development of SJC Publication

In order to promote greater public understanding of the judiciary and in particular the SJC, its specific functions, and accomplishments, a Netham consultant began working with SJC staff and the Chief Justice to produce the SJC's 2007 Annual Report. After gathering data and statistics



from various SJC departments, as well as holding numerous meetings and interviews with SJC staff and the Chief Justice, a draft of this report was produced for review by Netham and the Chief Justice.

The report will specifically address:

- Legal framework for the formulation and jurisdictions of the SJC
- Court types and jurisdiction
- Judicial inspection at the SJC
- Judicial training at the SJC
- SJC Technical Office
- Relationship between the SJC and the Legislative authority
- Relationship between the SJC and the Executive Authority
- Achievements of the SJC during the year 2007 and planned accomplishments for 2008
- SJC Strategic Plan

In an effort to providing capacity building and training to SJC staff so that the institution can produce future reports with limited assistance from donors, the consultant worked closely with an assigned staff members at the SJC Technical Office to provide the team with the skills and knowledge needed to develop future informational reports.

At the end of the quarter, a second version of this report was submitted to the Chief Justice. Once a final version is available, the report will be translated and sent to USAID for review before it is printed. The report will be produced for publication to the public, as well as governmental institutions, donor organizations and to individuals seeking additional information on the judiciary.

### Rule of Law Day

Netham submitted an updated concept paper and budget to USAID for conducting a Rule of Law Day. On this date a series of activities would be implemented highlighting the concept of justice and the judiciary through newspaper, TV, and radio advertisements and public service announcement, in addition to various scheduled interviews. The three judiciary institutions would jointly sponsor events, which could also be held under the auspices of the President and Prime Minister. This event would take place as follow-up to the adoption of the Justice Sector National Plan which is founded on the principle of cooperation between the key justice sector entities.

At the end of the quarter initial plans were being made to conduct a public event around the signing of the Justice Sector National Plan.

## 3. OVERALL PROJECT ADMINISTRATION

### CONTRACT MODIFICATION/NEW WORKPLAN

USAID provided Netham with a modified SOW for the Netham, Rule of Law Program. Based on this modification, Netham was asked to submit a budget re-alignment before the SOW is officially released. The new SOW will cover the period from April 2008 through September 2009.

In anticipation of the new SOW, Netham staff participated in two planning sessions with the CTO to brainstorm and plan activities across project components. In addition, prior to these sessions, Netham West Bank staff participated in a workshop with the USAID CTO. The workshop sessions focused on identifying challenges and opportunities facing the judiciary, as well as presentations on some key programs themes including IT support to the Judiciary, supporting the Court Administration Department, and supporting public services.

## COORDINATION WITH DONORS SUPPORTING THE JUDICIARY

Netham's Chief of Party and the USAID CTO participated in a Judiciary and Rule of Law Support Group meeting held this quarter in Ramallah. The meeting which included various donor groups and international organizations focused on addressing the need to transform the Judiciary and Rule of Law Support Group into a formal sector working group, as well as discussing the Palestinian Judicial Reform Development Plan. The meeting which was held at the Ministry of Planning included various donor agencies, and international organizations that support the Palestinian justice sector institutions including the Supreme Judicial Council, Ministry of Justice, and the Attorney General's Office.

Also this quarter, Netham and the USAID CTO participated in a judiciary donor coordination meeting that included representatives from the EC- Seyada Project, EUCOPPS Project, and the UNDP Democracy and Governance Program. The meeting aimed at discussing IT- related activities taking place by each donor funded project in order to avoid overlap or duplication of efforts. During this meeting USAID and Netham noted that donors do not have plans directed towards upgrading the capacities of the Ministry of Justice and the Seyada Project was receptive to providing this assistance. This step will allow Netham to allocate funding to other activities as opposed to equipment for the MOJ.

A separate coordination meeting also took place this quarter between Netham and Seyada to discuss case management and notification activities.

## PROJECT STAFFING

Two Netham staff members resigned this quarter including the Enforcement Process and Procedures Manager who left to accept a position with the Women's Center for Legal Aid and Counseling and the Institutional Development Manager who left to pursue a position with PalTrade. Netham advertised vacancies in the local press that also included an Administrative Assistant opening.

Based on interviews and selection criteria, candidates were selected to fill all three positions. At the end of the quarter, Netham received USAID approval for all three vacancies. USAID approval was also received earlier in the quarter to hire an IT Coordinator who began work in March.

## NETHAM MONITORING AND EVALUATION PLAN

This quarter Netham submitted to USAID a draft Monitoring and Evaluation Plan. This plan will however be amended based on the new SOW.

## PROJECT AUDIT

Field work concluded this quarter on the project's 2<sup>nd</sup> year audit that was conducted by PriceWaterhouseCoopers. A second audit relating to subcontract awards is currently under way. Netham expects to receive results early next quarter.

## GEOGRAPHICAL INFORMATION SYSTEM (GIS) TRAINING

Netham staff took part in USAID GIS training that specifically addressed GPS training.

## VETTING TRAINING

Netham took part in USAID vetting training held at the USAID Mission in Tel Aviv on February 5 for Democracy and Governance programs.

#### 4. CHALLENGES AND OBSTACLES IN IMPLEMENTING ACTIVITIES

There are several challenges in implementing program activities that should be noted. While there has been pronounced good will between justice sector counterparts, these relationships have not been void of competition and friction at times. This can be largely attributed to the lack of clearly defined roles and responsibilities of the key institutions in the sector. To help alleviate and address some of these issues, judicial counterparts continued to turn to Netham for support and guidance. Behind the scenes, the project also played a role in partnership with Dr. Azmi Shu'abi of the Coalition of Accountability and Transparency to help address some of the friction. For his part, Dr. Shu'abi on many occasions acted as a mediator between the justice sector institutions, and the Executive and particularly the President's Office. This input has been able to produce temporary results; however, this matter can only be comprehensively tackled through redefining the legislation framework of the justice sector. Most notably, this issue came to a test this quarter in matters related to ownership of the Justice Sector National Plan, and overall responsibility for overseeing the furniture and equipment at the new Jericho courthouse. While in the end these issues were resolved amicably, each of the SJC and MOJ viewed their institution as the one to have control on these issues.

On another issue, independence of the judiciary was also tested as justice sector players, and particularly the MOJ was working with Netham on drafting the Palestinian Judicial Institute Law to help guide and define the work of the Institute. Late in the quarter, to the surprise of some justice sector actors, and particularly the Chief Justice, a decree was issued by the PA President on the Institute and this matter is yet to be resolved between the concerned parties. The Chief Justice has voiced concerns due to his limited involvement in the selection and management of the Institute according to this decree.

On Netham's programmatic level, budget restrictions posed somewhat of an obstacle as not all planned activities were able to be implemented and instead only high priority activities were undertaken while awaiting the contract modification. Judicial counterparts were however understanding and pending approval of the new work plan next quarter, this status will change.

Coordination with donors working in the sector has been productive and has yielded results. Had this important coordination not taken place, Netham and the EC's Seyada Project could have potentially embarked on some of the same areas in supporting the judiciary and particularly the SJC. While coordination has resolved this issue, it brought to light the lack of expertise of the SJC in requesting assistance from donors—as various donor programs are sometimes asked to provide duplicative assistance.

#### 5. SUMMARY OF PLANNED ACTIVITIES NEXT QUARTER

- Submit new workplan to USAID based on contract modification.
- Implement capacity building plan to enhance skills of court administrators.
- Initiate assistance to the SJC in institutionalizing the Court Administration Department.
- Carry out implementation plan of newly developed financial and administrative systems at the SJC. Disseminate procedural manuals to SJC staff.
- Begin assistance in improving judicial notifications.
- Continue to provide technical assistance to the development of the justice sector strategic plans.
- Disseminate the SJC's Strategic Plan.
- Provide technical assistance to MOJ in developing strategic plan.
- Conduct MOJ needs assessment.
- Continue to provide technical assistance to the Strategic Planning Unit at the MOJ.
- Carry out systems design for the MOJ's Document Management Solution (DMS).



- Supervise the implementation of network infrastructure, provision of IT equipment to Jericho Courthouse.
- Implement SJC unification of data base records pilot in Ramallah.
- Install WAN and clocking system at the SJC and Courts.
- Conduct follow-up on Judicial Records system, including analysis and design.
- Assist the judiciary in conducting public event on the signing of the Justice Sector National Plan.
- Conduct Rule of Law Day campaign.
- Finalize and print SJC 2007 Report.