

AMAN
Transparency Palestine



Palestinian Judiciary Integrity Index



**First Report
2021**

**November
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The Coalition for Accountability and Integrity (AMAN)

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The Coalition for Integrity and Accountability (AMAN) has exerted due diligence to verify the information reported in this survey. It shall not bear any liability for use of this information for purposes other than the purposes of the study following its publication.



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► Executive summary

The Palestinian Judiciary Integrity Index is considered to be the first of its kind in Palestine. This Index was built based on several indicators developed by the Coalition for Integrity and Accountability – AMAN based on several locally and internationally recognized criteria relevant to the judicial authority as one of the three authorities. The preparation of the Index included a detailed review of the international principles pertaining to judicial affairs, Palestinian national legislations regulating the judicial authority, and international conventions related to combating corruption, in addition to the foundations relating to the principles of transparency, accountability systems, integrity values, and judicial independence.

The Index includes 80 indicators chosen for their ability to characterize and measure integrity in the Palestinian judiciary. It represents a standard tool that can numerically express the degree of judicial integrity and its imperviousness against all that can threaten its independence or impregnability in fighting corruption, and its ability and effectiveness in performing its role towards enhancing the integrity of governance, and to achieve rule of law and justice and safeguard the rights of citizens, and ensure societal stability. Each indicator shall have a maximum grade of 100, whereby an indicator is graded from 0 to 100 in accordance with the calculation mechanism created for each indicator, which also includes a score ranging from very advanced to critical.

The special scope of this first report includes the judicial authority in Palestine, with focus on the High Judicial Council, regular courts, and Public Prosecution in the West Bank. As for the temporal aspect, the report focuses primarily on the year 2020, while referring back (to the extent necessary) to recent years when collecting information on some indicators which for the purpose of measuring them, required turning back to them. This is needed especially that the preparation of this report comes in the context of the latest developments surrounding the judicial authority. It must be noted that the data was collected in the period extending from June 25, 2021 to September 9, 2021.

The report consists of an introduction which includes the legal framework governing the judicial authority, and two sections and an annex. The first section addresses the methodology in which the report was prepared, while the second includes numeric results of the Palestinian Judicial Authority Integrity Index. The annex includes a detailed summary of the 80 indicators used in the Index, their score, sources of information, and weight given to each indicator.

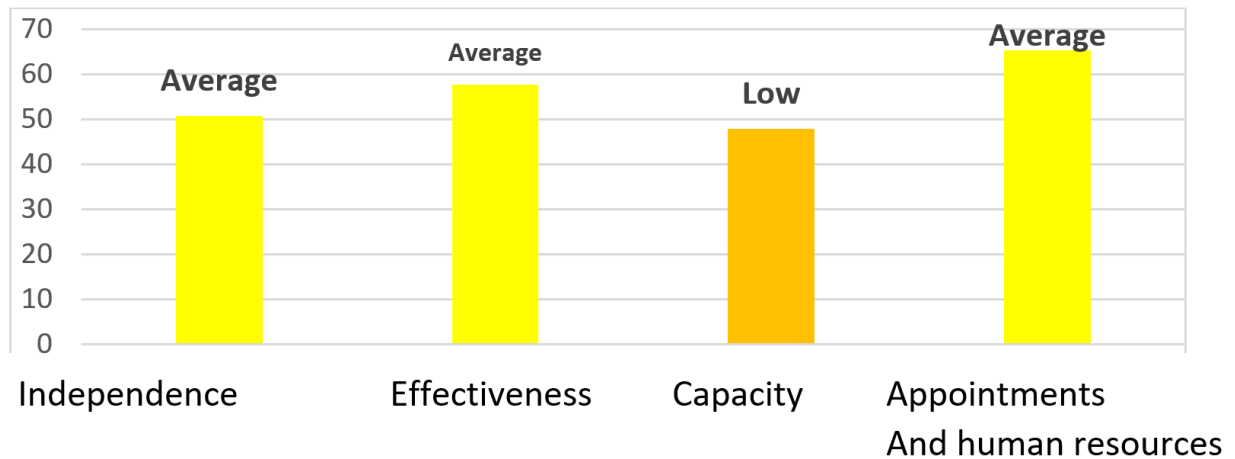
Total Index score

The Palestinian judiciary Integrity Index received an “average” score of (57 points out of 100) based on the results of all 80 indicators used in the Index. This grade indicates that the state of the Palestinian judiciary integrity is troubling, whereas 13 indicators (16.25%) received the score of “critical”, and 6 indicators (7.5%) received a “very low” score, and 17 indicators (21.25%) received a “low” score, 20 indicators (25%) received an “average” score, 17 indicators (21.25%) an “advanced” score, and 7 indicators (8.75%) received a “very advanced” score.

Index’s sub-results for the areas of Judicial integrity

Area of independence received 51 points, i.e. “average” score, while the area of effectiveness received 58 points, also an “average” score. The capacity area received 48 points, i.e. a “low” score, while both areas of appointments and employment affairs received a 65, i.e. an “average” score.

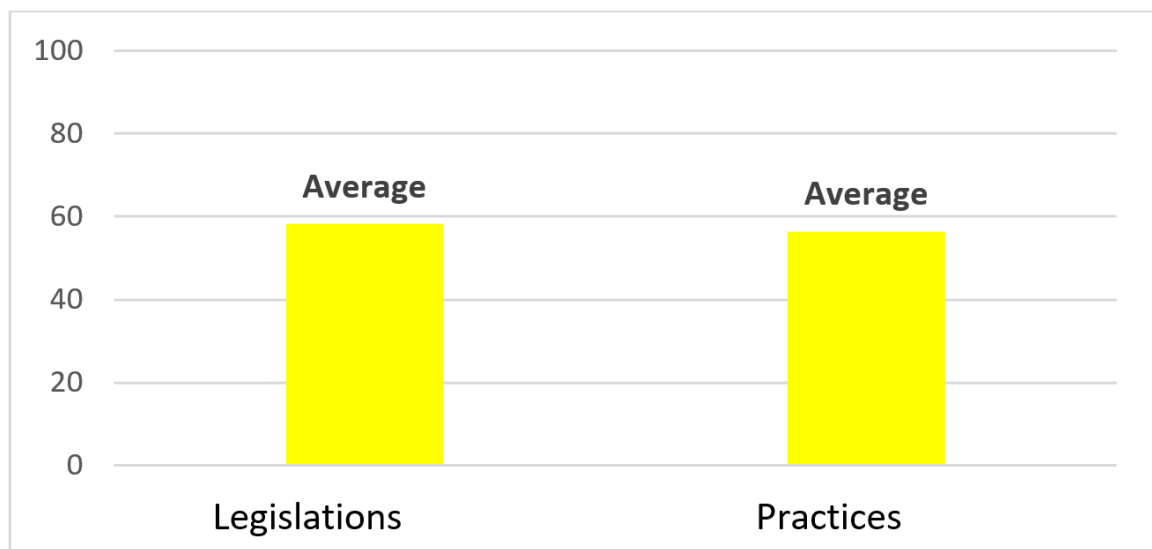
Scores of areas of the Palestinian judiciary Integrity Index



Index's sub-results for the legislation and practices sectors

The legislation sector received 58 points (an average score), while the sector of practices received 56 points (also an average score).

Scores for both the legislative and practices sectors



Index's sub-results by pillar:

The Transparency pillar received 67 points, i.e. and advanced score, and fighting corruption received 62 points, i.e. an average score. Integrity received 56 points, i.e. an average score, while accountability received 47 points, a low score.

Palestinian Judicial Authority Integrity Index pillars scores



Key extracts include:

- The judiciary encourages media access and the preparation of reports on judicial proceedings. It also publishes statistics on the of number of cases and rates of decided cases.
- High Judicial Council's decisions are not publicized as they are deemed confidential. There is disruption in publishing the annual report on the work of the judicial authority.
- No clear data is published concerning types of complaints, inspected cases, or disciplinary cases.
- Annual reports issued by the Anti-Corruption Commission do not include specific data on the judicial authority with regards to complaints, reports, investigation cases, and cases referred to the Court of Corruption Crimes pertaining to judges, prosecutors, or judicial employees.
- A log containing judges' disclosures of assets does exist.
- The principle of equal opportunities in appointments is undermined through the interference of the executive authority in results of judicial employment competitions.
- There is an absence of actual implementation of the principle of separation of powers. This indicates supremacy of the executive authority over all others, and the imposition of its hegemony which undermines governance integrity.
- Judges have little freedom of expression or assembly or to form associations or contribute towards judicial reform or development or in defending interests of judges, in addition to restrictions imposed on them by executive authority agencies.
- Judicial authority has no mechanism in place for regular surveys of the public on their experiences with courts and judicial authority departments.
- Community oversight over the judicial authority is not institutionalized due to poor coordination mechanisms and lack of standing cooperation between civil society organizations.
- In practice, judicial inspection does not include Supreme Court judges.
- Lack of prepared and accredited curricula pertaining to combating corruption for judicial training and education.
- Constitutional assurances contained in the Basic Law pertaining to the independence of the judiciary are poor (such as no stipulation on financial and administrative independence, no specification on cases of judge removals, no stipulation regarding formulation of the Judicial Council).

- Application of the principle of the non-dismissal of judges based on legislative interferences by the executive authority is flawed. This led to what is known as “veiled dismissal”.
- Non-observance of the principle of the obligation to enforce judicial judgments as the Executive Authority has not in many cases complied with the expedite enforcement of the administrative justice decisions without any delay. Consequently, the bodies responsible for this delay have not been held accountable, indicating “an implicit intervention” in the justice system, which compromises trust therein.
- There are signs of passive interference by security agencies in the affairs of the judiciary such as the “security clearance condition” in appointments, and procrastination in carrying out release orders of detainees, and undermining sanctity of courts.
- Judicial rulings are published and easily accessible by the public.
- There are clear and written procedures at reporting departments, notaries, and court clerks, but there is a lack in judicial rulings pertaining to enhancing integrity in those departments.
- Several court premises and facilities are unfit. Additionally, many population centers do not have any judicial facilities they need. This undermines people’s right to receive judicial services and hinders easy access to the justice system.
- Paper dossiers for cases are badly kept which increases the chance for tampering.
- The executive power controls the budget of the judicial power as it sets the non-developmental operational budget ceilings and ratifies the budget following the dissolution of the PLC; it limits this budget to salaries and overhead expenses.
- Personnel of the judicial authority do comply to presenting an assets declaration to the Anti-Corruption Commission.
- Judges and members of general prosecution are not included in the Gifts Regulation. Additionally, there aren’t enough provisions in this respect stipulated in the judicial code of conduct. This regulation has yet to come into effect for personnel in the judicial authority.
- The judicial training regulation is old and is often not applied. There is a lack in provisions pertaining to the nomination of judges for judicial training and education programs.
- Failure to enact a law for accessing information in general, and the judicial authority lacks a written mechanism regarding accessing information related to judicial affairs. The state of Palestine has no law enacted regarding reparations for judicial errors. There is a failure to update and activate the regulation governing rules of work in the High Judicial Council. Legislative regulations related to appointments at the Judicial authority are poor in that they do not accurately detail nomination mechanisms or means of selection.



The report made several recommendations to decision makers and those concerned. The following are a few of the key recommendations:

First: The High Judicial Council must:

- Establish a mechanism for regularly publishing its decisions.
- Publish clear data on inspection and disciplinary cases in its annual report.
- Provide and ensure the right of judges to free expression and assembly on a larger scale.
- High Court judges must be included in the judicial inspection in practice.
- Creation of a strict mechanism for safeguarding case dossiers to ensure no tampering.

Second: The executive authority (the President's Office and Council of Ministers) must:

- Stop all forms of hegemony and influence that is visible in the legislation and practice of the Executive Power, which intervenes in the management of the justice system, including appointments, resources management and allocations to fulfill the needs of the judicial institutions.
- Ensure that implementation of judicial rulings is respected by state institutions concerned with enforcing the law, and make sure those who obstruct implementation are held to account.

Third: The Attorney General must work to raise effectiveness and role of the Corruption Crimes' Prosecution Office.

Forth: The Anti-Corruption Commission must publish specific data on complaints and cases related to the judiciary in its annual reports.

Fifth: Civil society organizations must:

- Consolidate their efforts through creating a standing mechanism to enhance community oversight over the judicial authority based on the principle of the independence of the judiciary.
- Cooperate with the High Judiciary Council in preparing a specialized curriculum on integrity and combating corruption within judicial training and educational curricula.

► Introduction

The Palestinian Judiciary Integrity Index is considered to be the first of its kind in Palestine. This Index was built based on several indicators developed by the Coalition for Integrity and Accountability – AMAN based on a number of locally and internationally recognized criteria relevant to the judicial authority as one of the three authorities. The preparation of the Index included a detailed review of the international principles pertaining to judicial affairs, Palestinian national legislation regulating the judicial authority, and international conventions related to combating corruption, in addition to the foundations related to the principles of transparency, accountability systems, integrity values, and judicial independence.

The Index includes 80 indicators chosen for their ability to characterize and measure integrity of the Palestinian judiciary. It represents a standard tool that can numerically express the degree of judicial integrity and its imperviousness against all that may threaten its independence or impregnability in fighting corruption, and its ability and effectiveness in carrying out its role towards enhancing integrity of governance, and to achieve rule of law and justice, safeguard the rights of citizens, and ensure societal stability.

The work team, when considering the techniques for measuring the Index, sought to benefit from similar experiences such as the Palestine Integrity Index and the Palestinian Security sector Integrity Index which are both issued annually by AMAN.

It is hoped that this report will be issued annually in the coming years to serve as a tool to track changes on the state of integrity in the Palestinian judiciary and its imperviousness in the face of corruption. This will enable the judicial authority and relevant official and civic entities to identify points of strength and weakness, and risk levels, and interventions needed.

The scope of this first report spatially includes the judicial authority in Palestine, with focus on the High Judicial Council, regular courts, and Public Prosecution in the West Bank. As for the temporal aspect, the report focuses primarily on 2020, while referring back (to the extent necessary) to previous close years when collecting information on some indicators which for the purpose of measuring them, required turning back to them. This is needed especially that the preparation of this report comes in the context of the latest developments surrounding the judicial authority. It must be noted that the data was collected in the period extending from June 25, 2021 to September 9, 2021.

It is important to realize that the achievement of this Index came in light of variable conditions, and political and legal environmental developments which constitute the reality in which the judicial authority operates in Palestine, such as the absence of sovereignty and an independent state as a result of the persistence of occupation, in addition to the financial and political restrictions imposed by Israel, and circumstances of the political division, and the declared state of emergency due to covid-19 and in the midst of the ongoing judicial reform attempts.

In this context, we wish to extend our profound thanks to the High Judicial Council for its cooperation in facilitating the data collection process, and for providing us with the necessary documents related to collecting data concerning the Index's indicators. We would also like to extend our gratitude to all judges and personnel interviewed in the judicial authority and its various departments, and to staff and officials in the institutions of the State of Palestine, and to civil society professionals and experts.

The report consists of an introduction which includes the legal framework regulating the judicial authority, and two sections and an annex. The first section addresses the methodology used to prepare the report, while the second includes numeric results of the Palestinian Judiciary Integrity Index. The annex includes a detailed summary of the 80 indicators used in the Index, their score, sources of information, and weights given to each indicator.

► The Legal Framework Governing the Judicial Authority

The Judicial Authority is one of the three authorities of government in the State of Palestine, and it adopts the scale as its symbol. It represents the power protecting justice and the rights of citizens. It is also the true regulator of balance between the authorities of government through its pivotal role in implementing laws - which were set by the legislative authority and implemented by the executive authority – in disputes that occur in relations between individuals, or the relations of individuals with state institutions.

The judicial integrity represents a main pillar of government integrity, and that of the rulers of the Palestinian political system. The United Nations Convention against Corruption, which Palestine ratified lately, stipulates: “Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary”. The Bangalore principles also stated “Integrity is essential to the proper discharge of judicial office”. And Ibn Khaldun said: “judicial corruption leads to the demise of the state”.

The judicial authority operates under a versatile legal framework which governs its independence guaranties, composition, functions, and its personnel affairs. The international conventions officially ratified by Palestine represent a part of the Palestinian legal system, which reflect in some of their aspects basic criteria for the work of the judiciary and its independence. The following are some key conventions some of which have been ratified by Palestine, and others that constitute international criteria related to the judiciary:

- United Nations Convention against Corruption 2004.
- United Nations Convention against Transnational Organized Crime 2000.
- International Covenant on Civil and Political Rights 1966.
- International Covenant on Economic, Social and Cultural Rights 1966.
- Convention on the Elimination of All Forms of Discrimination Against Women 1979.
- Basic Principles on the Independence of the Judiciary – United Nations 1985.
- United Nations guidelines on the role of prosecutors 1990.
- Draft Universal Declaration on the Independence of Justice: (Sanghvi Declaration/United Nations Special Rapporteur) 1989.
- Bangalore Principles of Judicial Conduct 2011.
- The Universal Charter of the Judge 1999.
- Council of Europe Recommendation on the Independence, Competence and Role of Judges No. 12 of 1994.

There are also national constitutional legislations, and ordinary and secondary legislations, including laws and regulations. Following are some key Palestinian legislations pertaining to judicial authority:

- Declaration of Independence 1988.
- Basic Law of the Palestine Liberation Organization 1964.
- Amended Palestinian Basic Law 2003 and its amendments.
- Judicial Authority Law for 2002 and its amendments.
- Decree Law Concerning the Formation of Regular Courts for 2020.
- Criminal Procedure Law 2001.
- Civil and Commercial Trial Procedure Law for 2001.
- General Secretariat of the High Judicial Council Regulation 2021.
- Judicial Inspection Regulation 2020.
- Decision by the Transitional High Judicial Council concerning the Code of Judicial Conduct for 2020.

► Methodology for Preparation of the Palestinian Judiciary Integrity Index

Selection and adoption of Index indexes:

A team consisting of local experts and AMAN's staff identified a number of indexes related to the judicial integrity system based on a review of local and international literature, studies, and various reports pertaining to judicial authority integrity and counter corruption Indices and international standards on integrity and independence of the judiciary, in addition to constitutional principles on judicial authority. The team gave each indicator 100 points, where each indicator can receive a grade between 0 to 100 points in accordance with the calculation mechanism created for each index.

Index data collection sources:

The sources of information relied on for this Index varied. They include the following sources:

- Laws and legislation relating to the judiciary.
- Official reports issued by competent authorities.
- Community reports by civil society organizations.
- Interviews with the judiciary (High Council of the Judiciary and various departments).
- Interviews with official oversight bodies.
- Interviews with activists and experts on judicial affairs and civic action.
- Websites of official and community institutions.
- Literature, studies, data, or positions (digitally published or in print).
- Judicial rulings.

Determining the numeric value of the Index and its sub-indexes

The Index has one single numeric value which expresses the effectiveness of the Palestinian judiciary authority's integrity for the period of the research. It does however have 80 indicators with 80 numbers expressing the state of each indicator individually. Additionally, sub-indicators were used to provide for a broader understanding of the judiciary's integrity system with all its sectors and areas. Our team worked hard on the score of some of the indicators that may exist in more than one category such as financial disclosure statements, which may fall under the area of transparency, as well as under the area of counter corruption. But for the purposes of this Index, they were put under specific scores. This however does not hinder the revision of these scores based on other comparisons made.

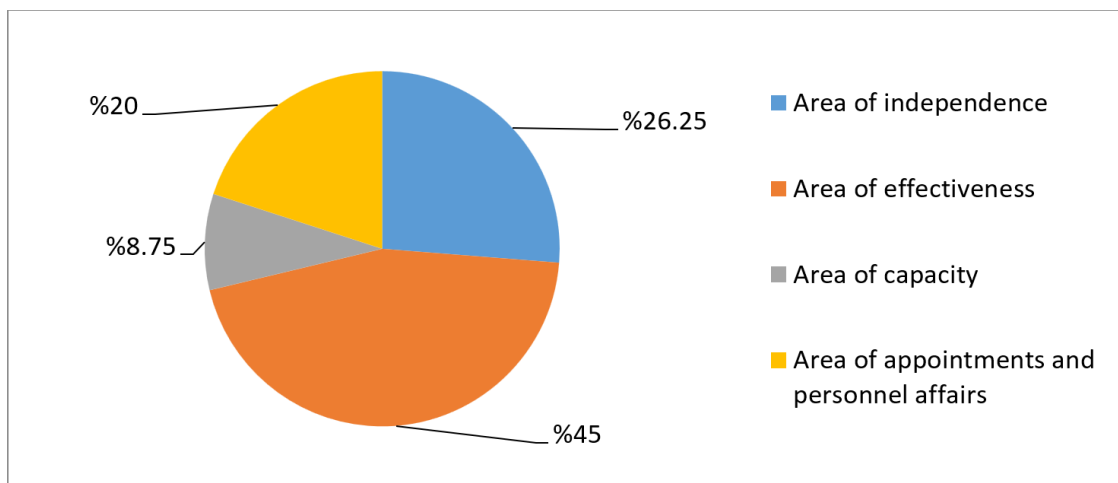
Four areas have been adopted which have an impact on the work and regulation of the judiciary. These are: (1) independence, (2) effectiveness, (3) capacity, and (4) appointments and personnel affairs.¹ The area of independence includes 21 indicators, effectiveness has 36 indicators, capacity has 7, and appointments and personnel affairs have 16 indicators.

Table (1): Key areas of the judiciary

Area	Number of indicators	Relative weight for each area
Independence	21	26.25%
Effectiveness	36	45%
Capacity	7	8.75%
appointments and personnel affairs	16	20%
Total	80	100%

Figure (1) shows that indicators of the independence area received 26.25% of the Index's weight. Effectiveness received 45%, while capacity received 8.75% of the Index's weight, and appointments and personnel affairs got 20%.

Figure (1): Index's weight distribution based on the key areas



The 80 indicators are divided into 2 sectors: indicators related to legislation, and others representing practices. Table (2) below shows that legislation indicators totaled 17, while practices totaled 63 indicators.

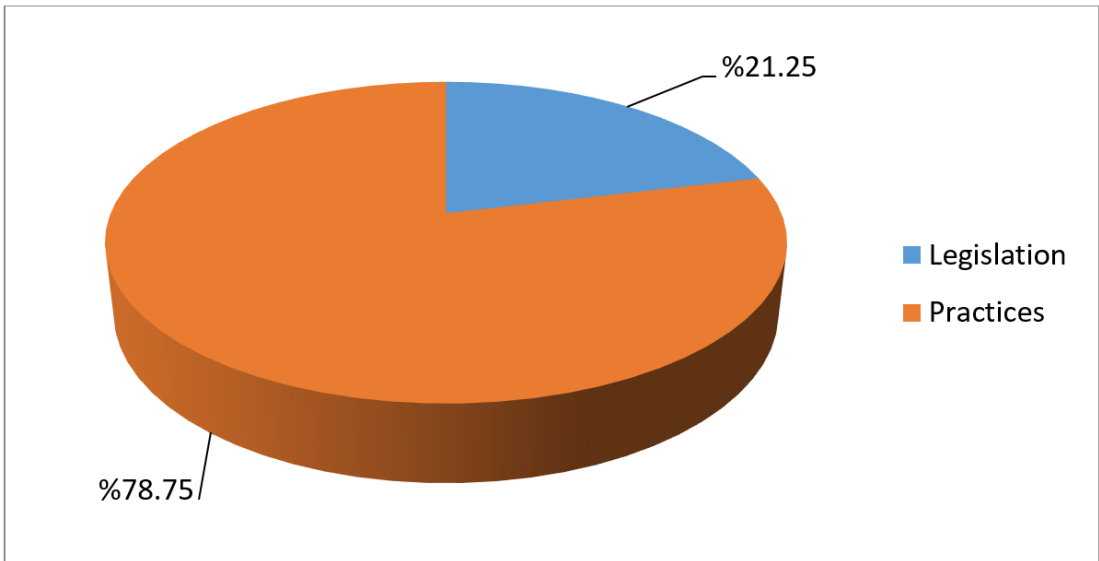
Table (2): Key sectors

Sector	Number of indicators	Percentage
Legislation	17	21.25%
Practices	63	78.75%
Total	80	100%

1 For the purpose of this Barometer, independence means: The judicial authority, establishments, and judges shall enjoy total independence and impartiality which in turn enhances its function of settling disputes and issuing judicial rulings without being subject to the influence other authorities, especially the executive authority and its various institutions, on the basis of the principle of separation of powers and the respect of constitutional guarantees of the principle of independence of the judiciary. Efficacy means: existence of effective working mechanisms, regulations, and procedures in the judiciary that ensure regulation of judicial processes with the aim of facilitating access to justice and to guarantee citizens the right to resort to their natural judge to solve their disputes without prejudice, and to strengthen trust in the judiciary and its role in oversight over other authorities, and to correct any deviations that may occur. Capacity means: The availability of sufficient resources and supplies to enable the judicial authority to discharge its functions in a proper manner. And lastly, appointments and personnel affairs mean: Organizational processes to guarantee access of competent and qualified judicial cadres to occupy judicial positions and all that pertains to the affairs of judges and staff in various occupational areas.

Figure (2) shows that the weight given to the legislation indicators was (21.25%), compared to the weight of the practices indicators (78.75%), which reflects recent focus on practices to assess and compare the actual value of the legal rules.

Figure (2): weight distribution of the Index based on key sectors



The 80 indicators are divided into 4 main pillars: indicators related to principles of transparency; indicators related to accountability systems², indicators related to values of integrity³, and indicators pertaining to combating corruption. As table (3) shows, the number of indicators concerning transparency total 16, and indicators concerning accountability total 20, and indicators pertaining to integrity total 34, and those indicating combating corruption totaled 10.

Table (3): Pillars of the judiciary’s integrity system

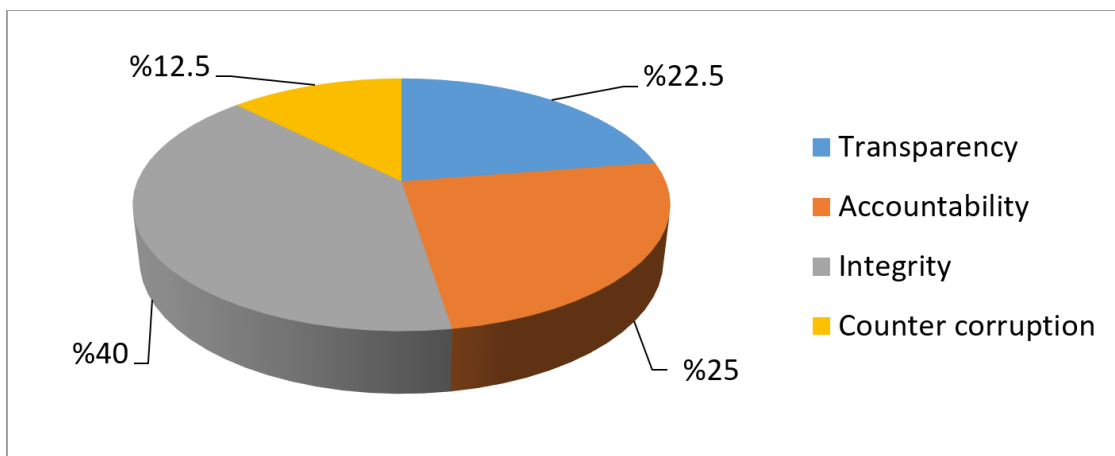
Pillar	Number of indicators	percentage
Transparency	18	22.5%
Accountability	20	25%
Integrity	32	40%
Combating corruption	10	12.5%
Total	80	100%

Figure (3) indicates the weight given to transparency indicators is (22.5%), and the weight assigned to accountability indicators is (25%), and weight given to integrity indicators is (40%), while counter corruption indicators we given (12.5%).

² Indexes of the accountability pillar in this Barometer include indicators related to internal accountability in the judicial authority, and others relating to the role of the Palestinian judiciary in holding the executive authority to account.

³ Indexes that include the integrity pillar in this Barometer indicate the values of integrity and rules of conduct of the judicial authority, in addition to the indicators of governance integrity and their impact on integrity of government.

Figure (3): Index weight distribution according to pillar



Index's indicators Score:

Review of the indicator's grades shows that they fall between (0) and (100). This means that the process of choosing these indicators has succeeded in integrating widely diverse and different articles, allowing the measurement of the various aspects of the Palestinian judiciary Index. Based on the review of these differences and the extent they reached, we categorized the points based on their ability to provide a useful picture of the degree the Index contributed towards measurement of the effectiveness of the integrity system. This review led to the adoption of the scores in table (4) below.

Figure (4): marks' score based on progress in the judicial integrity index

Symbol	Lowest mark	Highest mark	Score
Green	81	100	Very advanced
Light Green	66	80	Advanced
Yellow	51	65	Average
Orange	36	50	Low
Red-Orange	21	35	Very low
Red	0	20	critical

► Key Features of the Palestinian Judiciary Integrity Index 2021

Results of the Palestinian integrity Index in the Palestinian judiciary display the following key features:

The integrity Index in the Palestinian judiciary received an “average score” (57 points out of 100) based on the results of all 80 indicators used in the Index. This grade indicates that the state of the integrity system in the Palestinian judiciary is troublesome.

Following are key indicators which positively affected the Index’s score:


- 1- Existence of a record of assets disclosures of judges.
- 2- The judiciary encourages media access and preparation of reports on judicial procedures.
- 3- Judges recuse themselves from any cases they cannot impartially decide.
- 4- Published statistics regarding cases and rates of decision are available.
- 5- Judicial rulings are published for easy access by the public.
- 6- A modern judicial inspection system does exist.
- 7- Individual dossiers for each judge do exist, and the judge has access to review it.
- 8- Instances in which judges and members of the public prosecution may be litigants are specified.
- 9- Judges and members of the public prosecution are subject to the Anti-Corruption Law.
- 10- A mechanism does exist to report instances where judges, during the course of their official functions, are influenced or interfered with by colleagues.

Key indicators which negatively affected the Index’s score:

- 1- Lack and unclarity of constitutional guarantees that ensure the independence of the judiciary.
- 2- Persistence of the executive authority’s interference in judicial appointments.
- 3- Decisions were made to remove judges in veiled ways.
- 4- Freedom of expression and assembly of judges is restricted.
- 5- compliance to the principle of the necessity of carrying out judicial rulings is not absolute.
- 6- Judicial inspections do not include High Court judges in practice.
- 7- Court buildings and facilities are unfit in many governorates.
- 8- High Judicial Council decisions are not published.
- 9- No clear or detailed data on the judicial authority is published in the Anti-Corruption Commission’s reports.
- 10- Poor preservation methods of paper records and dossiers of cases.

Nature of indicators that received a “critical” score (0-20): 13 indicators (16.25%) received a score of critical. These indicators pertained to the following key issues:

- 1- Removal from judicial posts is done according to fair proceedings.
- 2- Judges practice their right to expression and assembly and formation of associations to represent their interests in a way that preserves the dignity and impartiality and independence of the judiciary.
- 3- The extent of respect to carrying out judicial rulings, and whether those abstaining from carrying them out are held accountable. This includes the public institutions’ respect for the implementation of rulings by the administrative judiciary.
- 4- Principle of the separation of authorities is guaranteed and implemented in a manner that reinforces the judicial authority’s ability to carry out its duties.
- 5- Judges enjoy personal immunity against any civic suits for monetary compensation for actions taken by them while discharging their judicial duties.


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- 6- Supervision over the implementation of the judicial authority's budget shall be the responsibility of the High Judicial Council.
 - 7- A law does exist that specifies conditions for compensation by the state for judicial errors.
 - 8- Security agencies do not interfere in the work of the judiciary.
 - 9- The judicial authority has clear mechanisms and policies for reporting suspicions of corruption and aspects of fiscal and administrative violations.
 - 10- The judicial authority has an active "Gifts Regulation" in place.
 - 11- Inclusion of high court judges in judicial inspections.
 - 12- Judicial inspections' reports are disclosed and published.
 - 13- Clear data on complaints, reports, investigative cases, and cases related to the judicial authority that are referred to the Corruption Crimes' Court is available and published.

Nature of indicators that received a "very low" score (21-35): 6 indicators (7.5%) received a score of very low. These indicators pertained to the following issues:

- 1- There are constitutional guarantees for the independence of the judiciary.
- 2- Courts' buildings and facilities provide for easy access of citizens to justice.
- 3- The state ensures the safety and security of judges.
- 4- There are laws that reinforce access to information relating to the judicial authority.
- 5- Degree of the effectiveness of administrative judiciary's oversight over the executive authority.
- 6- Judicial training and educational curricula that enhance the concepts of integrity, combating corruption, and human rights are available.

Nature of indicators that received a "low" score (36-50): 17 indicators (21.25%) received a score of low. These indicators pertained to the following issues:

- 1- Appointment and promotion of judges and members of the prosecution is based on merit.
- 2- Judges and public prosecution have policies to deal with complaints from the public and a speedy system for investigating them.
- 3- Publishing of High Judicial Council's decisions and an annual report on the judiciary's work.
- 4- Judiciary regularly polls the public and court users' opinion on the experiences with the courts and their departments.
- 5- Judges and officials of the judiciary do not use their positions for personal gain.
- 6- The judicial authority is in charge of managing courts, including supervision and oversight over its personnel.
- 7- The competent authority prepares the courts' budget in cooperation with the judicial authority to ensure its independence and adequacy, and that it takes into account needs and requirements of the judiciary's administration.
- 8- Human and material resources "logistics" in courts and other judicial authority's facilities are adequate and up to date.
- 9- File keeping systems for files relating to claims' records that ensure them against loss or tampering are available.
- 10- A regulation outlining work rules at the High Judicial Council is available.
- 11- Appointments to top judicial positions is governed by legal procedures and without interference by the executive authority or other entities.
- 12- Performance of personnel at the judicial authority is subject to evaluation, and investigations for violations and suspicions of corruption are carried out.

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- 13- Decisions of the executive authority regarding the early and conditional release of convicted inmates do not undermine rulings delivered by the Corruption Crimes' Court.
 - 14- A regulation specifying rules for nomination of judges for training programs and judicial education is available.
 - 15- Judicial practice strengthens respect and implantation of the basic principles for human rights and liberties, including equality before the law and the judiciary, and non-discrimination between people for any reason.
 - 16- The High Judicial Council's opinion is sought in legal projects that regulate any of the judicial authority's matters.
 - 17- Supreme Constitutional Court's decisions reinforce the principle of the independence of the judiciary.

Nature of indicators that received an “average” score (54-65): 20 indicators (25%) received a score of average. These indicators pertained to the following issues:

- 1- A code of conduct for judges and members of the public prosecution exists.
- 2- Members of the Public Prosecution give due attention to judicial prosecutions related to corruption crimes which are committed by public servants.
- 3- Judges are independent from their colleagues and their superiors to freely issue rulings with no interference from any internal and hierarchal structure in the judicial authority.
- 4- Procedures exist that specify and restrict judge-lawyer relations or others who practice functions permanently in the court to the extent that spares them suspicions of bias or impartiality.
- 5- Judges and members of their families they support refrain from accepting gifts, or soliciting rewards or benefits or loans for themselves or for others for performing an act, or refraining from doing something in relation to their judicial duties.
- 6- Selection and appointment of judicial authority personnel is done on the basis of equal opportunity.
- 7- Procedures for transferring, disciplining, seconding, secondment for work outside the boundaries of their original position of judges and Public Prosecution members is subject to specific legal rules.
- 8- Respect and implementation of the principle of open court sessions.
- 9- Formation of the High Judicial Council is done in accordance with the provisions of the law, and with no interference by the executive authority.
- 10- Guarantees exist for the fair trial of judges within the judges' disciplinary council's procedures.
- 11- Role of oversight over the judiciary by civil society organizations is organized and effective.
- 12- Judicial authority is subject to oversight of the State Audit Administrative Control Bureau.
- 13- Salaries of judges are appropriate.
- 14- Decisions pertaining to special pardons of convicted inmates by the President of the state do not undermine rulings issued by the Court of Corruption Crimes.
- 15- The conflict of interests' disclosure system in the judicial authority is effective.
- 16- Effective accountability measures against judges or members of Public Prosecution who perpetrate corruption crimes.
- 17- Military courts do not interfere in regular courts' competencies.
- 18- Courts have clear and transparent procedures in place for appointment of experts and translators and arbiters.
- 19- Executive regulations for the Judicial Authority Law exist and are complete.
- 20- Respect for the principle of the natural judge and equality before the judiciary, and no special exceptional courts exist.

Nature of indicators that received an “advanced” score (66-80): 17 indicators (21.25%) received a score of advanced. These indicators pertained to the following issues:

- 1- Courts keep a special periodically updated record for financial disclosures of each judge which.
- 2- There is a system, or mechanism for distribution of cases and work allocation with fair and impartial procedures, based either on random distribution, or on area of competence and experience.
- 3- The judiciary encourages media access and the preparation of reports on judicial procedures.
- 4- Judges recuse themselves from any cases they cannot impartially decide, or from cases where they cannot act as a fair observer.
- 5- A code of conduct for those working in the judicial authority does exist.
- 6- Workers in the judicial authority do comply to presenting financial/assets disclosure statements to the Anti-Corruption Commission.
- 7- Judicial inspection department is active.
- 8- Legislations and laws ensure that no administrative ruling or action is immune against judiciary oversight.
- 9- A regulation exists that specifies rules for inspections of judges.
- 10- Fair trial guarantees of judges are guaranteed within the judges’ disciplinary council’s procedures
It is not permissible to use disciplinary cases may not be used to retaliate against judges or force them to resign.
- 11- Instances in which judges and members of the public prosecution are sued are specified in the law, and are sufficient and applied, and clearly made available to the public. Any instances in which judges and/ or members of the public prosecution are litigants may be clearly made public in accordance with the terms set forth in the law.
- 12- Obstruction of justice is one of the manifestations of corruption crimes which impact the integrity and work of judges.
- 13- There are clear and written work procedures at reporting departments, with notaries, and court clerks.
- 14- There is an active whistleblower protection system in place at the judicial authority.
- 15- High Judicial Council policies enhance communication and exchange of information and experiences and knowledge with law colleges in Palestinian universities.
- 16- There are courts that examine elections’ dispute petitions.
- 17- The formation of courts and judicial committees is based on objectivity and transparency, and they are not altered to influence their decisions.

Nature of indicators that received a score of “very advanced” (80-100): 7 indicators (8.75%) received the score of “very advanced”. These indicators pertained to the following issues:

- 1- Published statistics regarding the number of cases received and periods of waiting in courts for review of cases disaggregated by court and judge are available.
- 2- Judicial rulings are published and easily accessible by the public.
- 3- Appointment of judges from among members of the Public Prosecution is done according to declared procedures and on specific foundations in the law.
- 4- Judges are made aware of all reports, citations, remarks, or other papers posted to their files.
- 5- Judges practice their right of recourse or to challenge any decisions taken against them at the High Judicial Council.
- 6- Members of the judiciary are subject to the Anti-Corruption Law.
- 7- A clear mechanism does exist to report instances where judges, during the course of their official functions, are influenced or interfered with by colleagues. And those proven to have been involved are held accountable based on clear procedures.

Results by indicators

Detailed results of the 80 indicators show large disparities in grades obtained by all indicators. While 7 indicators received a score of “very advanced”, which is the highest score an indicator can receive, 13 indicators received the score of “critical”, which is the lowest score possible. 33 indicators (41.25% of total indicators) received either critical, very low, or low, i.e. 50 points and lower).

No.	Indicator	Pillar	Sector	Area	Score
1	Constitutional guarantees for independence of judiciary exist	Integrity	Legislation	Independence	Very low
2	Appointment and promotion of judges and members of the prosecution based on merit	Integrity	Practices	Appointments and personnel affairs	Low
3	Removal from judicial posts is done according to fair proceedings	Integrity	Practices	Independence	Critical
4	A code of conduct for judges and members of the Public prosecution exists	Integrity	Legislation	Independence	Average
5	Courts keep a special record for financial/ assets disclosures of each judge and is periodically updated	Integrity	Practices	Appointments and personnel affairs	Advanced
6	Judges practice their right to expression and assembly and formation of associations to represent their interests in a way that preserves the dignity and impartiality and independence of the judiciary	Accountability	Practices	Independence	Critical
7	Judges and public prosecution have policies to deal with complaints from the public and a speedy system for investigating them does exist	Accountability	Practices	Effectiveness	Low
8	There is a system or mechanism for distribution of cases and work allocation with fair and impartial procedures, based either on random distribution, or on competences and experience	Transparency	Practices	Effectiveness	Advanced
9	Publishing of High Judicial Council's decisions and an annual report on the judiciary's work	Transparency	Practices	Effectiveness	Low
10	Courts buildings and facilities provide for easy access of citizens to justice	Integrity	Practices	Effectiveness	Very low
11	The judiciary encourages media access and the preparation of reports on judicial proceedings	Transparency	Practices	Effectiveness	Advanced
12	The judiciary regularly polls the public and court users' opinion on their experiences with the courts and their departments	Accountability	Practices	Effectiveness	Low
13	Judges and officials of the judiciary do not use their positions for personal gain	Anti-corruption	Practices	Effectiveness	Low

No.	Indicator	Pillar	Sector	Area	Score
14	The extent of respect to carrying out judicial rulings, and whether those abstaining from carrying them out are held accountable. This includes the public institutions' respect for the implementation of rulings by the administrative judiciary	Accountability	Practices	Independence	Critical
15	Principle of the separation of authorities is guaranteed and implemented in a manner that reinforces the judicial authority's ability to carry out its duties	Integrity	Practices	Effectiveness	Critical
16	Respect for the principle of the natural judge and equality before the judiciary, and no special exceptional courts exist	Integrity	Practices	Independence	Average
17	Judges enjoy personal immunity against any civic suits for monetary compensation for acts performed by them while discharging their judicial duties	Accountability	Legislation	Independence	Critical
18	Members of the Public Prosecution give due attention to judicial prosecutions related to corruption crimes which are committed by public servants	Anti-corruption	Practices	Effectiveness	Average
19	Judges are independent from their colleagues and their superiors to freely issue rulings with no interference from any internal and hierarchal structure in the judicial authority	Integrity	Practices	Independence	Average
20	The judicial authority is in charge of managing courts, including supervision and oversight over its personnel	Accountability	Practices	Capacity	Low
21	The competent authority prepares the courts' budget in cooperation with the judicial authority to ensure its independence and adequacy, and that it takes into account needs and requirements of the judiciary's administration	Integrity	Practices	Capacity	Low
22	Supervision over the implementation of the judicial authority's budget shall be the responsibility of the High Judicial Council	Accountability	Practices	Capacity	Critical
23	Human and material resources "logistics" in courts and other judicial authority facilities are adequate and up to date	Integrity	Practices	Capacity	Low
24	Judges recuse themselves from any cases they cannot impartially decide, or from cases where they cannot act as a fair observer	Integrity	Legislation	Independence	Advanced
25	Procedures exist that specify and restrict judge-lawyer relations or with others who practice permanent functions in the court to the extent that spares them suspicions of bias or impartiality	Integrity	Practices	Independence	Average

No.	Indicator	Pillar	Sector	Area	Score
26	Judges and members of their families they support refrain from accepting gifts, or soliciting rewards or benefits or loans for themselves or for others for performing an act, or refraining from doing something in relation to their judicial duties	Integrity	Practices	Independence	Average
27	The state ensures the safety and security of judges	Accountability	Practices	Effectiveness	Very low
28	Selection and appointment of judicial authority personnel is done on the basis of equal opportunity	Integrity	Practices	Appointments and personnel affairs	Average
29	File keeping systems are available for files relating to claims records that ensure them against loss or tampering	Transparency	Practices	Effectiveness	Low
30	Published statistics regarding number of cases received and periods of waiting in courts for processing of cases disaggregated by court and judge are available	Transparency	Practices	Effectiveness	Very advanced
31	A code of conduct for those working in the judicial authority does exist	Integrity	Legislation	Appointments and personnel affairs	Advanced
32	Judicial rulings are published for easy access by the public	Transparency	Practices	Effectiveness	Very advanced
33	Laws enhancing access to information pertaining to the judicial authority are available	Transparency	Legislation	Effectiveness	Very low
34	Degree of the effectiveness of the administrative judiciary's oversight over the executive authority	Accountability	Practices	Effectiveness	Very low
35	Workers in the judicial authority comply to presenting financial/ assets disclosure statements to the Anti-Corruption Commission	Integrity	Practices	Appointments and personnel affairs	Advanced
36	Judicial inspection department is active	Accountability	Practices	Effectiveness	Advanced
37	Judicial practice strengthens respect for, and the implantation of, the basic principles for human rights and liberties, including equality before the law and the judiciary, and non-discrimination between people for any reason	Integrity	Practices	Effectiveness	Low
38	Legislations and laws ensure that no administrative ruling or action is immune to judiciary oversight	Accountability	Legislation	Effectiveness	Advanced
39	A law does exist that specifies conditions for compensation by the state for judicial errors	Accountability	Legislation	Appointments and personnel affairs	Critical

No.	Indicator	Pillar	Sector	Area	Score
40	The procedures for transferring, disciplining, seconding, secondment for work outside the boundaries of their original position of judges and Public Prosecution members are subject to specific legal rules	Integrity	Legislation	Appointments and personnel affairs	Average
41	The High Judicial Council's opinion is sought in draft laws that regulate any of the judicial authority's affairs	Integrity	Practices	Independence	Low
42	Respect and application of the principle of open court sessions	Transparency	Practices	Effectiveness	Average
43	Appointment of judges from among members of the Public Prosecution is done according to declared procedures and specific foundations in the law	Transparency	Practices	Appointments and personnel affairs	Very advanced
44	Formation of the High Judicial Council is done in accordance with the provisions of the law, and with no interference by the executive authority	Integrity	Practices	Independence	Average
45	A regulation outlining work rules at the High Judicial Council is available	Integrity	Legislation	Effectiveness	Low
46	There is a regulation which specifies rules for inspections of judges	Accountability	Legislation	Effectiveness	Advanced
47	Judges are made aware of all reports or citations or remarks or other papers .posted to their files	Transparency	Practices	Appointments and personnel affairs	Very advanced
48	Judges practice their right of recourse, or to challenge any decisions taken against them at the High Judicial Council	Accountability	Practices	Appointments and personnel affairs	Very advanced
49	Fair trial guarantees for judges are guaranteed within the judges' disciplinary council's procedures	Accountability	Legislation	Appointments and personnel affairs	Average
50	It is not permissible to use disciplinary suits for retribution against judges, or .to force them to resign	Integrity	Practices	Appointments and personnel affairs	Advanced
51	Appointments to top judicial positions is governed by legal procedures and without interference by the executive authority or other entities	Integrity	Practices	Independence	Low
52	Performance of personnel at the judicial authority is subject to evaluation, and investigations for violations and suspicions of corruption are carried out	Anti-corruption	Practices	Appointments and personnel affairs	Low
53	Role of oversight over the judiciary by civil society organizations is organized and effective	Accountability	Practices	Effectiveness	Average
54	Security agencies do not interfere in the work of the judiciary	Integrity	Practices	Independence	Critical

No.	Indicator	Pillar	Sector	Area	Score
55	Instances in which judges and members of the public prosecution are litigant are specified in the law, and are sufficient and are made public	Transparency	Legislation	Effectiveness	Advanced
56	Judges and members of the public prosecution are subject to the Anti-Corruption Law	Anti-corruption	Legislation	Effectiveness	Very advanced
57	Judicial authority is subject to oversight of the State Audit Administrative Control Bureau	Accountability	Practices	Effectiveness	Average
58	The judicial authority has clear mechanisms and policies for reporting suspicions of corruption and aspects of fiscal and administrative violations	Anti-corruption	Practices	Effectiveness	Critical
59	Decisions of the executive authority regarding the early and conditional release of convicted inmates do not undermine rulings delivered by the Court of Corruption Crimes	Anti-corruption	Practices	Independence	Low
60	A clear mechanism does exist to report instances where judges, during the course of their official functions, are influenced or interfered with by colleagues, and those proven to be involved are held accountable based on clear procedures	Anti-corruption	Practices	Independence	Very advanced
61	The judicial authority has an active "Gifts Regulation" in place	Integrity	Practices	Appointments and personnel affairs	Critical
62	Inclusion of high court judges in judicial inspections	Accountability	Practices	Effectiveness	Critical
63	Judicial inspections' reports are disclosed and published	Transparency	Practices	Effectiveness	Critical
64	A regulation specifying rules for the nomination of judges for training programs and judicial education is available	Integrity	Legislation	Appointments and personnel affairs	Low
65	Salaries of judges are suitable	Integrity	Practices	Capacity	Average
66	Decisions pertaining to special pardons of convicted inmates by the President of the state do not undermine rulings issued by the Corruption Crimes Court	Accountability	Practices	Independence	Average
67	Obstruction of justice is one of the manifestations of corruption crimes which impact the integrity and work of the judiciary	Anti-corruption	Practices	Effectiveness	Advanced
68	Judicial training and educational curricula that enhance the concepts of integrity, combating corruption, and human rights are available	Anti-corruption	Practices	Capacity	Very low

No.	Indicator	Pillar	Sector	Area	Score
69	There are clear and written work procedures in reporting departments, with notaries, and court clerks	Transparency	Practices	Effectiveness	Advanced
70	The conflict of interests' disclosure system in the judicial authority is active	Transparency	Practices	Effectiveness	Average
71	Effective accountability measures against judges or members of Public Prosecution who perpetrate corruption crimes	Accountability	Practices	Effectiveness	Average
72	Clear data on complaints, reports, investigative cases, and cases related to the judicial authority that are referred to the Corruption Crimes' Court is available and published	Transparency	Practices	Effectiveness	Critical
73	There is an active whistleblowers protection system in place in the judicial authority	Anti-corruption	Practices	Effectiveness	Advanced
74	Military courts do not interfere in regular courts' competencies	Integrity	Practices	Independence	Average
75	Courts have clear and transparent procedures in place for appointment of experts and translators and arbiters	Transparency	Practices	Appointments and personnel affairs	Average
76	Policies of the High Judicial Council enhance communication and exchange of information and experiences and knowledge with law colleges in Palestinian universities	Integrity	Practices	Effectiveness	Advanced
77	Executive regulations for the Judicial Authority Law exist and are complete	Transparency	Legislation	Capacity	Average
78	There are courts that examine elections dispute petitions	Integrity	Legislation	Effectiveness	Advanced
79	Supreme Constitutional Court's decisions reinforce the principle of the independence of the judiciary	Integrity	Practices	Independence	Low
80	The formation of courts and judicial committees is based on objectivity and transparency, and they are not changed to influence their decisions	Transparency	Practices	Independence	Advanced

Results by Categories

The report is divided into three categories: one category by areas of integrity in judiciary, a second by sectors of legislation and practices, and a third by pillars of the integrity system.

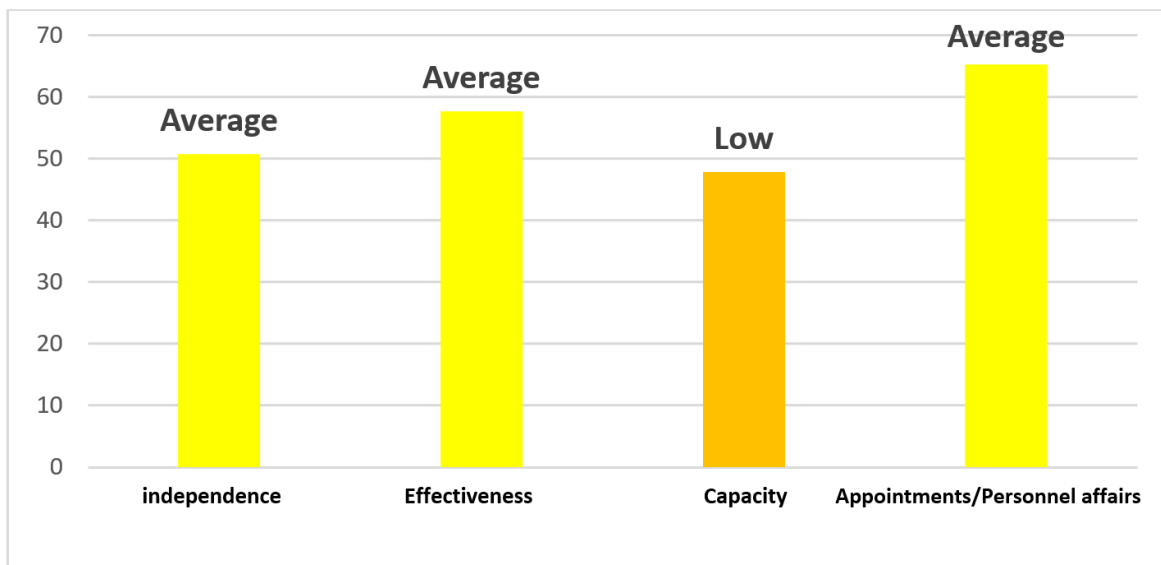
Index's sub-results for the areas of integrity in the judiciary:

Main areas of the Index that are most linked to the judicial authority include four areas: independence, effectiveness, capacity, and appointments and personnel affairs. Following are the results analysis of the Index's indicators, accordingly, taking into account that the points average is based on a number of indicators for each area individually.

Indicators for the area of independence totaled (21 indicators) and received 51 points, i.e. an average score. While indicators for the area of effectiveness totaled (36 indicators) which received 58 points, also an average score. While indicators for the area of capacity (7 indicators) received 48 points, i.e. a low score, and indicators relating to the area of appointments and personnel affairs totaled (16 indicators) and got 65 points, i.e. an average score.

Based on those points of the Index's scores, the ranking from highest to lowest in the main areas is as follows: (appointments and personnel affairs – effectiveness – independence – capacity). This is explained through the following figure:

Figure (6): scores of the areas of the Palestinian judiciary integrity Index



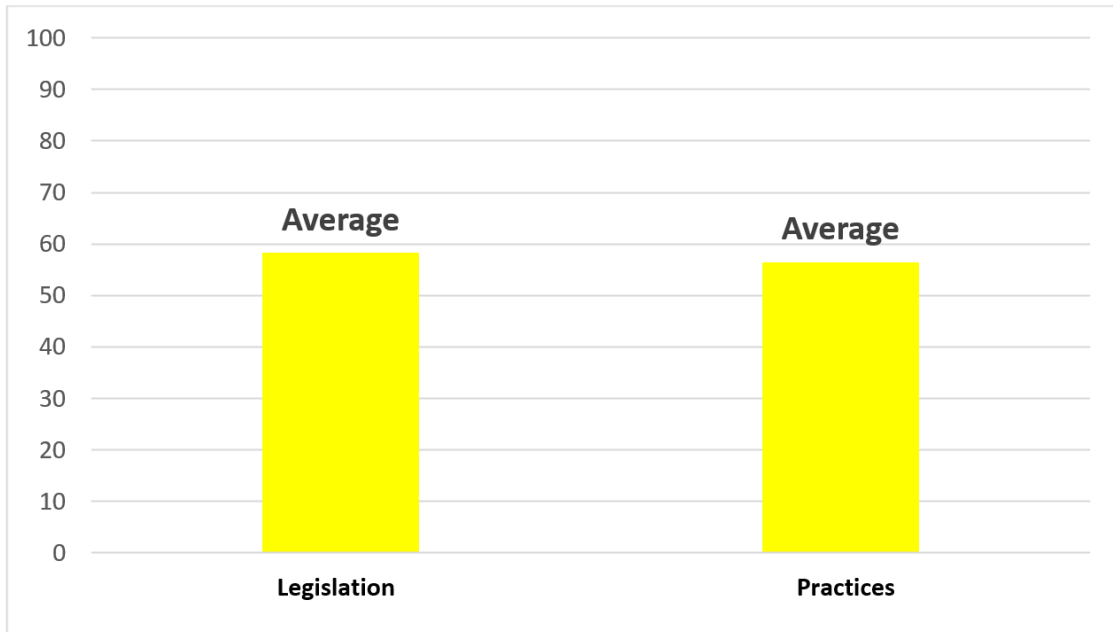
It is noted that both areas of capacity and independence were the weakest compared to both areas of effectiveness and appointments and personnel affairs due to the existence of several indicators within independence that received a critical, very low, or low score. For example: (existence of constitutional guarantees for independence of the judiciary), (removal from judicial positions is done according to fair procedures), (judges freely practice expression and assembly to represent their interests), (degree to which judicial rulings are implemented and accountability for those who refuse to implement), (supervision over implementation of the judicial authority's budget shall be done by the High Judicial Council), and (judicial training and educational curricula that enhance the notion of integrity and anti-corruption exist).

Index’s sub-results for the areas of legislation and practices:

These include results of the main sectors of the Index. Two sectors which are: legislation and practices. Following is the analysis for the Index’s indicators, accordingly, taking into account that the points average is based on a number of indicators for each area individually.

Indicators for the area of legislation totaled (17 indicators) and received 58 points, i.e. an average score. While indicators for the area of practices totaled (63 indicators) which received 56 points, also an average score.

Figure (7): Scores of sectors of both legislation and practices



It is noted that both sectors of legislation and practices were similar in score, but less for the practices sector for the existence of several indicators within practices which received a critical, very low, or low score. For example: (inclusion of high court judges in judicial inspections), (clear data on complaints, reports, investigative cases, and cases related to the judicial authority that are referred to the corruption crimes’ court is available and published), (the judicial authority has clear mechanisms and policies for reporting suspicions of corruption and aspects of fiscal and administrative violations), (degree of the effectiveness of administrative judiciary’s oversight over the executive authority), (Human and material resources “logistics” in courts and other judicial authority’s facilities are adequate and up to date), and (decisions of the High Judicial Council are published).

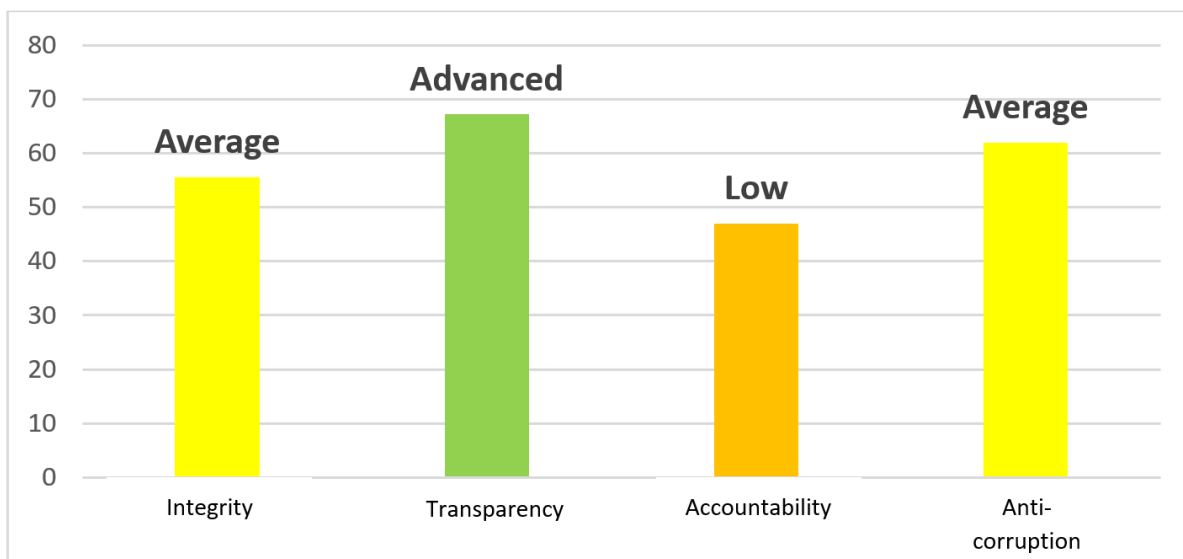
Index’s sub-results by pillars:

The main pillars of the Index include four pillars: transparency, accountability, integrity, and anti-corruption. Following is the analysis for the Index’s indicators, accordingly, taking into account that the points average is based on a number of indicators for each area individually.

Indicators for the pillar of transparency totaled (18 indicators) and received 67 points, i.e. an advanced score. While indicators for the pillar of accountability totaled (20 indicators) which received 47 points, i.e. a low score, indicators for the pillar of integrity totaled (32 indicators) which received 56 points, i.e. an average score, and indicators for the pillar of anti-corruption totaled (10 indicators) which received 62 points, i.e. an average score.

Based on those points of the indicator's scores, the ranking from highest to lowest in the main pillars is as follows: (transparency, anti-corruption, integrity, and accountability). This is explained through the following figure:

Figure (8): Scores of pillars of the Palestinian judicial authority integrity Index



It is noted that both pillars of accountability and integrity were the weakest compared to both pillars of transparency and anti-corruption for the existence of several indicators within independence which received a critical, very low, or low score. For example: (The judicial authority has an active "Gifts Regulation" in place), (a law does exist that specifies conditions for compensation by the state for judicial errors), (security agencies do not interfere in the work of the judiciary), (the state ensures the safety and security of judges), (Judiciary regularly polls the public and court users' opinion on the experiences with the courts and their departments), and (Judges and public prosecution have policies for dealing with complaints from the public and have a speedy system for investigating them).

► Conclusions

First: results built on Index's pillar score indicators:

1- Results for the transparency pillar:

- An impartial mechanism for randomly distributing cases among judges exists.
- Judiciary encourages media access and preparation of reports on judicial proceedings.
- Published statistics on the number of cases and rates of decisions are available.
- High Judicial Council's decisions are not publicized as they are deemed confidential. There is disruption in publishing the annual report on the work of the judicial authority.
- Clear data on complaints or cases that have been subject to inspection or disciplinary cases is not published.
- Suitable direct means for announcing and informing the public of dates and locations of sessions in courts aren't available. Additionally, venues are unsuitable and insufficient in some cases. Available legislation stipulating confidentiality in many cases are discretionary, and mostly undermine the principle of openness.
- No data is published on cases involving judges and members of public prosecution is published within annual reports.
- Reports on judicial inspections are not published and are deemed absolutely confidential.
- No committee on disclosure of conflict of interests in the judicial authority has been formed.
- Annual reports issued by the Anti-Corruption Commission do not include special data on the judicial authority with respect to complaints, reports, investigations cases, and cases pertaining to judges or members of public prosecution referred to the corruption crimes' court.

2- Results for the integrity pillar:

- Policies of the High Judicial Council enhance communication and exchange of information and experiences and knowledge with law colleges in Palestinian universities.
- A special record for judges' financial/assets disclosures exists.
- Equal opportunity employment in appointments is compromised due to the interference of the executive authority in competitions.
- Failure to issue a code of conduct for public prosecution members weakens integrity and compromises best practices.
- Absence of practical application of the principle of separation of authorities shows superiority of the executive authority over other authorities, and imposing its hegemony compromises governance integrity.
- Absence of a written procedures manual that administratively regulates relations of court presidents with judges and their subordinates.
- Judicial code of conduct contains no detailed provisions defining judge relations with groups practicing permanent functions in the court such as (lawyers, security police, the public, and others), nothing that there are simple provisions regarding relations with lawyers, but these need expansion.

3- Results for the accountability pillar:

- Judges practice their right of recourse or to challenge any decisions taken against them at the High Judicial Council.
- Judges have little freedom of expression or assembly or to form associations, or to contribute towards judicial reform or development and in defending interests of judges, in addition to restrictions imposed on them by executive authority agencies.

- Lack of a complaints system and a specialized complaints unit related to personnel in the judicial authority.
- Lack of a system to regularly poll the public on the experiences with the courts and other judiciary authority's departments.
- Persistence of administrative litigation on one degree, this weakens the right of citizens to higher degrees of administrative appeals and diminishes effectiveness of strong oversight over executive authority agencies.
- Little numbers of spot-inspections on courts and affiliated departments annually.
- Community oversight over the judicial authority is not institutionalized due to poor coordination mechanisms and lack of standing cooperation between civil society institutions.
- Oversight over the judicial authority by the State Audit Administrative Control Bureau is lacking, especially in terms of lack of supervision over compliance, and lack of oversight over performance in light of the controversy over the Bureau's role towards the judiciary, and issuance of a ruling by the Supreme Constitutional Court limits the Bureau's oversight over the judiciary to financial and administrative affairs only.
- High Court judges are not included in judicial inspections in practice.

4- Results of the anti-corruption pillar:

- Members of the judiciary are subject to the Anti-Corruption Law.
- Poor effectiveness on part of public prosecution in terms of combating corruption crimes. Percentages of cases processed annually are low (compared to cases received), and average in general since the creation of the corruption crimes court till today (when total cases received are compared to those processed).
- There is a lack in written policies and procedures for reporting corruption, in addition to lack of training at the judicial authority in this respect.
- There are no written rules governing special pardons or conditional or early releases of prisoners. This may allow for criminals indicted in corruption crimes to be included, and undermines compliance to related international conventions ratified by Palestine.
- Lack of prepared and accredited curricula pertaining to combating corruption in for judicial training and education.
- Lack of awareness raising activities and orientation with regards to the witness and informant protection system for workers in the judicial authority.

Second: Results built on Index's area score indicators:

1- Results of the independence area:

- Judges recuse themselves from any cases they cannot impartially decide, or from those where they cannot act as a fair observer.
- Constitutional assurances contained in the Basic Law pertaining to the independence of the judiciary are poor (such as no stipulation on financial and administrative independence, no specification on cases of judge removals, no stipulation regarding formation of the Judicial Council).
- Imbalance in the principle that judicial rulings must be enforced (binding) due to the executive authority's lack of adherence to implementation of rulings by the administrative judiciary without delay in many instances, and the lack of a policy to hold those disrupting such rulings to account. This signifies a state of "veiled interference" in the work of the judiciary and undermines confidence in it.
- Imbalance in applying the rule that the opinion of the High Judicial Council must be sought on draft laws that regulate affairs of the judicial authority, which increases hegemony of other authorities, especially the executive authority, especially with its dominance over extraordinary legislation.
- Hegemony of the executive authority over appointments to top positions in the judicial authority, and enhancing this through extraordinary legislation such as in the case of Decree Law Concerning Administrative Courts of 2020.
- There are signs of passive interference by security agencies in the affairs of the judicial authority manifested in the "security clearance" requirement as a prerequisite for appointments, and procrastination in implementing release decisions of detainees, and undermining courts' sanctity.

2- Results of the effectiveness area:

- Judicial rulings are published and easily accessible by the public.
- Legislation gives no immunity against judicial oversight to any administrative decision or action.
- There are clear and written procedures at reporting departments, notaries, and court clerks.
- There are courts to review electoral appeal cases.
- Several court premises and facilities are unfit. In addition to the lack of judicial premises in population centers that need them. This undermines people's right to receive judicial services and easy access to the justice system.
- Courts' security is poor due to the lack of effective security police personnel in court buildings and facilities thereby compromising the security of judges.
- Poor keeping systems for case paper dossiers, hence increasing the chance for tampering.
- Poor knowledge and experience in dealing with human rights cases. Additionally, the principle of equality before justice, especially in behavioral aspects is poor, which can create the impression of discrimination among the public.
- Lack of provisions related to enhancing integrity in adopted procedural manuals at notaries, execution departments, and reporting departments.

3- Results of the capacity area:

- Judicial authority's capacity in the area of court administration is poor due to the persistence of the executive authority's control over the adoption of the judicial authority's structure and needed resources.
- Control of the executive authority over the judicial authority's budget. It alone sets budget ceilings, and limits it to salaries and running costs, leaving development out, and it adopts it without legislative council approval as the latter is dissolved.
- There is no financial regulation special to the judicial authority, and the executive authority controls the judicial authority's budget implementation.
- Insufficient human resources and material supplies needed for the operation of the judicial authority, and the executive authority still controls their availability.
- Failure to adopt the judge's grades system, and the salary scale has not been reviewed since its creation in 2002.

4- Results of the appointments and interference in human resources management:


- Employees the judicial authority adhere to presenting financial/assets disclosure statements to the Anti-Corruption Commission.
- Appointment of judges from among members of the Public Prosecution is done according to declared procedures and specific foundations in the law.
- Judges are made aware of all reports or citations or remarks or other papers posted to their files.
- There are exceptions to the legal "consent of the judge" rule related to the transfer or secondment of judges for functions other than sitting on the bench. Additionally, the executive branch has authority which is represented in the Minister of Justice in such cases. This increases the chance for interference.
- There are insufficient disciplinary guarantees, for example the indeterminacy of the phrase (any action done by the judge that compromises honor, dignity, or decency), which are cases that require judges to be disciplined. This phrase is elaborate and instances falling under it become discretionary, which can compromise guarantees related to disciplining judges, or open the door for misuse. Not to mention the lack of linkage between the disciplinary penalty and the nature of the violation or charge, which can compromise the principle of proportionality of punishment with the act committed. Additionally, all authority to receive complaints against a judge, investigating, and charging before the disciplinary council are all in the hands of one body, namely judicial inspection.
- There are cases in the judicial inspection system where what can be termed "veiled pressure" was excreted on judges such as linking a complaint dismissal to their resignation or early retirement.
- Judges and members of general prosecution are not included in the Gifts Regulation. Additionally, there aren't enough provisions in this respect stipulated in the judicial code of conduct. This regulation has yet to come into effect for personnel in the judicial authority.
- The judicial training regulation is old and often not implemented. There is a shortage in provisions pertaining to the nomination of judges for judicial training and education programs.

Third: Results of a legislative nature:

- A regulation defining rules for judicial inspections does exist.
- There is a code of conduct for judges.
- There is a failure to enact a law for accessing information in general, and the judicial authority lacks a written mechanism regarding access to information related to judicial affairs.
- There are legislation predating the Basic Law which contradict the principle of not giving immunity to any decision or administrative action against judicial oversight, such as article 45 of the regulation for implementation of the Apartment Ownership Law of 1997. There are also recent legislative practices that do not adhere to this principle, such as in the case of Decree Law No. 13 for 2020 amending some of the provisions in the City, Village and Building Planning Law of 1966 of which article 4 was canceled by the Constitutional Court.
- The state of Palestine has no law enacted regarding conditions and means of reparation for judicial errors.
- The regulation governing rules of work in the judicial authority is inactive and not up to date.
- The legislation concerning the judicial inspection system lack clear provisions on the question of the extent non-judicial personnel are covered by the work of the Inspection department, as well as the lack of review and updating of the inspection-related instructions issued previously to the new system, and the failure to update and review the evaluation forms.
- Lack of legislative clarity regarding the question that judges can't be held civically responsible personally for their judicial actions, which weakens their immunity against influence or interference.
- Legislative rules regarding appointments in the judicial authority are lacking in terms of failure to clearly detail mechanisms for nomination and selection methods.
- There is no special regulation in place regarding disclosure of conflict of interests for judges and members of public prosecution, and they are not included in the disclosure system applied to other workers in the judiciary.
- Revolutionary penal law continues to be applied in military courts without amendments regarding the trial of civilians. This can prejudice the right of trial before the natural judge, and allows for jurisdictional overlapping between military and regular courts in certain instances.
- Failure to establish a system for regulating expertise affairs before regular courts.
- There is legislative ambiguity concerning the term "special courts" referred to in Section 10/1 of the Decree Law No. (40) of 2020 amending Section 24 of the Judicial Authority Law of 2002.

► Recommendations

- 1- The High Judicial Council must put in place a mechanism for the regular publishing of its decisions.
- 2- The High Judicial Council must publish clear data on disciplinary and inspection cases within its annual report.
- 3- The High Judicial Council must introduce a special regulation for preventing conflict of interests and form a committee to that end.
- 4- The Anti-Corruption Commission must publish specific data on complaints and cases pertaining to the judicial authority within its annual reports.
- 5- The High Judicial Council must completely comply with results of judicial contests in appointments.
- 6- The High Judicial Council must provide and guarantee the right of judges to free expression and assembly on a larger scale.
- 7- The High Judicial Council must put in place a system for dealing with complaints at the judicial authority.
- 8- Civil society institutions must galvanize efforts to create a standing mechanism to enhance community oversight over the judicial authority based on the principle of judicial independence.
- 9- Judicial inspections must, in practice, include Supreme Court judges.
- 10- Attorney General must work to increase the efficiency and role of the Corruption Crimes Court.
- 11- Palestinian President and competent authorities must lay clear written rules regarding the implementation of the special pardon procedures and early and conditional releases of convicted inmates to guarantee compliance with international criteria which require no release of dangerous convicted felons such as perpetrators of corruption crimes.
- 12- The High Judicial Council and civil society institutions must collaborate on preparing a curriculum specialized in integrity and combating corruption to be included in judicial training and education.
- 13- The Council of Ministers should guarantee the respect of implementing judicial rulings by state law enforcement institutions, and obstructers must be held to account.
- 14- The Palestinian President and the Council of Ministers should, when issuing any legislation related to work of the judicial authority, comply to the constitutional rule that requires seeking out the opinion of the High Judicial Council on any draft laws relating to judicial affairs.
- 15- The executive authority (the president and Council of Ministers) must stop all forms of hegemony or strong-arming tactics which become visible through legislation and practices aimed at preventing interference of the executive authority in the judiciary, including in appointments and resources management and allocation according to the needs of the judicial authority.

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- 16-Court administrations must introduce mechanisms for strict case file keeping that ensure no tampering can take place.
 - 17- The High Judicial Council must review judicial departments' systems, such as notaries, execution, reporting, and court clerks to include clearer and more comprehensive provisions that enhance the values of integrity, accountability, and transparency in work.
 - 18-The High Judicial Council must update the judicial training regulation and harmonize it with the new reality manifested in the integration of the Palestinian Judicial Institute into the judicial authority on foundations that clearly specify rules for judge nominations for training and educational programs and internal and external training courses.
 - 19-The parties tasked with enacting legislation should draft a law on the responsibility of the State of Palestine to compensate for judicial error.
 - 20-The High Judicial Council must update and activate the regulation governing work rules at the High Judicial Council.
 - 21-The Attorney General must introduce a special system concerning conflict of interests for members of public prosecution.

AMAN
Transparency Palestine



AMAN was established in 2000 as a civil society organization that seeks to combat corruption and promote integrity, transparency and accountability in the Palestinian society. The Coalition was first formed by an initiative from a number of civil society organizations working in the field of democracy, human rights and good governance. In 2006, the Coalition was accredited as a national chapter for Transparency International.

AMAN is a Palestinian think tank and a specialized body providing knowledge on corruption at the local and regional level through producing specialized reports and studies. The periodic publications include: The annual Integrity and Anti-Corruption Report, the annual Palestinian Integrity Index and the National Integrity System studies and reports, in addition to the Coalition's continued contributions to produce reports and studies on the status of corruption in the Arab region.

As part of the global anti-corruption movement - and of international alliances and partnerships with relevant specialized coalitions and organizations - AMAN plays a key role in the transfer and contextualization of necessary international knowledge and tools to combat corruption in all sectors.

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