

# **An Overview of Judicial Training Programs in Palestine**

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**Judge Ass'ad Mubarak, 2004**

It is undoubtedly a priority of the judicial profession in any jurisdiction to enhance judicial impartiality, competence and efficiency. The community's trust and confidence in the judicial system is ultimately dependent on the achievement of these characteristics in practice. An integral part of such a development of the judiciary includes building a cadre of well-trained and professional judicial personnel that are free from external influence and whose reputations reflect these qualities.

It is only with the establishment of the Palestinian Authority in 1994 that a wholly Palestinian judiciary was created. Since then, several programs aimed at training judges and prosecutors and other court staff have been implemented, under the guidance of the Judicial Education Committee, established for the purpose of supervising judicial training activities. The most notable programs were carried out by the Institute of Law (IOL) at Birzeit University with the support of the World Bank, and by the DPK Consulting group, with funding from USAID. The IOL program consisted of faculty development workshops held for senior judges and prosecutors and initial and continuing education training for judges, prosecutors and judicial support staff. A core team of ten trainers was developed, and they received additional Training of Trainers (TOT) at the National Judicial College in Reno Nevada in August of 1998, with the support of the US Information Agency (USIA). These trainers then implemented a series of national conferences and regional seminars on procedural and substantive topics for the different groups of judicial personnel.

In the year 2000, the Palestinian Ministry of Justice decided to stop all judicial training activities due to the complications presented by the Palestinian uprising that broke out in September of that year. At the same time, DPK consulting began another judicial education program, supported by USAID, to continue the work that the IOL had started.

At present, there are two pending proposals, one to cover the period between the completion of the DPK program and the beginning of a project to be funded by the European Commission, expected to begin in January 2006. These proposals build upon the foundations provided by the Judicial Education Program at the IOL and the judicial training carried out by DPK. One of the main goals of the European Commission project is to establish a permanent Palestinian Judicial Education Institute to undertake the continuous education of judicial personnel.

The following provides an overview of both completed and pending judicial education programs in the Palestinian territories geared towards building a qualified and unified judiciary.

## **The Institute of Law: Judicial Education Program**

The Judicial Education Program (JEP) was a three-year project aimed at providing training for new and established judges, prosecutors and judicial support staff in the West Bank and Gaza Strip. Faculty development was a key element of the JEP, which trained local court personnel to be trainers through a series of TOT workshops. Such faculty was also responsible for developing curricula and designing teaching

materials, as well as manuals for trainers. Although the program was disrupted by the developments of the second *intifada*, the following represents the completed elements of the JEP.

*I. Faculty Development*

The JEP included Training-of-Trainers (TOT) workshops and seminars to prepare a group of judges and prosecutors to implement the training activities of the JEP and to develop the necessary resources.

*II. Initial Training*

The training provided for newly appointed judges, prosecutors and court staff aimed to introduce different tiers of court personnel to their newly acquired duties and to the concepts and tools needed to fulfil the requirements of their positions. Initial training thus included orientations for each group of court personnel and a series of regional workshops in the West Bank and Gaza.

One of the objectives of providing initial training was to introduce court personnel to basic judicial concepts such as ethics and fairness in court proceedings. Issues such as the role of judges in the legal system, judicial conduct, skills and management, and social awareness were at the core of the orientation conferences and the regional workshops. While initial training programs for prosecutors were implemented in the first two years of the JEP, this was not the case for judges, as no new judges were appointed in that period.

*III. Continuing Education*

The Continuing Education features of the JEP were aimed at professional development through continued instruction in areas previously introduced in the orientation programs, updates on substantive law, civil and criminal procedure issues, skills development, case management and social issues. The yearly plan for the training of judges and prosecutors consisted of a series of conferences, workshops and seminars on national and regional levels. International Study Tours were also a projected element of continuing education for judges and prosecutors. One study tour was implemented, consisting of a two-week visit to Morocco.

The following reflects the topics covered during the JEP for judges, prosecutors and judicial support staff in its two-year duration:

Year 1

*Initial Training for Judges*

(No new judges appointed)

*Continuing Education for Judges*

- 2 day conference: Judicial Education in Palestine
- Seminar: Establishing standards for procedures of arrest and bailment: impartiality and accountability
- Seminar: Forensic medicine, analysis of laboratory evidence
- Workshop: Issues in Private International Law – Conflict of Laws between Palestine and Israel
- Workshop: Administrative law and its application in the High Court of Justice

- Workshop: Judicial decision writing for Magistrate judges
- Workshop: Banking Law - Letter of Credit

*Initial Training for Prosecutors*

- Workshop: Criminal evidence and advocacy skills
- Workshop: Preparing investigation files and indictment bills
- Workshop: Evidence in criminal procedure law
- Workshop: Witness examination skills

*Continuing Education for Prosecutors*

- 2 day conference: Introduction to JEP; Training needs of Palestinian prosecutors; International human rights law
- Seminar: Forensic medicine, analysis of laboratory evidence
- Seminar: Private International Law – conflict of laws between Palestine and Israel
- Workshop: The role of a witness in a criminal trial

*Training for Court Support Staff*

- Workshop: Training for notary publics – procedures
- Workshop: Training for notary publics – articles of support staff law
- Workshop: Basic procedures for presenting court petitions
- Workshop: File management and notification procedures

Year 2

*Faculty Development (TOT)*

- Workshop: TOT faculty handbook

*Initial Training for Judges*

(No new judges appointed)

*Continuing Education for Judges*

- Continuing Education Study Tour – Morocco Judicial Institute
- Workshop: Case management and Judicial ethics and independence
- Workshop: Sentencing
- Conference: Topics in Commercial Law

*Initial Training for Prosecutors*

- Workshop: Crimes against civil service duties – bribery and embezzlement
- Workshop: the role of general prosecutor in trial before courts – magistrate, 1<sup>st</sup> instance and appeal courts
- Workshop: Commencement and Final Advocacy

*Continuing Education for Prosecutors*

- Continuing Education Study Tour – Morocco Judicial Institute
- Workshop: Theft – Money crimes
- Conference: Domestic crimes and juvenile justice
- Conference: Domestic crimes against individuals

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**DPK Consulting/ USAID: Judicial Training Program**

The recently completed Judicial Training Program, implemented by DPK Consulting, aimed to continue and build upon the training conducted by the IoL's JEP. The DPK program consisted of a series of 3-day seminars for judges in the West Bank and Gaza on different substantive law issues, including Evidence Law, Intellectual Property, Civil Procedures, ADR, Criminal Procedures, Banking Transactions and Judicial Ethics. Each seminar included between 25 and 50 participating judges. Training sessions included lectures and presentations by outside experts as well as discussions

among judges about newly enacted laws in order to arrive at uniform legal interpretations.

### **Bridge Proposal**

The Judicial Education Committee (JEC) has submitted a proposal for a judicial education program meant to fill the gap between the completion of the DPK Judicial Training Program in September 2004 and the European Commission project, expected to begin in January 2006. The JEC considers this project essential to maintain the momentum of judicial education and create an effective transition from the DPK project to the pending EC project (described below). The proposal contains the following elements.

#### *TOT*

A group of 10 judges will be recruited as the core faculty for the Bridge program. These judges will participate in a three-week TOT program, possibly at the Judicial College in Reno, Nevada. The core faculty will then be responsible for training other local and international adjunct faculty who will present individual substantive subjects, as well as developing and implementing the training curricula. The core faculty will also compile a new TOT manual, building on the booklet developed by the IoL's JEP, which is in need of expansion and reformatting in order to allow for updates and changes.

#### *Initial Training*

Initial training for judges will consist of an Orientation and a Preparatory Training program. The Orientation is expected to be a one-month training program to take place in Jordan for newly appointed judges. This will be followed by a total of 8-days of Preparatory Training over the course of two years for judges with 0-3 years of experience, to cover the following subjects: ethics, professional responsibility, conduct in the courtroom, mock trials, court management and case flow management.

#### *Continuing Education*

Several levels of continuing education will be offered to judges at different levels. Specialized training will be offered to judges with 0-3 years of experience, to include one-day workshops in the following subjects: forensics/lab forensics, forgery, financial accounting and juvenile justice. Continuing education for all judges will consist of a total of 9 days of training over the course of two years, to include one-day workshops on a series of new laws (Social Security, Civil Service and Labor laws), victim protection, administrative courts, intellectual property, professional and personal independence of a judge, compensation/ traffic accidents and ethics/professional responsibility. Finally, training will be provided for Appellate and Cassation judges during the first year of the program, to include a series of two-day workshops on consistency of judgments, drafting judgments and judicial reasoning, and extracting legal rules from judgments.

### **European Commission Project**

The project proposed to the European Commission includes three components directed towards reforming the judiciary and strengthening the rule of law, one of which is professional training and the establishment of the Palestinian Judicial Studies Institute, which will eventually direct such training activities. The other components

include institutional support (including support for the High Judicial Council, the Constitutional Court, administrative jurisdiction, assessment of State Security Courts etc.) and equipment of the judiciary (including refurbishment of courts, computerisation of courts and prosecutors offices and IT training). The professional training aspect of the proposal is summarized here.

The previously implemented judicial training programs provide the groundwork for the present proposal. While the programs implemented by the IoL and DPK initiated training activities and established preliminary training criteria and curricula, new legal developments necessitate a permanent and sustainable training system that would be able to integrate constant changes in the legal system. To achieve this, several phases are envisioned.

#### *Training the Trainers*

The first phase aims to train the necessary personnel, made up of judges and prosecutors, to help design and eventually staff the future Judicial Studies Institute. With the aid of international experts, a train the trainers program will be implemented, consisting of a series of symposia, courses, study tours and workshops to create training manuals and curricula for judicial training activities. The development of such personnel and resources is essential to ensure the sustainability of the training program by promoting the implementation of a common curriculum through a shared training philosophy.

#### *Judicial Personnel Training*

The second phase will initiate training activities for judges, prosecutors and administrative staff, based on the materials developed in the first phase. This substantive training, to be carried out by local and international experts, will consist of courses and symposia aimed at enhancing professional capabilities and reinforcing common legal interpretations. Both initial and continuing education programs will be provided for the different tiers of judicial personnel.

#### *Judicial Studies Institute*

Throughout the above mentioned phases, planning and preparations will be undertaken for the establishment of the Judicial Studies Institute.

The programs described above share the common goal of developing a professional and sustainable judiciary. It is anticipated that the successful implementation of the Bridge and European Commission projects will result in a permanent Palesitnian Judicial Studies Institute to carry-on the work of providing professional training to all levels of judicial personnel. Such an institution is ultimately a vital element of judicial development and reform.