



الهيئة الأهلية لاستقلال القضاء
وسيادة القانون - استقلال

**Plan of Rebuilding and Restoring
the Judiciary System following the Israeli War on Gaza**

**The current reality after the annihilation of the
judicial institutions and the future plan to rebuild it
(2023-2025)**

Community Vision

March 2025

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Official and community engagement in preparing the document

The Civil Commission for the Independence of the Judiciary and the Rule of Law (Istiqlal) has been preparing this document, and over the course of more than 3 months of diligent work, it has been able to prepare a draft of the first version of the document, and has begun presenting it to official and civil institutions and legal figures. On December 2, it presented it to the Palestinian Minister of Justice to provide the government with comments on it¹. At the same time, it was submitted to His Excellency, the President of the Supreme Judicial Council, to be revised by judges. The team worked throughout the preparation of this document based on personal interviews, interventions and opinions presented during two workshops to discuss the draft document. The first workshop was held via Zoom and targeted senior legal and judicial figures in the Gaza Strip on December 11, 2024². The second was organized by “Istiqlal” at the headquarters of the Bar Association on 23, December 2024³. Istiqlal also received written comments from experts and specialists on the draft document before approving it. All of these contributors were engaged as part of an advisory team in the review of the document. Some participated in interviews, provided written comments, and attended the workshops. As a result, this document is now ready in its final version

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The Civil Coalition for Judicial Reform Announces Its Support for the Reform Plan and Its Submission to the Prime Minister

The institutions under the umbrella of the Civil Coalition for Judicial Reform and Protection expressed their initial support for and endorsement of this plan during a meeting held on Monday, March 10, 2025, at the headquarters of the Civil Commission for Judicial Independence (Istiqlal).

More than ten organizations, all members of the coalition, participated in the meeting, which was coordinated by Istiqlal in preparation for submitting the final version of the plan to Prime Minister Dr. Mohammad Mustafa on Sunday, March 16, 2025, at the Council of Ministers' headquarters in Ramallah.

The coalition includes the following human rights organizations: the Civil Commission for Judicial Independence (Istiqlal), the host institution of the coalition; AMAN Coalition; Jerusalem Legal Aid and Human Rights Center; Women's Center for Legal Aid and Counseling; Al-Dameer Association for Human Rights – Gaza; ADWAR Foundation for Social Change; Hurriyat Center; General Union of Independent Trade Unions; Al-Marsad; Palestinian Center for Democracy and Conflict Resolution; REFORM Foundation; Tomorrow's Knights Association; Yalo Association; Shams Center for Human Rights; MADA Center for Media Freedoms; MIFTAH Foundation; Filastiniyat Organization; Women's Development and Media (TAM); Center for the Treatment and Rehabilitation of Torture Victims; and Thabat Center for Research and Public Opinion Polls. Additionally, the Independent Commission for Human Rights is a member of the coalition in an observer capacity.

The elaboration of this Plan been supported by Switzerland in the frame of its project called The Civil Commission for the independence of Judiciary and Rule of Law (ISTIQLAL) - Rebuilding the Justice Sector and Courts in the Gaza Strip

The contents of this document are the sole responsibility of Istiqlal and do not necessarily reflect the views or opinions of the Representative Office of Switzerland in Occupied Palestinian Territory nor the .Peace and Human Rights Division of the Swiss Foreign Ministry

It is understood, that the Plan represents a living-document that may further evolve after the conclusion .of the above-mentioned project supported by Switzerland

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Summary of the Plan

The main objective of this work is to provide a strategic plan for rebuilding institutions of the judicial sector in the Gaza Strip, after the war that affected all aspects of life and that according to the International Court of Justice could amount to genocide. This plan is built on solid foundations, guarantees quick and effective justice for all members of society, depends on transparency, efficiency and integrity, and is based on the basic principles of human rights and international humanitarian law, and looks forward to rebuilding the capabilities of judicial institutions in Gaza, based on what is stipulated in the Palestinian Basic Law and the Judicial Authority Law; so that it becomes a major pillar of state building, and ensures the protection of individuals' rights in these critical times.

This plan crystallized through open discussions independently managed by specialists in two workshops and a number of private meetings with them, as well as reviewing several reports that documented the large and numerous attacks caused by the genocidal war in all areas, especially in the justice sector and the judicial system.

This plan addressed the difficulties and challenges that faced the plan's drafters, especially the legislative and judicial division and the political and geographical division in general between the two parts of the country.

The plan was divided into three sections. The first section deals with: Assessing the reality of the justice sector in the Gaza Strip in the wake of mass killings and destruction, including of judicial infrastructure such as Courts, Public Prosecution, Sharia Courts, as well as judicial personnel such as Lawyers and Civil Police, during the Israeli war on the Gaza Strip. The second section of the plan deals with the steps that should be taken to restore and rebuild the institutions of the judicial system in the Gaza Strip, so that the first step is for emergency response and damage assessment, the second step is for providing urgent judicial services, the third step works on temporary judicial restructuring, while the fourth step addresses developing and strengthening the structure of the judicial system in various aspects, and the fifth step addresses procedures for sustaining the judicial system and enhancing its capabilities.

In the third section, the plan refers to the executive decisions necessary to restore and rebuild the judicial system, especially: forming a higher judicial committee to implement the first and second steps referred to in the first section, reconstituting the Supreme Judicial Council, integrating the judges of the Gaza Strip into the judiciary, rebuilding the Public Prosecution Office in the Gaza Strip, forming a special committee to approve emergency legal legislation, and forming a national fund to rebuild the judicial system in the Gaza Strip.

In addition, the plan included five Important appendices that includes a detailed procedures for the steps proposed in the plan's text, targeting the legal side, rebuilding the Public Prosecution, and the needs for reforming the Sharia judicial system. Finally, the fourth appendix includes what should be done to enhance the role of alternative means of resolving disputes in order to contribute to reducing the burden on the judicial system. This is in addition to the comments of the Palestinian Minister of Justice.

Introduction

The Israeli war on the Gaza Strip killed and injured thousands mostly civilians, women and children and left massive destruction, affecting both people and infrastructure, as well as official and civilian facilities. Nearly 56,000 people were killed, at least 10,000 are missing, and no less than 110,000 were injured by the end of 2024. Among the people killed by the Israeli attacks were 148 scholars, academics, university professors, and researchers. A total of 1,413 Palestinian families were wiped out from the civil registry, with both parents and all family members killed. Additionally, 3,467 Palestinian families were killed, leaving only one member alive, with 7,941 killed from these families. 94 killed were from the civil defense. There are 35,060 children living without one or both parents.

There were 26 cases of arrest of civil defense personnel, and 2 million displaced people in the Gaza Strip. A total of 213 government headquarters were destroyed, along with 135 schools and universities that were completely demolished by the Israeli army, and 353 schools and universities that were partially destroyed.

Regarding the justice sector, in addition to the killing of 12 judges and public prosecutors, regular courts completely stopped functioning due to the severe damage to their buildings and vital facilities, as well as the destruction of the documents they contained. These damages affected the courts' ability to process cases and achieve justice for individuals in society.

This situation of destruction, particularly the damage to the judicial system and its halt for more than fifteen months, prompted the development of an urgent rescue plan to outline how to restore the functioning of this system and rebuild what Israel destroyed at the institutional level, including courts, public prosecution centers, rehabilitation and correction centers, judicial police structures, police cells, and law offices.

Despite this devastation, the Civil Commission for the Independence of the Judiciary and the Rule of Law, “Istiqlal”, decided to formulate a national community plan to rebuild the judicial system institutions in the Gaza Strip, preparing it for implementation from the first day the war on the Gaza Strip ends. In collaboration with specialists in the judicial and legal fields, including judges, public prosecutors, lawyers, and civil society and human rights organizations, all worked on developing the key elements of a national plan based on community vision for the reform and restoration of the judicial structures in the Gaza Strip.

The primary objective of this plan was to present a strategic plan for rebuilding Justice sector institutions in the Gaza Strip on strong foundations that ensure swift and effective justice for all members of society. It relies on transparency, efficiency, and integrity, and is based on the fundamental principles of human rights and international humanitarian law. The plan aims to rebuild the capacities of the judicial institutions in Gaza, making them a central pillar in the state-building process and ensuring the protection of individuals’ rights in these critical times.

This plan was developed through open discussions facilitated by Istiqlal, during two workshops and several private meetings, as well as through the review of numerous reports documenting the extensive and numerous violations caused by the genocide.

Working Methodology

First: The Problem and Methodology

The central issue of this report revolves around answering the following question:

“What are the appropriate mechanisms for rebuilding the judicial system institutions in Gaza Strip the day after the war ends”?

To complete this report, the analytical and statistical methodology has been adopted as it is the most suitable for the nature of the task.

The report aims to present a practical and applicable plan to support the Palestinian National Authority, incorporating legal provisions despite the challenges posed by legislative and judicial divisions. It relies on analyzing legal texts and linking them to justice policies to reflect the social interests that the Palestinian legislator is supposed to represent. This approach ensures that legislation serves as a vital and evolving tool.

Second: Difficulties and Challenges

The exceptional and very difficult circumstances in the region, should not be a justification for delaying the rebuilding and development of the justice sector and its institutions. The need for strong judicial institutions capable of performing their duties with complete impartiality remains imperative for social cohesion and the reconstruction of the Gaza Strip as well as a future Palestinian State.

Key Challenges We Faced:

1. **Legislative Division** between the West Bank and Gaza Strip, making it difficult to establish a unified legislative framework for future development.
2. **Judicial Division**, which resulted in differing perspectives and approaches, necessitating the search for common ground to ensure the unity of the Palestinian judicial system in accordance with the Palestinian Basic Law as part of the broader state-building project.
3. **Difficulty in Accessing Updated Information and Statistics** due to the ongoing occupation and difficult humanitarian situation in the Gaza Strip, frequent communication outages, and service disruptions, as well as the scarcity of accurate statistics caused by the paralysis of public institutions, particularly judicial and justice sector institutions.
4. **Rapid Changes in the Field** due to the destruction of the judicial system. Skepticism about the sustainability of a ceasefire affected confidence in the feasibility of rebuilding judicial institutions.
5. **The Fragmentation of Gaza** as a result of the blockages and continues military attacks, which hindered access to judicial institutions covered in the plan. The evolving situation led to shifting priorities across different regions and timeframes.
6. **Overlap Between the Reconstruction Plan for the Formal Judicial System and Other Sectors**, such as Sharia courts, military courts, and the legal profession.
7. **Post-War Social Transformations**; Palestinian society is no longer the same as before the

war. Negative phenomena such as looting, lawlessness, and disregard for legal authority intensified, with numerous incidents of individuals taking the law into their own hands, violating legal and social norms¹.

Above all, the political division between the two parts of the homeland posed the most significant obstacle in preparing this plan.

Third: Analysis of the Work of Interviewed Experts

This plan was developed based on in-depth interviews with a diverse group of experts and specialists in judicial and legal fields, ensuring comprehensive coverage of the aspects necessary for rebuilding judicial institutions. Participants were selected based on their professional skills, and judicial experience, the diversity of their expertise and specializations, enriching the analysis and providing a holistic perspective that integrates both theoretical and practical dimensions.

1. Judges and Prosecutors: Interviews were conducted with active and retired judges and prosecutors from various judicial levels, including the Court of Appeals and the Supreme Court. These discussions provided a deep understanding of the challenges facing the judicial system, including issues related to court operations, judicial independence, and institutional fragmentation. Additionally, the interviews explored judges' and prosecutors' perspectives on necessary reforms to achieve justice and restore public confidence in the judiciary.

2. Academics and Law Professors: The study included interviews with university professors specializing in constitutional law, administrative law, and human rights law. These experts offered in-depth academic analyses of relevant legal texts and their connection to justice and social policies, which should serve as the foundation for judicial reform efforts.

3. Lawyers and Legal Consultants: The insights of lawyers helped shed light on the daily challenges faced in legal practice, including resource shortages and difficulties in accessing justice amid political divisions and ongoing aggression. Lawyers also discussed potential solutions for developing the legal profession and ensuring its integration with the judiciary.

4. Experts from Human Rights Institutions: Representatives from human rights organizations and independent bodies, such as the Independent Commission for Human Rights, were consulted. Their input highlighted issues related to human rights and transitional justice, emphasizing the importance of monitoring legal violations during the conflict and rebuilding trust between society and judicial institutions.

Section One

Assessing the reality of the justice sector in the Gaza Strip, during the war and in the wake of the complete devastation and destruction of its institutions

The judicial system in the Gaza Strip has witnessed major challenges and obstacles as a result of the killing of legal professionals and the extensive destruction of justice facilities and infrastructure, which has negatively affected the ability to perform its duties².

The most prominent of these challenges is the widespread destruction of the judicial infrastructure, where courts, prosecution offices, criminal laboratories, forensic facilities, and the Bar Association were destroyed, and the workers in these facilities were targeted, which paralyzed judicial work almost completely

¹ Interview: Dr. Imad Hamato, Former Dean of Al-Azhar Institutes, 12/6/2024.

² The document did not include a review of the rulings issued by the Gaza courts during the previous coup period, some of which were based on injustices and the loss of rights by influential figures based on partisan interests. This requires reference and consideration. Interview: Dr. Imad Hamto, Dean of Al-Azhar Institutes (formerly), 12/6/2024 AD.

and prevented the judicial system from providing its services. In addition, the system suffers from the imbalance resulting from the division between the West Bank and the Gaza Strip, which hinders effective coordination between judicial institutions. In addition, documents, papers, and legal arguments have been lost due to the destruction or seizure of judicial facilities, which hinders citizens' ability to prove their rights before the courts. Judicial cadres, like the rest of the people of the Gaza Strip, suffer from great psychological and social pressure as a result of the current situation, which will affect their efficiency in performing their duties in the future.

This reality requires an urgent and comprehensive plan to rebuild the Palestinian judicial system in the Gaza Strip, with the aim of restoring the legal system and providing justice for all under the current exceptional circumstances³.

The following represents the various aspects of Gaza's Judiciary, affected by the mass destruction and genocidal war:

The Impact of War and Genocide on Gaza's Judiciary

First: Effects of War on Civil Courts

In addition to the killing of twelve judges and public prosecutors, the judicial system in Gaza has completely ceased operations due to the life-threatening situation and severe damage to court buildings and essential facilities. This has significantly impacted the ability to process legal cases. Below are details of the destruction suffered by key courts in Gaza⁴:

1. North Gaza Court (Magistrate and First Instance Court of North Gaza):

- Partial Damage: The court sustained direct and nearby airstrike damage, rendering it non-operational.
- Major Losses: The entire archive of case files (estimated at 100,000 files) was lost, posing a major challenge in handling ongoing and new legal cases⁵.

2. Gaza Justice Palace (Magistrate, First Instance, Appeals, and Supreme Courts):

- Occupation and Seizure: Built in 2018, the Justice Palace was converted into a military base by Israeli military forces, who seized a large portion of both paper and digital legal records stored within the facility.
- Total Destruction: The building was later completely demolished using explosives, resulting in widespread destruction.
- File Losses: Approximately 1,210,000 case files were destroyed in the attack.
- Additional Losses: The rubble from the destroyed building was used in the American port project, preventing any reconstruction or recovery of judicial records⁶.

3. Deir al-Balah Court:

- Current Status: The courthouse, which operates from a rented building, remained physically undamaged.
- Judicial Operations: Despite the building's safety, the collapse of Gaza's judicial network has made it impossible for the court to function.

4. Khan Younis Court (Magistrate and First Instance Court of Khan Younis):

- Partial Damage: Airstrikes caused structural damage to the court building.
- Major Losses: The entire archive of case files (estimated at 150,000) was destroyed, along with all logistical assets, including furniture, technical equipment, and digital systems⁷.

3 Dialogue interview with Counselor/ Ishaq Mahna, Deputy Chief Justice (retired), and Counselor/ Mazen Sisalem, Deputy Chief Justice (retired), on 11/2/2024 AD

4 Reports of researchers at the Arab Center for Criminal Sciences, Gaza, 2024 AD.

5 Report of the Independent Commission for Human Rights, previous source, p. 7.

6 Report of the Independent Commission for Human Rights, previous source, p. 7.

7 Report of the Independent Commission for Human Rights, previous source, p. 7.

5. Rafah Court (Magistrate and First Instance Court of Rafah):

- Looting and Destruction: Before the court was bombed, it was looted, with furniture, electronic equipment, and approximately 60,000 case files stolen⁸.
- Airstrikes: The court was later partially destroyed due to targeted bombings.
- Current Status: Ongoing airstrikes in the surrounding area continue to obstruct damage assessment and efforts to restore judicial functions.

Second: Effects of War on the Public Prosecution

The Public Prosecution in Gaza has suffered severe damage due to the war, with most of its offices either completely or partially destroyed. This devastation led to a total halt in prosecution activities, significantly affecting criminal justice and case processing. Below is a summary of the key damages sustained by prosecution offices⁹:

1. Office of the Attorney General:

- The main headquarters of the Public Prosecution and the Attorney General's office were completely destroyed, including the upper two floors.
- The Institutions Prosecution Office in Ansar was fully demolished.
- The Partial Prosecution Office on Al-Shifa Street suffered partial damage.

2. North Gaza Prosecution:

- Building Status: No confirmed information is available, but preliminary reports suggest total destruction.
- Impact: The prosecution lost its ability to handle criminal cases in North Gaza due to the loss of both physical and digital case files.

3. Gaza Partial Prosecutions:

- Bombing and Destruction: Prosecution offices in Gaza were targeted and partially destroyed.
- Loss of Documents and Equipment: The attacks damaged office infrastructure, disrupted computer systems, and led to the loss of sensitive criminal case files.

4. Central Gaza Prosecution:

- Airstrikes and Damage: The building suffered partial destruction due to direct targeting.
- Looting and Violations: The prosecution building was raided, and sensitive case files were stolen, including documents related to complex criminal cases. Essential technical equipment, such as computers and furniture, was also looted.
- Judicial Impact: The loss of files has severely disrupted legal proceedings, increasing legal uncertainty and chaos in the region.

5. Khan Younis Prosecution:

- Severe Damage: The prosecution office sustained significant structural damage due to

⁸ Report of the Independent Commission for Human Rights, previous source, p. 7.

⁹ Reports of Researchers at the Arab Center for Criminal Sciences, Gaza, 2024.

intense bombing.

- Operational Impact: The office completely ceased operations, making it impossible to access case files or continue legal proceedings in Khan Younis.

6. Rafah Prosecution:

- Direct Bombing: The prosecution buildings in Rafah were directly targeted during ground operations, resulting in partial or total destruction.
- Complete Shutdown: Since the start of the military operations, the prosecution has entirely ceased functioning, with no reliable information available on the final state of the building or legal records.

Third: Effects of War on Sharia Courts

Gaza has 13 Sharia court buildings spread across its five governorates, including the Supreme Council for Sharia Judiciary headquarters¹⁰. Due to the ongoing war, these courts have suffered severe damage, leading to an almost total suspension of their services¹¹. The destruction has significantly impacted their ability to handle personal status cases, such as marriage, divorce, inheritance, and legal documentation¹².

On October 7, 2023, the Supreme Council for Sharia Judiciary issued a decision suspending the operations of Sharia courts until further notice, with the suspension period considered a legal time freeze¹³.

Below is a breakdown of the damage suffered by Sharia courts¹⁴:

1. North Gaza Court

- Building Status: Completely destroyed; no functional structures remain.
- Service Loss: All pending cases were halted, with legal files and records lost.

2. Shuja'iyya Court

- Damage: The court was completely burned, resulting in the loss of archival records and legal documents.
- Impact: Access to justice in the area has become nearly impossible due to the destruction of files and databases.

3. Gaza Sharia Courts

- Damage from Bombing: All Sharia courts in Gaza City were targeted by airstrikes, with varying degrees of destruction.
- Execution Department: Completely burned, leading to the loss of critical documents related to enforcing judicial rulings.
- Work Suspension: All legal proceedings have been halted, exacerbating the struggles of citizens who rely on these courts.

10 The Palestinian Central Bureau of Statistics: https://www.pcbs.gov.ps/statisticsIndicatorsTables.aspx-?lang=ar&table_id=2085

11 The necessity of Family Reconciliation Committees within Sharia Courts to reduce divorce cases and minimize judicial disputes in the family law system.

12 Interview with Sharia Judge / Muhammad Adly Al-Shaer, 11/25/2024.

13 Decision of the Supreme Council of Sharia Judiciary.

14 Reports of Researchers at the Arab Center for Criminal Sciences, Gaza, 2024.

4. Central Gaza Court

- Building Status: The structure remains intact and undamaged.
- Current Use: The building has been converted into a shelter for displaced civilians, making it incapable of functioning as a courthouse.

5. Khan Younis Court

- Damage from Bombing: The court building suffered partial destruction.
- File Loss: The entire archive of case files was lost, disrupting ongoing cases and hindering future legal proceedings.

6. Rafah Court

- Lack of Information: No precise details are available, but it is believed to have been damaged due to military operations in the area.
- Impact on Legal Services: The suspension or destruction of the court has further deepened the legal crisis in southern Gaza.

Temporary Solutions Implemented by Sharia Courts

Despite the extensive destruction, judicial authorities have sought temporary alternatives to provide essential Sharia services¹⁵:

- **Alternative Locations for Legal Services:**

1. Sheikh Radwan Clinic – Serving northern areas.
2. Central Gaza Location – Covering central Gaza.
3. Khan Younis – Serving southern areas.
4. Rafah (Khan Younis Market, Souq Al-Habash) – Temporary site for Rafah residents.

- **Judicial Coordination:**

1. Judges have been appointed to these alternative sites to ensure that urgent legal matters, such as marriage, divorce, and inheritance proceedings

Fourth: Impact of War on Lawyers and Legal Cases

In addition to the killing of 178 lawyers, the Gaza Bar Association suffered direct damage due to the targeting of its headquarters. More than 1,000 law offices were destroyed, including official and legal documents, financial transactions such as checks, and sales contracts¹⁶. This devastation has severely impacted the Bar Association's role in supporting lawyers and regulating the legal profession across the sector.

The war has also negatively affected trainee lawyers and law students, hindering both their practical and academic progress. Their education and training have been completely or partially disrupted, especially due to the destruction of the Bar Association, universities, institutes, and law faculties.

15 Interview with Sharia Judge / Muhammad Adly Al-Shaer, 25/11/2024.

16 Meeting with Lawyer / Ziad Al-Najjar, Secretary of the Bar Association Council, on 22/12/2024.

Estimated at (800) in a meeting with Lawyer / Abdul Aziz Al-Ghalayini, Member of the Bar Association Council, on 1/12/2024.

1. **Material Damages:**

Destruction of Headquarters:

- The main headquarters of the Bar Association in Gaza City was completely destroyed.
- The Bar Association headquarters in Khan Younis was also destroyed.
- The rented headquarters in Rafah is believed to have sustained significant damage due to the ground operations.
- **Loss of Documents:** Important legal documents and papers were stolen from the Gaza headquarters of the Bar Association, which affected the organization of union and professional work.

2. **Work Cessation :**

- The Bar Association ceased all activities during the war due to the security situation and destruction of its headquarters and the lack of a suitable environment for work.
- The Bar Association was unable to provide the necessary professional support to lawyers who had lost their offices or suffered personal damage.

3. **Financial Assistance:**

Despite the significant damage, the Bar Association made efforts to support lawyers by providing emergency financial assistance in three installments:

- First installment: 500 Shekels per lawyer.
- Second installment: 400 Shekels per lawyer.
- Third installment: 600 Shekels per lawyer.

4. **Human Losses:**

178 lawyers were killed due to airstrikes and military operations, with the number continuing to rise as the war progresses¹⁷.

Fifth: The Effects of the War on Civil Police

The war on Gaza caused severe damage to the Civil Police force, which had a total of 7,451¹⁸ officers before the war. The Civil Police is a fundamental pillar for maintaining internal security and organizing the daily life of citizens.

It is worth noting that the Goldstone Report issued by the United Nations Human Rights Council in September 2009 considered the military attack on the police headquarters in the Gaza Strip as a violation of international humanitarian law, as the Gaza Police is a civilian authority tasked with law enforcement¹⁹.

The damages included the following²⁰:

17 Reports of researchers at the Arab Center for Criminal Sciences, Gaza, 2024.

18 Number of police officers in police stations in the Gaza Strip by age categories, 2023 – Palestinian Central Bureau of Statistics:

https://www.pcbs.gov.ps/statisticsIndicatorsTables.aspx?lang=ar&table_id=3631

19 Microsoft Word - A HRC 12 48 FOR PROCESSING 250909 cleared by CL, FM & GC.doc (ohchr.org)

Or see the summary of the “Goldstone Report” in Arabic at the following link: [untitled (wafa.ps)]

20 Reports of researchers at the Arab Center for Criminal Sciences, Gaza, 2024.

1. Destruction of Police Stations:

- The destroyed stations included police headquarters, rehabilitation centers, and criminal and administrative offices.
- There are 22 police stations in the Gaza Strip, which include detention places (police cells), investigation offices, the General Investigations Department, and the Anti-Drug Department.
- Additionally, there are five central locations for police governance across the region, along with the Passport Department (Arafat City for Police), which houses the General Director's Office and specialized departments, including the General Investigations Department, Anti-Drug Department, and Criminal Evidence Department.
- The Israeli military forces targeted police headquarters, destroying 19 police stations entirely, and partially damaging 3 police stations in the central governorate. Furthermore, 4 police department headquarters were completely destroyed, and 1 was partially damaged. The Passport Department was also entirely destroyed, including its offices and units²¹.

2. Destruction of Rehabilitation and Reform Centers:

- The Gaza Strip has 6 rehabilitation and reform centers, in addition to the General Administration of Rehabilitation and Reform Centers, distributed across the governorates, with a capacity of 2,582 detainees, both detained and sentenced. These centers were targeted by the Israeli occupying forces, with the following results²²:
 - The General Administration of Rehabilitation and Reform Centers was completely destroyed, along with 4 rehabilitation centers. One center was partially destroyed.

3. Human Losses:

- The police force lost many of its officers and personnel due to direct targeting of their stations during bombing. Over 5,000 police officers and personnel were killed, as part of direct attacks while on duties in maintaining order, securing aid, or being targeted in their places of refuge or residential areas²³.

4. Complete Paralysis of the Police Force:

- The loss of infrastructure and equipment, along with the absence of many staff members, led to a near-total disruption of police work.
- Most of the essential security services, including maintaining order, enforcing laws, and ensuring the safety of individuals and property, ceased.

5. Loss of Files and Equipment:

- The destruction of police stations caused the loss of archives related to criminal cases, records of detainees, and the technological equipment used in investigations and administrative work²⁴.

21 Report of the Independent Commission for Human Rights, previous source, p. 4.

22 Reports of researchers at the Arab Center for Criminal Sciences, Gaza, 2024.

23 Report of the Independent Commission for Human Rights, previous source, p. 4. Interview: Dr. Imad Hamato, Former Dean of Al-Azhar Institutes, 06/12/2024.

24 Mr. Bakr Al-Turkmani – Independent Commission for Human Rights, Interview, 18/11/2024.

6. Absence of Internal Security:

- With the police force out of action, the sector suffered from a security vacuum, leading to an increase in petty crimes such as theft and vandalism, further exacerbating the suffering of residents during the war.

Additionally, the destruction of courts and other judicial facilities resulted in the loss of the ability to provide effective legal services. The loss of essential documents and the growing backlog of cases made the situation even more complicated, leading to a delay in the administration of justice. In this context, the need for a flexible judicial system capable of adapting to extraordinary circumstances is underscored.

Section Two

Rebuilding the Palestinian Judicial System Institutions in Gaza

In light of the widespread destruction suffered by the justice sector in the Gaza Strip due to the recent war (2023-2025), which has been characterized by UN special rapporteurs and a number of countries that have joined South Africa in their case against Israel before the International Court of Justice as a war that included acts of genocide against the Palestinian people, it is evident that part of this massive destruction also affected the very components of the justice system in Gaza. As a result, urgent steps must be taken to rebuild this critical sector.

The judicial system serves as the cornerstone of justice, social stability, and the ability of society to recover and rebuild. This task requires a comprehensive, multi-phase response that ensures the rehabilitation of infrastructure, the reconstruction of destroyed facilities, the recovery of lost documents, and the development of judicial mechanisms that align with the emerging challenges.

Through this document, we aim to establish a strategic plan for rebuilding the institutions of the Palestinian judicial system in Gaza. This plan consists of five key phases, each comprising practical steps to reconstruct judicial institutions, ensure citizens' swift and fair access to justice, and address newly arising legal issues in a way that enhances the credibility of the judicial system within society.

The plan also seeks to introduce flexible, temporary legislative measures tailored to the emergency conditions and current realities²⁵. It includes specialized training programs for judges, prosecutors, and judicial personnel to enable them to make swift and just decisions. Furthermore, the plan emphasizes strengthening collaboration with international and local institutions to provide technical and logistical support, as well as addressing sensitive legal matters such as gender-based crimes, property disputes, and the care of children who have lost their families.

Finally, while this plan is divided into phases, this does not necessarily mean that work will proceed in a strictly sequential manner, where the second phase begins only after the first is completed. Instead, multiple phases may be implemented simultaneously if the need arises.

Plan Goals

Implementation Framework and Phases

Some experts advocate for a multi-phase approach. The initial phase would focus on assessing physical damages and forming a Supreme Judicial Council by integrating eligible judges under the Palestinian Judicial Authority Law. Additionally, an advisory committee comprising judges, academics, legal experts, and lawyers would be established. As the judiciary begins its recovery, alternative justice mechanisms, such as arbitration and mediation²⁶, would be introduced in shelters with specific regulations to support displaced persons.

The national plan for rebuilding Gaza's judicial institutions is expected to span three years, contingent on available and anticipated resources. The plan will be executed in five phases:

25 Mr. Ibrahim Abu Shamala – Legal Advisor (UNDP). Interview on 12/11/2024.

26 Mr. Amjad Al-Shawa – Commentary on the study, dated December 6, 2024.

Phase One: Emergency Response and Damage Assessment

Objectives

1. Assess the extent of damage to judicial facilities, including courts, prosecution offices, police stations, and other legal institutions.
2. Evaluate infrastructure damages and compensation needs (e.g., buildings, equipment, and lost legal documents).
3. Identify urgent interventions to resume judicial operations as quickly as possible.

Activities

1. Conduct a comprehensive survey of affected judicial institutions.
2. Develop an emergency action plan to repair infrastructure and restore basic services.
3. Establish a damage assessment and compensation committee, ideally incorporating technical specialists from the Ministry of Public Works²⁷.
4. Publish a detailed report on the damages sustained by the justice sector, including the estimated financial cost for rebuilding the judiciary across its five phases.

Practical Steps for Implementing This Phase

The implementation of the plan to rebuild the judicial system institutions in the southern governorates (Gaza Strip) requires, from the very first moment of the war's cessation, conducting a comprehensive assessment of the damages inflicted on the justice system to ensure its reconstruction and the proper resumption of judicial operations.

In this context, it is essential to identify the damages caused by the war and estimate the compensation owed to judicial system employees and lawyers²⁸. To effectively implement this phase, the following steps must be taken:

1. Formation of a Damage Assessment and Compensation Committee

- A specialized committee will be formed to assess the damages sustained by judicial facilities and determine the compensations due²⁹.
- The committee should include a Supreme Court judge along with several judges and prosecutors and will have the authority to seek assistance from an adequate number of experts.
- The committee will submit its preliminary report within two months of commencing its work, followed by a final report within six months.

Types of Damages to Be Assessed:

27 Dr. Sharif Baalousha, Deputy Prosecutor and Assistant Professor of Administrative Law – Interview on November 14, 2024.

28 Mr. Mohammed Al-Telbani, PhD Researcher – Interview on November 16, 2024.

29 Counselor Faiz Hammad, Counselor Munir Al-Uqbi, Lawyer Abdul Aziz Al-Ghalayini, Dr. Omar Al-Turkmani, Deputy Prosecutor (Previous Interviews).

- **Loss of lives and shortage of human resources:** The loss of judicial personnel due to fatalities, displacement, or injuries affecting their ability to continue their duties, directly impacting judicial operations.
- **Material damages:** Destruction of courts, prosecution offices, police stations, loss of judicial infrastructure, and destruction of equipment³⁰. This also includes damage to the personal property of judicial employees.
- **Administrative damages/loss of archives:** The halt of judicial work due to facility destruction, loss of legal documents and case files, and the disappearance of records previously maintained by judicial institutions.

2. Surveying Court and Prosecution Facilities and Providing Alternatives

- **Assessing damaged buildings:** Evaluating the state of buildings that served as courts and prosecution offices, examining their structural integrity, and ensuring they are cleared of any explosive remnants. Determining whether they can be restored or need to be replaced³¹.
- **Providing alternative facilities:** Setting up temporary locations for courts and prosecution offices, whether by renting private facilities or using prefabricated units (caravans) or repurposed government buildings to ensure the resumption of judicial work post-war³².
- **Repairing roads and access points:** The reconstruction of infrastructure must include road repairs leading to courts and prosecution offices, ensuring accessibility for individuals with disabilities, and considering demographic changes resulting from the war.

3. Evaluating and Rehabilitating the Judicial Workforce and Public Prosecution

- **Identifying affected judges and prosecutors:** Determining the number of judges and prosecutors who have lost their lives or suffered severe injuries preventing them from carrying out their duties.
- **Providing temporary housing or housing allowances:** Arranging temporary housing or housing allowances for judges and prosecutors who have lost their homes, for a period not exceeding three years.
- **Assessing remaining personnel:** Identifying available judges and prosecutors and ensuring their numbers, qualifications and professional backgrounds, align with the needs and requirements of courts and prosecution offices to maintain judicial efficiency.
- **Secondment of judges and prosecutors:** Assigning judges and prosecutors to handle specific judicial tasks or participate in subcommittees based on their qualifications, experiences and legal expertise.

4. Cataloging and Restoring Case Files for Judicial and Administrative Work

- **Cataloging existing files:** Reviewing cases that were pending before the war and those stored in digital systems for easier retrieval.
- **Recovering lost case files:** Reconstructing lost case files by utilizing copies available with involved parties or their lawyers, after verifying their authenticity.
- **Retrieving withheld documents:** Recovering case files and documents that were in the possession of judges or prosecutors for study, follow-up, or rulings to ensure continuity of judicial procedures.

30 Mr. Amjad Al-Shawa, commentary on the study on 06/12/2024.

31 Dr. Zahir Al-Saqq, retired judge, interview on 26/11/2024.

32 Counselor Ahmed Al-Mughni – Former Attorney General and Supreme Court Judge, interview on 05/12/2024.

- **Recovering stolen or confiscated legal documents:** Tasking a judicial committee or the Ministry of Justice with legally pursuing the recovery of files, documents, and records seized by the Israeli military forces from courthouses or other locations.

- **Developing a communication and coordination plan:** Establishing a coordination mechanism among all judicial and security institutions, and liaising with international organizations to secure technical and logistical support. It is essential to collaborate with international organizations and humanitarian bodies to provide financial and technical assistance while ensuring coordination between local and international institutions for rapid implementation.

- **Assessing security conditions:** Conducting an initial security assessment to analyze the security situation in affected areas and its impact on the functioning of courts and prosecution offices. This may include collaborating with security forces to safeguard judicial institutions against security threats and creating a safe working environment for judicial staff and the public.

- **Providing Psychological and Social Support for Judicial System Employees**

Psychological support for judges, prosecutors, lawyers, and court staff: Offering psychological counseling programs to help judicial professionals cope with the trauma of war. This is crucial to ensuring their ability to handle work-related pressures under extraordinary conditions³³.

- **Supporting Technological Modernization**

Developing judicial infrastructure and enhancing the technological infrastructure of courts and prosecution offices by introducing modern case management and digital file systems to improve judicial efficiency post-war³⁴. This includes establishing an advanced digital framework to support administrative operations and facilitate quick and accurate data retrieval.

- **Establishing a Mechanism for Distributing Compensation**

Distributing compensations to affected judicial employees: Based on committee assessments, a structured mechanism will be developed to ensure timely and lawful compensation payments to those entitled.

- **Training the Remaining Judicial Workforce**

Short-term training for judges and prosecutors: Providing specialized training programs to ensure judicial staff are well-equipped to handle new cases arising from war-related damages. Offering legal training programs focused on handling cases of destruction, loss, and post-war legal challenges.

- Ensuring the rule of law under conditions of security instability, social unrest, occupation, and humanitarian crises such as poverty, hunger, and newly emerging injustices presents an extremely challenging task. This requires flexible leadership and high-level technical and administrative expertise that understands the critical nature of the moment. Consequently, there is doubt about whether local capacities alone can manage this effort effectively. Therefore, the intervention of the United Nations is urgently needed, given its extensive experience in managing the justice sector and upholding the rule of law in post-crisis recovery phases in various countries and contexts³⁵.

33 Meeting with Lawyer Abdul Aziz Al-Ghalayini, Member of the Bar Council, on 01/12/2024, and Counselor Imran Al-Buhtiti from the Bureau of Financial and Administrative Control, along with Dr. Anwar Al-Shaer, Associate Professor of Administrative Law.

34 Dr. Tareq Al-Derawi, former Director General of the Legal Department at the Legislative Council, interview on 24/11/2024.

35 Mr. Ibrahim Abu Shamala – Legal Advisor (UNDB), interview on 12/11/2024.

Phase Two: Emergency Response and Damage Assessment

Objectives

- Ensuring the continuity of the judicial system and the effective and efficient delivery of emergency judicial services under exceptional circumstances.
- Providing legal protection for affected individuals through temporary and expedited measures (such as seizure, custody, and case documentation)³⁶.
- Managing high-priority emergency cases, including criminal and humanitarian cases, through specialized and rapid mechanisms³⁷.
- Establishing practical steps for early recovery during and in the immediate aftermath of the war to build upon³⁸.

Activities:

- Establishing mobile or temporary courts and prosecution offices.
- Intensifying the work of the public prosecution to complete urgent investigations.
- Providing legal support to affected citizens through legal aid centers.

Practical Steps for Implementing this Phase

After the cessation of the war and the transition to the emergency phase, the judicial system faces significant challenges that require an immediate response to ensure the continuity of judicial services and meet the needs of affected citizens. In this phase, the public prosecution and judiciary must take a leading role in guiding, supporting, and collaborating with security agencies to maintain order, enforce security, and pursue criminals according to the established procedures.

The role of the judiciary during this phase is one of the most important and critical roles it will undertake during the transitional period. Therefore, urgent preparation of temporary offices for the General Administration of Reform and Rehabilitation Centers and Juvenile Correctional Centers must be made, in order to immediately re-detain and transfer individuals who have been previously registered by the relevant authorities. Additionally, protection of public and private property should be ensured, with swift legal action to prevent family disputes and protect against attempts to seize others' land. This should be done in collaboration with the Land Authority, which holds the primary jurisdiction. It is important to emphasize that these measures should not target those who had unlawfully seized land before the war, in order to preserve their prior legal status³⁹.

The goal of this phase is to support effective judicial work and provide urgent legal services in emergency conditions, contributing to the swift administration of justice and protection of individual rights.

In this context, urgent interventions are essential to re-activate courts and prosecution offices and to establish exceptional judicial mechanisms for addressing high-priority cases such as violence against women and children, seizure of assets, and human rights issues. Achieving these objectives requires clear and precise mechanisms to organize these efforts and activate emergency services at all levels, ensuring easier access to justice despite the current challenges.

36 Dr. Nidal Jarada – Regular Lawyer, interview on 14/11/2024.

37 Dr. Ahmed Hasnia – Former Dean of the Faculty of Law at Gaza University, comment on the plan on 11/12/2024.

38 Mr. Wael Baloosha, comment on the plan on 5/12/2024.

39 Counselor Munir Al-Aqbi, Assistant Public Prosecutor (Retired), interview on 25/11/2024.

1. Continuing the Rehabilitation of Temporary Judicial Infrastructure

- Continued provision of temporary judicial headquarters: Continue setting up alternative locations to reactivate the work of courts and prosecution offices by using vacant government offices, renting private spaces, or providing additional mobile units (caravans) to meet the growing demands during this phase, allowing judicial work to resume immediately after the war.

2. Providing Emergency Judicial Support

- Rapid judicial services for emergency response: Appoint an Emergency judge in each court to handle emergency cases and requests 24/7 to ensure swift resolution of cases, whether through traditional or electronic hearings⁴⁰.
- Intensifying the work of the public prosecution: Enable the public prosecution to continue urgent investigations, especially criminal offenses and violent attacks, and ensure immediate legal assistance is provided to the affected individuals.
- Providing legal support to vulnerable groups: Establish legal aid centers to provide free support to individuals, with specialized teams offering legal advice and representation to vulnerable groups (e.g. women, children, people with disabilities).

In summary, this is a comprehensive, complex, and collaborative process that requires community partnerships and coordination between all judicial and security institutions. It will need patience and a long period of time to rebuild the capacities of justice institutions and law enforcement. There is no value in having courts and prosecution offices in a state of scarcity, hunger, and ongoing displacement without real hope for reconstruction and addressing immediate injustices⁴¹.

3. Issuing Temporary Legislations and Organizing Legal Deadlines

- Renewing legal deadlines: Issuing exceptional flexible legislation to extend legal deadlines that expired during the war, and setting new deadlines for suspended cases, granting affected individuals' fair opportunities to pursue their legal matters⁴².
- Reorganizing court fees: Issuing flexible legislation to exempt citizens from court fees or adjust them to align with difficult financial circumstances, through exemptions, reductions, or delays in fees depending on the nature of each case.

4. Enhancing the Capacities of Judicial Police to Ensure Security and Enforcement

- Activating the judicial police: Forming a committee under the supervision of the Prime Minister and Minister of Interior to assess the actual needs for re-establishing the judicial police force in affected areas, determining the required professional skills, their responsibilities and tasks in protecting the judicial system, and providing protection to facilities and personnel⁴³.
- Organizing the security tasks of judicial police: Creating a clear plan to implement the judicial police's tasks, including enforcing court decisions, protecting detainees and convicts, en-

40 Dr. Nidal Jarada – Regular Lawyer, interview on 14/11/2024.

41 Mr. Ibrahim Abu Shnaila – Legal Advisor (UNDP), interview on 12/11/2024.

42 Dr. Tarek Al-Derawi, Director General of the Legal Department at the Legislative Council (Retired), interview on 24/11/2024.

43 Dr. Nidal Jarada – Regular Lawyer, interview on 14/11/2024.

uring the safety of court entrances and exits, organizing witness attendance, and carrying out legal notifications.

- Establishing specialized teams for specific cases: Deploying qualified police teams to handle special cases (juvenile offenders, female detainees) to ensure their safety and rights.

5. Utilizing Reform Committees as a Support Mechanism and Encouraging Alternative Dispute Resolution

- Integration with reform committees: Integrating reform committees as an alternative dispute resolution mechanism for simple civil disputes, especially those requiring quick settlements among vulnerable groups, to reduce pressure on the formal judicial system.
- Defining the procedures of reform committees: Organizing the procedures for utilizing reform committees and defining their areas of intervention, ensuring the voluntary choice of the parties involved regarding mediators and procedures, as well as the conditions of mediation⁴⁴.
- Encouraging Alternative Dispute Resolution (ADR): Activate arbitration and mediation systems as alternative means for resolving civil and commercial disputes, in order to alleviate pressure on the courts.
- Utilizing retired judicial personnel: Involve qualified retired judicial staff in mediation processes, as these individuals possess extensive experience that can be leveraged to resolve disputes effectively.

6. Additional Protection Measures for Women, Children, and Those Affected in Community Conflicts

- Supporting specialized legal protection services: Designate prosecution offices or legal units specialized in providing support for women and children facing violence and exploitation, ensuring protection for these vulnerable groups in emergency situations.
- Expanding psychological and legal support programs for survivors of violence: Provide psychological support and legal counseling services for survivors of violence, including women and children, as part of legal clinics' operations.

7. Expanding Cooperation with Local and International Human Rights Organizations

- Establishing a coordination unit: Create an internal unit dedicated to coordinating with local and international human rights organizations to assist with human rights cases and to secure technical and financial support.
- Communication and knowledge exchange: Develop mechanisms for information exchange with local and international human rights organizations to ensure the documentation and monitoring of violations that may require urgent judicial intervention.

8. Enhancing the Protection System for Detainees and Prisoners

- On 13/10/2023, all detainees and prisoners in police custody were released, totaling approximately 1,600 individuals, and all police stations were vacated⁴⁵.

44 Meeting with Lawyer Abdel Aziz Al-Ghalayini, Member of the Bar Association Council, on 1/12/2024.

45 Independent Human Rights Commission Report, previous source, p. 4.

- Issuing an urgent decision from the first day of the war cessation and forming a high judicial committee for all detainees and prisoners who were in reform and rehabilitation centers and detention centers on October 6, 2023, to hand themselves over to the public prosecution or police. A judicial committee will be formed to decide on their release or continued detention.
- Providing temporary alternative facilities instead of destroyed reform and rehabilitation centers to ensure that detainees and prisoners are secure and not subjected to abuse, ensuring their personal safety and well-being⁴⁶.
- Adopting alternatives to detention: Such as house arrest and home confinement, while also privatizing criminal cases and implementing alternative penalties⁴⁷.
- Monitoring mechanism for detention centers: Form judicial monitoring teams to visit reform and rehabilitation centers and detention facilities to ensure the availability of humane conditions and urgent medical needs for detainees, especially in emergency situations.
- Urgent measures for affected detainees and prisoners: Issuing emergency laws to address the status of detainees and prisoners affected by the conflict, including temporary release or fast-tracked trials for cases that require it.

9. Activating Emergency Legal Mechanisms for Children Affected by the War.

- Special procedures for children separated from their families: Establish committees to verify cases of children who have lost their families due to the war and provide necessary legal support through protection programs and humanitarian assistance.
- Mechanisms for tracking missing children and rehabilitation: Implement legal and social programs to track missing children and provide them with legal and social care until their situations stabilize.

10. Automating and Updating Judicial Information Systems for Emergency Cases

- Developing a database for affected individuals: Create an up-to-date database that includes all individuals affected by the conflict and those benefiting from the judicial system's services, to facilitate the rapid follow-up of their cases and provide them with emergency services.
- Secure case management systems: Activate an electronic system that allows real-time registration and tracking of cases, ensuring the security and confidentiality of citizens' data during emergency situations

Phase Three: Temporary Judicial Restructuring

Objectives:

- Establish a flexible legal framework that aligns with the transitional phase, ensuring the stability of the judicial system.
- Reorganize the courts, the public prosecution, and the affected judicial bodies.
- Resume operations of all judicial facilities through temporary and flexible mechanisms.

46 Mr. Bakr Al-Turkmani – Independent Human Rights Commission, interview on 18/11/2024.

47 Mr. Bakr Al-Turkmani – Independent Human Rights Commission, interview on 18/11/2024.

Activities:

- Form judicial and administrative committees to rebuild the organizational structure.
- Launch flexible legislative initiatives that match the emergency situation.
- Rehabilitate judicial staff through intensive training programs.

Practical Steps for Implementing this Phase

The goal of the third phase is to strengthen the stability of the judicial system, ensure the continuity of justice services, and facilitate access to justice for all, with a particular focus on supporting groups affected by the war.

This phase aims to establish a temporary organizational structure that is flexible enough to meet the requirements of the transitional period while ensuring the continued delivery of judicial services with high efficiency. It also includes rebuilding and reorganizing the judicial apparatus, including courts and public prosecution offices, as well as allocating human resources in a way that meets current needs.

Additionally, efforts will be made to develop and enhance the skills of judicial and administrative personnel to ensure the quality and responsiveness of judicial services to the needs of society during this period. The phase will also focus on expanding legal aid by establishing new legal clinics in affected areas, with the aim of providing legal, psychological, and social support to citizens most impacted by the current situation⁴⁸.

1- Formation of Judicial and Administrative Committees for Temporary Reconstruction:

- **Judicial Restructuring Committee:** Responsible for developing a temporary organizational structure for courts based on transitional phase priorities.
- **Human Resources Coordination Committee:** Ensures the optimal distribution of judges, prosecutors, and staff between courts and public prosecution offices according to needs.

2- Launching Temporary Legislative Initiatives and Amending Laws:

- **Updating Legislation:** Introducing temporary regulations and systems to manage courts and organize internal operations.
- **Amending Laws Related to the Transitional Phase:** Ensuring a swift legal response to changing circumstances and facilitating citizens' access to justice.

3- Rehabilitation and Training of Judicial and Administrative Staff:

- **Intensive Training Programs:** Targeting all judicial sector employees, with a focus on en-

⁴⁸ Attorney Ziad Al-Najjar strongly objects to the expansion of legal aid and the establishment of new legal clinics. He insists that legal assistance should be exclusively managed and overseen by the Palestinian Bar Association, as it directly impacts the work and income of lawyers. Therefore, it must be regulated. Additionally, he asserts that legal consultations should be limited to issues arising solely from the circumstances of the aggression.

Interview with Attorney Ziad Al-Najjar, Secretary of the Bar Association Council, on 22/12/2024.

hancing the skills of judges and prosecutors according to best practices.

- Appointing New Judges and Prosecutors in accordance with relevant legislation (judicial authority law): Supporting local personnel in managing judicial operations and providing hands-on training.
- Seconding Judges and Prosecutors from the Northern Governorates (West Bank): Assigning them to work in Gaza for a renewable three-month period.

4- Introducing New Legal Aid Mechanisms Through Legal Clinics:

- Establishing Legal Clinics in Affected Areas: Aimed at providing legal support to vulnerable groups, especially those unable to afford legal representation.
- Providing Psychological and Social Support to Beneficiaries: In collaboration with specialized entities to assist citizens affected by the ongoing conflict, thereby enhancing their social and psychological stability.

5- Improving Temporary Judicial Infrastructure:

- Equipping Judicial Facilities in Affected Areas: Providing transportation and logistical support to effectively resume judicial services.
- Implementing Modern Electronic Systems: To track and manage judicial files efficiently and streamline procedures.

6- Continuous Evaluation of the Temporary Judicial System:

- Developing Periodic Mechanisms for Evaluating Judicial Performance: Assessing staff efficiency, infrastructure, and legislative effectiveness, with interim reports to review progress toward achieving objectives.

Phase Four: Developing and Strengthening the Judicial System

Objectives:

- Establishing a sustainable and efficient judicial system that enhances public trust.
- Developing legislation and judicial procedures to better address emerging legal issues.
- Implementing oversight and accountability mechanisms to ensure judicial integrity.

Activities:

- Enhancing legislative and legal frameworks.
- Implementing electronic systems to improve judicial efficiency.
- Restructuring and strengthening key institutions such as the judicial police and forensic departments.

Practical Steps for Implementation:

This phase aims to enhance the effectiveness and efficiency of the judicial system by improving its administrative, technical, and financial structures. The focus will be on ensuring the continuous delivery of judicial services with high efficiency, expanding digitalization and modern technologies across judicial operations, and improving court infrastructure while developing the skills of judicial personnel.

These plans will be executed meticulously, with continuous review and refinement of implementation strategies, ensuring a smooth transition towards long-term sustainability.

1- Activating and Developing the Administrative and Technical Structure of the Judicial System

- **Enhancing Institutional Units:** Strengthening the work of the General Secretariat of the High Judicial Council, the Technical Office of the Supreme Court, and the Judicial Enforcement Department, with a particular focus on activating the role of the Judicial Inspection Department⁴⁹.
- **Establishing a Planning, Media, and Public Relations Unit:** Providing specialized administrative and media support to enhance transparency and public engagement.
- **Strengthening the Structure of Regular and Sharia Courts:** Ensuring effective decision-making and smooth, transparent enforcement of rulings.
- **Launching a Judicial Data Protection Unit:** Enhancing cybersecurity to safeguard judicial information and prevent unauthorized data access.

2- Enhancing Digitalization in Courts

- **Developing Comprehensive Digitalization of Judicial Procedures:** Accelerating judicial work by digitizing civil, criminal, administrative, and Sharia proceedings.
- **Providing Electronic Devices and Digital Infrastructure:** Equipping courts and judicial offices with modern electronic systems to support full digital transformation.
- **Implementing an Integrated Electronic Network:** Connecting all courts and judicial entities, including the Attorney General's Office and law enforcement agencies, within a unified system to ensure fast and secure data exchange.
- **Creating an Online Judicial Services Portal:** Enabling lawyers and citizens to access litigation and case-tracking services electronically, improving efficiency and transparency.

3- Building and Developing Modern Judicial Infrastructure

- **Constructing or Leasing Permanent Premises:** Establishing or renting permanent or temporary judicial facilities across all governorates based on regional needs.
- **Establishing a Central Headquarters for Regular and Sharia Courts in Gaza or Al-Zahraa:** Ensuring broad access to judicial services for all citizens.
- **Providing Supporting Facilities in Courts:** Including real-time translation services, acces-

49 Wael Baalousha, Comment on the Plan, dated 5/12/2024.

sibility accommodations for people with disabilities, and improved waiting areas for a safer and more comfortable environment for litigants and visitors.

- Completing the Construction of Judicial Facilities in Governorate Centers: Strengthening judicial infrastructure to support efficient operations.

4- Enhancing the Efficiency and Capacity of Judges

- Implementing Judicial Specialization: Improving judicial efficiency by assigning judges to specific legal fields.
- Establishing a Judicial Training and Development Institute: Training judges in specialized areas and creating a legal library with comprehensive resources to support effective case management.
- Founding a Higher Institute for Legal Practice: Enhancing legal education in universities and higher institutions to prepare competent legal and judicial professionals⁵⁰.
- Expanding the Electronic Legal Library: Providing an extensive digital library with diverse resources to support legal knowledge and research⁵¹.

5- Developing Judicial Relations at Local and International Levels

- Drafting Memorandums of Understanding with Judicial Institutions: Strengthening cooperation with justice institutions, including joint coordination and information exchange.
- Encouraging Participation in Regional and International Legal Activities: Supporting judges' involvement in conferences and training events locally, regionally, and globally.
- Establishing a Judges' Club as a Permanent Professional Hub: Providing a space for knowledge exchange and fostering communication among judges.

6- Launching Specialized Programs for Continuous Judicial Performance Evaluation and Improvement

- Creating a Judicial Performance Evaluation Unit: Responsible for regularly collecting and analyzing data to enhance efficiency and expedite case resolution.
- Conducting Periodic Surveys to Assess Lawyers' and Litigants' Satisfaction: Ensuring continuous feedback to improve the quality of the judicial system based on user experiences.

7- Enhancing Transparency and Accountability in the Judicial System

- Establishing an Independent Body for Judicial Integrity Oversight: Responsible for receiving and investigating complaints or integrity violations to ensure cases are handled transparently and effectively.
- Publishing Periodic Reports on Court Activities and Case Resolution Timelines: Increasing public trust in the judicial system by promoting transparency.

50 Mr. Musab Abu Al-Atta – Public Prosecution Agent, PhD Researcher, Interview on 9/12/2024.

51 Judge Ahmad Al-Maghni – Attorney General and Retired Supreme Court Judge, Interview on 5/12/2024.

Phase Five: Judicial System Sustainability and Capacity Enhancement

Objectives:

- Ensure the long-term sustainability of the judicial system.
- Strengthen the capacity of judicial personnel to address future challenges.
- Increase public awareness of citizens' rights and access to justice.

Activities:

- Conduct regular training programs for judges, prosecutors, lawyers, and judicial staff.
- Develop legal aid and advisory programs for affected individuals.
- Promote partnerships with international organizations and civil society to improve judicial services.

Practical Steps for Implementation:

Sustaining the judicial system and enhancing its capabilities are key objectives for all nations to ensure continuous and effective justice. Given the current global challenges and rapid changes, it is essential for the judicial system to remain adaptable, providing efficient services while maintaining its long-term functionality.

This phase focuses on developing institutional and legal frameworks that ensure the continuity of judicial operations, strengthening judicial personnel's ability to adapt to evolving legal and technological landscapes. It also aims to raise public awareness, particularly among vulnerable groups, to facilitate easier and more effective access to justice.

Implementing this phase requires a focus on several key areas, including continuous training for judges, prosecutors, and lawyers, improving the quality of legal services, enhancing the digital infrastructure of courts, and reinforcing transparency and accountability to uphold judicial integrity. Through these initiatives, a sustainable judicial system can be achieved—one that is efficient, transparent, and responsive to citizens' needs, ultimately fostering trust in judicial institutions and ensuring justice for all.

1. Conducting Regular Training Sessions for Judges, Prosecutors, and Lawyers:

- Objective: Enhance judicial personnel skills to keep pace with legal changes and emerging challenges.
- Content: Training on handling complex cases resulting from conflicts, such as human rights cases, displacement crises, women's and children's rights, and reconstructing lost legal records.
- Expansion: Organizing professional workshops and specialized training courses in:
 - Modern judicial techniques: Using electronic court systems and automating judicial procedures.

- Human rights laws: Specialized courses for judges, prosecutors, and lawyers on international human rights standards and handling cases related to violence and discrimination.
- Transitional justice: Training on applying transitional justice mechanisms in conflict-affected areas to ensure victims' rights and societal reconciliation.
- Partnerships: Collaborating with local and international universities and legal professionals to provide advanced training programs, including partnerships with global legal academies to develop legal programs.

2. Developing Legal Aid and Advisory Programs for Affected Individuals:

- Objective: Provide continuous legal support for vulnerable and affected groups.
- Activities:
 - Establishing legal aid centers in various regions to handle urgent cases, offering immediate support in domestic violence, children's rights, and women's rights cases.
 - Launching a legal consultation hotline via phone or online to provide quick legal advice, especially on personal and property rights.
 - Developing digital legal aid platforms to reach a broader audience and provide simple, effective legal solutions online.
 - Strengthening the role of legal clinics that offer assistance to the most in-need citizens, particularly those affected by conflicts.

3. Encouraging Partnerships with International Organizations and Civil Society to Improve Judicial Services:

- Objective: Enhance judicial system efficiency through international and local cooperation.
- Activities:
 - Establishing strategic partnerships with international and local human rights and rule of law organizations to train judicial personnel, provide technical support, and develop legal infrastructure.
 - Strengthening collaboration with NGOs to deliver legal services to affected individuals in remote or high-need areas.

4. Rehabilitating and Improving the Digital Infrastructure of Courts:

- Objective: Ensure the speed and efficiency of judicial procedures through automation and technology.
- Activities:
 - Developing and upgrading electronic case management systems to streamline case tracking and organization securely and flexibly, expediting procedures and minimizing logistical challenges.
 - Expanding digital platforms for remote court sessions, ensuring judicial operations

continue during emergencies or crises.

- Implementing secure, unified databases for storing and protecting digital files, allowing judges and lawyers to access information effectively.
- Enhancing virtual court systems, enabling citizens and lawyers to attend hearings remotely through dedicated platforms.

5. Strengthening Oversight and Accountability to Ensure Judicial Integrity:

- Objective: Enhance transparency and accountability in the judicial system.
- Activities:
 - Activating oversight bodies such as financial and administrative audit institutions to monitor judicial performance and prevent corruption.
 - Launching public complaint platforms to report judicial misconduct or corruption, providing legal mechanisms for citizens to submit and track complaints.
 - Enhancing the role of external monitors and civil society organizations in overseeing the implementation of judicial decisions and ensuring their fairness.
 - Conducting regular audits of judicial and prosecutorial work to uphold the law, particularly in human rights cases.
 - Strengthening the role of the Anti-Corruption Commission, particularly in prosecuting corruption in humanitarian operations⁵².

6. Establishing Specialized Courts for Humanitarian and Social Cases:

- Objective: Improve the judicial system's responsiveness to priority issues such as displacement, women's and children's rights, and inheritance.
- Activities:
 - Creating specialized family courts to address disputes related to women's and children's rights, especially those that have surged under exceptional circumstances.
 - Setting up mobile courts to handle priority cases in conflict-affected areas or regions with limited access to justice.
 - Establishing fast-tracks courts for humanitarian cases, such as child paternity, refugee rights, and forced displacement, ensuring swift resolution of such cases.

7. Investing in Psychological Support Services for Judges and Citizens:

- Objective: Support judicial personnel and affected citizens psychologically and socially.
- Activities:
 - Launching psychological support programs for judges and prosecutors to help them cope with the pressures of working in war and conflict conditions.
 - Organizing counseling sessions for families affected by conflict to help them adapt

52 Mr. Wael Baloosha, commentary on the plan on 12/5/2024.

to the psychological and social losses caused by war.

- Providing rehabilitation programs for individuals psychologically impacted by war, particularly those who have lost property or family members.

Section Three

Decisions for the Restoration and Reconstruction of the Judicial System

To ensure the effective implementation of the plan for rebuilding the institutions of the Palestinian judicial system, executive mechanisms have been designed based on sequential steps with clear objectives.

These mechanisms aim to rebuild the legal infrastructure, achieve effective judicial justice, and enhance institutional capacity to respond to urgent challenges.

The implementation mechanisms, especially during the integration process, must guarantee the independence of the judiciary, particularly judges and prosecutors, on a personal, administrative, financial, and legislative level⁵³.

Decision One: Formation of a High Judicial Committee to Implement the First and Second Phases

1. Committee Formation:

- A presidential decree shall be issued to form a High Judicial Committee immediately after the reformation of the Supreme Judicial Council.
- The committee shall consist of:
 - Two judges from Gaza representing the Council.
 - Five respected and widely accepted legal and societal figures from Gaza.

2. Duration of Mandate:

- The committee shall be assigned its tasks for a period not exceeding two years, after which its powers will be transferred to the Supreme Judicial Council.

3. Main Responsibilities:

- Assessing the Judicial System in Gaza:
 - Conducting an assessment of the damages to the judicial infrastructure caused by war and division.
- Reforming the Legal Infrastructure:
 - Providing urgent judicial services and resuming judicial operations in regular courts.
- Ensuring Transparency and Participation:
 - Engaging the local community and human rights institutions in improving judicial services.

Counselor Fayez Hamad, Member of the Supreme Judicial Council, Counselor Munir Al-Oqbi, Assistant Attorney General (Retired), Lawyer Sami Hamdouna, Court of Appeals Judge Imad Al-Nabih, Dr. Imad Hamato, Dr. Saher Al-Waleed, Professor of Criminal Law, Mr. Mohammed Al-Telbani, PhD Researcher, Mr. Rami Ashour, Military Court of Appeals Judge (Previously Mentioned Interview

Decision Two: Integration of Gaza Judges into the Unified Judicial System

1. Integration Process:

- Upon its formation, the Supreme Judicial Council shall begin integrating all regular court judges in Gaza into the unified judicial system, provided they meet the legal appointment requirements and according to the established rules and timelines in the Judicial Authority Law⁵⁴.
- Judges who have been inactive since 2007 shall be reinstated to work in Gaza's courts based on their respective ranks⁵⁵.
- The Supreme Judicial Council shall oversee judges in both Gaza and the West Bank in an integrated manner, reinforcing the unity of the judicial system.

Decision Three: Restructuring the Supreme Judicial Council After the Integration of Gaza Judges

1. Restructuring in Accordance with the Law:

- The membership of the Supreme Judicial Council shall be restructured in accordance with the provisions of the Palestinian Basic Law and the Judicial Authority Law.
- The process includes appointing vacant positions within the Supreme Judicial Council to ensure representation of Gaza's judiciary, including the judges who have been integrated.

2. Ensuring Fair Representation:

- The council must include at least four out of nine members from Gaza judges to guarantee fair representation and participation in decision-making.
- This representation will help manage the judiciary system in a way that reflects Gaza's interests and enhances the legitimacy of judicial decisions.

3. Reorganizing the Judicial Structure:

- Judicial responsibilities will be redistributed based on competency and local needs.
- Judges' statuses will be reviewed to ensure improved performance and fair employment practices.

Decision Four: Rebuilding the Public Prosecution in Gaza

As part of a comprehensive plan to rebuild the judicial institutions in Gaza, efforts will focus on integrating the Public Prosecution into the unified Palestinian judicial system to strengthen its institutional role and effectively deliver justice.

54 Attorney Ziad Al-Najjar objects to the integration process, considering it a complex—if not impossible—task. According to him, judicial personnel in Gaza lack the necessary qualifications and standards for this profession, which has been a persistent issue in the past. He argues that individuals who have assumed judicial positions unlawfully and without proper legal appointment procedures cannot now be entrusted with upholding and enforcing the law. How can they apply the law to the public when they themselves did not adhere to it in their own appointments? Interview with Attorney Ziad Al-Najjar, Secretary of the Bar Association Council, on 22/12/2024.

55 Dr. Nidal Jaradah – Licensed Attorney, Interview on 14/11/2024.

The plan includes the following pillars:

1. Integration of the Public Prosecution into the Unified Palestinian Judicial System:

- Appointment of an Assistant Attorney General in Gaza: A designated official will be appointed to manage the affairs of the Public Prosecution and coordinate with the Palestinian Attorney General.
- Integration of Existing Staff: Prosecutors and administrative staff will be incorporated in accordance with their professional skills and expertise and with the provisions of the Palestinian Basic Law and the Judicial Authority Law while ensuring their rights and maintaining institutional efficiency.

2. Administrative Oversight During the First and Second Phases:

- A temporary administrative committee will oversee the Public Prosecution to ensure the proper execution of institutional tasks.
- The Assistant Attorney General in Gaza will serve as a permanent member to facilitate coordination between the prosecution and other judicial institutions.

3. Strengthening the Institutional Framework of the Public Prosecution:

- Capacity Building: Providing specialized training for prosecutors and establishing a modern legal library.
- Digital Transformation and Electronic Connectivity: Linking prosecution offices with the Attorney General's office and courts to expedite information exchange.
- Enhancing Financial and Administrative Systems: Updating regulations and implementing digital solutions to improve efficiency and transparency.
- Expanding Specialized Prosecution Units: Strengthening departments such as economic crimes and traffic violations to address growing challenges.
- Rebuilding Facilities: Establishing new prosecution offices in Gaza City and the Justice City in Al-Zahraa with comprehensive logistical support.

4. Addressing Challenges and Leveraging Opportunities:

- Overcoming shortages in staff and infrastructure by attracting qualified professionals and seeking international support.
- Enhancing administrative systems and digitalization to drive progress and reinforce transparency.

Decision Five: Formation of a Special Committee for Enacting Emergency Legal Legislation in Gaza

1. Committee Formation:

- The committee is established by presidential decree and consists of 33 legal and societal figures selected through factional and community consensus.
- Upon its formation, the committee elects 8 additional members to expand representation, bringing the total number of members to 41⁵⁶.

⁵⁶ The rationale behind choosing this number is that it represents approximately one-third of the members of the Legislative Council. This approach makes the idea adaptable for future development, aiming to reestablish a transitional Legislative Council in both the West Bank and Gaza that would assume the full powers of the Legislative Council.

- During its first meeting, the committee elects a chairperson to oversee its work.
2. **Committee Jurisdiction:**
- The legal committee, formed by presidential decree, has jurisdiction exclusively over Gaza's governorates. Its primary role is drafting and approving emergency legal legislation and regulating legal affairs within Gaza only. Its jurisdiction does not extend beyond Gaza, ensuring its focus remains on addressing the specific legal and social challenges faced by the sector's population.
3. **Committee Term:**
- The committee operates for three years from its formation or until its powers are transferred to an elected Palestinian Legislative Council (PLC).
 - The committee cannot be dissolved or suspended except through general elections for a new legislative council.
4. **Immunity:**
- Committee members enjoy full immunity, equivalent to that granted to members of the Palestinian Legislative Council, ensuring the independence of the committee and protection from external interference.
5. **Committee Responsibilities:**
- Drafting emergency legislation to address urgent legal and social issues in Gaza.
 - Enacting temporary laws, such as:
 - General Amnesty Law – addressing social cases arising from the war.
 - Transitional Justice Law – promoting community reconciliation and reparations.
 - Inheritance Rights Law – ensuring rightful inheritance distribution and dispute resolution.
 - Amending existing legislation and introducing new laws.
 - Updating executive regulations to enhance their efficiency and relevance to current challenges.
 - Enacting legal provisions to expedite judicial proceedings in Gaza's courts.

Challenges & Opportunities:

- **Challenge:** Ensuring an independent legal committee that gains respect and legitimacy from all social and political forces in Gaza, given the significant authority and influence it wields⁵⁷.
- **Opportunity:** The formation of this committee presents a unique institutional-building opportunity in Gaza, reinforcing separation of powers. It could also serve as a stepping stone for constitutional restoration, paving the way for supplementary elections in the West Bank to form a temporary legislative council, which would then lay the groundwork for general elections.

Decision Six: Formation of a National Fund for the Reconstruction of the Judicial System in Gaza Strip

57 Mr. Mohammed Al-Talbani, PhD Researcher – Interview on 16/11/2024

As part of strengthening the Palestinian judicial system's ability to address the challenges resulting from the war, the Palestinian Cabinet will establish a National Fund for the Reconstruction of the Judicial System in Gaza (which may be part of the proposed Gaza Reconstruction Fund). The objective of this fund is to provide the necessary financial resources to rebuild the infrastructure of the courts, public prosecution, and Sharia courts⁵⁸. This fund will include the following stages:

1. Independent Management of the Fund:

- An independent management body will be established to oversee the planning and execution of the fund's operations, ensuring transparency in managing funds and resources.
- The management will be responsible for setting priorities for the reconstruction of courts, the public prosecution, and Sharia courts and distributing funds according to urgent needs.

2. Imposing Special Fees for the Fund:

- Special fees will be imposed and added to the fund to secure sustainable financing for the reconstruction and future maintenance of the courts, public prosecution, and Sharia courts⁵⁹.
- These fees will be national in scope and will include charges on various legal and judicial activities to ensure the sustainability of the fund.

3. Multiple Funding Sources for the Fund:

- National Financing: This includes raising funds from local institutions, taxes imposed, and contributions from the private sector.
- International Support: The fund will seek financial support from donor countries and international organizations to enhance the resources available for the reconstruction process.
- Collaboration with Civil Society: Local communities can be engaged in fundraising campaigns and support for the reconstruction efforts.

4. The Fund's Role in Ensuring Judicial System Sustainability:

- The fund aims to ensure sustainability in the reconstruction of the courts, public prosecution, and Sharia courts by ensuring the existence of a stable financial base that contributes to developing and improving the judicial work environment.
- It will also help provide the necessary resources to improve the technical infrastructure of the courts, including equipping them with computing technology necessary to expedite case resolutions.

Challenges and Opportunities:

⁵⁸ The need to focus on the Orphans Fund associated with the Sharia courts is of utmost importance in light of the disastrous effects of the war. The number of orphans in the Gaza Strip has reached more than 30,000 so far, and this necessitates their rights to maintenance, custody, guardianship, support, care, and the investment of their funds. There is a need to look into the work of national and Islamic institutions related to orphan sponsorships and organize their work according to the Orphans Fund program, ensuring fairness and the best interests of the orphans until they reach adulthood and their rights are secured and arranged. This will help reduce the significant social problems caused by the work of these institutions and their impact on conflicts due to the lack of clear regulation of their work and proper oversight during the previous period. Additionally, there is no legal mechanism that governs the work of Sharia judges to enforce regulations on these institutions and curb their excesses, which may affect their credibility in fulfilling their true and trusted duties towards the orphans. Interview: Dr. Emad Hamto, Former Dean of Al-Azhar Institutes, 6/12/2024.

⁵⁹ Interview with Lawyer Abdel Aziz Al-Ghalayini, Member of the Bar Association, 1/12/2024.

- **Challenges:** The main challenge is how to raise funds given the difficult economic conditions, ensuring that the fund does not interfere in political activities, and determining the international community's readiness to fulfill its political and moral responsibilities by providing necessary support for the reconstruction of Gaza.

- **Opportunities:** The fund presents an opportunity to improve the court infrastructure and achieve justice more quickly and effectively, as well as providing the chance to form an independent national committee to manage the fund through a decision from the president and national consensus.

Decision Seven: Assigning the Municipal Development and Lending Fund (MDLF) to Oversee Infrastructure-Related Issues for Rebuilding the Judicial System in Gaza

1. Assigning the MDLF:

The Palestinian Cabinet assigns the Municipal Development and Lending Fund (MDLF) the responsibility of overseeing infrastructure-related issues for rebuilding the judicial system in Gaza, in coordination with the region's major municipalities. The MDLF is a semi-governmental body affiliated with the Palestinian National Authority and has operated in Gaza since its establishment, navigating periods of political division and conflict. It enjoys broad acceptance across Gazan society, as well as the confidence of the international community and donors due to its high levels of transparency. This trust makes it a strong and credible entity to execute this decision with a national vision, community support, and international backing.

2. Role of the MDLF:

The MDLF will be responsible for planning and executing infrastructure projects related to the reconstruction of courts, the Public Prosecution offices, and Sharia courts in Gaza. It will work in coordination with major municipalities, which currently function as the local governing authority in Gaza and have received international recognition and support from the Palestinian government. This collaboration ensures the provision of the logistical and technical requirements necessary to execute these projects efficiently and effectively.

3. Collaboration with the National Reconstruction Fund:

The MDLF will work in coordination with the National Reconstruction Fund to align efforts among all relevant stakeholders and ensure the timely implementation of the rebuilding plan.

- The MDLF can leverage the expertise of the National Reconstruction Fund in reconstruction projects to enhance its effectiveness in infrastructure development across Gaza.

4. Immediate Implementation Capacity:

The MDLF possesses the capability for immediate execution of infrastructure projects, thanks to its extensive experience in reconstruction, as well as its strong relationships with both local communities and international entities. Given the international support for the MDLF's plans, its role in project management and timely execution is further reinforced.

Through this decision, the process of rebuilding the judicial system in Gaza can be structured and efficiently executed, benefiting from the expertise of local and international reconstruction bodies specializing in infrastructure development.

Section Four

International Support in Rebuilding and Restoring the Judicial System

First: The Legal Framework for International Responsibility to support reconstruction

International parties, including the United Nations, member states, human rights organizations, and international justice institutions, bear direct responsibility for supporting the rebuilding of the judicial system in the Gaza Strip, based on relevant international laws and treaties. Some of the key legal frameworks that underpin this responsibility include:

1. The Geneva Conventions of 1949 and their Additional Protocols, which impose an obligation on the contracting parties to ensure respect for international humanitarian law, including rebuilding vital institutions after armed conflicts.
2. The United Nations Charter, which emphasizes the role of the international community in promoting security and stability, especially in conflict-affected areas.
3. Resolutions issued by the UN Security Council and General Assembly, which call for providing legal and judicial support to countries and regions suffering from the collapse of their judicial systems due to wars.
4. International Human Rights Law, which guarantees the right of individuals to access justice and obligates states and international organizations to support judicial systems in cases of institutional collapse.

Second: The Role of the United Nations and International Institutions

The United Nations, through its various programs, has played a pivotal role in rebuilding judicial systems in countries affected by conflict. These institutions can provide tangible support for rebuilding Gaza's judiciary by:

- a. Providing Technical and Logistical Support: Through UN programs such as UNDP and UNODC, technical assistance can be provided in constructing courts, training judicial staff, and updating legal systems.
- b. Assisting in the Digitization of the Judicial System: By funding digital transformation projects, including case management systems and electronic records.
- c. Funding Judicial Reconstruction: By establishing an international fund for rebuilding the judicial system, to be contributed to by the international community.
- d. Enhancing Judicial Capacities: By offering training courses and workshops for judges, prosecutors, and lawyers to strengthen their professional abilities according to international standards.
- e. Supporting Legislative and Legal Reforms: By providing technical and legal advice and assisting in drafting laws that strengthen judicial independence and protect human rights.

Third: The Role of Human Rights Organizations and the International Community

Alongside the United Nations, human rights organizations and the international civil society play a critical

role in supporting judicial reform efforts through:

- a. **Monitoring and Documenting Judicial Violations:** Holding accountable those responsible for destroying judicial institutions and ensuring such actions are not repeated.
- b. **Advocating for Accountability for war Crimes:** Using international legal mechanisms such as the International Court of Justice and the International Criminal Court to hold Israel accountable for destroying the judicial system.
- c. **Enhancing Cooperation with Bar Associations and International Legal Institutions:** To exchange expertise and provide legal support for Gaza's citizens who have lost their legal documentation.
- d. **Launching International Campaigns to Mobilize Funding and Political Support:** To help the justice sector in Gaza fully restore its operations.

Fourth: Recommendations and Practical Mechanisms for Implementing International Support

To ensure effective international support for rebuilding Gaza's judicial system, clear mechanisms should be put in place, including:

1. **Establishing an International Committee to oversee the rebuilding of the judicial system,** with representatives from the United Nations, representatives from donor countries and other interested States such as for example the European Union, human rights organizations, and relevant Palestinian institutions.
2. **Creating an International Fund for Judicial Reconstruction,** financed by donor countries, dedicated to supporting judicial infrastructure, training personnel, and providing technological support.
3. **Integrating Judicial Reconstruction into the UN's Sustainable Development Plans** to ensure continued international support.
4. **Activating the Role of International Courts** to hold the occupying power accountable for destroying justice institutions and to legally and financially compel it to contribute to the judicial reconstruction.
5. **Strengthening Partnerships between Palestinian and International Judicial Institutions** to exchange expertise and enhance judicial work efficiency.

C o n c l u s i o n

After the massive destruction of the judicial sector in the Gaza Strip, the reconstruction and emergency functioning of the judicial system cannot be implemented by the local authority and institutions alone. International support is urgently required that requires urgent and effective intervention to ensure justice and uphold the rule of law after the war. This requires a collective effort between the Palestinian government, the United Nations, human rights organizations, and donor countries to ensure comprehensive and sustainable reconstruction of this vital sector.

Annex No. (1): The Legal Framework

In light of the significant challenges facing the Palestinian judicial system due to the war on the Gaza Strip

and the political division that has paralyzed its effectiveness, the time has come to rebuild Palestinian legal institutions and establish a strategic roadmap aimed at achieving an effective judicial system.

Some experts suggest developing a legislative guide that compiles the legal texts and laws governing each phase of the process under review, with references to the relevant provisions where applicable. For instance, when discussing damage assessment and identifying needs, reference should be made to the legal provisions governing the procedure under Palestinian law⁶⁰.

This phase is crucial in developing and modernizing legislation to meet contemporary needs, ensuring sustainable justice, and enhancing the judicial system's ability to adapt to changing circumstances.

1. Amending Existing Legislation and Introducing New Laws

- Amend or repeal existing laws to align with legal and societal developments while introducing new laws that conform to international standards.
- Establish a high-level committee comprising judges and legal experts tasked with amending and drafting laws related to judicial work.
- These draft amendments will be submitted to the Bureau of Fatwa and Legislation, then to the Council of Ministers for approval, and finally to the President for enactment.

2. Enhancing the Use of Modern Technologies in Legal Notifications

- Amend legislation to permit the use of private companies and electronic notification methods in civil, commercial, and criminal cases, following practices in some Arab and European countries.
- This amendment will expedite judicial proceedings, reduce costs, and save time in the notification process.

3. Reforming Executive Regulations of Laws

- Form specialized judicial committees comprising judges, prosecutors, and lawyers to review and update executive regulations in line with judicial realities and current challenges.
- The Council of Ministers will issue executive regulations after considering the recommendations of these judicial committees, thereby accelerating judicial procedures and minimizing delays.

4. Addressing Legislative Gaps and Judicial Bottlenecks

- Close legislative gaps that prolong legal proceedings and encourage frivolous lawsuits by introducing legal provisions that ensure faster case resolution and set clear deadlines for appeals.
- Expedite judicial proceedings by reducing case adjournment periods and updating laws to facilitate swift justice.

5. Enacting Critical Laws During Emergency Periods

- General Amnesty Law: Introduce a special general amnesty law to ease social tensions and contribute to rebuilding the Palestinian social fabric.
- Transitional Justice Law: Establish a transitional justice law focusing on social reconciliation and reparations, as well as reforming and developing national institutions—a crucial inter-

60 Counselor / Munir Al-'Uqbi, Former Deputy Attorney General (Retired), Interview on 25/11/2024.

vention to restore order in a complex situation, particularly given the loss and destruction of legal files⁶¹.

- **Inheritance Rights Law:** Establish clear legal mechanisms to ensure heirs receive their rightful inheritance, facilitate dispute resolution, and impose penalties on those who manipulate or obstruct inheritance distribution.
- **Law on the Restoration of Damaged, Stolen, and Lost Judicial Records:** Develop legal frameworks to restore civil, criminal, and administrative judicial files that have been lost, stolen, or damaged⁶².

Expected Activities:

1. Forming a specialized, expanded committee consisting of judges, prosecutors (both active and retired), lawyers, law professors, and community figures to draft amendment and new law proposals.
2. Developing draft laws, including amendments to criminal, civil, and Sharia procedural laws, as well as judicial laws.
3. Implementing necessary legislative amendments to facilitate the use of electronic notifications.
4. Establishing specialized judicial committees composed of judges and prosecutors to participate in drafting executive regulations.
5. Creating a specialized legal department to oversee the implementation of inheritance laws⁶³ and ensure the protection of rights.

Expected Outcomes:

1. Developing legal legislation to keep pace with emerging challenges, enhancing justice, and strengthening the judicial system.
2. Expediting judicial procedures through legislative amendments and the use of modern technology, contributing to a faster and more effective justice system.
3. Strengthening the Palestinian judicial system and achieving social justice by addressing pending cases and social conditions affected by war and division.

Challenges and Obstacles:

Rebuilding the Palestinian judicial institutions in the Gaza Strip is a comprehensive and complex process that requires high-level coordination between judicial and security institutions, as well as cooperation with local and international communities.

Success depends on collective efforts to build trust in the judicial system, secure financial and human resources, and consider the deteriorating humanitarian situation and public aspirations for sustainable justice.

61 A. Wael Baloosha, Commentary on the Plan, dated 05/12/2024.

62 Vision: Counselor/ Munir Al-Oqbi, Judge Dr./ Samar Al-Khodari, and Lawyer/ Mohammed Kaheel.

63 Mr. Mohammad Al-Talbani, PhD Researcher, Interview on 16/11/2024.

1. Addressing the Exceptional Situation:

○ Responding to emergency needs through unconventional methods, such as hiring qualified judicial personnel under special contracts⁶⁴ in accordance with the judicial authority law or borrowing personnel from Arab countries to maintain judicial operations despite staff shortages.

2. Security and Political Obstacles:

○ Ongoing judicial division necessitates adopting a comprehensive vision for restructuring the justice and security sectors in an integrated manner to ensure judicial system effectiveness in addressing political and security challenges.

3. Emergency and Flexible Legislation:

○ Issuing temporary laws that align with the emergency situation and address the current humanitarian crisis while ensuring individuals' rights and the need for swift justice.

4. Establishing the Rule of Law:

○ Given security instability, humanitarian crises, and occupation-related challenges, international community support—especially from the UN—is essential to strengthen the rule of law and enforce judicial decisions effectively.

5. Launching a Rule of Law Program:

○ Providing urgent legal services, including establishing legal aid centers and support programs for displaced individuals, with a focus on social justice and gender-based violence cases that have increased due to the crisis.

6. Judicial Capacity Building:

○ Training judges, prosecutors, lawyers, and law enforcement officers to handle the current situation, equipping them with flexible legal frameworks to make swift and effective decisions in these exceptional circumstances.

7. Loss of Individual Rights:

○ Widespread destruction of records and documents due to conflict affects individuals' ability to prove their rights, necessitating legal and administrative solutions to recover documents and document claims.

8. Emerging Legal Gaps:

○ The absence of necessary documents to support individual rights leads to new legal gaps, requiring temporary legislation to document and protect rights.

9. Increase in Future Disputes:

○ Managing future disputes becomes more complex without an effective judicial system, requiring swift and flexible legal solutions to prevent case backlogs.

10. Delays in Women's Rights Cases:

○ The slow processing of women's rights cases, particularly inheritance-related issues, demands immediate intervention to ensure justice in these sensitive matters.

11. Complex Administration Requiring International and Local Partnerships:

64 Dr. Nidal Jarada, Licensed Lawyer, Interview on 14/11/2024.

- The process requires joint efforts between local and international institutions, including national workshops and knowledge exchange with international bodies to ensure an effective legal response during the transitional phase.

Annex No. (2): Rebuilding the Public Prosecution in the Gaza Strip

The war also significantly affected the Public Prosecution, not only in terms of infrastructure and office buildings but also in terms of human resources, as many judges, prosecutors, and staff members were killed.

This reality necessitates a comprehensive plan to rebuild the Public Prosecution in a way that aligns with the aspirations of the Palestinian society and strengthens the judicial system's ability to confront future challenges.

This annex aims to review and analyze the plan for rebuilding the Public Prosecution, which focuses on restoring efficiency and effectiveness while ensuring justice and protecting human rights.

Strategic Objectives of the Plan

1. Achieving Criminal Justice and Enhancing Public Trust

The primary goal of the plan is to strengthen the role of the Public Prosecution as a leading institution in achieving criminal justice, thereby enhancing public confidence in the Palestinian judicial system. To achieve this, a set of sub-goals has been identified, focusing on accelerating criminal case procedures, ensuring respect for human rights, and evolving criminal legislation.

Some experts emphasize the need for swift trials for serious crimes that caused chaos during the war. This can be achieved by organizing expedited procedures for trials while ensuring that the rights of the accused, as guaranteed by the law, are not violated.

A proposal will be submitted to the President to issue a legal decree establishing expedited procedures for crimes committed from the beginning of the war until the specified end date of the transitional period.

Additionally, protection mechanisms must be put in place for judicial personnel, including prosecutors and judges, ensuring their personal safety and security at home and at work⁶⁵.

Analysis:

- **Accelerating Criminal Case Procedures:** According to previous data, there is an urgent need to expand the number of legal and administrative staff. The 2025 target includes increasing the number of prosecutors and administrative staff to ensure the swift resolution of accumulated cases. The war exacerbated this issue by claiming the lives of several professionals, causing delays in proceedings. The optimal solution lies in recruiting qualified personnel and providing modern transportation means to facilitate judicial operations efficiently.
- **Enhancing Respect for Human Rights:** Given the war's impact, including widespread violations, the plan aims to strengthen the role of the Public Prosecution in inspecting correctional and rehabilitation centers and establishing a specialized complaints unit⁶⁶. This effort highlights the prosecution's role in monitoring detainee conditions and preventing human rights abuses. It also includes increased activities related to human rights protection, such as continuous training and public awareness campaigns about the prosecution's role in safeguarding freedoms.
- **Developing Criminal Legislation:** Criminal legislation serves as a cornerstone for improving the Public Prosecution's performance. The plan seeks to review and draft new laws that align with local and international developments, enhancing the prosecution's ability to address complex and emerging crimes in the post-war phase.

2. Strengthening the Institutional Structure of the Public Prosecution

The plan aims to reinforce the institutional framework of the Public Prosecution to ensure sustainability and effectiveness. This includes improving financial and administrative systems, activating specialized prosecution offices, and expanding digitalization.

65 Counselor / Muneer Al-Oqbi, Assistant Attorney General (Retired), Interview on 25/11/2024.

66 Mr. / Musab Abu Al-Atta – Deputy Prosecutor, PhD Researcher, Interview on 09/12/2024.

Analysis:

- **Developing Financial and Administrative Systems:** One of the critical success factors of the plan is establishing an efficient administrative and financial system. After the war, administrative functions faced immense pressure due to staff shortages and a lack of proper resources. Therefore, the plan focuses on training employees in modern financial and administrative systems and implementing software programs to enhance efficiency. Restoring administrative activity after the war requires continuous staff training and establishing infrastructure capable of supporting prosecution operations.
- **Activating and Expanding Specialized Prosecution Offices:** The Public Prosecution needs to update and develop its offices and departments to address the increasing number of cases arising from post-war security and social challenges. According to available data, the plan aims to enhance the capabilities of general and specialized prosecution offices, such as the Economic Crimes Prosecution and the Traffic Crimes Prosecution. These specializations are crucial in the current circumstances, given the rise in various types of criminal cases.
- **Digitizing the Public Prosecution:** The war inflicted severe damage on physical infrastructure, making it imperative to enhance digital systems within the judiciary. Connecting prosecution offices electronically with the Attorney General's Office and courts is a crucial step to ensure the rapid and accurate transfer of information. This would help speed up case processing and simplify procedures. Implementing a full digital transition between 2025 and 2027 will establish a comprehensive electronic environment that improves performance and enhances transparency.

3. Enhancing the Capabilities of Public Prosecutors

Training prosecutors in modern investigative techniques and legal specializations is a key objective of the plan.

Analysis:

- **Expanding Training and Specialization:** Following the war, developing the legal and specialized skills of prosecutors is essential to enable them to handle complex and diverse cases. This includes continuous training in new legal topics and the establishment of a legal library containing the latest books and legal encyclopedias to support professional development.

Challenges and Opportunities

Challenges:

- **Severe Shortage of Human Resources:** The war resulted in the loss of a significant number of Public Prosecution staff, complicating case management and service delivery.
- **Destruction of Infrastructure:** There is an urgent need to rebuild damaged offices and provide necessary transportation and equipment for work.
- **Accumulation of Cases:** With a rising number of cases due to the war, the Public Prosecution must enhance its capacity to accelerate case resolution⁶⁷.

⁶⁷ Dr. Omar Al-Turkmani, Deputy Prosecutor, and Judge Dr. Samar Al-Khodari, Dr. Shadi Abed, Assistant Professor of Criminal Law (Previous Interviews).

Opportunities:

- **Improving Financial and Administrative Systems:** The plan presents an opportunity to enhance efficiency by implementing modern financial and administrative systems.
- **Expanding Digitalization:** Post-war recovery efforts can leverage technology to streamline workflows and increase transparency.
- **International Support:** The plan benefits from international assistance in legislative development, training, and financial resources to mitigate the effects of the war.

Conclusion

The plan to rebuild the Public Prosecution in Gaza after the war is a necessary step to restore the effectiveness of the judicial system. Despite significant challenges, including loss of personnel and damaged infrastructure, the plan reflects a commitment to enhancing justice, protecting human rights, and improving transparency.

If implemented systematically and in collaboration with the international community, the Public Prosecution will regain its strength and ability to fulfill its role in ensuring justice in Gaza.

Annex No. (3): The Sharia Judicial System

2022 Statistics

The Sharia courts recorded 14,271 cases, including 2,133 pending cases and 12,138 new cases. A total of 8,512 cases were resolved, achieving a 60% resolution rate, while 40% remained pending.

Challenges After the War on Gaza (2023–2025)

1. Increased Case Backlog

- The judicial process was disrupted due to the security situation, damage to courts and infrastructure, leading to a halt in case resolution.

2. Shortage of Human Resources

- Judges: Several judges were killed during the war, necessitating the recruitment and training of new judicial personnel.
- Administrative Staff: The loss of administrative employees has placed additional burdens on the remaining workforce.

3. Destruction of Infrastructure & Limited Logistical Resources

- Court buildings were damaged, and transportation and equipment were affected, making judicial operations more complex and disrupting several court divisions.

4. Human Losses & Psychological Impact

- The war resulted in the loss of judges and court employees, affecting the justice system's efficiency and increasing the psychological strain on the remaining staff.

5. Rising Demand for Judicial Services

- New cases related to family disputes have emerged, further straining the judicial system.

Future Goals & Plans

1. Increase the Number of Judges:

- Appoint 7 new Sharia judges in 2025
- Add 3 more judges each year in 2026 and 2027

2. Strengthen the Administrative Workforce:

- Hire 30 new administrative staff members in 2025
- Add 10 more employees each year in 2026 and 2027

3. Enhance Logistical Support:

- Provide 3 new vehicles and a minibus for Sharia courts in 2025
- Add 2 more vehicles in both 2026 and 2027

Recommendations

1. Accelerate the Appointment of Judges

- Conduct transparent judicial selection processes in accordance with the Judicial Authority Law and in alignment with the Palestinian Basic Law.
- Seek expertise from Arab countries to train new judicial staff.

2. Improve Judicial Infrastructure

- Develop court facilities and ensure the availability of necessary equipment.

3. Invest in Training Programs

- Establish training programs for judges and staff to efficiently handle case backlogs.

4. Develop Emergency Plans

- Implement contingency plans to ensure continuity of judicial operations and compensate for wartime losses.

Conclusion

The Sharia judicial system faces significant challenges, including case backlogs, staff shortages, and infrastructure damage, all of which worsened due to the recent war. However, proposed reforms demonstrate a commitment to enhancing judicial performance and overcoming the crisis. Successful implementation requires local coordination and international support.

Annex No. (4): Enhancing the Role of Alternative Dispute Resolution in Gaza⁶⁸

With the devastation of the justice sector in Gaza due to the war, alternative dispute resolution (ADR) methods, particularly mediation and arbitration, can play a crucial role in resolving conflicts and supporting the reconstruction of the justice system. This document proposes a framework for the implementation and operation of mediation and arbitration, exploring their role and relationship with the judiciary and society.

Restoring legal and judicial life in Gaza is not just about rebuilding infrastructure; it is an opportunity to reimagine the justice system as a whole. Mediation and arbitration can serve as a safe bridge for disputing parties, a source of income for legal professionals, and a mechanism to promote social peace and economic solidarity. The Bosnian experience provides valuable lessons on international cooperation, the role of ADR, and rebuilding trust in institutions. Achieving these goals requires strong community will and international support to overcome challenges and ensure justice for all.

1. Activating Mediation and Arbitration as ADR Mechanisms

68 Presented by ACT Institute for Studies and Conflict Resolution.

- Establishing Mediation and Arbitration Centers:
 - Specialized centers can be set up across Gaza to efficiently resolve civil, commercial, and family disputes.
- Training Local Mediators and Arbitrators:
 - Lawyers, retired judges, and civil society members can be trained in mediation and arbitration to ensure fair and swift dispute resolution. Already trained mediators can be deployed to the Gaza Strip as soon as possible.
- Issuing Temporary Legislation:
 - Interim laws can be introduced to officially recognize mediation and arbitration, ensuring the legal enforceability of their decisions.

2. Strengthening Community Mediation Committees

- Establishing Local Mediation Committees:
 - These committees, composed of trusted community members, can handle local disputes effectively and reduce court congestion.
- Providing Training and Resources:
 - Committee members can receive specialized training in negotiation and dispute resolution.
- Addressing Family and Social Disputes:
 - These committees can mediate family and community conflicts, relieving pressure on the judicial system.

3. Local and International Cooperation

- Local Partnerships:
 - Civil society organizations and professional unions can provide legal aid services at low or no cost.
- International Collaboration:
 - Human rights organizations and transitional justice bodies can help with funding, technical support, and institutional rehabilitation.
- Academic and Research Partnerships:
 - Universities and research centers can offer training programs for judges and lawyers, facilitating knowledge exchange.

4. Community Awareness Programs

- Public Awareness Campaigns:
 - Educating citizens on the benefits of ADR through media, schools, and community events.
- Workshops and Lectures:

- Conducting training sessions in schools, universities, and mosques to promote peaceful dispute resolution.

5. Leveraging Technology in ADR

- Online Mediation and Arbitration Platforms:
 - Developing digital platforms where citizens can submit mediation requests and attend virtual sessions.
- Electronic Case Databases:
 - Establishing digital databases to track cases, agreements, and arbitration decisions for better enforcement.

6. Additional Capacity-Building Measures

- Specialized ADR Training:
 - Organizing workshops for judges, lawyers, and prosecutors on mediation and arbitration skills.
- Recruiting New Legal Talent:
 - Encouraging young lawyers and judges to specialize in ADR through intensive training programs.
- Supporting Community Initiatives:
 - Encouraging grassroots efforts to strengthen social cohesion and promote amicable dispute resolution.
- Enhancing Women's Role in Mediation:
 - Promoting the participation of women in mediation committees, particularly in family disputes.

The Challenge: Implementing a Sustainable ADR System

While ADR presents viable solutions, it faces significant challenges, including:

1. Rebuilding Trust in the Justice System:

- Ensuring transparency and fairness in ADR processes through community engagement.
- Recognizing mediators and arbitrators as partners in justice, not as competitors to the judiciary.

2. Transitional Justice:

- Addressing war-related violations, ensuring victims' rights, and holding perpetrators accountable.
- Establishing special committees to document war crimes and facilitate national reconciliation.

3. Maintaining Civil Peace:

- Addressing social and economic tensions that fuel disputes.
- Strengthening social solidarity through mediation and reconciliation mechanisms.

Lessons from International Post-Conflict ADR Models

1. The Bosnia and Herzegovina Experience

- Rebuilding the Justice System with International Cooperation:
 - After the 1990s conflict, Bosnia established a new judicial system with international support.
- Special War Crimes Courts:
 - Special courts handled war crimes, restoring public trust in the judiciary.
- Community Mediation Committees:
 - Local mediation bodies helped resolve disputes at the grassroots level.
- Judicial Training Programs:
 - Judges and lawyers underwent specialized training to enhance ADR effectiveness.

2. Other Conflict Zones (Rwanda & South Africa)

- Rwanda:
 - Community-based Gacaca courts helped rebuild social harmony after the genocide.
- South Africa:
 - Truth and Reconciliation Commissions fostered dialogue and national unity post-apartheid.

Conclusion

With Gaza's justice sector in crisis, ADR mechanisms—particularly mediation and arbitration—can play a critical role in conflict resolution. Strengthening community mediation, leveraging technology, and ensuring international support will alleviate pressure on the judiciary and enhance social justice.

However, successful implementation requires:

- Restoring public trust in alternative mechanisms.
- Ensuring transitional justice for war victims.
- Sustaining civil peace through community-driven dispute resolution.

By learning from global experiences, Gaza can develop a resilient and effective ADR framework, bridging justice gaps and fostering long-term stability.

Annex No. (4): Handwritten notes from the Minister of Justice

State of Palestine
Ministry of Justice
Minister's Office

Date: 26/12/2024 updated on 03/03/2025

Reference No.: (2024/...)

Mr. Majed Al-Aroui

Executive Director of the Civil Commission for Judicial Independence and Rule of Law "Istiqlal"

May God protect you

Subject: Appreciation and Acknowledgment for Organizing the Urgent Workshop on the Judicial System in Light of the War on Gaza

Dear Sir,

With reference to the above subject, we would like to express our sincere appreciation for your esteemed institution's efforts in organizing the urgent workshop on the judicial system in light of the war on Gaza. This confirms your pivotal role as a key partner in strengthening the rule of law and supporting the justice sector, alongside civil society organizations.

As part of our discussions during the workshop, we emphasize the following key points:

1. Using the term "Justice Sector Institutions" instead of "Judicial Institutions" to align with the principle of shared responsibility among various formal and informal institutions.
2. Updating the justice sector strategy for Gaza while ensuring a unified strategy for all of Palestine, with a particular focus on southern governorates, under a single legal and judicial framework within the national structure.
3. Adopting a collective responsibility approach in the implementation of the National Authority's application plan, as indicated in the research methodology and introduction of the report. We believe that responsibility at this stage should be a joint duty, necessitating genuine partnerships between government institutions, the private sector, bar associations, civil society organizations, universities, and administrative bodies.
4. Highlighting the human losses before financial losses, as there is no value higher than the life and blood of the Palestinian citizen. Additionally, we emphasize the use of the term "martyr" rather than "victim".

5. I object to what was mentioned in the report regarding the formation of an independent body to monitor judicial integrity, as the judiciary is independent, and no authority has the power to amend its rulings. No authority has the right to intervene in judicial affairs or matters of justice, according to the provisions of the Palestinian Basic Law. If there are any violations, the Judicial Authority Law has established mechanisms to hold judges accountable and discipline them.

6. A government proposal has been prepared in cooperation with international sponsors and a World Bank program aimed at restoring the justice sector services in post-war Gaza. The Palestinian government must spare no effort in rebuilding and providing justice services to the citizens of Palestine in the southern governorates. This will be achieved by addressing the population's fundamental needs and ensuring access to direct justice services during emergency response and the recovery phase.

- An independent body should be established to ensure accountability, respect for human rights, and non-discrimination based on gender, age, or disability. This includes social protection, care, and empowerment for Palestinian citizens.
- Strengthening active community frameworks in Gaza to resolve disputes, such as family courts and community mediation committees for marriage disputes.
- Enacting emergency legislation and ensuring immediate protection for all members of society. Strengthening the role of civil society in conflict resolution and taking strict measures against major crimes. Evaluating the level of damage to archives, records, and documents and providing mechanisms to register and verify citizens' rights related to housing, land, and property.

Given the above, we would like to inform you that an official invitation will be sent to you to participate in the workshop we are organizing to discuss the proposed framework for restoring and activating justice sector services in post-war Gaza.

With our highest respect and appreciation.

Justice Minister

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(Stamped and signed)

A copy from the original notes:



التاريخ: 26 / 12 / 2024م

الإشارة: (و.ع/2024)

حضرة الاستاذ ماجد العاروري
المدير التنفيذي للهيئة الاهلية لاستقلال القضاء وسيادة القانون "استقلال"

تحية طيبة وبعد،،،

الموضوع: إشادة وتقدير على تنظيم الورشة البؤرية
بشأن النظام القضائي في ظل الحرب على قطاع غزة

نهديكم أطيب التحيات، وبالإشارة الى الموضوع أعلاه، نود أن نعرب لكم عن خالص تقديرنا لمؤسستكم الموقرة في تنظيم الورشة البؤرية الهامة حول "النظام القضائي في ظل الحرب على قطاع غزة" والتي يؤكد تنظيمها من قبلكم على أهمية دور منظمات المجتمع المدني كشريك رئيسي في تعزيز سيادة القانون ومساندة قطاع العدالة.

- كما يسعدنا ان نشارككم ملاحظتنا التي تمت اثارها في الورشة من باب التأكيد عليها وتتلخص في:
- 1- استخدام مصطلح "مؤسسات قطاع العدالة" عوضاً عن "المؤسسات القضائية"، انطلاقاً من مبدأ الشمولية لمختلف مؤسسات القطاع الرسمية وغير الرسمية.
 - 2- بدلاً من "استراتيجية بناء نظام قضائي في قطاع غزة"، علينا التأكيد على تحديث استراتيجية قطاع العدل لكل فلسطين، مع إعطاء الأولوية للمحافظات الجنوبية، ضمن نظام قضائي وقانوني موحد في شطري الوطن.
 - 3- بالاطلاع على منهجية البحث في مقدمة هذا التقرير، نلاحظ أنه يقترح "خطة قابلة للتطبيق من قبل السلطة الوطنية الفلسطينية". وأعتقد أن المسؤولية في المرحلة القادمة مسؤولية تضامنية جماعية، تفرض علينا تحقيق شراكات حقيقية وفاعلة بين المؤسسات الحكومية الرسمية ومؤسسات القطاع الخاص ونقابة المحامين ومؤسسات المجتمع المدني والجامعات والأفراد.
 - 4- أتمنى عند الإشارة إلى حجم الخسائر أن يتم تقديم الخسائر البشرية على الخسائر المادية، لأنه لا يوجد لدينا أغلى من روح ودم المواطن الفلسطيني. كما أؤكد على استخدام مصطلح "شهيد" بدلاً من "قتيل".



التاريخ: 2024/12/26م

الإشارة: (و.ع/2024 /)

5- أعارض ما ورد في التقرير بشأن تشكيل هيئة مستقلة لمراقبة النزاهة القضائية؛ لأن القضاة مستقلون، لا سلطان عليهم في قضائهم لغير القانون، ولا يجوز لأي سلطة التدخل في القضاء أو في شؤون العدالة بموجب أحكام القانون الأساسي الفلسطيني. وإذا كانت هناك تجاوزات، فقد رسم قانون السلطة القضائية الطريق لمساءلة القضاة وتأديبهم.

6- تم اعداد مقترح إطار حكومي بالتعاون مع الرباعية الدولية وبرنامج سواسية يهدف إلى إعادة خدمات قطاع العدالة إلى قطاع غزة بعد الحرب ، كجزء لا يتجزأ من جهد الحكومة الفلسطينية لإعادة الإعمار وتوفير الإغاثة للمواطنين الفلسطينيين في المحافظات الجنوبية. من خلال تلبية الاحتياجات الأساسية لمواطني قطاع غزة من خلال تحقيق الإنصاف وضمان الوصول إلى خدمات قطاع العدالة خلال المرحلة المباشرة وقصيرة الأمد بعد انتهاء الحرب والتي تقوم على:

- تهيئة بيئة مستقرة تقوم على الشمولية واحترام حقوق الإنسان وعدم التمييز على أساس الجنس أو العمر أو الدين أو الإعاقة، مما يخلق شعوراً بالحماية والرعاية والتمكين للمواطنين الفلسطينيين.

- التعاون مع الأطر المجتمعية الفاعلة في قطاع غزة لحل النزاعات، مثل الأطر الأسرية ولجان مجتمعات النزوح.

- إعداد تشريعات الطوارئ اللازمة، وتوفير الحماية الفورية لجميع أفراد المجتمع، وتعزيز دور الأطر المجتمعية الفاعلة في حل النزاعات، واتخاذ إجراءات صارمة ضد الجرائم الأكثر خطورة، وتقييم مستوى الفقد للأرشيف والسجلات والأدلة، وتوفير آليات لتسجيل وإثبات حقوق ومطالبات المواطنين بالمنازل والأراضي والممتلكات.

وفي هذا السياق، نود إعلامكم بأنه سيتم توجيه دعوة رسمية لكم للمشاركة في أعمال ورشة العمل التي نعزم تنظيمها، وذلك لمناقشة مقترح الإطار الهادف إلى استعادة وتفعيل خدمات قطاع العدالة في قطاع غزة بعد الحرب.

وتفضلوا بقبول فائق الاحترام والتقدير؛؛؛

المستشار شرجيل الزعيم



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