

كلمة رئيس بعثة الشرطة الأوروبية

السيد كاوكو ألتوما

Good afternoon everybody.

First of all, allow me to express my gratitude for this invitation since it is a great honor to address, on behalf of the EU Mission EUPOLCOPPS, the Annual Public Prosecution Conference.

The title of this year's conference is "The Public Prosecution ... Guardian of Justice" and actually in all legal traditions prosecutors occupy a key position in the criminal justice system and exercise considerable powers and responsibilities.

Ultimately the rule of law cannot be upheld nor human rights be protected, without effective prosecution services that act with independence, integrity and impartiality in the administration of justice.

For the foregoing reasons EUPOLCOPPS has always considered the Attorney General's Office a key interlocutor in the implementation of the Mission's mandate aimed at strengthening the rule of law in Palestine.

The Attorney General's Office has recently been in the process of an important organizational reform: specialized units of prosecutors have been set up - most recently the Traffic Unit and the Human Rights Unit - in line with the best international standards and the recommendations issued by the United Nations Office on Drugs and Crimes in the 2014 Guidelines on the Status and Role of Prosecutors.

We do commend the efforts of Dr. Barak to strengthen the specialized units of the prosecution and in this regard our Mission has facilitated, and is willing to facilitate in the future, numerous activities aimed at enhancing the skills and expertise of specialized prosecutors.

Just to mention some of them, last year the Mission facilitated a study visit to Sweden for prosecutors from the Family Protection Unit to present how cases of domestic violence are dealt with in a European country; last November we facilitated for the Economic Crimes Unit a workshop on money laundering where cases from different jurisdictions were discussed; we are currently organizing a training in Jordan, at the Judicial Institute, for prosecutors specialized in economic crimes, to strengthen their expertise in the field of crimes related to intellectual property rights.

I think that in this area of capacity building activities international donors, and in particular our Mission's advisors, can play an important role by presenting to the Palestinian prosecutors the best European practices in different fields of criminal law. Of course, institutional arrangements or legislative measures designed for a given country cannot be just transplanted to another country with a different legal tradition. But nevertheless we consider of utmost importance the exchange of experiences and views in order to fully implement in the Palestinian legal system and in the operational work of the Prosecution, the principles of the international conventions Palestine has acceded to.

In this regard we have welcomed the recent establishment of the Human Rights Unit at the Attorney General's Office: by ensuring that Prosecutors and Judicial Police respect human rights of all parties involved in a criminal proceedings the work of such a unit will reinforce the trust of the Palestinian people in the criminal justice institutions.

The establishment of the Human Rights Unit with its section on fair trial will give new impetus to a project on which the Mission has been working with all the relevant stakeholders for some years now: the full realization of the right to a fair trial principles in Palestine.

I am sure that Doctor Barak will remember that in July 2016, EUPOLCOPPS together with the Heads of the Criminal Justice Institutions presented over 70 recommendations to identify measures that should be taken in legislation, interpretation and operational practice in order to fully implement the principles of fair trial.

I believe that the contribution of EUPOLCOPPS can be highly significant: European countries have been dealing with the subject of fair trial for many years and the jurisprudence of the European Court of Human Rights has had a profound impact on the European countries' criminal justice systems. Therefore the experience we have developed in this field can assist our Palestinian colleagues and the Public Prosecution in identifying and enact the most effective measures to guarantee to the Palestinian people the right to a fair trial.

As you know, EUPOLCOPPS works with both the Palestinian Police and the criminal justice institutions: for this reason, since the institution of our Rule of Law Section, we have always been very interested in promoting initiatives aimed at strengthening the cooperation between the Prosecution and the Police. This has been a strategic objective of the Mission.

In 2010 the Mission facilitated the signature of a Memorandum of Understanding between the Public Prosecution and the Police and we are very happy to witness in the last few months the resumption of the meetings between the Public Prosecution and the Police to implement this MoU : the last meeting was held in Hebron on the 12th of March with the participation of several prosecutors and police officers. In this area our police and prosecution advisors have the expertise to support the process of improving the cooperation between the Prosecution and the Police. I think we have achieved satisfactory results also by facilitating joint trainings for the Prosecutors from the Family Protection Unit and police officers from the Family and Juvenile Unit.

Of course our Mission is ready and willing to assist the Attorney General's Office in the more strategic process of clarifying the roles and mandates of the criminal justice institutions.

We acknowledge and commend the strong commitment of Doctor Barak to assert and defend the independence of the Public Prosecution. Actually, if the Public Prosecution is subject to undue external pressure, the entire justice system is profoundly impaired and public trust jeopardized. I do believe that our Mission is in the position to offer a valuable contribution in assisting the Public Prosecution and the other criminal justice institutions in the process of reforming the Judicial Authority Law.

كلمة مدير قسم التعاون في الممثلة الكندية

السيد ديفيد فورنييه

Your Excellency Attorney General Dr. Ahmad Barrak

Esteemed members of the judiciary and the public prosecution services

Colleagues in Diplomatic and International Community

Honoured Guests

Ladies and Gentlemen

I apologize that David Fournier, our Head of Cooperation, is not available as he is out of the country. I am Alan Leber, First Secretary and Justice Sector Team Leader at the Canadian Representative Office. Thank you for the honor of speaking. I realize that the hour is late, and I will make my remarks brief.

I am not a trained lawyer, nor a technical expert, but as an individual responsible for designing and managing development projects, I would like to offer you the perspective a bilateral donor when approaching the development of projects, in line with the theme of this session of the conference entitled "Evaluating the reality and future plan of the supporting institutions of the Public Prosecution". At the outset, let me stress that in all Canadian development projects, Canadian development officials are obligated to demonstrate results, and we are accountable to the Canadian Parliament and ultimately to our taxpayers for such results. Therefore we design and manage projects always keeping results and accountability in the front of our mind.

Canada was pleased to support the Office of the Attorney General through the Sharaka project which operated from 2009 to 2017. I will not discuss all its achievements, but will list some of the important results important to the mission of the Office of the Attorney General. Canada supported the creation of a law reference library, the creation of an informatics systems, the refurbishment of its physical facilities, a gender unit was created. And perhaps most importantly, the project assisted the Public Prosecution in developing a prosecutorial operating

guidelines that will allow prosecutors a common approach to analyzing and handling cases.

Results were achieved and the OAG should be proud of these achievements as they support the OAG's own vision and mission statements that highlight accountability, supremacy of rule of law, and observance of human rights. As mentioned earlier, Canadian projects are accountable to the Canadian taxpayer, and Canadian citizens watch us closely for results. It is pleasing to note the OAG also highlights accountability to its citizens as part of building a strong society. The OAG did deliver results from the Sharaka project to its citizens, who may also be expecting results.

Moving to the future, Canada has announced a new Feminist International Assistance Policy which recognizes that development of a society is best achieved when women and men have equal rights and are able to equally participate, contribute, and benefit from society. Canada is in the process of developing new programs in which women will be at the forefront, and we will be accountable to the Canadian Parliament and taxpayers for delivering results in this most important area.

I thank you again for this opportunity to speak and wish you well for the remainder of what is a very strong conference and agenda.

كلمة الخبير القانوني في الوكالة الإيطالية للتعاون الإنمائي

الدكتور علي أبو كف

سعادة النائب العام الدكتور احمد براك

أعضاء النيابة ممثلي المؤسسات الشريكة\الجهات المانحة\الضيوف الكرام\السيدات والسادة مع حفظ الألقاب والمسميات

السلام عليكم

لا شك أن هذا المؤتمر ينعقد في ظل ظروف قانونية وسياسية مختلفة عن الظروف التي سادت في المؤتمرات السابقة له.. فعنوان المؤتمر يحوي في طياته العديد من الأمور الهامة بالنسبة إلى قطاع العدالة في فلسطين ومحاوره وجلساته جاءت تحت عناوين هامة وبمشاركة العديد من الخبراء الدوليين والمحليين ومشاركة عمداء كليات الحقوق في فلسطين.

ينعقد المؤتمر تحت عنوان "النيابة العامة حارس العدالة" حيث تعتبر العدالة من أحد أساليب تطور القاعدة القانونية، عرفها بعض العلماء بأنها "شعور كامن في النفس يكشف عنه العقل السليم ويوحى به الضمير المستنير ويهدف إلى ائاء كل ذي حق حقه"، و عرفها الرومان "إرادة دائمة دائبة لإيتاء كل ذي حق حقه"، تسعى إلى تحقيق دولة العدل، التي تجسد مبادئ العدالة والإنصاف أي دولة الحق في مبادئها ووظائفها وغاياتها.

السادة الكرام،

تدعم الوكالة الإيطالية للتعاون الإنمائي النيابة العامة ضمن الخطة الإستراتيجية لقطاع العدالة 2017 2022 ضمن إطار تعاون بين الطرفين من خلال تنفيذ بعض المشاريع ومن أهمها :

- مشروع بناء قدرات ودعم فني في مجال قضاء الأحداث كجز من مشروع كرامة. يهدف المشروع إلى تقديم الدعم لأنشطة التدريب لتحسين معاملة الحدث في قضاء الأحداث واطلاع نيابة الأحداث على أفضل الممارسات الدولية في هذا المجال، سوف يتم عرض فيلم قصير يعرض جميع مراحل المشروع.

بالنسبة إلى أفضل الممارسات الدولية، فقد قام وفد من النيابة العامة الفلسطينية قبل ثلاثة أسابيع إلى زيارة علمية عملية إلى وزارة العدل الإيطالية للاطلاع على تجربة دولة إيطاليا في مجال قضاء الأحداث، كون التجربة الإيطالية ذو طبيعة خاصة ومميزة تسعى إلى فلسفة إعادة تأهيل الحدث وتصحيح سلوكه وإعادة دمجه في المجتمع من خلال إجراءات ينظمها القانون، على سبيل المثال فترة التجربة الذي يخضع إليها الحدث خلال إجراءات المحاكمة والتي تؤدي إلى تعليق المحكمة وتحويل الحدث إلى مراكز الاستقبال الأولي التابع إلى قضاء الأحداث والعمل على برنامج إعادة تأهيله والتي تعتبر من أهم

الإجراءات لحماية الأحداث وإعادة تأهيلهم. سوف يتم الحديث عن هذا الموضوع يوم السبت من قبل الخبيرة لورا ليرا.

أما بالنسبة إلى المشاريع المستقبلية

- تعزيز ثقافة حقوق الإنسان والمساواة بين الجنسين بالمدارس والجامعات الفلسطينية والممول من قبل الوكالة الإيطالية للتعاون الإنمائي بالتعاون مع وزارة التربية والتعليم ومكتب النائب العام
- ✓ جزء من المشروع يستهدف الأطفال داخل المدارس من خلال إنشاء نيابات عامة داخل المدارس تسعى إلى تحسين آليات حماية الطفل.
- ✓ يتناول البرنامج آليات وأساليب الحماية الذاتية للأطفال، عقد برامج توعية ودورات تدريبية المساهمة في رصد وتوثيق انتهاكات حقوق الطفل.
- ✓ بناء قاعدة بيانات موثقة ومحدثة باستمرار.
- ✓ بهدف تعزيز الفلسفة المجتمعية لحماية الطفل والتعلم.

أما بالنسبة إلى المشروع "دعم المؤسسات التعليمية في مجال المساواة بين الجنسين وتمكين المرأة" الممول من قبل الوكالة الإيطالية للتعاون الإنمائي بالتعاون مع وزارة التنمية الاجتماعية ووزارة شؤون المرأة والمكتب المركزي الفلسطيني للإحصاء ومكتب النائب العام

- ✓ يهدف المشروع إلى دعم السياسات والإجراءات الرامية إلى القضاء على العنف القائم على نوع الاجتماعي والمشاركة الكاملة للمرأة في التنمية الاقتصادية والحياة العامة.
- ✓ بناء القدرات والمساعدة الفنية إلى نيابة حماية الأسرة في إدارة الإجراءات المتعلقة بقضايا العنف ضد النساء والفتيات والفئات الضعيفة من خلال عقد العديد من الدورات المتخصصة.
- ✓ العمل على إعداد ونشر دليل الإجراءات الموحدة من خلال التنسيق والتواصل مع المؤسسات الوطنية المختصة لتحديد أدوار ومسؤوليات جميع شركاء مقدمي الخدمات في التعامل مع الحالات التي تشمل الفئات الضعيفة.
- ✓ عقد العديد من الأنشطة التوعوية في المدارس والجامعات في قضايا العنف ضد النساء والفتيات والفئات الضعيفة

وأخيراً أشكركم جميعاً وأتمنى أن تتوج أعمال هذا المؤتمر بالتوفيق والنجاح.

كلمة مستشار قطاع العدالة في مكتب شؤون مكافحة المخدرات وتطبيق القانون دولياً (INL)

السيد جون داوسون

Attorney General Dr. Barak, fellow prosecutors, distinguished guests, thank you for your invitation to your 8th Annual Public Prosecution conference. It is an honor for me to attend and I look forward to increasing understanding of Palestinian aspirations for the justice sector.

INL also wishes to recognize the role of UNICEF, UN Women, the Sawasya Program, and the Italian Agency for Development Cooperation for once again supporting this annual conference. Your consistent support to the Attorney General's Office and to the Palestinian justice sector have greatly contributed to not only successful prior conferences but also to long term improvement in the rule of law.

Before I address the theme of this conference and before I address the topic Dr. Barak suggested for my remarks, please allow me a personal moment.

Before beginning my overseas work, I was an elected prosecutor and I worked daily with our local, state, and federal law enforcement to investigate and prosecute cases of drug violations, sexual assault, child abuse, and murder.

I speak to you now as a fellow prosecutor. Work with the police and with my fellow prosecutors in the United States was the best job I ever had.

Don't get me wrong. I love what I'm doing now and I love working with the Attorney General, with public prosecutors, and with the Palestinian civilian police. But the best job I ever had was as a prosecutor in the United States who partnered with law enforcement to provide justice to the victims of crime and to be sure that the rights of the accused are protected..... The best job I ever had was when I was a prosecutor like you.

It has been my honor to work with many of you over the last eight years of my service with INL. Despite many challenges, I have witnessed you develop and grow as public prosecutors. I have seen your evolution and I have seen your

professionalism. I have also witnessed you overcome many challenges and I can personally testify to the terrific leadership of Dr. Barak and to the leadership of his team and chief prosecutors.

You have reduced case backlogs. You have partnered with your brother and sister police officers to improve the collection of evidence and improve the quality of criminal investigations. You have also become more specialized and have engaged more sophisticated investigations.

You're now investigating and prosecuting cyber-crime cases, money laundering cases, and you're improving your work with juveniles both as crime victims and as alleged criminals.

You have grown as prosecutors and have truly become the GUARDIANS OF JUSTICE. I congratulate you and I am proud that INL's justice programming has contributed to your success.

Dr. Barak asked me to address INL's current and future plans to support the Palestinian justice system.

The center of INL's justice programming is our Justice Sector Assistance Project ... JSAP. JSAP began in 2009 as a pilot project working with the public prosecutor in Jenin. Now JSAP is across the entire West Bank.

JSAP has 47 full time staff and 16 interns for a total of 63. Of that total, 60 are local Palestinians and most have been with our program for years. That is the reason JSAP has achieved such success in partnership with you and with the other Palestinian justice agencies. There is a strong commitment to justice and to achieving success.

But JSAP is not INL's only justice program.

We also provide support to the International Legal Foundation which employs a dozen Palestinian lawyers who have developed their skills as defense attorneys who represent juveniles and represent adults who are charged with crimes but cannot afford an attorney.

ILF also works with the Ministry of Justice, the Bar Association, and with the judiciary to develop a legal aid system to serve Palestinians who cannot afford to hire their own lawyer.

INL also supports a program with the Legislative and Advisory Bureau to assist the Diwan improve its ability to help all Palestinian government agencies draft new laws, conduct legal research, publish the legal gazette, and conduct strategic planning.

All of the INL programs which I mentioned are expected to continue. INL will continue to work with you and with your other justice institutions to improve the quality of investigations, improve prosecutions, reduce case backlogs, and improve service to the public.

Dr. Barak, you have every right to be proud of what your team of public prosecutors has accomplished. I am personally very grateful for your partnership with INL and ... because of what you, your prosecutors and the civilian police have achieved together, I believe you will see continued success.

INL and our programs will work with prosecutors and police to improve specialized cases like cyber-crime and money laundering.

Evidence collection and processing will be improved so that evidence which Palestinian law enforcement collects is of high quality and is admissible in your courts.

Over the next year or two, JSAP will work with the police crime lab to obtain ISO certification. This certification from the **International Organization for Standardization** is awarded to crime labs that meet international standards for the forensic processing and analysis of crime evidence including narcotics, ballistics and documents. The PCP Crime Lab currently handles these three types of forensic analysis. *Allow me to repeat this. Your police forensic lab is on track to be internationally certified.*

Throughout my eight years of service with Palestinian justice institutions, I have also witnessed the support of many Palestinian and international partners.

INL is proud that we often collaborate with one another and this collaboration helps everyone achieve their goals for an improved civilian justice system.

In particular, I would like to thank the Attorney General's Office, the PCP and its IT unit, its Family and Juvenile Unit, its Cyber-Crime Unit, the Ministry of Social Development, the High Judicial Council, the International Legal Foundation, the Financial Follow-up Unit, and especially EUPOL-COPPS.

Ladies and gentlemen, I have now had the opportunity to work in justice systems in the United States and in four other international systems. The Palestinian and International Organizations in this room are among the most dedicated and professional that I have ever had the honor to work with.

Palestinians have every right to be proud of what their justice institutions have achieved. Much work remains to be done but you have every reason to have hope and to be proud of what you have accomplished.

On behalf of INL, I would like to congratulate you for taking on the responsibility as being *guardians of Palestinian justice*. I look forward to our continued partnership.

Dr. Barak and my fellow prosecutors, thank you.

كلمة مدير مشروع دعم قطاع العدالة (جيساب)

السيد إمري أدوراديو

Notes for PPO Conference – JSAP IV Project Activities – “A look back and a look forward”

- Good afternoon to all of you. I would like to thank the Attorney General for this invitation to address you as the Chief of Team of the Justice Sector Assistance project (“JSAP”). And I would also like to thank JSAP’s funder, the Bureau of International Narcotics and Law Enforcement Affairs for their continuing support to our project and commitment to providing assistance to the justice and security sectors here in the West Bank.
- The JSAP project has provided assistance to the justice sector in the West Bank since 2009, beginning with a pilot project at the Jenin PPO and expanding to all PPOs throughout the West Bank, the Attorney General’s Office, and support to the Palestinian Civil Police and other security services.
- JSAP assistance has focused on a number of key areas of importance to the justice sector:
- Case management systems including support to the Mizan system at the AGO/PPOs
- Connectivity between all PPOs and the PCP to expedite the handling of judicial warrants, judgments and orders and allow more efficient coordination between prosecutors and police
- Back-log reduction at the PPOs; under the leadership of Chief Prosecutors, this has resulted in sustained backlog reduction at PPOs throughout the West Bank, averaging over 59% reduction in six governorates; this has allowed more timely adjudication of cases and vindication of victim rights and rights of the accused
- Customization of the Mizan case management system to accommodate the growing specialization of prosecutions in the wake of new laws in Palestine – for example, the Cybercrime and Juvenile laws, and to address the priorities of the Attorney General, who has taken tremendous steps in the establishment of new prosecution units and incorporating these new laws into the day-to-day work of his office
- The work of customizing Mizan is ongoing and will assist efforts of the AGO to improve prosecution of specialized cases and address specific

crimes that have become more prevalent in Palestine, including cybercrime and money laundering.

- In the area of anti-money laundering, JSAP, along with EUPOL COPPS, has taken steps to facilitate and participate in efforts by key AML stakeholders – the PPO, the Anti-Corruption Commission, the High Judicial Council, and the Financial Follow-up Unit, to identify obstacles to the effective investigation, prosecution and adjudication of money laundering cases, and to develop a manual to define and improve coordination between these stakeholders regarding issues of bank secrecy, seizure of accounts and assets, data collection, and jurisdictional issues
- JSAP has also worked closely with the AGO to provide awareness training on the revised Code of Ethics for all PPO prosecutors; these awareness trainings are critical to making the code central to the everyday work of prosecutors; it is routine that public prosecutors face ethical issues and the revised Code of Ethics conforms with international standards and recognizes the role of public prosecutors as officers of justice
- JSAP has also facilitated the design, development and implementation of joint stakeholder (police, prosecutors, judges and other key stakeholders) and have employed this training model on specialized topics including money laundering, cybercrime, fraud, and corruption
- As JSAP looks ahead to the final two years of the project, our project will be working closely with the AGO to develop productive avenues of support and assistance that will assist the Public Prosecution Office in its vision for the next years
- And I would add that JSAP will continue to coordinate with other donors to ensure that donor funds are used in a manner that is complimentary most positive to the AGO and PPOs.
- I should also add that the sustainability of our assistance should always be in the forefront of our work together and JSAP will be focusing specifically on how its interventions and assistance can lead to lasting changes in the AGO and PPOs
- I wish to end by noting and commending the strong leadership of Dr. Ahmad Barrak in developing a vision for the modernization and improvement of his office, which I believe will result in a positive legacy that will become institutionalized so that these improvements will stand the test of time
- Thank you for this opportunity to speak to you and I wish you all the very best in your work.