

AFP helps set up forensic services for fledging Palestinian democracy



AFP Director Forensic Services Dr James Robertson

The AFP, through its Director of Forensic Services, Dr James Robertson, is playing a role in the development of forensic services in the Palestinian Autonomous Areas (PAA) of the West Bank and the Gaza.

The provision of forensic capabilities is part of a broader project to establish the rule of law for the Palestinian people and in contributing to this, Dr Robertson spent two weeks in Israel and the PAA in March 1996 and returned for another visit in June this year.

The Australian International Legal Resources (AILR), under the leadership of Justice Marcus Einfeld of

the Federal Court and with support of almost A\$1m from AusAID, produced a strategic development plan to create a modern and unified legal system for the PAA.

AILR through its Project Manager in Israel, Gary Creighton, acts principally as a manager and coordinator seeking donor funds to support the AILR vision. Contributors include organisations such as the World Bank which gave US\$5.5m to the Palestinian Authority for the program recently.

Dr Robertson said that from a situation only 18 months ago where the PAA had nothing, AILR had played a major role in the development of forensic capabilities for the Palestinian people. A forensic medical and pathology laboratory was being centred on the El Kuds University, Jerusalem, as part of a new medical faculty and the Director of Forensic Medical Services, Dr Jalal Al-Jabri, now had a modern morgue facility on which future services would be developed.

In Gaza, the Palestinian Civil Police had built a forensic science laboratory. A key element of AILR support is to attract donor funds to equip the facility and provide training. Dr Robertson inspected the laboratory during his June visit and has developed plans to fit out and equip it.

"Australia is playing its part in building the fundamentals of a democratic society for the Palestinians through this well-targeted program of real and practical assistance," Dr Robertson said.

"It is also bringing together professional groups from Israel and the PAA in a unique way, helping to create bridges between these two peoples as they work to progress the peace process."

Dr Robertson was successful in securing the cooperation of the Israeli Civil Police in the program, which is being implemented with the assistance of Brigadier Dr Yosi Almog.

AILR's Director of International Projects, John Hall, said that the project was likely to extend well beyond its initial completion target of April 1998, probably continuing closer to 2000, despite sporadic violence and interruptions to the peace process.

Incidents such as the suicide terrorists bombing attack in a Jewish marketplace in July, and disputes over a Jewish housing development in east Jerusalem only emphasised the need to ensure that projects such as the AILR development plan continued.

"While there is a small element of people who try to disrupt the peace process in the region, everybody else realises that a resolution to the conflict must be reached in the interest of peace," Mr Hall said.

The following article, reprinted with permission from ***The Canberra Times*, Monday, April 28, 1997** gives an insight into the AILR project.

Building Palestinian Democracy

Australia is part of an international initiative to establish a unified legal system in Palestine, writes **Yehonathan Tommer** in Jerusalem.

Australian jurists, working closely with the Palestinian Justice Ministry, academic experts and police authorities are helping to build Palestinian legal institutions through a rationalisation of Palestinian laws and procedures in Gaza and the West Bank.

Just how successful it will be is too early to assess. Though the pace could be faster, all parties are satisfied with the goodwill generated and the Palestinian readiness to learn from others. The results are destined to be as significant for Palestinian democracy as the Oslo peace-making process is for Palestinian territorial identity.

At the forefront is the Sydney-based Australian International Legal Resources, a non-government volunteer organisation which offers legal aid to developing countries. Assisted with funds from AusAID and the World Bank, AILR has been invited to construct a rational Palestinian legal infrastructure from its colonial amalgam of Ottoman Turkish, Egyptian, British, Jordanian and Israeli laws.

The blueprint is outlined in a slim pamphlet entitled *Rule of Law: Strategic Development Plan*, prepared with the Palestinians by a resident AILR representative in Israel working out of an office in the Australian Embassy in Tel Aviv.

Budgeted for three years ending April 1998, the blueprint focuses on modern legal institution

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building and development, expert procedural and administrative training and community education. In essence it seeks to “unify, harmonise and standardise the parallel, though disparate, legal systems and judicial and prosecution procedures presently operating in Gaza and the West Bank so that they become responsible and accountable to the Palestinian public which they must serve.”

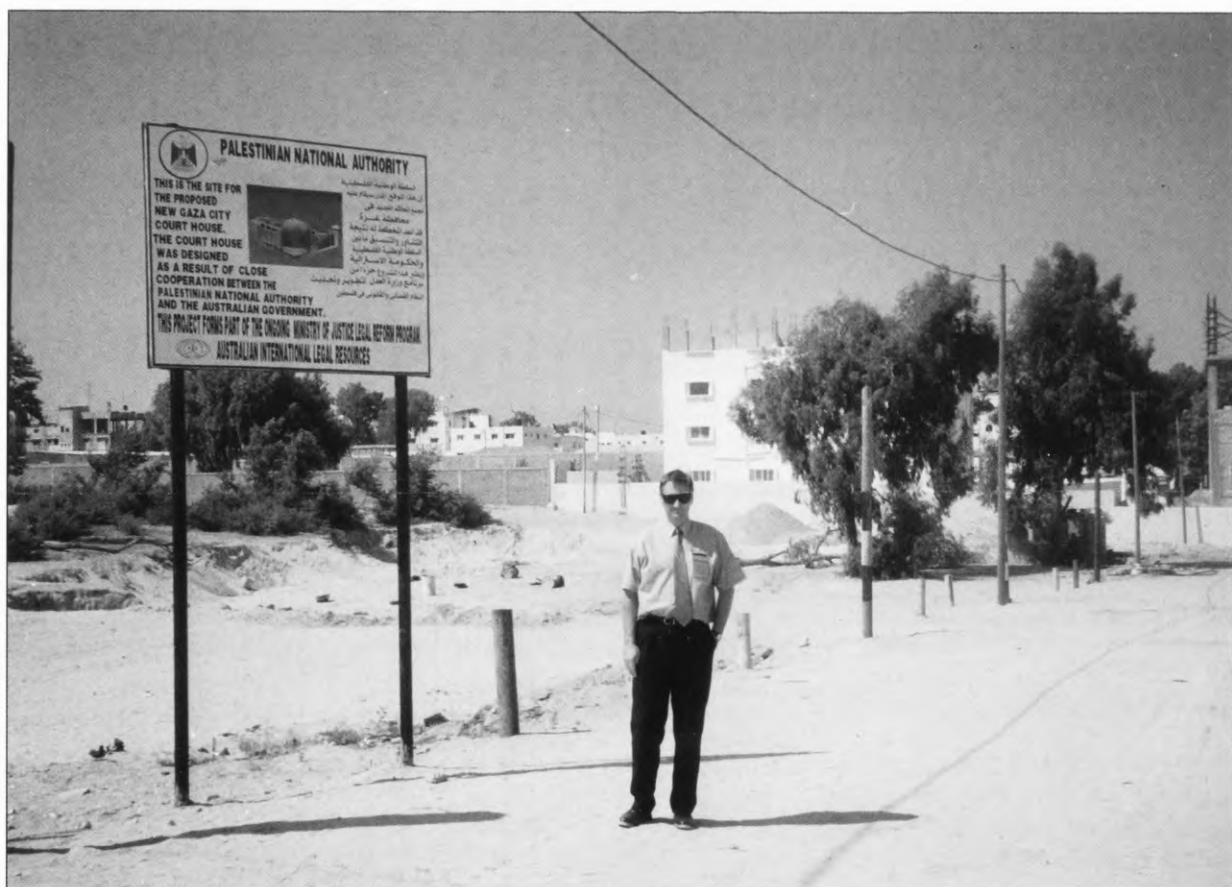
New construction is also proposed to accommodate the Palestinian Supreme Courts, judicial administration and a library to house a “full-text, computerised Arabic language legal and judicial data base” linking the Palestinian

legislature, Justice Ministry and legal communities.

Assistance since the Palestinian elections in May 1995 has been given to establish an administrative support secretariat to the Palestinian Legislative Council, in liaison with the European Union and the US National Democratic Institute for continued planning and support.

Since the project’s adoption in August, buildings have been refurbished, land has been earmarked and construction plans have been approved for new law courts in Gaza City (where Australian Deputy Prime Minister and Foreign Minister Tim Fischer laid the cornerstone last March) and the West Bank town of Ramallah with a two-year AusAID allocation (May 1996 to April 1998) of \$A1,025,000. Computer software and technology valued at \$A6.4 million developed by the NSW Judicial Commission has been donated to Bir Zeit University Law Centre in Ramallah to help collate, codify and unify existing Palestinian legal and judicial procedures.

“We approached the Palestinian Authority and asked how we could assist with our knowledge and five-year experience in developing and



Dr James Robertson at the site for the court building at Gaza City, part of the Australian International Legal Resources project. In the background is the Palestinian Authority Police forensic building.



El Kuds University, Jerusalem, where a forensic medical and pathology laboratory is being established as part of a new medical faculty.

improving legal systems in other parts of the world (Kenya, Fiji, Papua New Guinea, the Caribbean and Khazakstan)," says AILR representative Gary Creighton.

"As a donor country we wanted to avoid arrogance and provide the services which the recipient country really needs."

AILR's chairman, Justice Marcus Einfeld of the NSW Supreme Court, has been approached by numerous Jewish and Arab professionals, including Palestinians, in Australia and around the world volunteering their professional services. Sydney QC John Karkar donated 50 cartons of legal books valued at \$A128,205 to support a Masters program at Bir Zeit University's Law Centre.

"To date, the Australian Government has donated \$US3 million [\$A3.85] to the Rule of Law program, and probably another \$US3 million in free consultancy from experts such as Justice Harry Bower of the NSW Industrial Commission who contributed half his sabbatical," says Creighton. "The costs of implementing the entire program, which is certain to extend beyond the three-year budgeted period, could amount to

\$US23 million [\$A29.9 million]."

Livingstone Armitage, a former Justice of the NSW Industrial Commission, and now a private judicial and legal training consultant and author of a recent book, *Training Judges*, has been commissioned by AILR to carry out a survey of Palestinian judicial training requirements, as a project proposal for World Bank funding.

The World Bank is at present considering a proposal to allocate \$A4.49 million for an initial three-year project to fund five Palestinian Law Commissions empowered to review and standardise the relevant laws, decrees and regulations pertaining to their field of reference. Each commission would be staffed by seven Arabic-speaking legal experts – five international and two locals (Egypt, and Jordan). Unofficial feelers have been issued to possible candidates and appointments would have to pass Israeli security vetting.

Ideally AILR would like to exercise supervisory control through a secretariat over their operation as the law commissions will ultimately submit supplementary draft legislation to the PA. "They are the lynchpins of the entire



Drs Jalal Al-Jabri and James Robertson at the site of the future medical education building in El Kuds.

reform program,” says Creighton, hinting at AILR’s desire to prevent undesirable political interference. At all events, they could convene their first sessions by December.

In an agreement reached earlier this month in Amman, three Jordanian judges have been co-opted for an initial three months to the Palestinian Justice Ministry with United Nations Development Program (UNDP) funding to review and unify all judicial procedures and standing regulations of their prisons system between Gaza and the West Bank. This essential groundwork will pave the way to convening the law commissions and adopting a standardised prison-wardens training program guaranteeing basic civil rights for Palestinian prisoners and internees.

A media station and satellite time in Ramallah, to facilitate the transmission of legal information to an area between Gaza and the West Bank, are scheduled for completion by June.

PA chairman Yasser Arafat has specifically asked that a Forensic Science Institute be established to help combat crime and terrorism. The institute would be part of El Kuds University

in Abu Dis on Jerusalem’s eastern outskirts, offering degree courses and research programs and consultancy services to the PA. Rivalries over functions and responsibilities between the Justice Ministry and police authorities have delayed its creation.

Meanwhile a Justice Ministry forensic pathology centre is being established alongside a police forensic centre specialising in civilian-related traffic and other offences. The Australian Federal Police has designed a forensic laboratory in Gaza City and other donor countries (Norway, Sweden, Holland, France and the US) are sponsoring police training courses in explosive detection and analysis, ballistics and firearm inspection, fingerprinting and drug analysis, photography and document examination and crime-scene preservation.

The AILR is presently negotiating the purchase of \$A641,025 worth of forensic equipment from Norway for the Palestinian Police force.

Arab countries are also assisting. Egypt trained a core team of 23 Palestinian police officers in basic forensic studies; and that team

will soon begin a ballistics and explosives course in Saudi Arabia at the advanced forensic studies laboratories in Riyadh.

The Israelis, who recently established a modern Forensic Services Unit, have given the Palestinians unofficial technical assistance and advice. "We have prepared a series of turnkey training programs that can be pulled out of the drawer whenever the Palestinians give us the green light," says Dr Yossi Almog, Director of Forensic Services at the Israeli Ministry of Internal Security.

"We share the same regional problems and are ready to assist in every way, since we believe this is vitally important to both the PA and to Israel," he says, noting that all cooperation is immediately affected by "regional psychology".

Palestinian legal reform is a politically sensitive issue destined to upset regional practices and local power bases. Arafat sees it as a means of centralising and consolidating his authority. Palestinian Justice Ministry spokesmen are cautious in expressing their opinions.

Academic experts such as Professor Kamal

Mansour, who directs Bir Zeit University Law Centre, plays second fiddle in technical roles. He prefers to explain the legal reforms and the hoped-for

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benefits accruing to Palestinian society as a whole. Of one thing he is certain. Islamic law has no place in Palestinian society. An official resolution to that effect by the Palestinian National Assembly stands on record.



Palestinian Authority Police outside the new forensic building at Gaza City.