

Decision of the High Judicial Council No. 3 of 2006 Concerning the Code of Judicial Conduct

Having reviewed the Law of the Judicial Authority No. 1 of 2002,
Following the approval of the High Judicial Council, and
Pursuant to the powers bestowed upon the Council in Article 80 of the Law of the Judicial Authority No. 1 of 2002,

I hereby promulgate the following:

Chapter I. Judicial Independence

Article 1

A judge must safeguard his independence and distance himself from the acceptance of any intervention or review from other authorities in the cases which he examines and remember that there is no authority over him in rendering his judgement to any party other than the law.

Article 2

A judge must not entreat any of his colleagues in his judgement nor accept any entreaty from any of them in this regard. He must also remember that he and they are vowed to achieve justice.

Article 3

A judge must not allow the adversaries and lawyers or any person to intervene with or influence his judgement.

Article 4

Entreaty from a judge by any person or any party with regard to a case examined before him may not be allowed, nor shall be intermediation with regard to a case examined before any other judges.

Article 5

A judge shall be prohibited from exercising commercial activities or being a member of the boards of directors of companies and institutions or any other authority. He shall also be prohibited from assuming any other function or profession.

Article 6

A judge shall be prohibited from performing acts of arbitration in cases other than those permitted by the law.

Article 7

A judge shall be prohibited from affiliating with political parties and assemblies.

Article 8

A judge must notify the President of the Judicial Council of each incident of hegemony or influence upon him by any of his colleagues, judgement on his judicial activities, or being subjected to influence or hegemony.

Chapter II. The Guarantees of the Judge

Article 9

A judge must adhere to the openness of the trial, unless he decides to conduct it in camera in compliance with the requirements of public order or the preservation of morals.

Article 10

In the cases other than those permitted by the law, a judge shall be prohibited from referring, in his judgement, to his personal information or any other evidence that was not submitted in the action and which was not discussed with the adversaries in public. The deviation from the rationale of conclusive evidence submitted in the action shall be the indicator of his having been influenced.

Article 11

Taking into consideration the permission of the adversaries or their attorneys to explain their juristic and legal opinions during the trial sessions, a judge may not hear one of them in the absence of the other outside of such sessions which may affect his judgement, regardless of whether such would achieve justice.

Article 12

A judge must notify the adversaries and the Prosecution of any petition with regard to the actions brought before him.

Article 13

A judge shall closely examine the evidence submitted in the action which is examined before him and make his effort in the course of reaching the truth, then issue his judgement pursuant to the rules of the law and settled judicial discretion. If he does not reach a judgement, he must endeavour to implement the principles of right and justice.

Article 14

A judge must refrain from adjourning sessions for unjustified reasons, particularly the adjournment for the selfsame cause or in compliance with the request of any of the two adversaries upon the absence of the other. He must also heed the respites of adjournment determined by the law.

Article 15

A judge may not postpone the issuing of decisions which facilitate the adjudication of the dispute more than once. With regard to conclusive judgements, he must issue them within the respites determined by the law. Otherwise, a judge must issue them within a reasonable period from the close of the trial. In the event of the contravention of the appointments referred to, the President of the Court or the responsible judge must notify the Judicial Inspection of the status quo.

Article 16

A judge may not express his opinion in advance in the dispute brought before him, whether for the adversaries or others. In addition, he may not take part in any search, legal examination, or discussion, knowing that such would lead to the inference of his opinion in such dispute.

Article 17

A judge or family members whom he supports may not accept or request a gift, remuneration, or benefit for himself or for others or a loan which he would not have gained if it were not associated with his judicial activity or which is anticipated to be related to such activity or for its abstention, except that he may accept legal books submitted by their authors.

Article 18

Upon the exercise of his judicial activity, a judge must be equal to all persons in his speech and conduct, whether the persons are parties to the dispute or otherwise (witnesses, lawyers, officials at court, or peers in a profession) and must not discriminate between them for reasons pertaining to religion, race, colour, or any other reason. He must also request his subordinate officials to abide thereby.

Article 19

A judge must not initiate conduct which suggests or creates an impression that members of his family or any other person exert influence upon his approach in his judgement. He must, to the most possible extent, prevent these from creating such an impression to others.

Article 20

A judge must abdicate the action in the event of any reason of incompetence as set forth in the law.

Article 21

A judge must notify the President of the Court when the judge hears a particular action and any of the reasons of recusal applies to him or when he feels embarrassed.

Chapter III. The Judicial Conduct

Article 22

A judge must perform his judicial duties without preference, prejudice, discrimination, or partiality. On the contrary, he must perform them in a manner that promotes confidence in the independence and integrity of the Judiciary.

Article 23

A judge must offer advice to his colleague to abstain from any erroneous conduct. If such conduct constitutes an offence, he must notify the competent authority thereof.

Article 24

A judge must take the necessary legal procedures against any official who commits an erroneous conduct if the official reports to him.

Article 25

A judge must not hesitate to take the necessary legal procedures against any person who commits an erroneous act inside the court.

Article 26

A judge must open trial sessions at an early time during the official working hours. If the time of the session is specified in the register of the trial, he must comply therewith and open the session at that time.

Article 27

A judge may not be absent from his work without a prior permission from his superior unless the absence is due to a compelling reason. He must attend his work place and leave it at the times specified for official working hours, so that he acts as an example for those working with him, as well as a motive for the respect of litigants.

Article 28

A judge must give his judicial activity precedence and grant it priority with relation to other activities which he may assume.

Article 29

A judge must not allow court officials who are subject to his supervision to violate the aspects of justice between the adversaries in an examined judicial action or accept a gift, remuneration or loan from any of them. In addition, he must prosecute all those who commit such an act.

Article 30

A judge must preserve the solemnity of the court during the trial sessions. Under all circumstances, he must be patient, sober, a good listener, and gentle in his dealing with the adversaries, he must project self-respect, a strong personality, and elated sentiment. Through his conduct, appearance, and logic inside and outside of the court, he must enhance the confidence of the public in his integrity, as well as the integrity of the judicial system, and demonstrate that he shows no preference, prejudice, or partiality.

Article 31

A judge shall be prohibited from the revealing secrets of discussions before and after the issuance of the judgement and in all the cases set forth in the law.

Article 32

By his conduct in his private life, a judge must confirm that he is beyond suspicion, act in a manner that leads to the trust of laymen in his integrity and uprightness, and behave in a way that reflects the respect of the Judicial Authority.

Article 33

Taking into consideration that a judge has his own community, including his family, relatives and friends, he must limit his and their participation in social functions and the acceptance of invitations which may arouse suspicion about him or which may lead to his incompetence in the hearing of an action or allow his recusal.

Article 34

A judge may take part in special activities, provided that they do not arouse suspicion about his integrity and that such activities are organised in a manner that does not clash with the working hours and the performance of the duties of his function.

Article 35

A judge shall be prohibited from expressing any comments or opinions about the actions which he himself or his colleagues have examined, whether in public or private councils, unless it is for the purposes of judicial training or academic research.

Article 36

A judge must not exploit the status of his judicial position to promote his personal interests or the interests of a member of his family or any other individual.

Article 37

A judge shall be prohibited from disclosing his functionary capacity or from beckoning its authority in situations which he undergoes and which may affect the sacredness of his message.

Article 38

A judge must limit his relations with lawyers or others who exercise functions on a permanent basis at the court in which he works, to the extent that protects him from the suspicion of prejudice or impartiality.

Article 39

In a manner that does not contradict the provisions of the law and his functionary duties, a judge shall be entitled to express his opinion in all manners of expression.

Chapter IV. Competence and Capacity

Article 40

A judge must be informed of all laws and regulations in force in Palestine and their amendments. He must also be acquainted with the interpretations related thereto.

Article 41

- A judge must follow all judicial decisions issued by the High Court and observe the decisions settled thereat with regard to controversial issues.
- He must adopt the decisions of the general assemblies of such courts until they are revoked by explicit decisions.

Article 42

A judge must be informed of bilateral and multilateral international agreements to which Palestine is a party.

Article 43

- A judge must attend the training courses, seminars, and workshops which the Judicial Council assigns to him.
- He must submit a written report at the end of each course using a form that is prepared in advance for such purpose.

Article 44

A judge must adhere to improving his personal skills through specialised courses in which he takes part, particularly various computer uses, communication means, and acquisition of languages.

Article 45

This Code of Conduct shall enter into force as of 10 May, 2006 and shall be published in the Official Gazette.

Issued in the city of Ramallah on 10 May, 2006 AD, corresponding to 12 Rabi' al Akhar 1426 AH.

**Judge Isa Abu Sharar
President of the High Court
President of the High Judicial Council**

