

ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
INSTITUTE FOR PEACE AND SECURITY



**PUBLIC TRUST IN JUDICIAL SYSTEM OF ETHIOPIA
AND ITS IMPLICATIONS FOR PEACEBUILDING:
THE CASE OF FEDERAL SUPREME COURT**

BY
ALEM TUFA

JUNE, 2019

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**THESIS SUBMITTED TO THE SCHOOL OF GRADUATE STUDIES OF
ADDIS ABABA UNIVERSITY IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTERS
OF ARTS IN PEACE AND SECURITY**

ADVISOR: YONAS ADAYE (Ph.D.)

**JUNE, 2019
ADDIS ABABA, ETHIOPIA**

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ACKNOWLEDGMENTS

It's now the right time to extend my thanks and gratitude to those who have been with me throughout the duration of this work and cause it to assume the present structure. My praising and endless indebtedness go to the ALMIGHTY GOD and HIS MOTHER, ST.MARRY who endowed me with all the hopes, talents and strengths. They have been always with me every time to get the fruits of my efforts. Next I would like to say thanks to my advisor, Dr. Yonas Adaye for his unreserved moral, intellectual support and assistance.

Lastly, but not the least my heartfelt goes to my husband Ato Shimelis Hailesilassie who has supported me in various aspects of my life; through him, I see the brightness of hope and could have courage in the face of enormous challenge. I also sincerely thank my Interviewees, My Brother Tesfu, Alem H., Fkeru and Endale all my friends for your valuable support.

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Acronyms

AAU	Addis Ababa University
ADR	Alternative Dispute Resolution
FDRE	Federal Democratic Republic of Ethiopia
JLSRL	Justice and legal system Research Institute
OCED	Organization for Economic Cooperation and development
PD	public Defenders
UN	United Nation
UNDP	United Nation Development program

Abstract

One of the major goals of the judiciary is to resolve disputes in ways that lead disputant to accept and be willing to abide by the decisions, restore a former relationship and help to keep domestic peace .If judiciaries are not accepted by the citizens and if there is a lack of trust cannot perform their essential functions, restore a relationship and it became difficult to build peace in the society. Hence the research aimed to examine the public trust based on the procedural fairness in the federal Supreme Court and its implication for peacebuilding, by identifying major issues which affect public trust in the FDRE Supreme Court and discuss public trust implication to peacebuilding. In the study, mixed methods of research design were engaged. Data were collected through interviews from key Informants and through questioner filled by experienced court users, the finding of the study shows that the public has the higher perception lack of judicial independence; lack of behavioral accountability, transparency and accessibility these leads the court users to a high level of distrust. The level of public trust has positive and negative implication to peacebuilding, if the public has trusted to judiciary system cooperate with the court, respect, obey with bench commands and verdicts, easily accept even negative outcomes so it restores former relationship of disputant but if the public lose trust by the judiciary system disputant parties they cannot accept the outcomes so they go to take Measure by their own hand so it affect their personal relationship and easily escalate conflict through community so the court must train the judges to how the procedural fairness affect public trust because fair procedures, with the equal possibility for all parties to discuss real issues with the judiciary, have an imperative to influence public trust more than rigidly consistent verdict practices for the peacebuilding process to take place the approach should be based on building a trustable judicial system, this helps to build positive relationships and social structures that allow the face of different social thinking and encouraging positive group unity.

Key Words: *Judiciary system, Peacebuilding, Publictrust*

CHAPTER ONE

1. Introduction

Under this chapter, the researcher tried to discuss the judiciary system and peacebuilding under the background of the study and statement of the problem, and describe objectives of the research, research questions, scope and significance of the study. The chapter comes to an end by highlighting readers about the organization and structure of the thesis.

1.1. Background of the Study

Sustainable peace is one of the indisputable phenomena of human beings who aspire to attain personal as well as social well-being (Johan, 1970) epitomize the configuration of peacebuilding structures in order to endorse sustainable peace by tackling the root causes of violent conflict via holding up a public trust to courts. Peacebuilding is a process that assists the creation of sustainable peace so as to avert emerging of conflicts through addressing the fundamental causes as well as effects of disagreements (Maiese, 2003). The absence of physical and structural violence, elimination of discrimination, and self-sustainability are the illustration of sustainable peace. The performances of effective conflict resolution and transformation mechanisms are the essential tools for building sustainable peace that prevents the reoccurrence of conflicts. Peacebuilding in this context refers to a people-centered relationship building participatory process takes place to prevent conflict a more to create a peaceful society (Yonas, 2019).

The primary function of any judiciary system is to help stay internal peace. According to Black's law dictionary, the judiciary is one of the parts of the three branches of the state with the support of the other two branches, the legislator and the executive. The judiciary has the authority to keep the constitutional right of the state and has the duty to implement the judicial function of the state, in order to account the establishment of a court formal system. The basic objective of the Judiciary system is to resolve the dispute by peaceful mechanism (Black's law dictionary, 1990). A well-organized legal and judicial system which deliver quick and quality justice strengthen the confidence of people in the rule of law and promotes basic human rights and enhances accountability and democratic court users and

the public. This is especially factual in the judiciary which uses fair procedures and treating people fairly (Metteauer, 2017). Procedural fairness involves giving the opportunity for litigants to tell their side of litigation; treating both disputants equally; treating court users in a courteous and respectful manner; and representing trustworthiness through listening, expressing concern for court users; and explaining decisions (Tom, 2007). The concepts behind procedural fairness the manner in which disputes are handled by the courts have a significant influence upon court user's evaluations of their understanding in the judiciary system (ibid). Studies suggest that procedural fairness judgments direct the trust of the entire court user who deals with legal authorities, for both men and women, among the rich and poor, across ethnic/racial groups (ibid)

The concept of trust is explained in different ways by different disciplines. One feature of a trust is institutional trust which developed between citizens and institution. The success of that specific institution relies a great deal on the trust that is developed within its client. Similarly, According to Broady, (2008), Public trust in the judiciary depends on an ability to behave effectively, fairly and stand for the value of the society (as cited in Eyerusalem, (2013) p.38). Judiciary is built to serve citizens; therefore, it must convince the court users to need according to the rule and procedure of the country. To perform its function, the justice system needs the trust of citizens under the judiciary (Jacobs and wright, 2006). According to Tyler, (2002) Trust in the courts' system encourages public collaboration with the court so monitoring levels of the justice system is important because the justice system is a generator of meta-trust in other public institutions (as cited 2002 Laura 2015,p3).

The 1995Ethiopia Constitution declares articulates the structure and powers of the courts and the independence of the judicial branch (Constitution of Ethiopia, at Chapter 9). The federal courts were established by Proclamation 25/1996, and consist of the Federal Supreme Court, the Federal High Courts, and the Federal First Instance Courts. These courts have original and appellate jurisdiction over cases arising under federal law and in other specified instances. The vision of the Ethiopian justice sector state that “good governance succeed, rule of law, human rights and democratic rights are ensured, peace and security prevail, and

where there is an effective, efficient, accessible and independent judicial system with due accountability and public confidence (Elias,2004).

Ethiopia justice sector vision focused on creating effective procedural fairness i.e. independent, accountable, accessible, and transparent judiciary system. Preferring procedural fairness is a crucial way to build trust, on the other hand, findings of the different study show there is low level of public trust in the justice system so no system is perfect and that many parts of the system experience pressure and sprain due to the high volume of cases that need to be addressed. As a result, this research will attempt to asses public trust in the judicial system specifically on the Federal Supreme Court based on procedural fairness and its implication for peacebuilding.

1.2 Statement of the Problem

Ethiopia is a country with an independent judiciary established by the FDRE constitution, the Federal Supreme Court includes a cassation bench which has the power to review and overturn decisions issued by lower federal courts and State Supreme Courts containing fundamental errors of law. In addition decisions of the cassation division of the Federal supreme court on the interpretation of laws are binding on Federal and state court(Article 79(1)) Federal Supreme Court decides disputes in individual cases, they create an important decision beyond peaceful settlements that is, used as law for deciding future cases it's known as precedent. There are few works of literature that asses Ethiopia's judiciary system, for instance, the compressive justice system reform program baseline study (2005) argues that public perception and trust in the justice system are very low. Correspondingly, the Federal Ethics and Anti-corruption (FEACC, 2012) by its study entitled "Ethiopia's second corruption perception survey" identifies problems in the delivery of justice system, public perception and distrust of the justice system. Another scholar, Eyerusalem (2013) in her research entailed "Public trust in Judiciary system:- in the case of Federal High Court" discuss about the level of public trust in the Federal high court and in her findings she concluded that there is a lack of public trust in the Federal High court where the major constraints on public trust to the judicial system are efficiency, effectiveness, lack of procedural fairness and lack of independence of the judges.

The conclusions of previous researches underline the idea that public perception and public trust of the judiciary system are very low. Hence, As David and Alan, argues without credible and competent judiciary bench to administer law, establishment of the rule of law remain unattainable and a court that does not have the public trust cannot expect to function effective resolver of disputes, a respected issuer of punishments (David B. Rittman & Alan J. Tomkins). As it is known, to promote peace, to build peaceful society, to resolve the conflicts or the disputes role of a court system is imperative, so if a court system use Procedural fairness approaches it builds trust, encourages a positive bond among the disputants, which is more likely to promote both a long-term relationship. In my review of the literature, there are no clear studies that are available on the issue. Hence, this Research tries to examine public trust based on the procedural fairness of the court and how procedural fairness affects public trust in the Federal Supreme Court. Further the study; seek to establish what implications to peace building have public perceptions of the justice system. Therefore, the purpose of this research is to examine the public trust in the federal Supreme Court and its implication for peacebuilding.

1.3 Objectives of the Study

This research has the following general and specific objectives.

General Objective

To examine, how procedural fairness affects public trust on the federal Supreme Court and its implication for peacebuilding.

Specific Objective

In line with the general objective, the following are the specific objectives:

1. To identify major issues which affect public trust in the FDRE Supreme Court
2. To explore how procedural fairness affects the public's trust in the FDRE Supreme Court.
3. To describe and explain the implication of public trust for peacebuilding.

1.4 Research Questions

The aforementioned objectives of the study lead to the formation of the following research questions:

1. What are the factors affecting public trust in the FDRE Supreme Court?
2. How procedural fairness affects public trust in the Federal Supreme Court?
3. What is the implication of public trust on peacebuilding?

1.5 Significance of the Study

For a country's stability and sustainable development, peace and security are an imperative building block. In order to promote peace, to build a peaceful society, to resolve conflicts or the disputes in a peaceful manner and to restore a former relationship of the litigants, the role of procedural fairness of the court system is imperative. Most Ethiopians trust the superiority of the law so they need a fair procedure court process to their litigation. This research tends to alert the judicial sector about the court user perception of the Federal Supreme Court and its role in peacebuilding within the community. The study also aims to raise awareness of the public regarding the judiciary and how it should serve them by recommending awareness creation programs. The other importance of this research may be used by another researcher as reference for further research.

1.6 Scope of the Study

In Ethiopia the judicial system has three layers of courts at the federal level such as Federal First Instance Court, Federal High Court and Federal Supreme Court, among these the researcher focused on Federal Supreme Court. Because it has the highest and final judicial power, and all court users appeal to this court for a final decision. The researcher also focused on procedural fairness of this court to measure the public trust and only on the Federal Supreme Court judges, users, and its staffs.

1.7 Limitation of the study

As the study focuses on examining the public trust in the Federal Supreme Court of Ethiopia, it gives the image on this specific court. The findings of these research may use as a reference point for understanding the level of public trust based on procedural fairness and its implication towards peacebuilding, however, it may have a limitation because it measures the level of public trust based on procedural fairness only it's not included as measurement distributive justice. Several key informants judges were not available for the interview due to official engagements and dignitaries have refused to give information directly or through extended and repeated appointments and the researcher only used 95 respondents because of respondents fill the answer with negligently without reading the question.

1.8 Structure of the Study

The thesis is organized as follows. The first chapter deals with introductory discussions. The second chapter concepts are discussed and related literature is a review that introduces the conceptual framework of trust, peace, peacebuilding and gives a brief description of the judicial system of Ethiopia. Under the third chapter give highlights to readers about the research methodology. Chapter Four is devoted to present data collected from a primary source and secondary discussion of data. The fifth chapter focuses on findings then it proposes a way forward by suggesting some policy considerations.

CHAPTER TWO

RELATED LITERATURE REVIEW

The major objective of this Chapter is to unpack the relationship between public trust of the judiciary system and peacebuilding in Ethiopia society based on related literature. The Chapter begins with exploring and defining concepts relevant to this research and it then depicts the theoretical framework of the study to capture the whole concept. It reviews the empirical literature on Ethiopia to contextualize the current study and clearly indicates the gaps in the previous works which the present research attempts to address.

2. Meanings and Concepts of Term

2.1. Judiciary System

According to Natalia and Vivian, (2013),The judicial system can be defined as the government branch responsible for enforcing the law, interpreting and adapting it to concrete cases and solving disputes and conflicts (as cited in Kahase,2015 p.3). The laws interpreted and enforced by the judiciary include constitutions and other legislation enacted by the legislature and regulations issued to implement various laws. It is also important to notice that many different roles have been assigned to the judicial system at different times and settings (ibid.).

One core goal of the judicial system is to provide people with a forum in which they can obtain justice as it is defined by the framework of the law. This is the usual anxiety of judges, and the goal emphasized in legal education the correct application of the law to particular legal disputes. A second goal of the courts is to handle court user's cases in ways that lead them to accept and be willing to abide by the decisions given by the judiciary (Tom, 2007, p.26).

The success of the courts in handling social conflicts based on their capacity to issue decisions that are trustworthy i.e., that shape the conduct of the disputants that come before

them. Courts want that respect to continuing over time, with court users hold on to court verdict long after their case, so that the disputants are not repeatedly bringing the issues back into the courts for re-litigation. Finally, the judiciary wants to keep hold of and enhance public trust and confidence in the bench, judges, and the law. Such public trust is the key to preserve the authority of the legal system (ibid).

According to Tom, (2000),

The well-managed judiciary is imperative to the rule of law. Judiciaries cannot carry out their basic role in the condition public lack trust if courts cannot offer a fair, efficient, and accessible for the resolution of disputes (Tom, 2000,p.26).

The introduction of the Strategic Plan states that

The judiciary is the organ which enables citizens to enforce their human rights and democratic rights enshrined in the Constitution or in other laws free from the intervention of any government organ or individual (Ministry of Justice, 2015,p.39-52)

It further notes that courts should provide efficient and accessible judicial services to improve the satisfaction and confidence of the public.

2.2. Concept of Trust

The overall purpose of this research is to measure the level of public trust based on the procedural fairness in the Federal Supreme Court and to explain its implication for peacebuilding. For that reason, it is necessary to explain following a brief explanation of the concept of trust, institutional trust, and the concept of judicial trust. The concept of trust is explained in different viewpoint, discipline and scholars. Sociologists and economists view trust as an occurrence that individuals put on institutions. In another way, Social psychologists focus on dealing among persons that create or demolish trust at the interpersonal or group level. Trust is the fix that holds dealings, societies, and economies together, it is imperative that trust be a precondition in order to serve as the basis for all valuable and durable social relation. Trust is an emotion of safety that you have, based on

the faith that someone or something is well-informed, dependable, high-quality, truthful, and effectual. (Yilmaz and Atalay, 2009 as cited in Eyerusalem, 2013,P. 11).

The other writers Stahl and Sit kin argue that Trust builds society. Absence of trust we would not eat at restaurants, leave our children at school or put money in banks. Without trust human exchange does not happen effortlessly (Stahl, and Sit kin, 2004).The operating ingredient is that trust lowers transaction costs. In societies with high levels of interpersonal social trust and of institutional trust most things run smoother and at lower costs (Stefan and Soren, 2016). Mistrust colures all associations, including between nation and their government.

2.2.1 Institutional Trust

Trust is vital to the judgment of institution performance. Trust diminishes the doubt and complication of our social world and increases the inevitability, and thus the tendency to cooperation, users can visualize that institutions will act according to its functions (Polity, Cambridge, 1991) Institutional trust is a lively bond between an individual and an institution. It is a form/sub-type of trust and is distinguished by the potential magnitude of its effect. The relationship can be analyzed through techniques developed for the analysis of interpersonal ties. According to Stefan and Soren (2016),the character of the bond can be qualified as an institutional trust on the individual level builds on and is sustained by a number of factors, among which people’s perceptions of how an institute fulfills its main task is the most essential. Trust is mostly a result of the degree to which society perceives that an institution performs what it is supposed to perform (Stefan D. and Soren H. 2016). The researcher believes that Intuitional trust is the most imperative to the successful mission of institutions because if of the user of institution losses trust it can be difficult to sustain an institution without user.

2.2.2 Judicial Trust

One core goal of the judiciary is to handle people’s problems in ways that lead them to accept and be willing to abide by the decisions made by the courts (Tom. 2007, p.26).The

success of the judiciary in handling social clash based on their potential to issue decisions that are trustworthy. Benches want that deference to continue over time, with court uses a stick to court judgments long after their case so that the parties are not repeatedly bringing the issues back into the courts for re-litigation. To conclude, the courts want to keep and enhance public trust in benches, judges, and the law. Such public trust is the input to maintaining the authority of the legal system (Ibid). Procedural fairness standard, when people distrust an authority, they also tend not to perceive it as legal or justified these has results for their observance and assistance with this authority and its decisions. Procedural fairness encompasses fairness of decision making i.e. being neutral, unbiased, providing people with the opportunity to have their voice heard and the quality of treating people fairly and respectfully in the proceedings (Persak, 2016, p.752). Society who believe that institutions will, on average, prove to be trustworthy i.e. will be fair, competent and bring about desirable outcomes and therefore fulfill their obligations are significantly less likely to break the rules or cheat (Letki. 2006, p. 309).

By the Latin American Public Opinion Project, dataset Results have shown that public perception of the judiciary is influenced mainly by perception on court user's experiences, and personal attitudes (Ryan and Adam, 2013). Court users are influenced mostly how they are treated if the procedures seemed fair influence more than case outcome (ibid).Based on that literature and discussion, built taking into account factors that lead people to use (or not) and trust (or not) the judicial system. Hence the researcher measures the public trust based on procedural fairness with five dimensions: independence and integrity (political influence And Personal influence), Behavioral accountability, and accessibility (cost, timely manner, equality) and Transparency. These shows that how the public evaluate the judiciary based on procedural fairness of the litigation because court users are familiar with in the court proceeding there is no win-win approach, if they believe the court proceedings is fair they can to accept easily even the negative verdicts further than these they build trust on the judiciary.

2.3 Procedural Fairness

Procedural fairness can be explained as whether or not people experiencing the justice system perceive the treatment as fair or not means it refers to the idea of fairness in the process that resolve disputes (Goodner,2017) correspondingly the other writer Gold E. argued that when litigants consider the court process is fair, they are more likely to obey with bench commands and the law generally this concept called “procedural fairness” refers to the supposed fairness of the procedures and interpersonal communications that defendants and plaintiff understanding in the courtroom, as distinguished from distributive justice, which refers to the impressions derived from case outcomes. Numerous studies have linked procedural justice to increased conformity with court orders and abridged recidivism (Gold E. 2017).

The mission of resolving matters in a fair, timely, efficient and open manner, Combined with values of fairness, respect, integrity, and professionalism helps ensure that every individual who enters through a system where they are heard and respected regardless of their abilities or background (Roger. 2000,P.16).

Tom (2007) argues that procedural fairness has four dimensions these are the voice, neutrality, respect, and trust (Tom, 2007, P.30). Correspondingly Roger, (2000)

Procedural fairness has a different meaning for different people. Among the law person, procedural justice is often defined as procedural due process, to be exact, notice and opportunity to be heard before an impartial and detached magistrate, Procedural justice focuses on the way legal authorities interact with the public and how the characteristics of those interactions shape the public's but it has something quite different meaning to litigants and the public fairness appears to consist of four principal elements: neutrality; respect; participation and trustworthiness. The first element, “neutrality” is very familiar to judges. The notions of a “neutral” magistrate, an impartial decision maker, a judicial officer free of bias, interest, or improper motive, and committed to equality under the law, are

central to the concepts of judicial independence and the rule of law (Roger, 2000, p.14). The element of “respect” refers to whether the judicial officer is viewed as courteous (well - mannered) and respectful, and the manner in which proceedings are conducted. The third element, “participation,” refers to the extent to which the judicial officer allows the litigants an active voice in the decision-making process, whether litigants feel they have “been heard” and whether the judicial officer has good communication and “attentive listening” skills. The fourth, and probably the most important element is “trustworthiness.” Whether a judicial officer is trustworthy does not depend primarily on the officer’s honesty or reliability. It is generally assumed that judges are honest. Rather, “trustworthiness” is based upon a perception of the judge’s motives, i.e., whether the judge truly cares about the litigant (demonstrates “an ethic of care”) and is seeking to do right by the litigant (ibid). Trustworthiness is not a measure of the judge’s knowledge, skills, or abilities. It is a measure of the judge’s character, not the judge’s competence. The litigant usually does not feel qualified to evaluate the judge’s competence, but often feels fully qualified, based upon the judge’s reputation, demeanor, and behavior, to evaluate the judge’s motives. Importantly, it is the fairness of court processes, not the fairness of court outcomes or decisions that are most important (Roger, 2000 p.13).

To conclude these different scholars agree that the procedural fairness is imperative to judicial trust the researcher agree that it is very essential to build trust because if the litigants trust the procedure they can to accept the court verdicts easily since they know there is a win-lose approach in the process and they cooperate with the court.

2.3.1 Defining,Independence,Transparency,Accountability,andJudicial integrity, accessibility

The principles of judicial independence, transparency and accountability are conceptually interrelated in numerous ways and have been defined by the international community with a considerable degree of consistency.

I. Judicial Independence

Legal scholars and social scientists have examined and defined judicial independence in myriad ways. The United Nations Basic Principles on the Independence of the Judiciary (Article 2) state that,

The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any limits, improper influences (political or personal), incentive, force, threats or interferences, direct or indirect, from any quarter or for any reason (United Nations Basic Principles on the Independence of the Judiciary 1985).

Correspondingly as stated in the Commentary on the Bangalore Principles:

Judicial independence is not the freedom of the individual judge. It is the responsibility imposed on each judge to enable him or her to adjudicate a dispute honestly and impartially on the basis of the law and the evidence, without external pressures or influence and without fear of interference from anyone (Bangalore Principles).

According to Charles, (2007) having judges that are free to decide disputes fairly and impartially, depending only on the facts and the law (as cited in Broady,2008,P.7) The other writer Penny (2002) argue that Judicial independence is the independence of judges in their Judicial capacity from control by inappropriate External force, Pressure or threats(Penny, 2002).It means that judges are protected from any pressure, special interest pressure, media pressure, public pressure, financial pressure, and even personal pressure (Broady, 2008, p.7).

Ethiopian constitution also provides for the independence of the judiciary at all levels in exercising its judicial power. Institutional and personal independence of courts are declared in the same document (Article 78(1) and article 79(2), (3) (4) of the FDRE constitution) Interferences of all governmental bodies and governmental officials in the function of the judiciary are prohibited and judges are required to be directed only by law in decision

making. The Constitution also guarantees job security of judges by prohibiting arbitrary removal to strengthen their personal independence. Removal of judges from their job is possible only when a judicial administration council so decides and when this is approved by the House of Peoples Representatives (Article 79(4(C)) of the FDRE constitution). As a conclusion researcher strongly agree that the concept of personal independence is very imperative to build judiciary trust because judiciary should be neutral and not subject to any influence from the other branches of government or from personal or political interests. As provided in many legal instruments around the world, judges should be guided only by laws they have to give a decision based on the evidence and the facts that are the true meaning of judicial independence. So the judicial independence is important because it ensures cases are dealing with fairly and impartially, and the public can be certain in results but when personal independence become assure the judicial administration have to cheek judges behavioral accountability.

II. Judicial Accountability

Accountability means the purpose of impartial internal and external controls to grasp judges and the judiciary accountable for their improper actions. A responsible judiciary is significant for a number of reasons. An unaccountable court system has a difficult time being perceived as legitimate and maintaining the trust and respect of the public (Steven 1995, p.710). Accountability provides a “check and balance” to convince the community that the trust reposed in its judiciary is deserved and that respect for the administration of justice is well-founded. It ensures that the authority of judges, whether as individuals or as an institution, is not abused (Canadian judicial council p.18) According to Wendell L. Judicial accountability is to consider two types of performance criteria: decisional accountability and behavioral accountability (Wendell, 1998, p.75).

• Decisional Accountability

Decisional accountability involves holding judges answerable for their judicial decisions. In considering whether we should hold judges accountable for their decisions, there are several items that must be taken into account. First, was the decision contrary to established by

law? If the decision was contrary to law, accountability can be maintained by appellate review. Were a judge to intentionally ignore law and precedent, state constitutions should provide for means of removing or disciplining the judge (Broady, 2008, p.9)

- **Behavioral Accountability**

The Bangalore Principles of Judicial Conduct are considered to be a leading instrument in the area of judicial accountability. The Principles set forth standards for the ethical conduct of judges and “presuppose that judges are accountable for their conduct to suitable institutions that recognized to keep judicial standards, which are they independent and impartial”(Bangalore Principles of Judicial Conduct). Broady,(2008) also argues that behavioral accountability involves holding judges personally answerable for their conduct on the bench (p.10).As judges behavior which reflects badly on the integrity and impartiality of the bench is likely to decrease public trust in the judiciary. According to Penny,(2002)Explicit statements or acts of bias and partiality, ex parte communications, rudeness, and a lack of respect for litigants, are examples of actions for which a judge may be held accountable (cited in Broady (2008) p.10). Acts related to behavioral accountability are across the world accepted as being appropriate components of judicial accountability and do not limit suitable aspects of judicial independence.

On the other hand, Michael(2003), argue that Judicial independence and judicial accountability have frequently been viewed as rival forces which need to be compensated against each other (as cited in Broady, 2008, p.10) because judges who have extreme independence are free to act with no fear for being held accountable for disobeying their ability, employing liberal interpretations of the Constitution, or simply ignoring or nullifying the law when they see fit so if a judiciary is overly accountable to the public, the judges will be fearful of making correct legal decisions that are contrary to the public will (Brody 2008 p,11). In my view, the behavioral accountability is imperative to check and balance with the judicial independence because personal independence on work gives a high level of freedom to do what they believe so judges have to be accountable for their illegal conduct or improper conduct court proceeding of litigation.

III. Judicial Transparency

Transparency is often related to the degree to which the entity makes to public relevant information about court decision processes, procedures, and performance. Judicial transparency has been achieved by the openness of court: in principle, everyone is allowed to attend court cases whenever they want means it has to be an open trial (Grimmelikhuijsen and Klijn, 2015, p.995). Transparency the court's consequence lies in the need to strengthen public awareness of the rule of law and trust in the courts. The legitimacy of courts is recognized to be crucial for the voluntary acceptance of verdicts and maintaining social order (Tyler 2006) and trust is a vital this. According to Gibson and Caldeira (2009), Transparency is seen as an important means of strengthening citizen trust (as cited in Grimmelikhuijsen and Klijn, 2015, p.995). The judiciary is different from political institutions on a crucial point because it has the responsibility to make impartial, independent and non-political decisions (ibid).

‘Transparency is the accessibility of information about an organization allowing external actors to monitor the internal workings or performance’ (ibid). According to Stephan (2015) for a long time, the characteristic of judicial transparency has been public court proceedings and the publication of reasoned decisions. Such measures ensure that judges’ rulings are based strictly on the facts of the case and the law and that they may be reviewed. Reasons for decisions should also be available to the legal profession and members of the public insofar as possible, bearing in mind legitimate fiscal restraints. Successful case organizing and case management structure also support the transparency of court proceedings. Other factors that can strengthen transparency include free and publicly accessible information about court procedures and organization, basic rights and existing laws (e.g. information desks in courts) to conclude the idea Judicial transparency is expected to have an overall positive effect on trust in the judiciary (Grimmelikhuijsens and Klijn, 2015 P.996)

In the case of transparency researcher agree with the idea of everyone is allowed to attend court cases whenever they want because it helps to know the public how the court procedure is fair and impartial and more as Federal supreme court its decision is precedence which means it interpreted the law exceptionally so it has to be addressed to all public with low

cost because it helps to build trust and confidence and it also make alert to settle their dispute in court system.

IV. Judicial Integrity

The principles of judicial independence, transparency and accountability are interrelated, both conceptually and in practice. Currently widely used by the international community to assess the scope and limits of the roles and responsibilities of judges and the judiciary. Judicial Integrity implies that the court system functions independent and free from interference, a court proceeding is neutral, decisions are respected, and that the judiciary is answerable.

The researcher agrees that regards to integrity the judiciary have to be free from any personal biases i. e. if the judges taking bribe from one side of the litigants these clearly against the Integrity principle.

V. Judicial Accessibility

Accessibility of the court is a significant precondition to fair treatment by the courts, it follows those court systems. Citizens may be discouraged from resorting to the courts to handle disputes if the access is difficult to obtain or involves a burdensome procedural or financial problem, which could result in unfair treatment. Thus, the concept of access is relevant to the legality of judicial institutions and to build public trust in them. Access is regarded as the affordability cost, Time manner, and equality.

Access to justice for Ethiopians is one of the rights described in the 1995 Constitution. “Everyone has the right to bring a justifiable matter to, and to obtain a decision or judgment by, a court of law or any other competent body with judicial power” (Constitution of Ethiopia at Art. 37) Equality and equal protection under the law is also guaranteed, and discrimination is prohibited “on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status (ibid Art.25).

2.4 Concept of peace and Peacebuilding

2.4.1 The Concept of Peace

There is no single internationally agreed definition to peace different scholar defines it in a different situation. According to Galtung, (1975) peace is seen from two broad dimensions, i.e. Negative and positive and “Positive peace” Means denotes the simultaneous presence of many desirable states of mind and society such as equity, justice, harmony, etc. In contrary “Negative peace” denotes the absence of war and other forms of large scale violent (Galtung, 1975) the other scholar kassali (2000) also argued that peace can be brought through different mechanism such as according to preference of conflicting parties handling style, negotiation, peace conference and workshops with training which could do with transferring peace from negative to positive (as cited in Rute 2017). Blooms Dictionary also define peace as it is derived from the Latin word “Pax” which means a pact, a control or an agreement to end war or any dispute and conflict between two people, two nations or two antagonistic group of people(1995). In addition a well-known scholar Albert Einstein views peace is not only an absence of war but it means or includes the presence of justice, law, order, or government in the society (Answers.com, 2008).

Generally, peace means solving disagreements between individuals and individual with state and reform creation and communication between groups build a positive relationship among them.

Peacebuilding

Peacebuilding is first introduced Norwegian sociologist Johan Galtung,(1970) according to him Peacekeeping, peacemaking, and peacebuilding are three approaches to Peace (as cited in Rute, 2017). Salient notions for building peace according to his conjecture are positive and sustainable peace through addressing cultural violence, structural violence, root causes of conflict and negative peace. As of Galtung, this needs strengthening of public politically, socially, and culturally which link the groups to that bring peace consolidation for lasting peace (ibid).Peace doesn't mean only the absence of conflict but it is the ability to manage and convert conflict in a peaceful and positive manner.

According to UN Secretary-General Boutros Boutros- Ghali (1992) peacebuilding is an action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict. On the other hand as of OECD (2005) Peacebuilding is aimed at preventing the outbreak, reoccurrence or continuation of violent conflicts.

Human rights and Building legal institutions as well as fair and effective governance and dispute resolution processes and system is including a peacebuilding process (Lederach, 1997).It is an inclusive process and people-centered bond (Yonas, 2019, p.187) and increase a society's capacity to handle conflict in peaceful ways and it tries to build a bridge between the ordinary people (Stephn,1990). It takes place either before violent conflict erupts as a prevention mechanism or after violent conflict erupts as endeavors to rebuild a more peaceful society (Yonas 2019 p. 187). It is about dealing with the reason why people clash the first rest and supporting societies to manage their differentiation and conflict without restoring to violence. To discuss peacebuilding, we need to recognize the issue that contributes to peace, the absence of which potentially lead to conflict.

Peacebuilding needs to enhance trust between persons and between group i.e. ethnic city and religion in a society because Peace is when all and sundry lives in security, without terror and no form of violence, tolerate in law or in practice everyone is equal before the law the system for justice become are trusted by the public, fair and effective laws protect citizens right. According to Lederach's theories on peacebuilding also identify relationship and peace as is the process of change which based on relationship building between the people (Lederach, 1997).

To build sustainable peace within the community, it should be based not only on the absence of war but also on the absence of structures that are responsible for inequality and lack of confidence, and on the presence of structures that do the opposite. In other words, fairness is very important to peacebuilding because the aim of fairness is to address injustices and enhance people's access to justice. According to Niklas, (2005) the reduction of uneasiness among groups and increase of association and collaborations between parties facilitate the situation for stable peace that would lead to sustainable peace (as cited in Rute, 2017).

Peacebuilding is more than a post-agreement building it refers to activities undertaken on the far side of the conflict to reasonable the foundation of peace provide the tools for building on that foundation something more than just the absence of war (UN;2010). Peacebuilding is understood as the movement that aims to resolve illegal in non-violent ways and to transform the cultural & structural conditions that generate lethal or critical conflict. It revolves around developing constructive personal, group, and political relationships across ethnic, religious, class, national, and racial boundaries.

Here peacebuilding is understood the compilation of Johan Galtung and Lederach theory, the needs to take place peace process at every level of society, and communities need to work to build understanding and support for the peace process and repair relationships between different groups.

For the accomplishment of Peacebuilding process, the approach should be based on fairness, the building of positive relations and social structures that allow looking of different social thoughts at the same time as encouraging positive group cohesion (Lederach's, 1997). Peace and fairness are not mutually restricted but harmonizing; the issue is not to achieve one at the expenditure of the other but to aim for the achievement of both. Peacebuilding is an action to prevent disputes from escalating in to conflicts and convert conflict in a peaceful and positive manner in addition to these it is also built a bridge between the individual relationship, restore relationship because it helps to restrain conflict within the society that encompass generate and sustain the full array process approaches and stages need to transform conflict towards more sustainable peaceful relationship.

2.5 Public Trust and Procedural Fairness

According to Bryk and shinder, (2002) has converge on the conclusion that people trust an institution more when they receive it procedurally just that is use fair process to make consequential decision (as cited in child Development xxx ,2017 ,volume 00 number 0 p.2) Procedural fairness improves trust and legality of courts have been recognized provided evidence that court users based on the fairness of the court process to trust judges, not on the outcomes, but whether they feel individual are treated (Tom,1997). According to Tom that

users displeasure, perceptions of the relative fairness of court dispute resolve processes are what in the end resolve the level of public trust that treatment by legal officials affects court users level of trust in judicial system, which in turn affects both the level of pride in the courts and the degree to which individuals feel respected by society, including the government (Tom, 1990). According to Roger, (2000), “the connection between procedural fairness and public trust are imperative for a number of reasons. First, most judges tend to focus on outcomes, not Due process, i.e., on the legal rightness of their verdict rather than procedural fairness of their processes at decision-making” (Roger, 2000, p.13) People may trust or distrust the justice system for different reasons. They may think it is inefficient, or unfair, or slow, or out-of-touch, or a combination of these (Steven, 2009). Numerous studies found that people’s trust in law and judiciary is more sensitive to the perceived fairness of the procedures and treatment – “procedural justice”- than the outcomes or decisions derived from the proceedings (Tom, 1990). In evaluating judicial performance, and in determining the level of trust in judicial authority, the fairness of the dispute resolution process is more important than even a favorable outcome.

According to Warren in the minds of litigants, the importance of a favorable outcome is consistently not important than by the impact of an unfair process. In other words, a prevailing litigant might look back upon a recent court experience and say,

“Yes, I won the case, but I don’t know if it was worth it. It cost me too much, the judge wouldn’t let me speak, I didn’t understand what the judge was talking about, and I was treated like dirt. I hope I never have to go through that again.” On the other hand, an unsuccessful litigant can leave the courtroom saying, “I lost my case but I had my day in court, I was treated fairly, I can move on” (Roggers, 2000, p.13.).

So Procedural fairness that can allow the courts to connect much more successfully with the communities that serve(Ibid.).Procedural fairness approaches make an obtainable mechanism to organizing conflicts that produce trustworthy decisions while sustaining, and even building, trust and confidence in the courts and the law (Tom, 2007,P. 26). The researcher also argues that public trust is influenced by the court due process. Because when

you see the deferent scholar view and practice court users trust mainly affected by procedural fairness because if they are facing a good procedure they easily convince by the verdicts even the outcome of the court is negative but if they are not filled trustable they easily reject the decisions.

2.6 Relationship between Judiciary Trust and Peacebuilding

According to United Nations Report on Rule of Law institutions is vital to ensuring immediate security and the necessary stability for peacebuilding to take root Strong, trustable, justice organization and corrections, together with accountable police and law enforcement agencies, which fully respect human right, are critical for restoring peace and security. They allow for perpetrators of crime to be brought to justice, encourage the peaceful resolution of deputies to restore trust and social cohesion based on the equal right. Establishing such conditions is equally important to peace and security and sustainable development. According to Tom, (2000) “strong and well-managed judiciary is essential to the rule of law. If citizens lack trust the courts offer a fair, efficient, and accessible forum for the resolution of disputes Judiciaries cannot perform their essential functions”(Tom, 2000 p.26). People will always need ways of settling their disputes (Thornek, 2005). If citizens lack trust in their judicial institutions, Conflict tears apart the fabric of societies. Mistrust colors all relationships, including between people and their leaders.

In such contexts, even small problems can escalate into wide-scale violence (Inter peace newsletter, 2018) If there is no more formal way of doing so, they resort to other means (Thornek, 2005) they are likely to look elsewhere for the preservation of law and order and resolve their disputes through informal and potentially more violent means, including vigilante justice (Tom, 2000).

On the other hand, Trust gives institutions lasting legitimacy and helps individuals and groups remain engaged in the long and arduous process of building lasting peace (Inter peace newsletter, 2018).Peace is more than the sum of its parts (or pillars). Subtler, less visible policies such as building trust between individuals and groups, as well as between the state and its citizens, need to be nurtured through dialogue and open, safe channels of

communication (International peace, Institute, 2017p. 4). To understand peace.3building we need to appreciate the factors that contribute to peace, the absence of which potentially lead to conflict.

For peacebuilding process to take place the approach should be based on justice, the building of right relationships and social structures that allow expression of divergent social thinking whilst encouraging positive group cohesion Peacebuilding needs to enhance trust between individuals and between groups in a society because Peace is when everyone lives in safety, without fear or threat of violence and no form of violence tolerate in law or in practice everyone is equal before the law the system for justice have to be trusted, fair and effective laws protect peoples right.

Similarly, as a UNDP report states, Access to justice is an integral element of any peacebuilding and long-term development process after conflict. Concepts of redress and justice are central to peace, trust, and confidence-building (UNDP report, 2017).According to Brody,(2008),Since the logic of peacebuilding relies on building and strengthening institutions to change societal beliefs and behavior, success relies on the populations' support of this institution (Brody,2008),as researcher understanding Implementing fair procedures of litigation it helps to restore relations between disputing couples and build peaceful relationship within the communities if public trust judicial procedures are fair, they will be more likely to accept outcomes, even ones that they do not like but a court that does not have trust other public cannot expect to function for long as an effective resolver of disputes.

2.7 Historical Context of Ethiopian Judiciary

To assess the current state of the Ethiopian judiciary, it is important to discuss its progress over time, along with the progress of the legal framework governing it. The history of the Ethiopian judiciary can be divided into four major periods: pre-1931 Constitution; 1931-1974; the military government; and post-1991, the restoration of a democratic regime in Ethiopia.

Pre-1931

Before 1931, both formally and in practice, the judicial and legislative functions of government were mixed together, and were taken on by the Emperor and his executive functionaries; they served at various levels as administrators, dispute settlers, and lawgivers (Abera, 2007 as Cited in Eyrusalem). Judicial functions were considered to be part of public administration. These shows in Ethiopia until the adoption of the 1931 Constitution the legislative branches and judicial and of government did not exist independently. Before 1908, the Ethiopian courts based their verdicts mostly on customary and religious law, no written rules of procedure or jurisdictional stratification. Dispute settlement took the form of mediation and arbitration by elders (Ibid).

Emperor's Zufan Chilot (Crown Court) established for the first time in the country's, and executive departments were organized by imperial order but Appeals could still, however, be taken to the Emperor's Zufan Chilot. This organization of the judiciary continued until the Italian occupation (1936-1941). The Ministry of Justice was created for the first time, and the Minister (Afe-Negus) became the top of the judges of the country, responsible for carrying out justice according to the Fetha Nagast.

Judgments were to be recorded, and all documents of the various courts were to be sent to him yearly to be examined. The judiciary was made part of the executive arm of the government and remained so for a long period of time. Below the Afe-Negus were three court levels presided over by the governors of the respective administrative levels.

1931-1974

For the first time in history, Ethiopia adopted its first Constitution in 1931 E.c, the legislative branch of the government and the judiciaries were established as separate organs of the government. 1931 Constitution (Chapter 7 of the Constitution) provided that the judges were to sit frequently and manage justice in conventionality with the laws of the country (Article 50, 1931 Constitution) According to (Article 51, 1931 constitution) Judges were to be elected from among men having judicial experience. The Structure of the courts, as well as the jurisdiction of each court, was to be determined by law (Articles 50 and 53). Administrative

affairs were reserved from the jurisdiction courts and given to 'special courts' (1931 Constitution).

The judiciary position was further merged after the Italian occupation. The Administration of Justice which was established by Proclamation No. 2 of 1942 reminds us of the fundamental court jurisdiction in the country. This proclamation established four levels of court: the Supreme Imperial Court; the High Court; the provincial courts; and regional and communal courts (Article 18, Proclamation No. 2 of 1942). The proclamation gave only the Supreme Court appellate jurisdiction, while the High Court was given "full criminal and civil jurisdiction," and sat anywhere in the country as was convenient (Ibid Articles 3-10). The provincial court was below the High Court in the hierarchy, and appeal of its decisions would lie with the High Court. 1942 Imperial Decree provided that the governors-general and governors of all levels would serve as Presidents of the courts established in the towns in which they resided (Articles 78, 81- 83 of Decree No. 1/1942) An Imperial Order (No. 1 of 1943) judges and judicial officials appoint by the Emperor Minister of Justice; and supervise the administration of justice, make arrangements for the establishment of courts throughout the country (Article 61 of Order No. 1 of 1943, Negarit Gazeta cited in), Again, the executive was exercising direct supervision over the judiciary.

There are quasi-judicial bodies – both religious and nonreligious – that functioned at a variety of levels and within different institutions, side by side with the regular courts of justice which had jurisdiction over cases of marriage and disputes over church property and Muslim courts which had jurisdiction over family and succession cases of the Muslims.

In 1955, a revised Constitution was enacted, stating for the first time that judges were to be independent in conducting trials and giving judgments in accordance with the law and that they were to submit to no other authority than that of the law (Article 110). It stated also that judges were to be appointed by the Emperor (Article 111).

Military Government (1974-1991)

At this time limitless special tribunals or courts were set up; appropriated the powers of the judiciary. Judges were factually a bridged to insignificance, dealing with petty and mundane

matters of no interest to the junta. The judiciary was put under the authority of the Minister of Justice, where it stayed until the 1987 Constitution came into force. Not all judges of the imperial regime were replaced by the junta, but senior members of the judiciary and those who had been active players in the previous regime were removed in various ways, such as by imprisonment, retirement and forced resignation. Many of the judges continued on the Bench, while new appointments were also made. In general, the new appointees were poorly qualified from a legal or judicial perspective, although the situation improved considerably after the 1987 Constitution came into force, at least at the Supreme and High Court levels.

The 1987 Constitution brought about a somewhat better situation for the judiciary. It stipulated that judicial authority was vested in the Supreme Court, courts of administrative and autonomous regions, and other courts to be established by law(Article 100 of the 1987 Constitution cited in) It also set the Supreme Court as the highest judicial organ and gave it supervisory power over all courts in the country (Ibid., Article 102) .

In addition, the Constitution incorporated a judicial independence provision (Ibid. Article 104). But the constitutional setting for the judiciary had severe shortcomings with respect to judicial independence. All judges were electable for five-year terms (Ibid. Article 101.) by the Shengo (legislative assemblies) at various levels (national, administrative and autonomous regions). The Shengo could dismiss judges at will (Ibid. Article 101)

The President of the country had the power to appoint and dismiss the President, Vice-President, and judges of the Supreme Court between sessions of the National Shengo when compelling circumstances arose, and to ensure that the Supreme Court discharged its responsibilities (Ibid. Article 86).

The current Structure of Ethiopian Judiciary

The 1995 Constitution lays the foundation for both the regular judiciary and courts outside the formal judicial system. Regards to the regular courts, the Constitution creates a dual judicial system at the federal and state levels, with three tiers at each level: Supreme Court, high court and first instance court (Articles 78(2) and (3) 1995 Constitution). It provides common rules and principles that apply to Federal Courts and state courts, the Constitution

clearly states that an independent judiciary is established in the country (ibid Article 78(1)) and that courts of any level shall be free from interference or influence from a governmental body or any other source (ibid Article 79(2)).

Establishment of Ethiopian Federal Courts

Proclamation 25/1996 formally establishes the Federal Courts in keeping with the Constitution's design of three court levels: the Federal Supreme Court, the Federal High Courts, and the Federal First Instance Courts. Proclamation 25/1995, as amended several times subsequently, remains the most important piece of legislation regulating the federal judiciary and determining its powers. All Federal Courts were given original and appellate jurisdiction over cases arising under the Constitution, federal laws and international treaties, parties specified in federal laws, and places specified in the Constitution or federal laws (Article 3 of Proclamation No. 25/96) In terms of the substantive laws, the Federal Courts settle cases on the basis of federal laws and international treaties, and on the basis of regional laws (if they are consistent with federal laws and international treaties) when the cases relate to regional matters (Ibid, Article 6).

Federal First Instance Courts

A federal court suit has a jurisdiction to adjudicate cases up to 500,000 birr. When we see the criminal jurisdiction of this court specified under article 6 of proclamation 25/96. Federal First Instance Courts allowed by law to have as many divisions as are necessary for their functions. Cases before the First Instance Courts are heard by a single judge, The Federal First Instance Court sits in Addis Ababa and Dire Dawa. Federal first instance Courts may be established in some or all parts of the country by the House of People's Representatives (Ibid., Article 78(2)) of the Ethiopian Constitution These Courts have been established in five states of the country: Afar, Benishangul-Gumuz, Gambella, Somali and SNNPR(Ibid., Article 80(3b)).

Federal High Court

The federal high court has civil, criminal and labor division. The federal high court has first instance jurisdiction of the federal sperm court, Federal civil cases arising in Addis Ababa and Dire Dawa Involving amounts above of birr Five hundred thousand. Federal High Court allowed by law to have as many divisions as are necessary for their functions (Article 23 of Proclamation 25/1996 as amended by Proclamation 138/1998) Cases before the Federal High Court are heard by a single judge, except in criminal cases involving offenses punishable with more than 15 years of imprisonment, or as may otherwise be required by directives issued by the Federal Judicial Administrative Council (where Benches of three judges of the Federal High Court hear the case. The Federal High Court sits in Addis Ababa and Dire Dawa. Federal High Courts may be established in some or all parts of the country by the House of People's Representatives (Ibid Article 80(3b)) These Courts have been established in five states of the country: Afar, Benishangul-Gumuz, Gambella, Somali and SNNPR(Ibid., Article 80(3b)).

Federal Supreme Court

The Federal Supreme Court includes a cassation division which has the power to review and overturn decisions issued by lower federal courts and state supreme courts containing fundamental errors of law. In addition, judicial decisions of the Cassation Division of the Federal Supreme Court on the interpretation of laws are binding on Federal as well as State courts (Proclamation No 25/1996, art 10).

Federal Supreme Court has three divisions: Civil, Criminal, and Labor. The Federal Supreme Court sits in Addis Ababa. Each division of the Federal Supreme Court sits with a minimum of three judges (Ibid., Article 20) However, cases relating to a provision of law that has been interpreted in a fundamentally different way among the divisions of the Federal Supreme Court, cassation cases, and cases directed to be heard by the President of the court, pursuant to Article 21(1) of Proclamation 25/1996, are adjudicated by a Bench of five or more judges(Ibid., Article 21 as amended by Proclamation 454/2005) the decision of the cassation division, which is decided with a panel of five or more judges, sets a binding

precedent both for federal and state courts (Federal Courts Proclamation Re-amendment Proclamation No. 454/2005, Article 2). Generally, as seen in the above discussion the researcher tried to explain the mandate of the federal Supreme Court since the researcher is focused on the Federal Supreme Court the reader shall understand the mandate of the court.

2.8 Related Research in Ethiopian

In relation to this research, there is some previous related research carried out in Ethiopia, the major one is the comprehensive justice system Reform of Ethiopia baseline study report (February 2005) this study aim is to review the overall justice system and to develop baseline study and assessment of the justice system review to identifying short comings .The researcher used the primary source like interview and observation and secondary source literature reviews like books, law codes, and proclamations.

These study identified It is neither accessible nor responsive to the needs of the poor, secondly serious steps to tackle corruption abuse power and political interference in the administration of justice have yet to be taken, third one inadequate funding of the justice institution aggravates most deficiencies of the administration of justice the perception of the independence of the judiciary is very low generally the justice system characterized by delays in the dispensation of justice, lack of institutional capacity in law enforcement court and inefficient system of law enforcement and conge station then the study set policy recommendations some of them about the general assessment of the justice system such as independence of judiciary, selective choosing of judges; evaluation of judicial performance but in this research the researchers try to show about the level of public trust, in general, it does not show that the public lose trust in procedural justice or distributive justice in addition to these this study did not conduct a survey of public perception of the judiciary, and court-specific statistical survey results were not available .

The other related literature is Ethiopian legal and judicial sector Assessment (2004) the aim of this assessment is to provide an overview of the current system focusing on four key issues i.e. Judiciary, access to justice, commercials justice and sequencing of reform effort this assessment focuses on the formal legal system. It uses a primary and secondary source,

a primary source like an interview and secondary source literature and document review. It recommended that in depth of traditional system be undertaken in conjunction with more practical efforts to create a link between the traditional system and the formal system. Additionally, it suggests that without a credible and competent judicial branch to apply and to administer laws, establishment rule of laws will remain unattainable so judges need to be better qualified through legal education; training and experience judicial training program should incorporate theory and practical applications.

The other related research is public trust in the judiciary system in the case of Federal high court (Eyerusalem,2013) the aim of the researcher is to examine the level of public trust in the Federal high court. The researcher used the primary source like interview, questioner and as secondary source books, proclamation, law codes, and journals. This study finds that public does not have trust to the Federal high court so researcher concludes that Lack of procedural fairness and independence of the judges as well as corruption are the major constraint on public trust to the judicial system. The researcher recommends judges and court staffs should be educated in the criteria of procedural fairness.

This study has a difference from the above research. The former research focuses on both procedural fairness and distributive justice to measure public trust i.e. it includes some distributive justice to measure trust but in these study the researcher focused on only procedural justice to measure public trust and to show its implication for peacebuilding because procedural fairness as a driver for trust and legitimacy of courts people basis there trust judges not so much on the outcomes they produce, but whether they feel individual are treated .

The comprehensive justice system Reform of Ethiopia baseline study report (February 2005) is very crucial for my research because the overall assessment of justice system finding show that public trust including the judiciary very low but does not show the relationship between procedural fairness and public trust in specific courts and how public trust is an essential prerequisite to judicial legitimacy and sustainability of the rule of law. So in this research, the researcher tries to assess public trust in judiciary system specifically

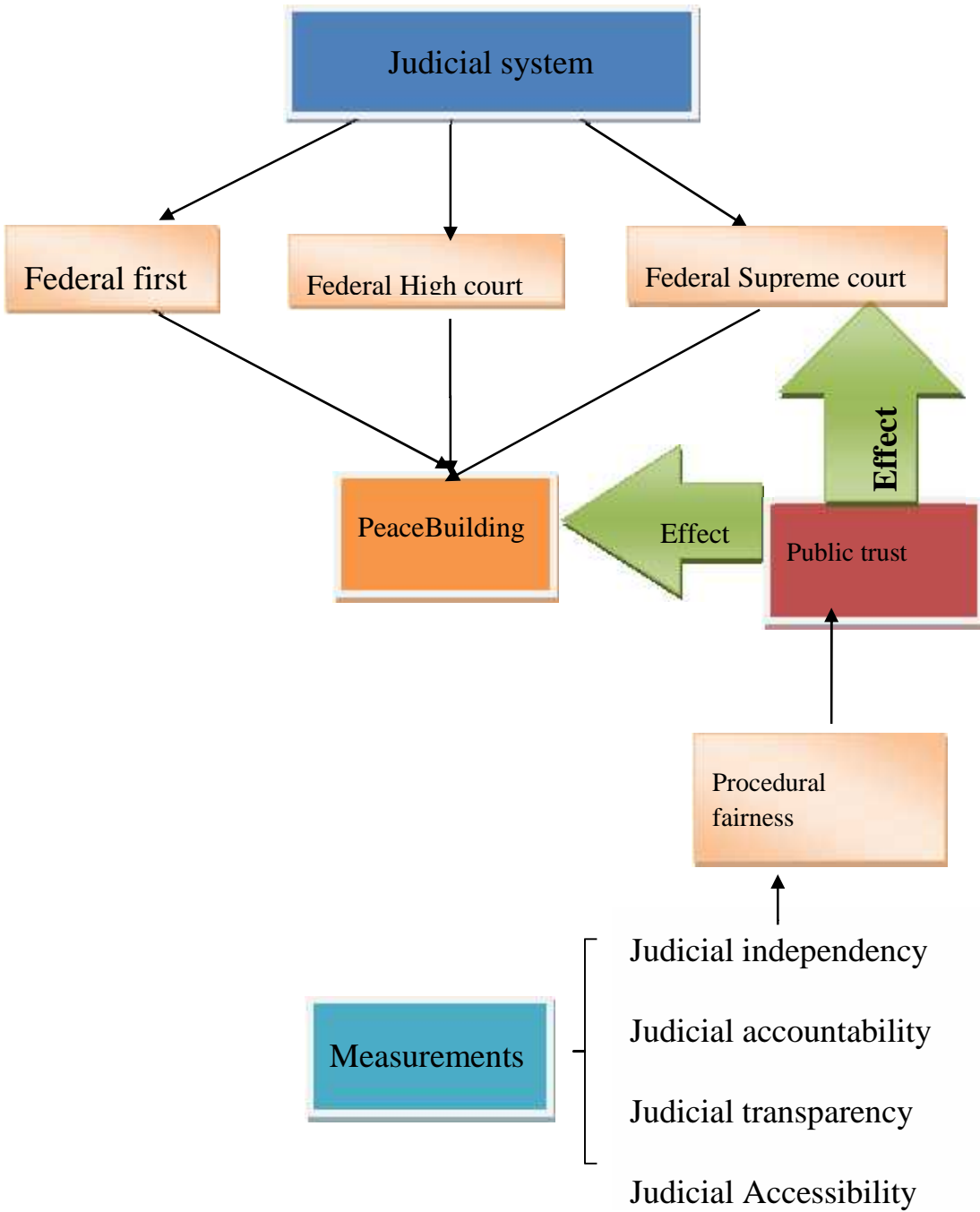
on Federal Supreme Court and its implication for peacebuilding because these courts are the highest court and it gives the final decisions for litigations.

2.9 Conceptual Framework

According to Tom, (2007) to the strong, well-managed judiciary is essential to the rule of law. Judiciaries cannot perform their essential functions, however, if citizens lack trust that the courts offer a fair, efficient, and accessible forum for the resolution of disputes. If citizens lack trust in their judicial institutions, they are likely to look elsewhere for the preservation of law and order and resolve their disputes through informal and potentially more violent means, including vigilante justice.

My conceptual expectation is public trust emerges, grows or regresses depending upon the level of access to justice is objectively visible in any location and at any court. The same holds true for the timely adjudication and decision of cases without undue delay. Any claim or report that negates the reality cannot conceal clearly visible facts that emerge from actual public experience and observations with regard to the level of impartial and equal treatment of parties in litigation, fairness and the integrity of judges in a certain court, and regarding the independence and accountability of the judiciary (EliasN, 2015). People recognize that they cannot always win when they have conflicts with others. They accept “losing” more willingly if the court procedures used to handle their case are fair. This is true for formal procedures such as (Tom. 2007). Public trust, especially in judicial institutions, is more strongly have an impact on peacebuilding, than trust in other types of societal institutions. Implementing fair procedures litigation it helps to restore relations between disputing couples and build peaceful relationship within the communities So if public trust judicial procedures are fair, they will be more likely to accept outcomes, even ones that they do not like but a court that does not have the trust of public cannot expect to function for long as an effective resolver of disputes, a respected issuer of punishments, (David B. Rottman and Alan J. Tomkins) so if the public lose trust by the judiciary system they are not interested to go to courts, they try to take the law in their own hands, they may become less willing to act as witness and they become ignorant to respect court verdict these can be Causes of conflict so it has implication on peacebuilding.

Figur 2.1.conceptual framework



The conceptual framework developed by the researcher

CHAPTER THREE

3 RESEARCH METHODOLOGY/METHODS

This Chapter briefly explains the research design in nutshell. The data collection and analysis methods, the data presentation, ethical considerations are included under this part too. Since the core idea of the research questions is examining the level of public trust in the federal Supreme Court and its implication for peacebuilding.

3.1 Research -Methods

The study is descriptive and exploratory type. For this purpose, both survey and non-survey techniques were used. For the survey, questionnaires were administered and for non-survey methods, interviews were conducted.

According to Creswell, (1994) one of the best ways to measure public trust relies on several, rather than one research strategies. That is different kinds of information are collected from different samples in different ways, to the study the same problem and then comparing result (as cited in Eyerusalem, 2013,p.18) the researcher reasonably analyzes the questionnaire results and the interview results in order to reach a conclusion.

To describe the nature of a situation as it exists at the time of the study and to explore the cause of particular phenomena the researcher used a descriptive approach it helps to obtain first-hand data from the respondent. The study is both qualitative and quantitative (mixed) research uses design to collect data from two sources.

These are a primary source from interviews of key informants and Questionnaires to court users including lawyers. To build the concept of judicial trust, peacebuilding, procedural fairness, would explain through qualitative elements in research. The interview and open-ended questions also analyzed by the qualitative research method. The researcher used Quantitative study to analyze the data which gain from the questionnaire by stating in tables. Since, it is necessary to table to show the answer of the respondents.

3.2 Research Study Design

According to the Federal Supreme Court report, in three years the court entertains a total 45,323 files (i.e. in 2008, 14,525 Total 2009, 14,393 Total 2010, 16,401).The court entertains an average of 15,000 files per year, but an average 8,000 files were closed on the first trail when the case screen out by the judges. The reaming 7,000 files entertain by the court per year and an average of 700 files per month excluding the backlog files.

For this study to have many respondents to make the research very imperative because of critical circumstance i.e. many respondents fill the questionnaires carelessly. So the researcher obliged to take only Ninety-five (95) questionnaires from ordinary court users and lawyers based on their experience of Federal Supreme Court. The questionnaires are attached at the end of this thesis under annex-1.

By employing the criteria and sampling methods, a total of 8 key informants who were willing, have been interviewed. The interviews were conducted mainly with key informants and collected through the use of semi-structured questions and in-depth interviews designed to address the extent of public trust in Federal Supreme Court, to explore experts view on how they see the court. Equally, interviews conducted to see the views of those individuals who are directly involved to give validity to the researcher's findings.

By using a set of questions indicated under Annex-2 (interview question to judges) and Annex-3 (interview question to lawyers and public prosecutor), which are attached at the end of this thesis the researcher conducted an interview but it is not limited to those questions more questions were raised during interview for further clarification and counterchecking information for the sake of veracity. During the interview, the researcher used Amharic because of it is official language but conversation it into English by the researcher to use the researcher.

Secondary data was collected through reading and analysis of proclamation, articles, journals, books and book chapters as well as newspapers. These provided the views of the scholars that the implication of public trusts in peacebuilding.

3.3 Sampling Techniques and Sample Size

In the selection of the respondents, the researcher used purposive sampling in this research. The researcher targeted those individuals who have the highest knowledge and direct experience:

- Ordinary court users who have experienced in Federal supreme court
- Lawyers who have an expert's and special exposure to the subject matter of this study
- Expertise such as judges, lawyers, public prosecutors who have actual experience in the Federal Supreme Court and staff members of Federal Supreme Court. Thus, the Sample size is based on the nonprobability sampling method i.e. purposive sampling particularly, Expert sampling for experts and purposive sampling for court users and lawyers.

The sample population was the collection of the Federal Supreme Court, court users, lawyers, judges, and court staffs by employing the criteria and sampling methods, a total of 8 individuals, who were willing, have been interviewed.

3.3 Sources of Data

This research used on the study and analysis of both primary and secondary sources i.e. questionnaire data collected from the court user and lawyers from clients of Federal Supreme Court and Interview with key informants i.e. judges of the federal Supreme Court, lawyers, public prosecutors, court staffs, who have a direct relationship with the public. Obviously, the primary data has been complemented by secondary sources such as books, articles, journals researches, proclamation, and codes. The researcher used books and proclamation to explain the hierarchical framework and background of the Ethiopian court additional to these different researches. Journals and books were studies in order to grasp the concept of judicial trust, peacebuilding, and procedural fairness.

3.4 Data Gathering Instrument (collection)

Two types of data gathering tools were designed for the purpose of the primary source. The first is a questionnaire developed and distributed to the survey respondent group of court users. The questionnaire was mostly closed-ended questions and few open-ended questions which would help probe more opinion from the respondents.

The second one is a semi-structured interview developed for the key informants. Data were collected so as to obtain a clear to Picture to examine the level of public trust and the cause of trust or not trust of the Federal Supreme Court. The data collection instruments were self-made instruments

3.5 Data Analysis and Interpretation

The study will use descriptive and exploratory design to collect data from two sources (primary and secondary sources) to attain the general and specific objectives. The descriptive data would be analyzed in two ways.

i) Quantitative data

The data were analyzed by generating frequency tables and computing percentages. The data was sorted out under judicial independence, Behavioral accountability, Transparency, accessibility of the data were analyzed by generating frequency tables and computing percentages. The data was sorted out under judicial independence, Behavioral accountability, Transparency, accessibility of the court because it is the measurement of the public trust in the court. Then the findings will be identified, discussed and the conclusion is drawn for each item.

ii) Qualitative data

As for the qualitative data, which is generated from the semi-structured interview and open-ended questions, summaries of the major points were made and reported.

Raw data are interpreted into the most ethical meanings that it is supported to give with the necessary verification and qualification by giving more weight to the meaning that the

respondent ascribed to the problem. Therefore both descriptive, interpretive and thematic (by a grouping of meanings) analysis methods were pursued by which issues are interpreted and investigated from social, cultural, structural, economic and another context. In addition, quantitative data are presented in tabular forms by using simple arithmetic procedures mainly percentage.

3.6 Measurement of Trust

Trust reduces the doubt and complication of our social world and increases the predictability, and thus the propensity to cooperation, once individuals can expect that institutions will act according to its functions (Giddens, 2002, cited on Gross, 2014, p.452). There is general literature on how to measure public trust in institutions and particularly in the Judiciary. Public perception of judiciary is prejudiced mainly by perception on institutional quality, individual experiences, and personal attitudes and when it comes to individual experiences, money literature indicates that perceptions of those who litigate are influenced mostly by how they are treated in courts, if the procedures seemed fair, more than to a possible positive or negative outcomes.

The researcher built taking into account factors that lead people trust (or not) in the judicial system with four independent variables “Judicial independence and integrity”, “judicial accountability”, “Judicial transparency”, “Accessibility ”

3.7.1. Dependent Variables

The Public Trust in Ethiopian judicial system and its implication to peacebuilding: - Federal Supreme Court survey asked the respondents in the sample how much trust they have to the court. The survey asked all respondents questions about the trust they have to the court. The survey asked all respondents questions about their experiences with and perceptions of the Federal Supreme Court of Addis Ababa.

A total of 95 survey responses included information on all questions relevant to this study, responding to questions concerning their trust in court. The dependent variable for trust in

court is also ordinal in nature: 1 = no trust at all; 2 = some trust; 3 = a lot of trust; and 4 = a great deal of trust.

3.7.2. Independent variables

I. “Judicial independence”

“Judicial independence” or “perceptions of fairness” is independent variable measures: procedural justice was assessed by asking respondents to rate how strongly they agreed (1 = strongly agree) or disagreed (4 = strongly disagree) with the following statements regarding how decisions are made in the courts:

- The actions and decisions of the court are excessively influenced by political pressure
- The actions and decisions of the court are excessively influenced by pressure, or by their personal biased
- How often do you think the courts make their decisions based upon facts and evidence available to them?

II. “Judicial accountability”

Judicial accountability and Judicial integrity assessed by asking the respondent to rate always (1= always) never (4 never). Court user perception regarding the Behavioral accountability always the higher score indicates better trust and if never higher score poor trust the respondents were asked. Court user perception regarding the Behavioral accountability respondents were asked

- Courts Accountable to the public for their action

III. “Judicial transparency”

In this case, Transparency assessed by asking Respondents to rate always (1 = always) never (4 = never), Citizen’s perceptions regarding the transparency the always the higher score indicate better performance and if never higher score poor performance. The respondents were asked

- court proceedings are open to the public

IV. “Accessibility”

One measure of the variable of access concerns Respondents were asked how strongly they agree with three statements on a scale of Responses are ordinal and range between 1 (strongly disagree) to 4 (strongly agree).

- It is affordable to bring a case to court,
- Cases are resolved in a timely manner, and
- Do you think that the court treats all people equally regards, to race, gender and socio-economic

A court system that is affordable is more likely to have widespread support, so higher values on the affordability measure should indicate higher levels of public trust and the same for a case resolved timely manner, equality.

3.7 Ethical Considerations

Ethical consideration needs to be respected as they relate directly to the integrity of research and of the disciplines that are involved. The issue under investigation is a sensitive and dynamic issue. As such, the researcher asked for the consent of the selected research participants before undertaking the interview. Confidentiality will be also certain before starting the interview the researcher will explain the background and objective of the interview with the view to empower the respondent and create them comfortable with the environment. The researcher trying to explain for the respondent the intention of the researcher is only academic and it will not have any consequence.

Due to the sensitive nature the data collected, many of the key informants requested for their identity totally kept confidential. Some others agreed their identity could be revealed but demanded that they must be anonymous for some part of the information they have provided the researcher with. In recognition of their request, their identity was classified totally or partially. They were given codes as “KI-number”. KI means key informant and the following number is the code assigned to identify them. Some informants showed restraint

form expressing their genuine intellectual understanding or express views in a manner that defends an institution or group they belong to.

On the Questionnaires, the name of the respondent was not discovered and this will be clearly mentioned on the first page of the questionnaire. In writing the Thesis, due attention was given to produce it in a purely academic manner.

CHAPTER FOUR

4. DATA PRESENTATION AND DISCUSSION

4.1 Data Presentation

In this chapter, the collected data and its analysis are presented in three sections. The first part is presenting the data about the public's criteria to trust the court and the level of public trust and procedural fairness i.e. independence, behavioral accountability, transparency, integrity and accessibility of the court is discussed, Secondly, the level of public trust and its implication on peacebuilding is discussed. The third section looks and discusses the level of public trust in the Federal Supreme Court, procedural fairness of the court, and the implication of public trust to the judiciary system.

4.1.1 Background of Survey Respondent

The survey respondents of the study were selected from different sex, educational background, and occupational status. Regards to sex distribution, 48 (50.52%) are female and 45 (47.36%) are males. Regards to age most of the respondent are grouped under 18-29 ages 5(5.26%) respondents, from 30-45age about 45(47.36%) respondent from 45- 60 33(34.73%) and above 60 only 9(9.47%).By educational background 10 (10.52%) from grade 0-6and 8 (8.42%) are above grade 7-12, 13 (13.68%) are diploma holders and 60 (63.15%) are first degree holders and above that. So almost all survey respondents can understand by reading what the questioner meant without any difficulty and state that citizens with a university degree are inclined to be more trusting towards government and other public institutions than citizens with lower degrees (Bovens and Wille,2011).With regards to occupation, 19(20 %) are businessmen, 20(21%) are government employee, 12(12.63 %) are unemployed 44 (46.31%) of the respondents are the lawyers who came to court on behalf of their client. This helps the researcher to look at different views from various court users i.e. from the law person up to the layman.

When we look actual court experience of the survey respondent8 (8.24%) of the respondents came to this court at once, 30 (31.57%) of the respondent come to this court more than once,

and 49 (55.34%) of them come to this court usually. According to the cause to come to the court 36 (37.89 %) of the survey respondent are plaintiffs, 38 (40%) of respondents appeared as a defendant, 13 (13.68%) of the respondent went the court in their capacity as parents litigants. These shows as above almost half of the respondent came to the court usually and they have experience with the court so they can to give accurate information.

Having this composition and personal attribute of the respondent let us move on to the research obtained from the questionnaire and key informant interview.

4.1.2 Result Obtained from the Questionnaire and Interview

Table 4.1: Perception of the respondent about civil benches of courts;

Q. If someone Borrowed money from you and refused to pay going to court your first choice?	Frequency	Percent	Validity percent	Cumulative Percent
First choice	10	10.52	11.36	11.36
Last choice	60	63.15	68.18	79.54
I will never go to the court	10	10.52	11.36	90.9
I don't know	8	8.42	9.09	100
Total	88	100	100	100
Missing total	7	7.36		
Total	95	100	100	100

Based on the above table 10 (10.52 %) of the survey respondents are preferred the court as their first choice, the 60(63.15%) as their last choice to resolve their dispute. In addition 10(10.52%) the survey respondents never want to go to court; their reason is that the court decision and procedure takes time and most of the time it is not predictable. Almost 80% of

the respondent is not interested to resolve their dispute by formal court system because of different reason.

Table 4.2: perception of the respondent about criminal benches of courts

Q. Assume you have fallen out with someone on something and you very badly would you going to court be your first choice.	Frequency	Percent	Validity percent	Cumulate percent
First choice	5	5.26	5.88	5.88
Last choice	60	63.15	70.58	76.46
I will never go to the court	7	7.36	8.23	84.69
I don't know	13	13.68	15.29	100
Total	85		100	
Missing system	10	10.52		
Total	95	100	100	100

As stated in table 5(5.26%) of the survey respondent use the court as their first choice, 60 (63.15 %) are used as the last choice to resolve their dispute. Reversely 7(7.36 %) the survey respondents are never want to go to court 13(13.68) but they do not have any reason. This shows that above half of the respondent never want to go to court. To conclude this majority of the respondent use the court as the last choice these shows that the public does not go immediately to formal court proceedings.

Table4.3: perception of the respondent about why the court, not your first option?

Q. Why goes to court, not your first option	Frequency	Percent	Validity percent	Cumulative Percent
Because I don't believe courts will give me fair judgment	10	10.52	10.86	10.86
Because I prefer informal conflict resolution	18	18.94	19.56	30.42
Because I don't like court procedure	50	52.63	54.34	84.76
I don't have reason	14	14.73	15.21	100
Total	92		100	100
Missing system	3	3.36		
Total	95	100		

For the question “why going to the court is not your first option” most of the respondents said that because they do not like court procedure 50(52.63%), they prefer informal conflict resolution 18(18.94 %), 14(14.73%) of respondent said that they do not have any reason the rest 10(10.52%) do not believe that the courts will give fair judgment. In an open-ended question, respondent answer that because they do not believe courts will give a fair judgment. These shows that how the procedure has influenced the court client to use the court or not i.e. almost half of the respondent stated as they do not want to go to court because they do not like the court procedure

Table: 4.4. Criteria's of the public to trust courts.

Q, what are your criteria to trust the court	Frequency	Percent	Validity percent	Cumulative Percent
According to judges treatment of litigants	35	36.84	37.6	37.6
According to judges competency	5	5.26	6	
According to the whole procedure	15	15.78	16.12	59.12
1,2,3	5	5.26	5.37	64.49
1,2	3	3.15	3.22	67.71
2,3	25	26.31	26.88	94.59
3	5	5.26	5.37	100
Total	93			
Missing system	2	2.1		
Total	95	100		100

37.63 Percent of the survey respondent trust the court based on judge's treatment of litigants and 35(36.84%) of the respondents trust the court according to judge's competency 5(5.26%) percent of the respondent trust the court according to whole procedure 15 (15.78%) and 25(26.31%) percent of the respondents trust the court both according to judges treatment of litigants and according to whole procedure 25(26.31) percent trust the court based on judges competency and the whole procedure. In the interview most of the lawyers said both judge's competency and the whole procedure affects the trust on court because they mentioned that they focused on the outcome to satisfy their clients but when we see in the eyes of the court client they focus on according to judges treatment of litigants because if they trust court procedure is fair and the judges heard properly there side dispute they develop trust even the outcome of the court is not to them they can to accept easily (KI-02, March 2019).

The other key informant also said that

When we say according to judges treatment of litigants that means if courts procedure is independent, fair, accountable for their action, transparent to the public(KI- 02, March 2019).

The researcher agreed that procedural fairness matters more than wither or not public agree with a verdict or regards to substantively fair because most of the court client used as criteria to trust the court depending on the judges how to treat on the process of litigation and the whole process these shows that the court users trust based on the procedure fairness not the outcome of the case but judges assume reversely as trust emanates from the outcome of the court.

Table 4.5: Public Perception about Judges’ Independency regards to personal biases and facts and evidence

Q1.Do you think the courts make their decisions based upon facts and evidence available to them i.e. Without any influence even personal pressure?	Frequency	Percent	Validity percent	Cumulative Percent
Strongly agree	10	10.52	11.2	11.2
Somewhat agree	19	20	21.2	32.4
Somewhat disagree	29	30.52	32.3	64.7
Strongly disagree	32	33.68	35.68	100
Total	90			
Missing system	5	5.26		
Total	95	100	100	

As stated in the above table 10 (10.52 %) of respondents strongly agreed that the courts make their decisions based upon facts and evidence available to them and 19(20%) that is half of the respondents somewhat agree with the question. The rest 29(30.52%) strongly disagree on what is already stated whereas 32(33.68 %) of the respondents somewhat Disagree.

In an open-ended question, most of the respondent also stated that courts do not make their decisions based on facts and evidence available to them because most of the time judges give an unexpected decision which is contradicted with the evidence and the fact this shows that the partiality of the judge KI- 02, in interviews said that

In a criminal case, judges made a bias to the prosecutor because most of the judge did not give chance to the defendant at the process of hearing, even the prosecutor themselves knows judge's favor to them (KI-02, March2019)

These show that court users have a high level of distrust regards to judges give the decisions based on the evidence and the fact.

Table 4.6: Public Perception about Judges' Independency regards to political influence

Q 2, Judges Decisions are influenced by political considerations	Frequency	Percent	Validity percent	Cumulative percent
Strongly agree	40	42.1	42.1	42.1
Somewhat agree	27	28.42	28.42	70.52
Somewhat disagree	17	17.89	18.05	89.32
Strongly disagree	10	10.52	10.63	100
Total	94		100	100
Missing system	1	1.05		
Total	95	100		

Based on the above table 40 (42.1 %) of respondents strongly agreed that Judges Decisions are influenced by political considerations, 27 (28.42 %) of the respondents somewhat agree on the other hand nearly 17(17.89 %) of the respondents somewhat disagree, 10(10.52 %) strongly disagree. This implies that most court users' trust in independence is very low. Correspondingly lawyer during an interview said that

Judges Decisions are influenced by political considerations in some particular case i.e. when one of the litigants is the governmental parties or when one of the government organs has an interest (KI- 01, March2019).

In short, what we conclude from these findings is that the majority of the court users have a sense that the actual performance of the court does not live up to the courts' own goal and values because there is no personal independence

Table 4.7: Public perception about Judges Ethical Discipline

Q. Judges treat litigants ethically in the courtroom	Frequency	Percent	Validity percent	Cumulative Percent
Strongly agree	11	11.57	11.57	11.57
Somewhat agree	14	14.73	14.73	26.3
Somewhat disagree	30	31.5	31.5	57.5
Strongly disagree	40	42.1	42.5	100
Total	95			
Missing system				
Total	95	100	100	100

11(11.57%) of the survey respondents strongly agree on the ethical treatment of the judges to the litigants, 14 (14.73) somewhat agree, 40 (42.1%) of the survey respondent strongly disagree and the rest 30 (31.57%) somewhat disagree. These show that poor performance of judiciary regards to these. In the interview, the lawyers also said that

Judges sometimes did the unethical way of conversation with disputant parties. In the case of the first trial when they screen out the case on their office i.e. in close trail only the litigant attend the case they do not explain the decision even the litigant asks them(KI- 03, March 2019).

The other two key informant judges also said as they focus on the outcome of the case because they assume that the main goal of the judiciary is to provide to and obtain justice as it is defined by law so they are not wary about the procedure or treatment of the court client (Gebyu and Reta, March 2019). These indicated that the public trust regarding judges ethical treatment to litigants in the courtroom is at a low level and even the judges are not committed to taking procedural justice as their job because they describe clearly to the researcher they have not to take into consideration.

Table 4.8: Public perception about Behavioral Accountability (impartiality)

Q, Courts Accountable to the public for their action	Frequency	Percent	Valid percent	Cumulative Percent
Always	10	10.52	11.1	11.1
Sometimes	15	15.78	16.67	27.76
Usually	20	21.05	22.23	49.98
Never	44	46.31	49.43	100
Total	89		100	
Missing system	6	6.31		
Total	95	100		

Regarding the Court's accountability to the public for their action, 20 (21.05) percent of the respondents argued as the courts are usually accountable and the majority of court users around 44(46.31) said that judges are not accountable to their action. In the open-ended questions, most of the survey respondents stated that courts are not sufficiently accountable to their action because there is no proper office to complain to their explicit statements or acts of bias and partiality of the judges. In the interview lawyer said that

there is a complain office which known as judicial administration commission which receives a complain if the court user including the lawyer have a complaint on judges Acts related to behavioral accountability ex-parte communications, rudeness, and a lack of respect for parties but the disc are not seen that solving the problem effectively because even lawyers complain on the judges always they do not take measure, additionally it's not known by layman court user because it is not broad enough level promote to court users(KI-03, March 2019).

In this regard, the researcher asked the judicial administration officer and he said as follows:

The office is known by court users and they complain on the judge but most of the times they complain after the decision, there complain implies on decisional accountability so we reject there complain because it's beyond our jurisdiction (zerihun, March 2019).

The perception of the court user regarding the Court's behavioral accountability for their action, the majority of court users have low perception even they do not know about how to complain about improper actions of the judges.

Tables 4.9:- Public perception about the transparency of the court

Q.court proceedings are open to the public.	Frequency	Percent	Validity percent	Cumulative percent
Always	20	21.05	21.5	21.5
Sometimes	40	42.1	43.01	64.51
Never	33	34.73	35.48	100
Total	93	100		100
Missing system	2	2.1		
Total	95	100	100	100

Regarding public perception about the transparency of the court 20 (21.05) percent of the survey respondents said that the courts are always transparent to the public and 40(42.1) percent of respondents argued as sometimes whereas 33(34.73) percent of the respondents said that the courts are not transparent. During interview session one of the lawyers said that:

Most of the time court proceedings are open to the public i.e. everyone is allowed to attend court cases whenever they want, but in the case of the first appearance when the judges Screening the case it is always a close trial, so it is not fully transparent (KI- 01, March 2019).

In the interview, the judge also describes that

There are no sufficient and suited courtrooms for the operation, so we cannot use open trial always because of these most of the time we obliged to screen the cases at the office (Reta, March 2019).

To conclude this issue there is a grate in convince to court users with adjudicating in the close trial so it shows low-performance transparency.

Table 4.10: Public perception about Court Accessibility (Regards to cost, timely manner, and equality)

To assess the court users’ perception of court accessibility, respondents were asked to indicate the extent of their agreement and the result is described in the table below.

Q1. It is affordable to bring a case to court regards to court fee and lawyers fee	Frequency	Percent	Validity percent	Cumulative Percent
Strongly agree	45	47.36	51.72	51.72
Somewhat agree	5	15.78	17.24	68.96
Somewhat disagree	17	17.89	19.54	88.8
strongly disagree	10	10.52	11.49	100
Total	77		100	
Missing-5system	18	18.44		
Total	100	100		

As stated in the above table 45 (47.36%) of the respondents strongly argued that bringing the cases to the court is affordable in terms of cost and 15 (15.78%) believed that somewhat they agree with the issue, 17 (17.89 %) somewhat disagree, and 10(10.52%) of the respondents strongly disagree with the issue. In line with this, in the open-ended questions majority of the respondents describe that court cost is reasonably priced additionally there is a system in which poor citizens can appear to court without any court fee and they also mentioned that they can to get free legal service with a competent lawyer if they apply to the General attorney (ministry of justice).

During the interview, the lawyers also said that:

It is not that much expensive in terms of court fee and there is also a strong system in which the poor can get free court and legal service from lawyers. Because, lawyers have duties to do 50 hours in a year which known as “pro-bono” in a civil case. In the case of criminal, the plaintiff is the public prosecutor and in case if the poor are the defendant there is also Indigent criminal defendants who give legal representation at state expense if they apply to the Federal Public Defender’s (PD) office which created in 1995 under the Federal Supreme Court (KI-03, March 2019)

So in the Regard to the question, “is it affordable to bring cases to court regards to cost” the majority of the court users argued that the cost is affordable and there is also a system to get free court fees and legal aid service.

Table 4.11: Cases are resolved in a timely manner

Q 2, Cases are resolved in a timely manner	Frequency	Percent	Validity percent	Cumulative Percent
Strongly agree	10	10.52	10.52	10.52
Somewhat agree	15	15.78	15.78	26.3
somewhat disagree	30	31.57	31.57	57.87
strongly disagree	40	42.1	42.1	100
Total	95		100	
Missing number				
Total	95	100	100	100

Around 10(10.52%) of the respondents strongly agreed that cases that are presented to the court are resolved in a timely manner, 15(15.78%) of the respondent believed as somewhat a resolved in a timely manner. 30(31.57 %) of the respondents somewhat disagree on the timely resolution of court cases and 40(42.1%) strongly disagree on cases are resolved in a timely manner in the court. These show that how the court users have low trust regards to cases are solved in a timely manner.

Not only the survey respondent but also the key informant argued that there is a delay. One of the key informants expressed the situation as follows:

Courts are not given adequate time and attention to each individual cases quickly enough, sometimes we ask longtime appointments because we predict that they are not finished at that time(KI- 03, March 2019)

The Judges also accept this criticism and mentioned the reasons as follows:

There is extreme workload and each judge obliged to decide 15 cases per month other than average 20 files daily court trial so these create time delays (Gebyhu, 2019).

In addition, one of the lawyers said as there is a savior time delay, even the client's blame by them because the public does not understand as it is the problem of the court" (K-I., 002, March 2019).In line with this one of the court data recorder, argued that:

There is an undeniable time delay on the case, in average one case takes three years to be decided and more than that by deferent reason and sometimes it takes one year but this year it is better than the previous (Mulualem Gezawe, March 2019)

Overall this indicated that there is a high level of time delay and public distrust in these regards to Federal Supreme court.

Table 4.12: The courts treat all people equally and fairly under the law, regards to gender, race, socioeconomic status

Q3. The courts treat all people equally and fairly under the law, regards to gender,race,socioeconomic status	Frequency	Percent	Validity percent	Cumulative Percent
Strongly agree	17	16.15	14.85	14.85
Somewhat agree	23	21.85	19.67	34.52
somewhat disagree	25	23.75	22.50	57.02
Strongly disagree	25	23.75	22.50	100
Total	90		100	100
Missing number	5	5.26		
Total	95	100	100	100

The public had mixed views on several issues related to the fair and equal treatment of the court to all people. Based on the above table 17(16.15 %) of the Survey respondent strongly agree on the equal treatment of the people in the court and 23(21.85 %) somewhat agrees that the courts treat all people equally without considering gender, race, socioeconomic status, 25(23.75%) court users somewhat disagree on equal of treatment of people at court and 25 (23.75%) of respondents strongly disagree and these respondents feel that the court did not treat all court users equally if they had the pending case in Federal supreme court.

In an open-ended question, some respondent describes that they are more likely treated equally with regard to gender, race and socioeconomic status in this court than other Federal courts. Inversely some of the respondents feel “wealthy peoples” receive better treatment than the other court users. To conclude that more than half of the survey respondent argued that the courts are not treating equally rather there is bias based on gender, race or socioeconomic status.

Table4.13: Public trust of the court

Q.Do you have trust in this court?	Frequency	Percent	Validity percent	Cumulative percent
A great deal of trust	10	10.75	11.36	11.36
A lot of trusts	7	7.36	7.95	19.31
Some of trust	38	40	43.18	62.49
No trust at all	33	34.33	37.5	100
Total	88		100	100
Missing system	7	7.36		
Total	95	100	100	100

The above table indicated that 10 (10.75%) of the court users expressed a great deal of trust in the Supreme Court, 7(7.36%) of the respondents expressed a lot of trust to the court, 38 (40 %) express as they have some trust and 33(34.33%) of court users expressed as they have no trust at all. In open-ended question one of the respondents explained that as he does not trust this court because the judges do not pay attention to him even at the time of the litigation there concern is about the opposite side litigant so no doubt they decide to him. This shows how the treatment of the judge affects the court user's trust. In an open-ended question, most of the respondent describes that there is political influence in most of the case, especially which have the government interest they do not hear the litigation properly because they prejudiced the case and in the criminal case judges sided to the public prosecutor. Some of the respondents also described as there is unequal treatment in the court regards to socioeconomic status, race, and gender. During the interview, the key informant lawyer also argued that:

Judges are politically influenced because they assigned politically not by their competence and the public do not trust this court because the clients have some information on judges bribery character and they asked me whether I know the Judge or not since they have an inclination to give bribe for him/her. Because they do not trust that they can get justice in proper procedure, in addition, this repetition of the appointments makes the court user fade by the system (KI.- 03, March 2019).

One of the Judges of the federal Supreme Court also said that

I had information about public ,they do not trust this court because the public have doubt that judges politically and personally influenced and in some case I observe that at the first day trial when the judge screens the case in closed trial and describe the result these makes court user dissatisfied because they want long discussion on the judgments but we had workload so we cannot do that (Reta, March, 2019).

In an open-ended question, then as the researcher asked the survey respondents on what should be their measure after the final decision/verdict if they distrust the court. Some of the respondents argued that this court gives the final decision in the country. So we obliged to accept this court decision but “we always tell others not to lapse their time in the court, but to take the measures or find another way to resolve their case.” The other respondent also stated that

“I do not trust this court because they did not pay attention to me even at the time of the litigation there concern is about the opposite side litigant so I want just to see the last outcome then I will take my own measure.”

This shows that how the public loses trust and build relation becomes hard. The other respondent similarly stated that

“I am not happy by all process of the court but what can I do except waiting for the verdict then I will give to god.” The other respondent also said that “I oblige to take justice own my hand there is no other option.”

These show how the public lose trust in the judiciary because almost all respondent blame the judiciary system and they want to take measurement by their own hand. These make the relationship of the disputants hard because it pushes to revenge and escalates to conflict.

The researcher also asked the survey respondent in open-ended questions about what can be the effects on peace if the public loses trust in this court system most of them believed that if

everyone loses trust, in this case, they obliged to solve their conflict illegally at this time small problems can escalate into wide-scale violence, so there can be a disturbance in the society. The researcher also interviewed the judge on this situation and its implication to peacebuilding and he said that

If the public loses trust in the justice system they may be driven to take the law in their hand resulting in the further weakening of the administration and the application of justice. If the public loses trust citizens will be less likely to report a crime even in civil case they discourage and use the courts to seek redress. They “may also become less willing to serve as a judge or act as a witness to the courts so it has an impact on peace because it will increase distrust between the disputants, easily escalate violence and crime with society(Gebyhu, March2019)

The other interviewee (lawyer) argued that:

If the public lost trust in the judiciary it increases distrust between the society, and they become fearful each other, so they cannot replace into their former relationship (KI-04, March2019).

This shows that how the distrust of the judiciary system affects peacebuilding because the main issue of peacebuilding it tries to build a bridge between the ordinary people so missing restores of the relationship is the obstacle.

4.1 Discussion

4.2.1. Criteria’s of the Public to Trust courts and Public Trust in the Federal Supreme Court

According to Tom,(2000) strong, well-managed courts are essential to the rule of law. If court users lack trust benches cannot offer a fair, efficient, and accessible to resolve disputes Judiciaries cannot perform their vital functions (Tom, 2000). In order to guarantee public trust in the judiciary system procedural fairness imperatives, courts must have to improve their performance in key performance areas affecting fundamental goals and values: access, timeliness, fairness, equality, integrity, independence and accountability (Roger, 2000). The

area of court procedure that most directly affects litigant and public evaluation of court performance and levels of public trust (ibid), as this reason the researcher tries to ask the respondent about Perception of the respondent about civil benches and criminal benches they describe that in open-ended question to go to court is their last option and they mentioned as reason court process it takes time, most of the time it is not predictable and its procedure is not comfortable to them. Almost 80% of the respondent is interested to resolve their dispute by out of formal court system because of different reason (Table 4.1 and 4.2.)in addition to this, Criteria's public to trust courts the research findings shows 50 (47.5%) of respondent answered that according to judges treatment of litigants and according to all procedure these shows that procedural fairness have an effect on public trust (Table, 4.4) these also supported with concept Tom, (2007) Procedural justice has an influence on whether people recognize and stand for the decisions made by the courts, both instantly and over time. Second, procedural fairness influences how people evaluate the institutions and other court personnel they deal with, as well as the court system (Tom, 2007).

The researcher tries to measure trust with one single question: Do you have trust in this court? As we see in the Data presentation the majority of the survey respondents distrust the judiciary system (Table.4.13) The researcher interviews and discuss with two judges of Federal Supreme Court about public trust they similarly describe that they have information about public distrust of the judiciary system because of different reason these shows that both side i.e. the service giver and service taker know about there is public distrust on federal supreme court these shows that there is real distrust of the public. Judges mention as the reason for distrust

Most of the time the public have doubt which is judges influenced by the government and similarly they think that judges take bribes from the opposite sides, But one thing missed is in court system there is no 'win-win' approach it's always 'win-lose' approach these means if there is 10 case there will be 10 winners and 10 loser. All of the litigants want to win his case but it's impossible to have winners in both sides so most of the time this court users have the doubt on the judges (Gebyhu, 2019).

The survey respondents and the interview answer have different reasons from the judge's almost over half of the survey respondents they describe the cause of distrust is by the treatment of the judge at the trial and according to the whole procedure of the court process (Table,4.4). According to Roger, (2000) trustworthiness depends, in the experience of litigants and the public, not on the capability of the judicial officer but on the judge's reason and nature (Roger. 2000) there are clearly shown in the survey respondent's answer. The treatment of the judge at the trial means how the judge hears the litigant dispute, how to explain the court decision. When we talk about the whole procedures of the court it starts from opening the file up to the trial. so the litigant criteria to trust the court is not on the outcome of the court does not mean that people are happy when they lose the case but if the disputant trusts the procedure they accept the court verdicts easily and positively. Additionally, litigants accept "losing" more willingly if they trust court procedures used to handle their case is fair. These indicate that the level of public trust depends on the procedural fairness not on the outcome or the verdict of the court because almost all court users know about there is the "win-lose" approach.

4.2.2. Procedural Fairness

The concepts behind procedural fairness have developed from research showing that the manner in which disputes are handled by the courts has important influence court user evaluations of their experiences in the court (Tom, 2000). A court's power and trust are often derived not just by its events, but it is dependent by the perception of the court users. Before discussing the implications of the procedural justice approach, let me remark on a common fallacy about this viewpoint. On the contrary, no one likes to lose. However, people know that they cannot always win when they have conflicts with others. They accept "losing" more willingly if the court assumes procedures used to handle their case are fair (ibid). Procedural fairness involves giving the opportunity for disputants to tell their side of the story; treating both sides equally, timely; treating people in a polite and respectful manner; and representing trustworthiness through listening, expressing concern for court users; and explaining decisions properly (Roger, 2000) it can help to be more suitable by disputants is that it minimizes the degree to which questions are raised in terms of winning

and losing generally shifting the focal point of attention away from outcomes and toward the procedures through which the dispute is being resolved (ibid).

4.2.3. Independence and Accountability

Core levels of trust in government are necessary for the fair and effective functioning of government institutions – such as adherence to the rule of law, or the delivery of basic public services and the provision of infrastructure. The rule of law and an independent judiciary are particularly important as their proper functioning is a key driver of trust in government, as established in several studies (Knack and Zak, 2003; Johnston, Krahn, and Harrison, 2006; Blind, 2007 as cited in OECD, 2013 p.22).

The majority of survey respondents' perception on the Federal Supreme Court indicated that as the court does not make decisions based upon facts and evidence available to them since there are apolitical influence and personal pressure but judges must be independent of any influence and it also clearly cited by the FDER Constitution article 79 (1) . The survey respondents perception to the Federal supreme court judges decisions also indicated as the judges have influence when the case is between two individual there is personal pressure because most of the time they take bribe from one of the disputants and similarly when the cases have government interest they discriminate to the government because they obliged by the governmental organ (Table, 4.5).

Additionally, one of the interviewee lawyers said that

“There is a clear political influence because of this almost all lawyers do not want to take any case which relates with political affairs(government affairs) even I do not want to attend the case which has political affairs because it is already known”(KI-03, March 7/2019).

During the interview the researcher discussed with two judges of Supreme Court about their independence and they were said that:

“We are not facing this type of challenge but we heard that informally there is some type of influence from the government organ so we are not certain

about it but maybe an administrative body can be influenced by the government” (Gebyhu, March 2019 and Reta, March 2019).

Generally based the information obtained from the key informant's interview and survey respondents, there is no independence in both sides which is personal biases in the case between individual one of the disputant parties give a bribe or by the other reason and there is the political influence to save the government interest.

Regards to the question Judges treat litigants ethically in courtroom 40 (42.1%) of the survey respondent answered strongly disagree with this statement this shows that the low level of trust one of the key informant said that they focus on the outcome of the case rather than the procedure because they assume that the main goal of the judiciary is to provide and obtain justice as it is defined by law so they are not wary about the procedure or treatment of the court client (Gebyhu, 2019). These show that how the judges assume their duty is only the distributive justice (the outcome) so they are reluctant to procedural fairness including treating litigants ethically.

In the case of accountability, there are two types of accountability decisional accountability and Behavioral accountability in this research the researcher tries to focus only behavioral accountability of the judge. Behavioral accountability involves holding individual judges responsible for their improper conduct on the bench. Regarding this, the researcher asked the survey respondents on whether the judges are accountable to the public for their action or not. Here the majority of the respondent said that they are not accountable (Table 4.8), In opened questions the survey respondents also argued that courts are not sufficiently accountable to their action even there is no a proper office to complain about explicit statements or acts of bias and partiality of the judges. In line with this one of the lawyers said that:

“There is a complain office which receives a complain known as Judicial Administration. If the court user including the lawyer have a complaint on judges acts related to behavioral accountable to ex- parte communications, rudeness, and a lack of respect for parties but these office are not seen that

solving the problem effectively additionally it's not know by layman court user because it is not broad enough level promote to court users" (KI, 03, 2019).

The researcher agrees that it is the responsibility of Federal Judicial Administration Commissions; this office likewise decides issues of appointment, promotions, disciplinary complaints, and other conditions of employment. The Constitution Article 79(4) prohibits the removal of judges before retirement age 60 except for violation of disciplinary rules, gross incompetence or inefficiency, or illness that prevents the judge from carrying out his responsibilities. Such determinations are made by the State and Federal Judicial Administration Commissions, which likewise decide issues of appointment, promotions, disciplinary complaints, and other conditions of employment (FDRE 1995, constitution article 79).

As the findings to date, no judges have been issued warnings and removed because of ethical violations. There are no published criteria or clear rules describing the standards and procedures applied, or how these decisions are made and judiciary does not create awareness about the role of this office to court user so the office has to promote its role to court users and follow up complaints up to end it has announced to the public. The researcher agreed that it's related to integrity which is related to personal advantage but the principle of independence of the judge has not established for the personal benefit of the judge themselves in its place it is created to protect against the abuse of the power. Similarly, in the behavioral accountability regards to court clients, treatment judges are not accepted as their responsibility but in the first place it's the goal of any judiciary so they have to take into consideration it has an impact on the public trust more than the outcome of the court.

4.2.5. Transparency

Transparency is often related to the degree to which the entity makes to public relevant information about court decision processes, procedures, and performance. Judicial transparency has been attained by the openness of cases: in principle, everyone is allowed to

attend court cases. According to Klijn, (2015), in principle, every person is permitted to attend court cases whenever they desire.

So to identify this researcher asked the survey respondent and almost 70 % of them stated that almost all first-day trial is a closed trail (Table, 4.9) and In the Interview, lawyers said that:

“Most of the time court proceedings are open to the public i.e. everyone is allowed to attend court cases whenever they want but in the case of the first appearance when the judges screen out the case it is always close trial”(KI-,03 March 2019)

On the other hand, the judges argued that:

“There is no sufficient and suited courtrooms for the operation, so we cannot use open trail always because of these most of the time we obliged to screen the cases at the office”(Gebyhu and Reta,2019)

The researcher agrees somehow with the judge's idea because there is in average 15,000 files open in one year according to the data of Federal Supreme Court. It means around 1,500 files per month on average so excluding backlogs file it can be difficult to see all case in the open trail. But transparency is seen as an important means of increase public trust in the judiciary and it has to be taken in to account only confidential hearings is held to protect a person's privacy or other important societal interests, such as children's welfare court trails have to be close except these trial the rest has to be open to every individual to attend the court cases.

4.2.6. Court Accessibility

The court accessibility is measured by provisions of decisions timely, equal treatment of all citizens and affordability of court fee. According to the data, 42 % of the survey respondents said that cases are not resolved in a timely manner (Table, 4.10). In line with this one of the interviewee said that:

“There is a great problem in this regard even one case can take more than a year, so clients complain of us they do not understand the problem”(KI-01, March2019).

The researcher also asked the judges of the reason of dalliance in court decisions and one of the judges replied as follows:

“There is an overload of cases to be seen by each of the judges, additionally the courtrooms are not essentially sufficient and suited for their operation”
(Gebyhu, 2019)

Regards to the equal and treatment of citizens in courts the response of survey respondent show as the public had varied views on several issues related to court’s treatment of all people as equally and fairly (Table, 4.12). In an open-ended question, some respondent also described that they are more likely treated equally with regard to gender race socio-economic status in this court than other Federal first Instance and Federal Higher courts. In reversely some of the respondents assume that “wealthy peoples” receive better treatment than the other court users because they give bribes for judges.

Regards to the affordability of the court fee, the majority of survey respondent felt that court cost is reasonably priced, additionally there is a system in which poor citizens can use to court without any court fees and they also mentioned that they can to get free legal service with a competent lawyer in civil case to apply to the ministry of justice (General attorney) in this legal aid program provides a means for its members to complete professional obligations have to provide 50 hours of annual “pro - bono” legal services and Indigent criminal defendants can to get legal representation at state Expense if they apply to the Federal Public Defender’s (PD) office which created in 1995 under the Federal Supreme Court. But the major problem here is that the public does not understand/know the existence of this system. In this issue, the judiciary has to create awareness about this system because it’s not well known by court users.

Generally, in the case of court fee, almost the majority of the people had a good acceptance in contrary in the case of making decisions in a timely manner or and equality the people

had a reservation to the court. Overall these issues, the duration of proceedings matters as well.

In the old proverb, “justice delayed can be considered as justice denied” this indicated that a fair trial within a reasonable time is not only a basic right but also provides a ground for one’s assessment of the court’s implementation.

4.2 Public Trust in Judiciary System and its Implication for Peacebuilding

Peace is more than the support such as building trust between persons and groups, the state and its citizens, needs to care for through conversation and transparent, secure channels of communication (International peace institute report, 2017, p.4). Citizens’ trust towards government is influenced differently whether they have a positive or negative experience with service delivery. A negative experience has a much stronger impact on trust in government than a positive one (Kampen, 2006)

Applying effective judiciary system are the essential tools for trust. The role of the trustable judiciary is imperative to build peace in the society, and judicial trust depends on the asset of institutions capability to behave fairly, effectively, and represent the value of the society. According to Bradford, (2008), there are basic components for the public trust of the judicial system, which is procedural fairness and distributive fairness (as cited in Eyerusalem, 2013, p.38-39). But in this research, the researcher only used to measures public trust based on procedural fairness.

According to Tom (2000) strong, the well-managed and trustable judiciary is essential to the rule of law and peacebuilding. As a result, a court with fair procedures leads to an increase in the concern to all parties rather than the winning one. For example, both litigants have the opportunity to present their dispute and they assume it is considered by judges, they convince by the procedure so they seek justice from the courts, this leads to recognize and trust the courts. As a result of this, the procedures used by the court provide an attractive experience to all parties and this procedural justice is a key to stable and give long-lasting solutions to conflicts. It also helps to restore a positive relationship among most of the

disputant's parties living in the same community, who live and work together, so people have settled their conflict in a less adversarial way, they have better feelings toward one another so their relationship will be restored.

The researcher also asked the respondents on the implication of public trust to courts on peacebuilding and the response of the majority of them indicated that if everyone loses trust on the judiciary as they are obliged to solve their conflict illegally, so small problems can escalate into wide-scale violence and there can be a disturbance in the society. This shows that how judicial distrust drives conflict between the disputant parties (society).

Similarly, one of the key informants again said:

“When the public lost trust in the judiciary, it increases distrust between the disputant and it escalates through a group like ethnicity, religion, and etc. then they become fearful each other, so they cannot replace their former relationship”(K-I., 04 March,20019).

In addition, the researcher also interviewed one of the judges of the Federal Supreme Court on the same issue and he stated that:

“If the public loses trust in the justice system, they may be driven to take justice by their own, which is against the rule of law. Furthermore, it will result in deteriorating the enforcement of the verdict and the application of justice. Moreover, if the public loses trust citizens will be less likely to report crimes even in civil case they discourage to use the courts to seek redress. So it increases the occurrence and reoccurrence of the conflict within the society and it has an impact on peace because it will increase crime within society, and escalate violence easily. Additionally, the professionals may also become unwilling to serve as a judge or act as a witness to the courts.”(Gebyu, March 2019).

Similarly, another judge of the Federal Supreme Court also said that:

“The most important mission of the court system is to protect internal peace. If there is no institution that is trusted by the society as fair and responsible judiciary, whether a person had committed an offense or they are victims they try to get justice with their own strength and take the law into their own hands and proceed to punish the supposed troublemaker according to their uncontrolled power.

If there is no an institution which is authorized to decide private disputes neutrally and with ability, people would have to settle their disputes by themselves, with power rather than legitimate authority. Such a system might easily degenerate the society into disorder, not even a prehistoric society could stay alive under such conditions” (Reta, 01, March 2019).

In line with this one of the interviewee lawyers also argued that:

“If the public loses trust to judiciary it is very difficult to build peace or a good relationship between the societies. When the litigant loses trust in the due process of judiciary they are not accepting the court verdicts so they go to revenge” (K-I, 06, March 2019).

This clearly shows that how the public distrust in the judicial system affect peacebuilding in such a way that if court client distrust the court they will ignore the court verdict and take a measure which out of the law. This, in turn, deteriorated the harmonization of the society because; Trust is essential for social cohesion and well-being. If all issues are resolved in the hands of the public all relationships will be shaded by mistrust, including people and governments. This also increases the opportunities to the reoccurrence of conflicts and the escalation resulted in social disorder and demolishes the groups of their shared unity.

It will usually be necessary for people to resolve their disputes by using legal mechanisms. Judicial systems at all levels are one instrument for enforcing laws and other regulations. Here peacebuilding is understood as the activity that aims to resolve injustice in non-violent

ways and to transform the cultural & structural conditions that generate deadly or destructive conflict. It revolves around developing constructive personal, group, and political relationships across ethnic, religious, class, national, and racial boundaries.

If citizens lack self-assurance in the judiciary, conflict escalates within societies because they use a violent mechanism rather than bringing the issue before the court. It is difficult to build again trustable and effective judiciary system if it is once equivocal. So, it is better to prevent before the occurrence of this type of mistrust by applying procedural fairness to enhance public trust.

A state like Ethiopia which is characterized by diversified societies, public trust is essential to build a political community founded on the rule of law and capable of ensuring a long-lasting peace. Otherwise minor issues will escalate to grave disputes like ethnic and religious problems and make difficult for the process of peacebuilding. And also it has an impact on the wellbeing of society. The effect of Public mistrust on the Judiciary system does not limit only to the public. Furthermore, it affects the government's ability to govern its citizens and enables them to act without having to resort to coercion because public trust has a direct relationship with the government institutions. As Putnam, (2000) broadly argued that; trust in government forms on two core components: Social trust, which represents the trust of citizens in their social community and political trust when citizens appreciate government and institutions. Political trust encompasses diffuse macro-level trust and system-based trust as well as institution-based trust (as cited in OECD, 2013 p. 21)

So this shows that Trust in government has been identified as one of the most vital bases upon which the legitimacy and sustainability of political systems are constructed. Especially the public should have trust in judicial institutions. Because Rule of law is become functional in this judicial system, without rule of law the legitimate of the government will be endangered. Moreover, the internal sovereignty that means the ability to govern its citizens becomes under questions.

The overall impact of public mistrust on the judicial system will lead to a failed state. Generally, the finding of the research shows that Public distrust of the judiciary has an effect

on conflicts not to gain long-lasting solutions or does not resolve permanently; there is no "private dispute" of any seriousness since a dispute affects everyone in one way or another it affects a positive relationship and harmony in the community. Furthermore, dispute resolutions need a holistic approach in the management of the dispute to restore a positive relationship between the disputant. For the peacebuilding process to take place, the approach should be based on building a trustable judiciary system which helps to build a positive relationship and social structures that allow the face of different social thinking and encouraging positive group unity. Fair procedures, with an equal possibility for all parties to discuss real issues with the judiciary, seem to influence public trust more than rigidly consistent verdict practices these also supported by Tom, (2007) suggests that when building citizen trust in the legal system in an effective and equitable manner can address grievance that triggers violent conflict (Tom, 2007).

Generally, the judiciary has to be alert to bullied effective procedural fairness, i.e. to assure independence, transparency, accessibility, accountability of court this also leads to behavioral accountability of the court which enhances judiciary trust. The level of public trust also have positive and negative implication to peacebuilding, If the level of public trust in the judiciary is high it has a positive implication for peace because it helps to restore a positive relationship among most of the disputant parties living in the same community and work together, this, in turn, leads them to better understanding and common feelings one another.

Because they already convinced by the due process of the court more than the court outcomes so they can accept both the negative and positive outcomes which help them to restore their relationship. In reverse, if the public trust in the judiciary is low it has negative implication they will ignore the court verdict and take measure out of the law by taking measures in their own hands. This, in turn, deteriorated the harmonization of society because; trust is essential for social cohesion and well-being. If all issues are resolved in the hands of the public all relationships will be shaded by mistrust, including between people and governments.

CHAPTER FIVE

SUMMARY & CONCLUDING REMARKS

5.1 Major Findings Summary

This study aimed to examine, the public trust in the federal Supreme Court based on procedural fairness and its implication for peacebuilding. The findings are summarized as follows.

Peace is a usual outcome for states that have inclusive, transparent, and accountable institutions, fair legal frameworks, comprehensive economic policies, and a culture of tolerance (International peace institute report, 2017). The performances of trustable conflict resolution and transformation mechanisms are the crucial tools for building sustainable peace. The role of the trustable judiciary is imperative to restore a relationship and build peace in the society, and judicial trust depends on asset of institutions ability to behave effectively, fairly and represent the value of the society.

Procedural fairness of the courts has a significant influence on court user evaluations of their experiences in the court system and has an impact on whether people recognize and stand for the verdict made by the courts. As an effect, fair procedures guide to concern about delivering gains to all parties rather than winning over others. By taking these into consideration the researcher uses procedural fairness as the criteria i.e. judicial independence, behavioral accountability, transparency and accessibility, and tries to examine the level of public trust on the Federal Supreme Court.

Court users have a high level of distrust to Federal Supreme court, the major reason is that the lack of procedural fairness i.e. lacks of independence and Behavioral accountability, transparency, and the court is not easily accessible regards to time and equality.

To build judicial trust these key points are very important because the court users more convinced on the procedural fairness more than the outcome of the court, when they start the

case they have awareness as there is no “win-win” approach even if they want to win the case so procedural fairness matter more than whether or not the public accept a decision.

The other reason for the low level of public trust to Federal Supreme Court related with the difference between the judge’s and the court users perception regarding to the evaluation of trust because most judges tend to focus on outcomes, not process (procedure) they assume that court users should be satisfied by the outcome so they are not giving attention to procedural fairness but the court users trust and accept, or abide the court decisions based on procedural fairness.

The findings of the study also shows that the level of public trust has positive and negative implication for peacebuilding i.e. when the court users trust the court through its procedural fairness they can accept the verdicts easily and positively even they lose the case, and if the due process of the litigation is fair it helps to convince the litigants to respect the court outcome, it also shapes their views about the legitimacy of the court and their overall willingness to obey the law and cooperate with legal institutions even the litigant loses the case. So, procedural fairness has the influence to restore relations between disputants and build a peaceful relationship and it assists to restrain conflict within the communities.

In reverse, if the court user has distrust (not satisfied) by the procedural fairness they cannot satisfy by the outcome even if they win the case. More than this if they lose the case it has a negative effect on peacebuilding. It strains detestation and leads to crime and serious counter-attack i.e. they do not accept the verdict of the court rather they want to take justice on their hand, i.e. they go to revenge and kill each other. These escalate conflict within the community and all relationships will be shaded by mistrust, including people and governments. This, in turn, increases the opportunities to the reoccurrence of conflicts and the escalation resulted in social disorder and demolishes the groups of their shared unity.

5.2 Concluding Remarks

Based on the finding of the research, the judiciary has to do a strong commitment towards maintaining and strengthening procedural fairness.

Regards to judicial independence the judiciary have to consider carefully in enhancing the principles of judicial independence especially from other branches of government. There is a lack of general transparency in the selection and appointment procedures of judges of the Federal Supreme Court this decreases public trust. So, it has to be clear and have to create awareness to the public about the appointment of the judges.

The establishment of credible, an independent and responsive complaint system is essential to build trust in the judiciary and in order to assure the behavioral accountability. It has to involve holding individual judges answerable to their improper conduct on the trail since this affects judicial trust by the users. The judicial administration should create awareness to the public about this system and the result of complaining i.e. they have to know what measures are taken and not. Regards to access to the court the courts should create awareness to the public on how to use to use court services and legal aid without fee.

Higher workload of the judges is one of the major causes of delay in court's decision making. Alternate dispute resolution, or ADR, is an effective tool in assisting parties and the courts by resolving matters in a fair and timely manner and resulting in significant savings in time and expenses (Roger,2010).so one of the possible solution the courts can use alternative dispute resolution methods like mediation and arbitration under supervision of the Federal Supreme Court and by trainee Mediator (lawyers, judges) and arbitration can use to (commercial and labor disputes) for civil suit. It helps to be speedy and to minimize the workload of the court. More than this it also helps to solve conflicts easily and through trustable ways to prevent the escalation of conflicts.

In addition, most judges tend to focus on outcomes, rather than the fairness of the process. This is the most misleading point because according to these research findings litigants and the public convinced by fair court processes more than favorable outcomes. So, to improve judicial trust the judges' assumption about the importance of procedural fairness has to be

improved. So, courts have to train on the importance of procedural fairness and its impact on public trust.

Courts comprise of an essential elements of society's machinery for keeping peace. So, the level of trust in the judiciary should have to be improved to enhance peace through the engagement of the community in different awareness creation programs on importance of fair process of litigation. Fair procedures, with the equal possibility for all parties to discuss real issues with the judiciary, have an imperative to influence public trust more than rigidly consistent verdict practices. For the peacebuilding process to take place the approach should be based on building a trustable judicial system, this helps to build a positive relationships and social structures that allows the face of different social thinking and encouraging positive group.

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Annexes

List of Key Informants

Key informants	Date	Month	Year	Remark
Ato Rta Tolosa	4	March	2019	Judge at Federal supreme court
Ato Gebyhu Flke	11	March	2019	Judge at Federal supreme court
Ato Zrehune Bekele	11	March	2019	Federal supreme court Judicial administration court office
W/o Mulualem Gezawe	11	March	2019	Federal supreme court Court officer
KI.01, KI.03	6	March	2019	Lawyer, public prosecutor
KI.02, KI. 04	4	March	2019	Lawyer

Annex-1

Questionnaire for the court user and lawyers
(For court user and lawyer at Federal supreme court)

Dear.....

My name is Alem Tufa , a final year student at the Institute for Peace and Security Studies (IPSS). I am writing my MA Thesis on the title, “public trust in Ethiopia judiciary and its implication to peacebuilding: - in the case Federal supreme court”.

The central aim of the research is to examine to examine, the level of public trust based on procedural fairness in the federal Supreme Court and its implication for peace building. You are randomly selected from those court users who were handled their case from Federal Supreme Court .the question below stated are proposed to measure the public trust based on the court user’s court user presumption. I hereby guarantee ethically to keep you’re your response with the rules of confidentiality. Therefore I would like to your cooperation to respond as per demand of the question honestly and objectively.

For the question that have choice you can make circle your alternative number ,Whereas for those question with open space you can write you opinion as you want /fill.

Please don’t write your name, I would like to thank for your cooperation.

Part 1.

1. Personal information

1.1.Age

1.2.Sex Male

Female

1.3.Marital status :- single

Married

Divorce

1.4.Educational Back ground

1.5.Employment Back ground

Q6. Judges Decisions are influenced by political considerations?

1. Strongly agree
 2. Somewhat agree
 3. Somewhat disagree
 4. Strongly disagree
-

Q7. Judges treats litigants ethically in court room?

1. Strongly agree
 2. Somewhat agree
 3. Somewhat disagree
 4. Strongly disagree
-

Q8. Courts accountable to the public for their action?

1. Always
 2. Sometimes
 3. Usually
 4. Never
-

Q9. Court proceedings are open to the public?

1. Always
2. Sometimes
3. Usually
4. Never

Why _____

Q10. It is affordable to bring a case to court regards to court fee and lawyers fee?

1. Strongly agree

2. Somewhat agree
3. Somewhat disagree
4. Strongly disagree

Why _____

Q11. Cases are resolved in timely manner?

1. Strongly agree
2. Somewhat agree
3. Somewhat disagree
4. Strongly disagree

Q12. The courts treat all people equally and fairly under the law, regards to gender, race, socio-economic status

1. Strongly agree
2. Somewhat agree
3. Somewhat disagree
4. Strongly disagree

What is your reason? _____

Q13. What are your criteria for trusting the court?

- | | |
|---|--------|
| 1. According to judges treatment of litigants | 5. 1,2 |
| 2. According to judges competency | 6.1,3 |
| 3. According to the whole procedure | |
| 4. 7.2,3 | |
| 5. 1,2,3 | |

Q14. Do you have trust to this court?

1. A great deal of trust
2. A lot of trust
3. Some of trust
4. No trust at all

Why _____

Part 2. Open-ended question

Q1. If you distrust the court what can be your measure after you get verdict from this court as it is the last decision giver court?

Q2. What can be the effects on peace if the public lose trust in this court system most of them answered that if everyone loses trust?

Annex-2

QUESTIONS FOR KEY INFORMANT INTERVIEW

(For lawyers and public prosecutor experienced Federal Supreme Court)

Dear.....

My name is AlemTufa , a final year student at the Institute for Peace and Security Studies (IPSS). I am writing my MA Thesis on the title, “public trust in Ethiopia judiciary and its implication to peacebuilding: - in the case Federal supreme court”.

The central aim of the research is to examine to examine, the level of public trust based on procedural fairness in the federal Supreme Court and its implication for peace building.

The following are questions that need to be answered in due course of the interview.

Q1. Based on your experience, how you describe the procedural fairness

i.e. independence, Behavioral accountability, Transparency, accessibility of the federal Supreme Court?

Q2. In your view what indicators might be possible to measure the courts performance?

Q3. How do you describe public trust of the Federal Supreme Court?

Q4. In your experience how do you describe the perception of those client you handle their case? are they expecting fair justice when they start the case?

Q5. If you are not trust by the decision of the court what possible measures will you take as it is the lat decision giving organ?

Since, you are selected as a key informant for this research, I kindly request for your cooperation.

Thank you very much.

AlemT.

Annex-3

QUESTIONS FOR KEY INFORMANT INTERVIEW- 3

(For judges& courts Staff of experienced at Federal supreme court)

Dear.....

My name is Alem Tufa, a final year student at the Institute for Peace and Security Studies (IPSS). I am writing my MA Thesis on the title, “public trust in Ethiopia judiciary and its implication to peacebuilding: - in the case Federal supreme court”.

The central aim of the research is to examine to examine, the level of public trust based on procedural fairness in the federal Supreme Court and its implication for peace building.

The following are questions that need to be answered in due course of the interview.

Q1. Based on your experience how do you describe the public trust of the courts Federal Supreme Court? Do you think the public has trust on the court?

1.1. How do you rate the level of public trust to the court?

1.2. Based on your response to question no.1 would you describe indicators that show either failure or success in their order of relative importance?

Q2.If the indicator shows failure in public trust of the Federal Supreme Court, What do you think the causes are (might be)?

Q3.What do you think is the result if the public loses trust on the federal supreme courts since it is the last judicial organ?

Q4.Do you believe if the public lose trust, it has an implication towards peacebuilding ?

Since, you are selected as a key informant for this research, I kindly request for your cooperation.

Thank you very much.

AlemT.

DECLARATION

I, the undersigned, declare that this Thesis is my original work and has not been produced and presented in any other academic institution. All sources of materials used for the dissertation have been duly acknowledged.

Alem Tufa

Signature: _____

Date: _____

Confirmed by

Yonas Adaye (PhD)

Signature: _____

Date: _____