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## **Courts' Needs Assesment Report**

**The Hashemite Kingdom of Jordan  
Marriott Hotel – The Dead Sea  
24-25-/09/2011**

A Project Funded By USAID

## **Courts' Needs Assessment Report**

### **Marriott Hotel – The Dead Sea**

#### **24-25-/09/2011**

- Participants: HE the Head of the Judicial Council, HE the Minister of Justice, M/S Heads of the Courts, and the Administrative Units.



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## **Results and Recommendations of the Workshop: Identifying the Needs of Courts**

**Name of the workshop:** Identifying the Needs of Courts.

**Attendees:** Head of the Judicial Council, Secretary General of the Ministry of Justice (on behalf of the Minister of Justice), Heads of the Courts of Appeal and Courts of First Instance, the Directors of Administrative Units and the Unit's Employees that follow the Judicial Council, the Representative of the U.S. Agency for International Development and the Staff of the Rule of Law Project.

**Venue and Time:** Marriott Hotel/Dead Sea from 24-25/09/2011.

### **❖ Introduction**

Upon the invitation of the Rule of Law Project, funded by the U.S. Agency for International Development, and in coordination with the Administrative Units in the Jordanian Judicial Council, a workshop was held to identify the needs of the

courts and improve the means of communication between the responsible parties in the judicial sector (the Judicial Council, the heads of courts, and Administrative Units) which have an active role in decision making in an accredited institutional framework.

The workshop was

opened by the Head of the Judicial Council, followed by speeches from the Secretary General of the Ministry of Justice (on behalf of the Minister of Justice) and the Representative of the U.S. Agency for International Development.



The workshop was conducted from 24-25/09/2011 at the Marriott Hotel in the Dead Sea; 44 participants joined the workshop:

- Four Heads of Courts of Appeal, and 18 Heads of Courts of First Instance, including the Head of the Tax Court of First Instance.

- The Directors of the Administrative Units: The Director of Justice Affairs Unit, the Director of the Training and Specialization Unit and the Director of Planning and Development Unit.
- The Office Manager of the Head of the Council and the Secretary of the Council.
- Ten employees of the Administrative Units.
- Staff of the Rule of Law project.

### ❖ **The Workshop Agenda: Annex No. (1)**

The two-day workshop included the following:

**Day One:** Opening session. The speech of the Head of the Judicial Council, His Excellency Judge Mohammed Al-Mahamid; the speech of the Secretary General of the Ministry of Justice on behalf of the Minister of Justice presented by HE Judge Mohammed Hawamdeh; and the speech of the U.S. Agency for International Development, presented by Mr. George Al-Qar'ah.

- A presentation was given on the functions of the Administrative Units and the plan of action stipulated by the Judicial Council, presented by HE Judge Ahmed Jamalia.
- Identifying the needs and ways of communication between the Administrative Units and the courts, presented by HE Dr. Nash'at Al-Akhras.
- A presentation on the methodology of identifying needs, presented by Mr. Nabil Su'aifan.

**Day Two:** Presenting results and preliminary recommendations for the Heads of courts to take note of and express their opinions, presented by HE Judge Dr. Nash'at Al-Akhras and Mr. Nabil Su'aifan. This day also included a session to discuss the results and determine the recommendations.

### ❖ **The Opening Speech. Annex No. (2)**

#### ✓ ***The Speech of the Head of the Judicial Council***

In the speech of the Head of the Judicial Council,



His Excellency Judge Mohammed Al-Mahamid, stated that the objective of restructuring the Judicial Council by the issuance of the Administrative Units system No. 5 for the year 2010 is the result of the urgent need for the presence of a number of judges, juristic and administrative staffs, to provide their recommendations, suggestions, statistics, opinions and readings which the Head and the members of the Judicial Council need and may help them in making the right decisions.

His Excellency praised the Administrative Units and the efforts they have made during the brief period from the date of starting the execution of the plan of action. He reminded the audience that the aim of the workshop was to build partnerships and to institutionalize the relationship between the Administrative Units, judges, Heads of courts and the Ministry of Justice. He stressed the importance of judicial independence, which has been long called for by His Majesty King Abdullah II Bin Al Hussein, may God protect him.

Finally, His Excellency thanked the efforts of the U.S. Agency for International Development in supporting the Rule of Law Project and its seniors for their support and expertise they offer in the field of information technology and techniques.

✓ *The Speech of the Secretary General of the Ministry of Justice on behalf of the Minister of Justice*

In his speech, The Secretary-General of the Ministry of Justice, Judge Mohammad Al-Hawamdeh, said that framing the work of the Administrative Units in juristic templates would add an institutionalized aspect on the work of the judicial system in a way that that may achieve permanence and continuity. He also pointed out that there are many optimal practices that can be recognized and made use of in line with the legal Jordanian system. He referred to the care and attention given by His Majesty to the judicial authority, stating that translating this vision was intensified by the recent constitutional amendments that have supported the independence of the judicial authority and maintained it away from the intervention in its functional affairs, and that the constitutional amendments included the establishment of a constitutional court to be a reference in controlling the constitutionality of the laws.



Finally, he thanked the U.S. Agency for International Development for the support provided through the Rule of Law Project.

### ✓ *The Speech of the U.S. Agency for International Development*

The speech of Mr. George Al-Qar'ah, the representative of the U.S. Agency for International Development, briefed the global trend towards the independency of the judiciary, and praised the achievements of the Jordanian Judicial system

which made it at the forefront of all the Arab countries and the countries of the region. He also stressed that the U. S. Agency for International Development is pleased with its partnership between the Agency and the judicial system and values the efforts of His Majesty the King in the need to establish a balance between all



authorities and to improve parties and parliamentary political performance to achieve the independence of the judiciary. Additionally, he indicated that the establishment of Administrative Units and a general secretariat within the organizational structure of the Council is a key step towards strengthening the judicial system and running its own affairs.

Finally, he confirmed the commitment of the U.S. Agency to provide the necessary support to the Judicial Council and the judicial system to implement their plans and strategies.

## ❖ The Presentations: Annex No. (3)

### ✓ *The presentation of HE Ahmed Jamalia, charged with activating the Administrative Units*

His Excellency, the Head of Amman Court of First Instance, charged with activating the Administrative Units of the Judicial Council, provided a detailed explanation of the Administrative Units system. The presentation included the following aspects:

- The objectives of the workshop represented by working on developing an annual plan of action for the administrative units and identifying the needs of the courts to put them in the hierarchy of the Judicial Council priorities.
- The legal framework of the Administrative Units system.
- The tasks of the Administrative Units represented by the functions of Judges Affairs Unit, Development and Planning Unit, Training and Specialization Unit and Communication and Information Unit.
- The themes of the Administrative Units' plan of action included eight areas: legal framework; infrastructure and human resources; organizing actions and starting the execution of the actions of priority; developing the institutional construction; training and capacity building; studies and reports; and computer systems.



✓ *The presentation of the Director of the Training and Specialization Unit, HE Judge Dr. Nash'at Al-Akhras*

The presentation included the goals of identifying the needs of the courts and the means and tools that help in identifying such needs as well as determining the ways of communication and active participation in decision-making and the supporting methods and tools to improve communication.



✓ *The presentation of Mr. Nabil Su'aifan on the Rule of Law*

The presentation included a systematic study to identify needs. The following is a summary of the presentation:

- Introduction that included the most important requirements to ensure the success of the strategic planning and planning at the sectoral level.
- The goals of studying the needs identification.
- The target group in the study of the needs.
- The tools of the study and its six areas: legislation and laws; judicial inspection; training and rehabilitation; execution procedures in the execution departments; improving communication and the flow of information; and reasons for the delay in disposition of cases.
- The mechanisms of completing the questionnaire and analyzing its results and recommendations.



## ❖ Methodology of Identifying the Needs, Results and Recommendations

To reach the desired objective from holding this workshop, the reality of the justice sector was discussed through the identification of the needs of the Heads of courts- monitoring the issues and challenges faced by their courts as well as address available opportunities for them to enhance their performance and advance in the judicial sector so as to bring expeditious justice and assist the Administrative Units of the Judicial Council to develop an annual plan of action reflective of the objective needs of the courts and arranging them according to their priorities in preparation of their execution.

### ✓ Workshop Objectives

The main objective of the study is to identify the needs of the judicial sector in the Kingdom. The workshop will help to identify issues and challenges facing this sector, to identify the size of the gap between the actual needs and requirements of the judicial sector on one side, and the concrete reality from the other hand in preparation for bridging them and foreseeing the future prospects in order to assist the Administrative Units in the Judicial Council in developing an annual Plan of Action reflective of the needs according to their priorities by implementing them, and to develop the outlines of the general objectives of the strategic plan to come. The workshop also targets the following sub-goals:

- Improve communication and exchange of experiences and information between the responsible parties in the judicial sector (the Judicial Council and the Heads of courts and Administrative Units) and to institutionalize them.
- Identify the priorities of the courts' needs from the standpoint of the Heads of courts in preparation for meeting them.
- Explore the future prospects of the nature of needs and work requirements, and provide reliable information to assist in the development of operational plans.
- Consolidate and disseminate a scientific methodology to monitor the needs and available opportunities to the judicial sector.

To achieve this, it is necessary to provide the following supporting elements:

1. A clear vision and realistic goals.
2. Accurate, documented information and data to explore the prospects of the future.
3. A detailed execution (procedural) plan (programs, projects and activities) which reflect the vision and the general goals.
4. Realistic indicators to assess performance and clear mechanisms for following up and evaluation.
5. A qualified and experienced cadre and continuous training.

### ✓ *Tools of Identifying Needs*

The study adopted two tools for identifying the needs of the Heads of courts: The first tool is a regulated questionnaire designed according to the work requirements, objectives, tasks and responsibilities of the personnel in the judicial sector, taking into consideration the tasks and the actions of the heads of courts as well as the directors of Administrative Units that follow the Judicial Council; and this tool has been reviewed and judged by specialists. The second tool is to discuss the needs proposed in the working groups and enrich suggestions by new ideas and recommendations. The questionnaire contained six themes as follows:

- **The theme of Legislation and Laws:** The questions of this theme determine to what extent there is a need to review the laws and legislation governing the work of the courts.
- **The theme of Judicial Inspection:** This includes six questions which measure the extent of the need to review control procedures, accountability, standards, substrates and mechanisms of the actions that govern the inspection system and the persons in charge of it, and the extent of commitment to the approved and adopted standards.
- **The theme of Training and Rehabilitation:** This includes seven questions which focus on the extent of the need for specialist training programs for sitting judges, new judges, and training topics which reflect the objective needs of the judges.

- **The theme of Procedures for Execution and the Execution Departments:** This includes 10 questions that focus on reasons for delaying the execution of the cases (administrative, procedural, legislative...).
- **The theme of Improving the Means of Communication and the Flow of Information:** This includes 11 questions that aim to identify the best ways to improve communication and the exchange of information between the courts and to develop and modernize the information and control systems for the accuracy of information.
- **The theme of the Causes of Delay in the Disposition of Cases:** This theme includes 17 questions which focus on the most important reasons for delaying the disposition of cases.

## **Key Findings and Recommendations of the Study of Identifying Needs:**

Before completing the questionnaire, the objectives of the study of the needs, and their importance in consolidating a scientific methodology when determining the objective need, have been reviewed and illustrated in detail by the parties directly involved in the judicial work; they are best able to identify their needs and demands to improve performance and to diagnose issues and challenges as well as the best methods to face them. The way of completing the questionnaire was also clarified. 22 Heads of courts of First Instance participated in the survey of identifying needs. The following were the most important recommendations:

### **❖ *First Theme: Legislation and Laws***

The objective of this theme is to identify the extent of the courts' needs to review the laws and legislations governing their work in order to improve and develop, and also to identify the type of laws and legislations which are proposed to develop the work of the courts from the standpoint of their Heads.

#### **✓ *The most important results:***

1. The survey results showed that there was consensus by the Heads of the courts on the need to review the laws and legislation governing the work of the courts.
2. The Heads of courts, during the debate, also stressed the importance and the need to review laws and legislation and to call for forming a committee to study the legislations, particularly the law of execution, in addition to study the problems in the said law in preparation to amend it.

#### **✓ *The most important recommendations:***

The overall recommendations in this theme focused on the need to speed up the development of an annual plan and the action mechanisms to examine all the laws governing the judicial procedures in preparation of amending them. The laws of Civil Procedure, Criminal Procedure Act and Magistrates Courts enjoy the priority in the hierarchy of priorities in the coming annual plan. In addition,

the participants recommended conducting a review and amendment of the following laws:

1. The presence of (legislative framework) – a system, a law, or instructions that stipulate the presence of judicial sub-disciplines at courts
2. Reviewing the laws governing the work of the special courts, in which the Treasury is a party
3. The Law of Execution
4. The Code of Civil Procedure
5. The Code of Criminal Procedure
6. The Magistrate's Courts Act
7. The law of the independence of the judiciary
8. The Penal Code
9. The Code of Commerce
10. The Law of Mediation
11. The Law of Evidences
12. The Maritime Trade Law
13. The Law of the General Sales Tax
14. The Procedural Law in tax issues
15. The Customs Act

### ❖ *Second Theme: the Judicial Inspection*

The theme of the judicial inspection aims to identify weaknesses and strengths in the methodology of judicial inspection and its mechanisms from the viewpoint of the heads of the courts. The following are the results and recommendations that have been proposed:

#### ✓ **The most important results:**

1. The vast majority of the Heads of courts (85.7%) believe that there are weaknesses in control procedures and accountability; one form of this weakness is that the annual inspection does not include all judges subject to inspection.

2. 95% of the Heads of the courts are demanding that a periodic review of standards, substrates and mechanisms that govern the inspection system, and the persons in charge of it, must be conducted and put this topic in the hierarchy of priorities.
3. The results show that 45% of the Heads of courts believe that the response to complaints transferred to the judicial inspection and examination takes a long time; 55% disagree with this opinion and do not think that the response takes a long time. This difference in the views may be attributed to the variation in speed of response to complaints between one court and the other and the response to complaints is not done by specific and adopted timing.
4. There is also a difference in the views on the existence of standards governing the work of the judiciary. 55% do not believe in the existence of such standards and 45% believe in their existence. This difference in can be attributed to the following:
  - Approved standards of judicial inspection exist, but some of the Heads of courts have no knowledge of them.
  - Approved standards of judicial inspection exist but there is no adherence to the standards, confirming that 63.6% of the Heads of courts do not believe that the degree of the judicial inspection system adherence to the adopted standards is high.
  - The lack of specific standards depends on what the respondent believes about their existence or the need of their existence and depends on a personal perspective, not based on reference standards.

✓ **The most important recommendations:**

Based on the results of studying needs which showed a weakness in the control procedures and accountability, the demand for a periodic review of standards, substrates and mechanisms governing the inspection system and those in charge of it, and placing this topic in the hierarchy of priorities. It is for this reason that it is necessary for the 2012 annual plan to reflect clear mechanisms which review the inspection standards and allow for the adoption of new standards binding for the inspection system, and allows an active role for the Heads of the courts in the judicial inspection. This requires that the annual plan should include training programs for the Heads of courts in the area of judicial inspection. The Heads of courts also proposed that a number of

recommendations should be taken into account when developing the annual plan. They are:

1. Select highly experienced inspectors carefully.
2. Promote judges based on three reports (from the Head of the Court, the Judicial Inspection and a committee formed by the Judicial Council) and evaluate on these bases, not merely based on seniority.
3. Cancel interviews.
4. Study the inspection departments in developed countries in this regard.
5. Increase the number of inspectors who should receive appropriate training on inspection techniques.
6. Connect the judicial inspection to the Judicial Council.
7. The Head of a court must have a role in evaluating the judge, and serve as an inspector in his court.
8. Expand the scope of specialization and the powers of the judicial inspection.
9. Increase control of the judicial inspection by field inspection visits.
10. Develop provisions that ensure the independence of the judiciary.
11. Develop specific and accurate standards for the work of a judicial inspection.
12. Inform the Heads of courts on the results of the inspection related to their courts before approving them.
13. Continuous access to the work of judges without shortening them by promotions.
14. Develop departments to assess the work of writers in the Court.
15. Intensify control and accountability periodically on judges who are subject to inspection to avoid the mistakes that they have fallen into, either legal or behavioral.

16. Propose informing the time of attending to the court for inspection.
17. Actions and matters that are inspected should be displayed.
18. Refusing to accept any complaint without the name of the complainant and prosecuting the complainant if the complaint is misplaced.
19. There should be control by the Court of Appeal on the works of the courts of first instance.

### ❖ ***Third Theme: training and rehabilitation***

The theme of training and rehabilitation aims to identify the suitability of training courses for judges- their needs and the nature of their work, the methodologies of selecting and determining the trainers, and training programs as well as the effectiveness and the impact of such programs on the performance of judges.

#### ✓ **The most important results:**

1. The results showed that 43% of the Heads of courts believe that training programs held for judges do not reflect the needs of judges according to their specialization and their work; 57% disagree this opinion and believe that the programs reflect the needs. What applies to training programs also applies to method of selection of training topics and trainers. This can be attributed the large difference in views on this topic for the following reasons:
  - The lack of specific criteria for the selection of trainers, trainees and training programs and themes that reflect the needs of judges according to their specialization and their work, which leads to considering the training programs and their mechanisms from a personal perspective and not based on reference standards.
  - If such criteria in selecting the training programs exist, the Heads of courts neither know about nor adhere to them.
  - The lack of a reference training manual that methodologizes the training processes and mechanisms, starting from selecting the training topic, trainees and mechanisms of execution and ending by assessing performance and achieving goals.

2. 67% of the Heads of courts believe that specialized training programs related to the administration of courts commensurate with the needs of the courts; 33% disagree and consider the programs not commensurating with the needs of the courts.
3. Generally, the vast majority of the Heads of courts (81%) agree that the ongoing training programs contribute in raising the efficiency of the judges in their work; 19% are not convinced about the effectiveness of ongoing training programs. This rate, even low, must be taken into consideration.

✓ **The most important recommendations According to priority:**

Training judges is very important to the Heads of courts, and so it is essential that this interest is reflected in the upcoming annual plan to include training programs that reflect the need in accordance with qualifications, specialization, and the workplace, which requires conducting a comprehensive study of training needs. The annual plan must take the following into account:

1. Establish standards that govern the selection of trainers and judges who will participate in the internal and external training courses as well as the training materials needed.
2. Develop a training manual, starting from selecting the training topic, trainees and mechanisms of execution and ending by assessing performance and achieving goals.
3. Training should be given in accordance with the needs of each judge or administrator, or according to the specialization and the nature of work and continual education to keeping abreast of current developments.
4. Hold dialogue workshops.
5. The Heads of the Courts should have a role in selecting the appropriate time to hold the training courses and the judges who require training, including practical courses; the opinion of the judge must be taken into consideration.
6. Every court should have a hall that accommodates all judges. They should be met with on a daily basis after completing work to discuss legal points that confront them and reach an appropriate solution.

7. Hold seminars and lectures in the courts for all staff on the work of the courts, its importance and uniqueness.
8. Focus on practical training courses.
9. Allocate a technical course on the laws of income tax and sales tax.
10. Organize training courses after amending laws, which include studying what has been amended.

❖ ***Fourth Theme: Procedures for the Execution of Lawsuits in the Execution Departments***

This theme aims to identify reasons for the delay in the execution of cases, according to their priorities.

✓ **The most important results:**

1. The first reason of delay in the execution of cases, from the perspective of the Heads of courts, is that there are shortcomings in the legislation governing the execution process, leading to delay in execution procedures at the execution departments. The percentage of supporters reached 95%, and 95% of the Heads of courts consider that the infrastructure for the execution departments is inadequate and needs to be updated to facilitate the speeding up of the execution of cases.
2. Weak technology in the execution departments is blamed for the lack of any electronic connection with judicial execution and other governmental departments; the most important of which are the Department of Land and Survey and the Department of Licensing of Vehicles and Drivers. The rate of the supporters is 95%. The execution procedures, in financial terms, are also conducted manually in complicated and non-unified among the courts, impeding the execution procedures. The rate of supporters is (95%).
3. 95% of the Heads of courts think that among the reasons for the delay in the execution is the lack of mechanisms and unified system for filing and restoring the files.
4. In the second place on the reason for the delay comes the resorting of the parties in execution cases and their legal representatives to appeal in any decision issued by the judge of execution. The rate of supporters is 82%.

✓ **The most important recommendations According to priority:**

The execution of cases that have been determined is considered among the most important issues that may help or accelerate achieving justice. The results showed that the most important reasons for delay in the execution of cases are: weak legislations governing the execution process, a poor flow of information and archiving, and poor communication between different departments. For this reason, there is a need that the next annual plan should consider these aspects and develop programs and activities which may address these problems. The Heads of courts suggested the following recommendations to address the causes of delay, which must be taken into account when developing the annual plan.

1. Amending the law of execution.
2. Computerizing the procedures of the execution departments and providing qualified personnel to assure proper functioning. Additionally, execution files should be archived.
3. Issuing a guide of standard procedures in working with/managing execution cases for the various courts.
4. The judge of execution must have experience in the field of execution and training courses should be held for him.
5. Execution officers and staff should be given courses to explain the law of execution after amendment.
6. The execution personnel must possess certain characteristics (competence and ethics).

❖ ***Fifth Theme: Means of Communication and the Flow of Information***

This theme aims to identify the views of the Heads of courts on the methods of communication between the courts and the strengths and weaknesses in the adopted methods especially in the field of information and performance indicators,

✓ **The most important results:**

1. The topic of developing a computerized system to measure the performance and efficiency standards and an information system to collect statistics as well as unified computer network received urgent priority, so as to improve the methods of communication from the viewpoint of the Heads of courts with the rate of 100%.
2. The topic of calculating the burdens of judges in the reports from the reality of the retained and incoming cases instead of calculating them depending on the cases only received by the court, and on the quality of the cases heard by the judge also received the priority from the viewpoint of the Heads of courts.
3. 36% of the Heads of courts do not believe that communication and exchange of information and documents between courts of different kinds and degrees are done easily. This percentage should not be underestimated and confirms that some courts lack modern methods for the exchange of information as other courts, and this means that there is disparity in information technology between courts.

✓ **The most important recommendations According to priority:**

The results showed the need to work on the development of a computerized system to measure the performance and develop efficiency standards that combine the burdens of judges, their performance and their ability to execute their plans for the disposition of cases in a timely manner. This requires the improvement and facilitation of the flow of information between the supportive departments as well as improving the methods of archiving. Therefore, the next annual plan must include conducting a study to develop performance standards based on the true burdens placed on the shoulders of the judge as well as studying the archiving system and developing mechanisms for periodic review of the accuracy of data. Other recommendations proposed by the heads of the courts were:

1. The need to work on the development of computing and archiving a program to include all the work of the court (enlarging the current database).
2. The need for a quality department in each of the Kingdom's courts and holding courses for the staff of the quality department.

3. Prepare a general indicator of the Kingdom (and a separate indicator for each individual court) and compare each court's indicator with the general indicator of the Kingdom to compare with past years.
4. Activate the electronic surveillance and periodic review of the results in terms of the incoming, the determined and the accumulated cases.
5. Objectively determine the needs of the courts based on the number of judges and administrative staff.
6. Circulate performance reports for judges who were distinguished by their work to both encourage them and encourage others.
7. Take into account the quality of cases, decisions issued and the classification of the court.
8. The judge should be transferred from the court of First Instance to the court of appeal, and from the court of appeal to the court of cassation based on the competence of the judge, not his seniority.

#### ❖ *Sixth Theme: Causes of Delay in the Disposition of Cases*

This theme aims to identify the most important reasons for delay in the determination of the cases from the perspective of the Heads of the courts.

#### ✓ **The most important results:**

With regards to the delay in the determination of cases, there was a consensus with regard to the following:

1. Weakness in legislation that deals with requests before entering the base case.
2. Providing evidence, its examination, and waiting for other evidence from parties other than the parties to the proceedings.
3. Weakness in the efficiency of the supporting departments: notifications, judicial execution.
4. Non-attendance of witnesses, despite notifying them about the dates specified for hearings their testimonies.

5. Weak legislation and legal provisions governing reporting, leading to failure of parties to attend the proceedings (or their representatives) as well as witnesses and experts.
6. Delay in providing the court with documentation issued by governmental agencies and required by the courts in the context of their judicial procedures.
7. Judicial Inspection may play a positive role in accelerating the determination of cases by monitoring the obstacles that delay the determination of the cases.

**Additionally:**

1. Distribution of the judges on the courts is not reflective of the volume of cases received by the courts of the various types; this constitutes a significant burden on the judge and leads to low resolution rate of the total received and retained cases.
2. Practices of some lawyers and/or legal representatives which resort to postponing trials. For example, requesting a witnesses residing outside the country or requesting a large volume of witnesses.
3. Lack of necessary infrastructure and technical means for convenient work.
4. Poor channels of communication, exchange of information, and documents sharing between the departments and sections of the courts.

**✓ The most important recommendations, according to priority:**

The results showed the presence of many reasons for delaying the disposition of the cases and thus leading to an increased backlog of cases. The most important reason for the delay, as expressed by the Heads of courts, was weak legislation . Weak legislation and legal provisions governing the reporting process leads to the failure of the attendance of the parties to the proceedings (or their representatives) as well as witnesses and experts, and weakness in the efficiency of the supporting departments. The upcoming annual plan must include studying the legislation of interest and working on its amendment, in addition to

organizing training programs for staff in the supporting departments. It is necessary that the annual plan takes following recommendations into account:

1. Amend legislation related to the judicial process course.
2. Comply with the notification principles of bailiffs and judges.
3. The tax court should include the tax courts of first instance, the court of appeal and the Department of Public Prosecution.
4. Punish lawyers who appeal rejected cases after the legal period elapses.
5. Study the possibility of creating a technical office in the Court of Appeal and another in the court of cassation with legislative authority to allow it to submit the case to the Court of Appeals, the court of cassation, or reject its submission.
6. Distribute proportionally judges in the courts to the number of cases.
7. Increase the number of judges of appeal and cassation and consider good selection on merit.
8. Mandate an appellate body in every court to examine cases pertaining to the court, which lead to not prolonging the litigation period.

## **List of Annexes**

- ❖ Annex No. (1) Workshop Agenda
- ❖ Annex No. (2) Opening Speeches
- ❖ Annex No. (3) Presentations
- ❖ Annex No. (4) Questionnaire

## Annex No. (1) Workshop Agenda



Rule of Law Project  
مشروع سيادة القانون

### Identifying the Needs of the Courts Workshop Agenda 24 - 25 September, 2011 Marriott Hotel – The Dead Sea

- **Participants:** HE the Head of the Judicial Council – HE the Minister of Justice – M/S the Heads of Courts –Administrative Units
- **Meeting Hall:** Vartinii Ball Room

#### Day One:

09:30-10:30	Arrival	
10:30 -11:00	Coffee Break	
11:00 -12:00	Opening Session	<b>Opening Speeches:</b> <ul style="list-style-type: none"><li>• U.S. Agency for International Development</li><li>• Minister of Justice</li><li>• HE the Head of the Judicial Council</li></ul>

<b>12:00 -12:15</b>	<b>Coffee Break</b>	
<b>12:15 -12:45</b>	<b>Presentation on the functions of Administrative Units and plan of action prescribed by the Judicial Council</b>	<ul style="list-style-type: none"> <li>• Judge Ahmed Jamalia</li> </ul>
<b>12:45 - 01:15</b>	<b>Identify the needs and ways of communication between the administrative units and the courts</b>	<ul style="list-style-type: none"> <li>• Judge Dr. Nash'at Al-Akhras</li> </ul>
<b>01:15 – 02:30</b>	<b>Lunch Break</b>	
<b>02:30 – 03:00</b>	<b>Presenting the Questionnaire regarding the Courts' Needs</b>	<ul style="list-style-type: none"> <li>• Nabil Su'aifan</li> </ul>
<b>03:00-03:30</b>	<b>Discussion Session</b>	
<b>03:30-04:30</b>	<b>Distributing and Completing the questionnaire</b>	
<b>06:00-09:00</b>	<b>Dinner</b>	

### Day Two:

<b>09:30 – 10:00</b>	<b>Presenting the preliminary results of questionnaire</b>	<ul style="list-style-type: none"> <li>• Judge Dr. Nash'at Al-Akhras</li> <li>• Nabil Su'aifan</li> </ul>
<b>10:00 -11:30</b>	<b>General discussion session</b>	
<b>11:30 -11:45</b>	<b>Coffee Break</b>	
<b>11:45 -12:45</b>	<b>Closing session and recommendations of the workshop</b>	
<b>12:45 - 01:30</b>	<b>Delivering the rooms and leaving procedures</b>	
<b>01:30 -02:30</b>	<b>Lunch Break</b>	

## **Annex No. (2): Opening Speeches**

*Workshop on Identifying the Needs of the Courts*

*Opening Speeches Presented at a  
Workshop to identify needs of the Courts*

**Marriott – The Dead Sea**  
**24/09/2011**

## **Speech of His Excellency the Head of the Judicial Council The Head of the Cassation Court Judge Mohammed Al-Mahamid**

In the name of God, the most gracious and the most merciful. May peace and blessings be upon the Master, the prophets, and His messengers.

Your Excellency, The Secretary-General, Mr. George Al-Qar'ah, representing the U.S. Agency for International Development, Mr. Robert Dean, the Manager of the Rule of Law Project, distinguished judges, gentlemen, and attendees...

We have found an urgent and necessary need for the a number of judges and administrative staff to present their recommendations, suggestions, statistics, views and readings needed by the Head and the members of the Judicial Council that may help to make the proper decisions when dealing with affairs of the judiciary and judges, therefore easing the heavy burden of the Head of the Judicial Council.

The Judicial Council has been restructured by the issuance of Administrative Units regulation No. 5 from the year 2010, which included the establishment of Administrative Units designed to facilitate the work of the Council, ensure administrative and technical services to judges, organize the affairs of training and specialization, planning and development, and to support the Judicial Council and its Head to perform the tasks assigned to them.

These units include:

1. judges' affairs.
2. training and specialization
3. planning and development
4. The office of the Head of the Council
5. Secretariat of the Council

These units remarkably achieved within a short period of time their established plan of action, enhancing their role in the development and modernization of our Judiciary.

In this day, and upon the desire of the directors of these units, in cooperation with the Rule of Law Project, we are holding a workshop for the Heads of courts of appeal and courts of first instance, aiming to institutionalize the relationship between the Administrative Units, judges, heads of courts and the

Ministry of Justice by opening channels of communication, displaying the functions of these units and their role in modernization and development, and identifying the mechanisms and means which helps each Head of court identify and determine the needs and requirements of work in the court.

In light of activating the aforementioned Administrative Units system, the planning and development unit initiated the idea of issuing a magazine concerned with the affairs of the judges and the judiciary, and also to follow-up the judiciary judgments and publish their research and studies.

In this area, I would like to thank the U.S. Agency for International Development, and its seniors, for supporting the Rule of Law Project . Their support, effort and expertise in the field of information technology and its techniques and methods of using such techniques in the judicial work has been invaluable to us. This is a process that cannot be performed except by those who were trained on how to use them and follow their successive development, so as to save time, effort and speed up delivery. Globalization is narrowing the world's distances and the scientific and technological progress is running all its life spheres.

It is for this reason, we hope that you, as Heads of courts, cooperate with these units and those who are responsible for them and participate actively in a way that meets the interest of our homeland and citizens with what is provided by a free judicial system that preserves manners as much as it protects the rights, guarded by the fence of independence, that prevents any interference in its affairs, and guarantees justice and integrity, which has long been advocated by the master of the country His Majesty King Abdullah II Bin Al Hussein.

Peace be upon you and God's mercy and blessings...

### **The Speech HE the Secretary General of the Ministry of Justice, on behalf of the Minister of Justice**

Your Excellency the Head of the Judicial Council, the Head of the Court of Cassation,,,, Your Excellency the Manager of the Rule of the Law Project,,,, M/S The judges,,,, Ladies and Gentlemen...

Peace be upon you and God's mercy and blessings...

I Begin my speech by directing my thanks to all the organizers of this meeting, who have given me the opportunity to speak with you and share in the activities

of the workshop. Today, the judges and the Heads of courts of First Instance in the Kingdom aims to introduce the Administrative Units of the Judicial Council, established under the Administrative Units regulation No. (5) of 2010. It is the system that was adopted in order to build the institutional capacity of the Judicial Council to carry out the duties entrusted to it in the management of judiciary affairs according to institutional frameworks and organizational structures that ensure its support in making decisions that organize the judicial work and plan for its needs and develop the strategies that achieve the visions of the judiciary on the medium and long terms.

There is no doubt that framing this process in legal templates would institutionalize the work of judicial system in a way that would achieve permanence and continuity. In this context, there are many optimal practices that can be recognized and make use of in line with our legal Jordanian system and established traditions in Judiciary, appraising in this regard the support that the U.S. Agency for International Development is providing through the Rule of Law Project in terms of the technical contribution by providing qualified human resources to help open new horizons of knowledge and know-how.

Your Excellency the Head of the Judicial Council, the Head of the Court of Cassation, Your Excellency the Manager of the Rule of the Law Project, M/S  
The judges...

The judicial authority had enjoyed the care and attention of His Majesty King Abdullah II Ibn Al Hussein, may God protect him. To translate this vision, the recent constitutional amendments enhanced the independence of the judicial authority.

These amendments included the establishment of a constitutional court to be a reference in controlling the constitutionality of the laws and the regulations in force as well as the interpretation of the provisions of the Constitution. The amendments also addressed many of the newly developed provisions that would establish a new approach in the work of the judiciary and contribute in building the state of the law and the institutions that require an in-depth dialogue with the participation of all the relevant authorities to define the necessary legislative features, whether by passing new laws or by amending existing ones in line with those amendments.

Finally, I would like to thank you once again for giving me the opportunity to be with you today, praising the efforts of all the organizers of this workshop, asking God to preserve Jordan and its triumphant leadership and wishing all success to the activities of this meeting.

Peace be upon you and God's mercy and blessings  
HE Judge / Mohammed Al-Hawamdeh  
Secretary General of Ministry of Justice, on behalf of the Minister of Justice

## **The Speech of the U.S. Agency for International Development**

HE the Head of the Judicial Council, Your Excellency the Minister of Justice, Owners of honor and compassion, the Heads of Court, Judges and Guests...

Peace be upon you and God's mercy and blessings...

International attention has increased in recent decades about judicial independence, an essential element of protecting human rights, in a way that respect of democracy and human rights have become an essential indicator, among of a group of indicators, by which the extent of progress and development of countries are measured; if the practice of democracy allows the creation of a suitable space for building a strong judiciary, the existence of an independent judiciary forms a pillar for democracy, establishing equality, and the Rule of Law.

Based on the endeavors of His Majesty King Abdullah II, may God protect him, of supporting and strengthening the judicial system, the Royal Commission for the development of the judicial system was established since the year 2000; work continued in its development tirelessly to this day. Jordan's judicial achievements are great and have been placed at the forefront of countries throughout the region. We, in the United States Agency for International Development, are pleased with the true partnership we have with Jordan's the judicial system. We are fully aware that the achievements were primarily the result of the efforts of the Heads of courts, judges, and their tireless commitment to driving the development forward.

However, the judiciary is now going through a historical stage. In his Majesty's letter that entrusted the Royal Commission to draft the Constitution, His Majesty stressed the need to:

- consolidate the balance of powers
- improve the performance of the political parties and the parliament to conclude a constitutional formula that enables the Parliament to perform its legislative and regulatory role efficiently and independently
- set up the judiciary as an independent rule among the various authorities, bodies and parties and remain a completely constructed facility in all the forms and stages of litigation.

The vision of His Majesty the King has already been translated; the necessary amendments in the Constitution have been made to preserve the independence of the judiciary. The role has been moved to the judiciary to do what is required of it to assume such responsibility.

The establishment of Administrative Units and a General Secretariat within the organizational structure of the Judicial Council is an essential step towards strengthening the capacity of the judicial system and its ability to run its own affairs. This new organizational structure will enable the Judicial Council to plan for the future of the judiciary and manage the affairs of judges in addition to overseeing training and judicial specialization as well as to prepare legislation governing the work of the courts.

We would like to confirm the commitment of U.S. Agency to provide the necessary support to the Judicial Council and the judicial system in order to execute their plans and strategies through the provision of international and local expertise, studies, technical support and the training necessary to achieve the goals of the Judicial Council.

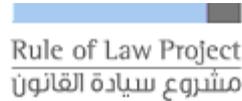
I have pleasure to extend congratulations and blessings to His Excellency Judge Mohammed Al-Mahamid for his appointment as the Head of the Court of Cassation, wishing you sincere progress and success.

Thank you

George Al-Qar'ah

Director of Democracy and Good Governance Department, U.S. Agency for International Development

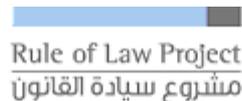
## Annex No. (3): Presentations



### **The Workshop of Identifying the Needs of Courts**

**Judge Ahmed Jamalia**

**Marriott Hotel – The Dead Sea  
24-25-/09/2011**



### **The Workshop of Identifying the Needs of Courts**

**Identifying the needs and  
ways of communication  
Judge Dr. Nash'at Al-Akhras**

**Marriott Hotel – The Dead Sea  
24-25-/09/2011**



Rule of Law Project  
مشروع سيادة القانون



# **The Workshop of Identifying the Needs of Courts**

**A Study on Identifying the Needs**

**Nabil Su'aifan / The Rule of the Law Project**

**Marriott Hotel – The Dead Sea  
24-25-/09/2011**

## **Annex No. (4): Questionnaire**

### **Questionnaire to Identify the Courts Needs**

Ladies and Gentlemen, the Heads of Courts,

The aim of this questionnaire is to monitor the needs of the courts from your unique perspective in various legislative and procedural aspects and to place them in the hierarchy of priorities of the Judicial Council.

We, therefore, request you to seriously, accurately and objectively answer the following questions. Your opinion is extremely important and will be relied upon to advance the future objectives of the Judicial Council.

Thank you for your cooperation

The four-option measure determines the degree of your agreement or opposition on the following paragraphs by ticking with the mark (X) next to the paragraph that best expresses your point of view

Theme	Paragraph	Strongly Agree	Agree	Disagree	Strongly disagree
<b>1. Legislation and Laws</b>	1. There is a need for a review of laws and legislation governing the work of the courts aiming to improve and develop them.				
	<b>2. What are the laws and legislation that you would propose to modify in order to develop the work of the courts?</b>				
	1.				
	2.				
	3.				
	4.				
Theme	Paragraph	Strongly Agree	Agree	Disagree	Strongly disagree
<b>2. The Judicial Inspection</b>	1. Poor control and accountability procedures. The annual inspection does not include all the judges subject to inspection.				
	2. Results of judicial inspection reflect reality.				
	3. Developing and improving the performance of the inspection system requires a periodic review of the standards, substrates and mechanisms that control the system and those in charge and put them into practice.				
	4. Responding to complaints that are transferred to judicial inspection and consideration takes too long.				
	5. There are adopted and specific standards that control the judicial inspection system.				
	6. There is a high degree of commitment of the judicial inspection system with established and approved standards in the methodologies of inspection.				
	<b>7. What are your suggestions for improving and developing the mechanisms of judicial inspection from both the administrative and the methodological aspects to make it more effective?</b>				
	1.				
	2.				
	3.				
4.					
Theme	Paragraph	Strongly Agree	Agree	Disagree	Strongly disagree
<b>3. Training and Rehabilitation</b>	1. Training programs for new and former judges reflect the needs of the judges according to their specialties as well as the fields and places of their work.				

	2. Selecting trainers is done in accordance with specific objective principles based on efficiency.				
	3. Providing specialized training programs relating to court administration and the supervisory skills of administrative staff match the needs of the courts.				
	4. Training topics are selected according to approved studies that identify the training needs of the judges.				
	5. It is necessary to have training when transferring a judge from one specialty to another or when transferring from the prosecution to the judiciary.				
	6. Ongoing training programs which have been held have contributed in raising the efficiency of the judges in my court.				
	<b>7. What are your suggestions for enhancing and developing the capacity of judges and administrative staff and raising their competence?</b>				
	1.				
	2.				
	3.				
	4.				
<b>Theme</b>	<b>Paragraph</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<b>4. Procedures for the execution of Lawsuits in the execution Departments</b>	1. There are shortcomings in the legislation governing the execution process, leading to a delay in the execution procedures of the execution departments.				
	2. The infrastructure in the execution departments needs to be developed and updated in terms of waiting rooms, lineup devices, computerizing the procedures of registering cases, submitting the execution requests electronically, and responding to them at the same place.				
	3. Execution procedures take into consideration the balance between conflicting interests of the litigants, and giving the opportunity to the concerned parties to submit their objections to the execution before the judge gives his judgment; the procedures do not hinder the speed of executing judgments.				
	4. Parties in execution cases, and their legal representatives, can appeal any decision issued by an execution judge; this is considered one of the primary reasons for delay in the execution procedures.				
	5. Weak technology is one of the reasons that lead to delay in the execution department. There is a lack of electronic connection with the judicial execution and other governmental departments, the most important of which are the Department of Lands and Survey and the Department of Licensing of Vehicles and Drivers.				
	6. Financial execution procedures are convoluted and performed manually, such as calculating the amounts and interest, the distribution of sale returns, and the issuance of rebate checks. All of this hinders the execution procedures.				
	7. Lack of well-trained personnel; training must be given to				

	improve communication skills, networking and the provisions of the law of execution.				
	8. The absence of mechanisms and a unified system for filing and restoring files hinders execution procedures.				
	9. Forming appellate bodies in some courts of first instance and assigning judges to examine the appeals submitted regarding executional cases led to reducing the time, effort and speed for the disposition of cases.				
	<b>10. Specify the most important needs to develop and improve the working procedures of the execution departments which will accelerate the execution of judgments:</b>				
	1.				
	2.				
	3.				
	4.				
<b>Theme</b>	<b>Paragraph</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<b>5. Improving the Means of Communication and the Flow of Information</b>	1. The need to develop a computerized system to measure performance indicators, efficiency standards and information system for collecting statistics.				
	2. The need to disseminate information about the age of accumulated and determined cases periodically and continuously in annual reports and to give priority to cases on which a specific time elapsed.				
	3. Communication, exchange of information and documents between courts of different kinds and degrees are done easily.				
	4. The need for calculating the burdens of the judge in the reports from the reality of the retained and incoming cases rather than calculating the burdens from the incoming cases only.				
	5. It is necessary to take into account the quality of cases heard by a judge when calculating the burdens of the judge rather than relying merely on the number of cases.				
	6. The standard computer network in the courts is used to extract the statistical data on the comparable works of the courts.				
	7. There is a high degree of accuracy about the retained, incoming and determined cases entered into the system.				
	8. Control the data entry of cases on the computerized system are conducted permanently, which ensures their accuracy and restoring them correctly.				
	9. Performance indicators and burdens currently used in annual reports are sufficient to the extent that they allow decision makers to forecast the future of work and its requirements.				
	<b>10. What are your suggestions to improve and develop the statistical indicators issued by the courts concerning incoming and accumulated determined cases?</b>				
1.					
2.					

	3.				
	4.				
Theme	Paragraph	Strongly Agree	Agree	Disagree	Strongly disagree
<b>6. Causes of Delay in the Disposition of Cases</b>	1. Weak legislation and legal provisions governing reporting leads to the attendance failure of the parties to the proceedings (or their representatives) as well as witnesses and experts.				
	2. Providing evidence and its examination and waiting for additional evidence from parties other than the parties to the proceedings.				
	3. Weakness in the legislation that manage requests before entering the base case.				
	4. Weakness in the efficiency of supporting departments (notifications, judicial execution).				
	5. Non-attendance of witnesses, despite notifying them of dates specified for hearing their testimonies.				
	6. Repeated postponing of trials for the same reason.				
	7. Judges are busy in training courses, conferences and seminars organized by the Judicial Council.				
	8. Practices of some lawyers/legal representatives that resort to many ways to postpone trials. For example (requesting witnesses are residing abroad or requesting a large volume of witnesses).				
	9. Distribution of judges in the courts is not proportionate to the volume of cases received by the courts of the various types; this constitutes a significant burden on the judge and leads to a low resolution rate of the total received and retained cases.				
	10. Assigning and transferring judges from one court to another in the same rank and transferring them from lower degree courts to higher degree courts.				
	11. Disparity in the experience of the judges, particularly the newly appointed judges.				
	12. There are an adequate number of governing bodies in the Courts of Appeal and Cassation to settle received and retained cases.				
	13. There is a delay in providing the court with documents issued by governmental agencies, and required by courts, because of bureaucratic procedures.				
	14. Judicial Inspection plays a positive role in monitoring the obstacles that delay the determination of the cases.				
	15. Channels of communication and information exchange between the departments and sections of the courts are poor.				
	16. There is a lack of infrastructure and technology in the court.				
	<b>17. Specify the most effective ways to reduce the delay in the disposition of cases from all respects (legislative, procedural, logistical...):</b>				

	1.
	2.
	3.
	4.