

Public Prosecution Needs Assessment Workshop

5 – 7 February 2012

Report

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Public Prosecution Needs Assessment Workshop

The Judicial Council and the Chief Prosecution, in cooperation with the USAID Rule of Law Project and the General Secretariat of the Judicial Council, held a workshop for assessing the needs of the public prosecution. The three – day workshop was held during 5 – 7 February 2012 and was attended by members of the public prosecution from the various courts across the Kingdom.



Executive Summary

The workshop for assessing the needs of the public prosecution was held as part of the activities undertaken by the USAID Rule of Law Project and which aimed at identifying the problems faced by public prosecution members in the course of their work. In this context, the set of the several activities and programs which the Rule of Law Project implemented in cooperation with the public prosecution departments prior to the holding of the workshop must be outlined and which included the following preparatory activities:

- Held several meeting with His Excellency the Chief Justice that focused on the functions and operations of the public prosecution and the big role it plays within the judiciary. The meetings also covered the areas of weakness that require further work and development.
- Held several meetings with the Chief Prosecutor that covered all the functions of the prosecution, its roles, organizational structure and work procedures followed.
- Several site visits to the attorney generals covering Maan, Irbid, Amman and the Major Felonies Court. The meetings were held with attorney general and their assistants during which discussions covered several topics that are closely related to the functions and work of the public prosecution, such as investigation procedures, enforcement procedures, and training courses. The legislative aspect had the biggest share of discussions and there was division and several opinions with regard to the legislative framework that regulates the functions of the public prosecution. Some supported the issuance of a special law for the public prosecution that outlines the functions and duties of public prosecution members, the organizational structure of the prosecution body, and mechanisms related to appointment, promotion and transfer. Others were in favor of amending the articles of current legislations that govern the work of the public prosecution, without the need for issuing a special public prosecution law.
- Several field visits to public prosecution departments at courts to hold discussions with public prosecutors and solicit their opinions and suggestions on several issues including legislations, training, as well as investigation and enforcement procedures. The visits also covered infrastructure and support staff and human resources.
- A questionnaire was developed to solicit the views of all members of the public prosecution covering five main components which are as follows:
 - Legislation
 - Training and specialization
 - Investigation procedures
 - Enforcement procedures
 - Infrastructure and human resources

The questionnaire was distributed among all public prosecution members and filled out by them. The survey results will be presented in a designated chapter later on in the report.

Workshop Agenda

Agenda

Public Prosecution Needs Assessment Workshop

Sunday, 5/ 2/ 2012 – Tuesday, 7/ 2/ 2012

Marriott Hotel – Amman

09:00 – 09:30 am	Arrival and Registration Coffee Break	
09:30 – 10:00 am	Opening Session	<ul style="list-style-type: none"> • Welcoming Remarks / H.E. Chief Justice • Welcoming Remarks / Chief Attorney General • Speech of ROLP Chief of Party • Speech of Consultant Paul Scoggins
10:00 – 10:15 am	Presentation of Survey Results: <ul style="list-style-type: none"> - Legislations Component - Training & Specialization Component 	<ul style="list-style-type: none"> • Rule of Law Project
11:15 – 11:30 am	General Discussion	<ul style="list-style-type: none"> • ROLP Chief of Party • Consultant Paul Scoggins
11:15 – 11:30 am	Coffee Break	
11:30 – 11:45 am	Presentation of Survey Results: <ul style="list-style-type: none"> - Investigation Procedures Component - Enforcement Procedures Component 	<ul style="list-style-type: none"> • Rule of Law Project
11:45 am – 01:00 pm	General Discussion	<ul style="list-style-type: none"> • ROLP Chief of Party • Consultant Paul Scoggin
01:00 – 02:00 pm	Coffee Break	
02:00 – 02:30 pm	Presentation of Survey Results: <ul style="list-style-type: none"> - Infrastructure & Human Resources Component - Discussion 	<ul style="list-style-type: none"> • ROLP • ROLP Chief of Party • Consultant Paul Scoggins
02:30 – 03:00 pm	Final Recommendations	
End of Event		

Attendees and Participants

Sunday, 5/ 2/ 2012

#	Name	Position
1	Judge Mohammad Al Mahamed	Chief Justice
2	Judge Nayef Al Ibrahim	President of the Public Prosecution
3	Judge Ahman Jammaliyeh	Secretary General of the Judicial Council
4	Judge Nashat Al Akhras	Director / Training and Specialization Unit
5	Judge Khald Samam'a	Director / Planning and Development Unit
6	Judge Hamad Al Ghzawi	Attorney General / Irbid
7	Judge Taleb Al Dalaeen	Attorney General / Maan
8	Judge Thaer Al Adwan	Attorney General / Amman
9	Judge Ziad Dmour	Attorney General / Major Felonies
10	Judge Ramze Ahmad Al Athamat	Public Prosecutor / Irbid
11	Judge Rasmi Mohammad Mustafa Shehadeh	Public Prosecutor / Irbid
12	Judge Hussein Salim Ahmad Ababneh	Public Prosecutor / Jerash
13	Judge Amer Hilmi Falah Tubeishat	Public Prosecutor / Ajloun
14	Judge Samir Falah Mohammad Al Rawashdeh	Public Prosecutor / Maan
15	Judge Jihad Atiyyeh Hasan Al Dareedi	Assistant Attorney General / Major Felonies
16	Judge Mohammad Al Ma'moun Abu Rumman	Public Prosecutor / Major Felonies
17	Judge Omar Ahmad Abdullah Al Hyari	Public Prosecutor / Major Felonies
18	Judge Mohammad Abdullah Yusof Al Daradkeh	Public Prosecutor / Major Felonies
19	Judge Ishaq Dawood Ishaq Abu Awad	Public Prosecutor / Major Felonies
20	Judge Ayyoub Salem Falah Al Sawaeer	Assistant Attorney General / Amman
21	Judge Hani Abdul Halim Mohammad Al Amayreh	Assistant Attorney General / Amman
22	Judge Andab Ibrahim Okleh Al Hmoud	Assistant Attorney General / Amman
23	Judge Ahmad Mahmood Yusof Al Omari	Public Prosecutor / Anti Corruption Commission
24	Judge Abdul Ilah Hijazi Kareem Assaf	Public Prosecutor / Anti Corruption Commission
25	Judge Mohammad Saleh Hamed Al Sorani	Public Prosecutor / Amman
26	Judge Hasan Salem Hasan Al Nsour	Public Prosecutor / Amman
27	Judge Ohud Abdullah Mnawer Al Majali	Public Prosecutor / Amman
28	Judge Marwan Mohammad Ali Al Shamayleh	Public Prosecutor / Amman

29	Judge Hisham Awad Salem Al Tarawneh	Public Prosecutor / West Amman
30	Judge Mohammad Musa Hasan Al Bakhit	Public Prosecutor / North Amman
31	Judge Muawiyah Hamdan Al Saaydeh	Public Prosecutor / East Amman
32	Judge Mohammd Bassam Mohammad Abu Al Ghanam	Public Prosecutor / South Amman
33	Judge Ghassan Mohammad Al Omari	Public Prosecutor / Madaba
34	Judge Ibrahim Hussein Salameh Al Tarawneh	Public Prosecutor / Karak
35	Judge Mustafa Ayed Al Sbeihat	Public Prosecutor / Salt
36	Judge Ahmad Abdul Muhesn Al Afeef	Public Prosecutor / Zarqa
37	Judge Muwaffaq Eid Al Salibi Al Jbour	Public Prosecutor / Zarqa
38	Judge Abdullah Ayed Khalaf Al Shura	Public Prosecutor / Amman Municipality
39	Judge Majed Hussein Irshaid Al Afif	President of the Public Prosecution Assistant

Monday, 6/ 2/ 2012

#	Name	Position
1	Judge Firas Ghazi Saeed Shatnawi	Public Prosecutor / Irbid
2	Judge Abdul Nasser Ali Aref Al Dhoun	Public Prosecutor / Ajloun
3	Judge Talal Zaid Dojan Al Khazaleh	Public Prosecutor / Al Mafraq
4	Judge Saed Al Bayayda	Public Prosecutor / Al Tafilah
5	Judge Kayed Jamal Abdul Karim Al Kayed	Assistant Attorney General / Major Felonies
6	Judge Anwar Hasan Mohamad Abu Eid	Public Prosecutor / Major Felonies
7	Judge Fawwaz Fahed Saed Al Ghareer	Public Prosecutor / Major Felonies
8	Judge Ali Olayyan Mohammad Abu Zaid	Public Prosecutor / Major Felonies
9	Judge Qahtan Ahmad Mohammad Qawaqzeh	Public Prosecutor / Major Felonies
10	Judge Tareq Mohammad Odallah Al Shqairat	Assistant Attorney General / Amman
11	Judge Rami Naheed Musa Salah	Assistant Attorney General / Amman
12	Judge Azzam Mamdouh Abed Al Najdawi	Public Prosecutor / Amman
13	Judge Ashraf Yihia Ayed Al Habashneh	Public Prosecutor / Amman
14	Judge Samer Ahmad Mustafa Hannun	Public Prosecutor / Amman
15	Judge Saleh Hilal Musallam Al Qallab	Public Prosecutor / Amman
16	Judge Watheq Billah Asaad Jameel Al Ghalayini	Public Prosecutor / West Amman
17	Judge Muayyad Mohammad Ali Dardoor	Public Prosecutor / North Amman
18	Judge Khulood Nayef Ali Al Adwan	Public Prosecutor / North Amman
19	Judge Imad Mohammad Oklah Al Ghwairi	Public Prosecutor / East Amman
20	Judge Tarek Musallam Ali Al Shakhanbeh	Public Prosecutor / South Amman
21	Judge Abdullah Hussein Ahmad Al Mahameed	Public Prosecutor / South Amman
22	Judge Ghaleb Kamel Mahmoud Al Muhairat	Public Prosecutor / Madaba

23	Judge Minwer Khalaf Mohammad Al Sarayrah	Public Prosecutor / Karak
24	Judge Mohammad Hamdan Tayyem Al Bdairat	Public Prosecutor / Salt
25	Judge Mohammad Hussein Ali Adileh	Public Prosecutor / Zarqa
26	Judge Farhan Kassin Shehadeh Al Abdullah	Public Prosecutor / Zarqa
27	Judge Hani Ibrahim Salem Al Suhaiba	President of the Public Prosecution Assistant

Tuesday, 7/ 2/ 2012

#	Name	Position
1	Judge Khaldoun Ibrahim Ali Al Hussein	Public Prosecutor / Irbid
2	Judge Salah Hulayyel Saleh Al Khalidi	Public Prosecutor / Irbid
3	Judge Ameen Mohammad Ameen Gharaibeh	Public Prosecutor / Jerash
4	Judge Hilal Khlaif Hilal Al Hawamdeh	Public Prosecutor / Al Mafrag
5	Judge Ahmad Abu Nuwair	Public Prosecutor / Aqaba
6	Judge Abdul Rahman Ahmad Falah Al Husban	Attorney General Assistant / Major Felonies
7	Judge Ramzi Anad Ahmad Al Nawayseh	Public Prosecutor / Felonies Court
8	Judge Baker Saleh Abed Al Quran	Public Prosecutor / Felonies Court
9	Judge Salah Mohammad Hussein Al Taleb	Public Prosecutor / Felonies Court
10	Judge Afif Mohammad Ameen Al Khawaldeh	Public Prosecutor / Felonies Court
11	Judge Muntaser Mohammad Obeidat	Public Prosecutor / Amman
12	Judge Maher Kassab Al Qadi	Public Prosecutor / Amman
13	Judge Natheer Ali Shehadeh	Public Prosecutor / Amman
14	Judge Sultan Khlaif Al Shakhanbeh	Public Prosecutor / Amman
15	Judge Okleh Olayyan Abu Zaid	Public Prosecutor / Amman
16	Judge Ahmad Mahmoud Yusof Al Omari	Public Prosecutor – Anti Corruption Commission
17	Judge Abdul Ilah Hijazi Kareem Assaf	Public Prosecutor – Anti Corruption Commission
18	Judge Ammar Raja Al Hnaifat	Public Prosecutor / West Amman
19	Judge Hashem Ali Al Hasan	Public Prosecutor / North Amman
20	Judge Faleh Ismail Abu Hilala	Public Prosecutor / East Amman
21	Judge Ahmad Odeh Al Rawahne	Public Prosecutor / South Amman
22	Judge Rafat Habes Al Majali	Public Prosecutor / Zarqa
23	Judge Atef Hamdan Al Khawaldeh	Public Prosecutor / Zarqa
24	Judge Rakan Alayan Sweidat	Attorney General Assistant

Workshop Activities

The head of the Judicial Council and Chief Judge of the Cassation Court, Chief Justice Mohammad Al Mahameed inaugurated the workshop through his opening remarks addressed to attendees and participants in which he highlighted the important role and effective function of the public prosecution in initiating criminal proceedings, investigating crimes and arresting criminals in order to safeguard and protect the society and its members. Following is the Chief Justice's opening remarks:

In the name of God the merciful
Your Excellency the President of the Public Prosecution,
Rule of Law Program Chief of Party, Mr. Robert Dean,
Esteemed expert, Mr. Paul Scoggin,
Fellow judges
Ladies and gentlemen,

I welcome you all to this event and it gives me great pleasure to address the esteemed audience within the time allowed for me in this workshop. This workshop is highly important as it is dedicated for assessing the needs of the public prosecution body, enhancing its role as an integral part of the judiciary, providing it with qualified, competent and trained personnel, and emphasizing the importance of the technical and legal competencies of its members in order to enable them to perform their duties, carry out investigations, listening to witnesses and following the sound method of drafting memos and investigation reports as well as the ability to supervise prisons and detention centres.

Ladies and gentlemen,

The Hashemite Kingdom of Jordan has set Justice as its motto and law as its beacon and path for achieving development and guiding its future course. His Majesty the King emphasised that justice is the basis of governance and that it is the right for all and that the rule of law is supreme. His Majesty also constantly reiterates to the judiciary the importance of the speedy resolution of disputes and issuance of judgements in accordance with the laws in force and the achievement of justice among all without fear or prejudice. He stresses that judges must be the example of integrity, neutrality and dedication and that they shall always remember that they are subject to nothing but honour, conscience, and the law and that achieving justice must not be circumvented by interests or fear, bearing in mind that no innocent person shall be convicted and that no criminal should escape punishment.

Stemming from this, the work of the public prosecution is close to establishing the base and building on it. It is the body that establishes whether the evidence holds or not. It also draws the course of the criminal case from its outset. The loss of evidence in the early stages of investigation means that the truth is lost, that the course of justice is skewed and that the mistake of the public prosecutor that results in the loss of evidence or the inability to obtain it cannot be corrected later on whereby a mistake on the part of a judge in relation to evidence can be rectified through appeal.

Therefore, we must take a special look at the role of the public prosecution; define its needs, and train prosecutors and staff to enable them to carry out their duties. We also need to look into building bridges of confidence and cooperation with stakeholders and partners, particularly security apparatuses that are the justice bodies that meet all the requirements for properly administrating justice and applying the rule of law, as well as civil society organizations concerned



with human rights and the fighting of crime. Another issue to consider is opening up to the media, in a structured way, which protects the credibility of the judiciary and the legal system and raises awareness among the public on the importance of the service the public prosecution provides, and not to interfere with the outcomes and judgements reached by courts and the public prosecution.

The Judicial Council worked on translating the vision of His Majesty to reality and prepared a strategic plan for developing the judicial authority during the coming three years. The plan included three chapters, the second chapter of which covered six pillars of work. The Third pillar pertains to achieving an efficient and effective criminal justice system according to latest standards through achieving the following objectives:

Strengthen the public prosecution body and enhance the capacity of its judges

Develop the “criminal justice” system

Institutionalize the relation between the public prosecution and security apparatuses and other relevant institutions

Develop and modernize legislations governing the work of the public prosecution

Develop the legislations governing criminal trial proceedings

A series of consecutive workshops were held to identify the needs of courts, build the capacity of the administrative units, and prepare the draft judicial authority law and the draft administrative judiciary law. The workshops were followed by discussion sessions on some of the laws that govern judicial work to ascertain their compatibility with the constitutional amendments. These sessions included all members of the judiciary and the public prosecution and they wouldn't have been made possible with the continuous support of the United States Agency for International Development represented by the Rule of the Law Project and the good efforts exerted by those of the project's management and staff, repeating our deepest thanks and appreciation to them.

Here we are today in this workshop that is dedicated for assessing the needs of the public prosecution hoping that your much appreciated efforts will result in identifying useful suggestions and recommendations covering all the components. We value your efforts fully and recognize that you are making this contribution despite your busy and intense workload.

Mohammad Al Mahameed
Chief Judge of the Cassation Court
Chief Justice

After the H.E. the Chief Justice delivered his welcoming speech, the President of the Public Prosecution addressed the audience as follows:

In the name of God the merciful

**Your Excellency the Chief Judge of the Cassation Court and
President of the Judicial Council , , ,**

Esteemed director of the Rule of Law Project

Ladies and gentlemen, dear guests,

Greetings , , , ,

At the beginning of this workshop it gives me great pleasure to welcome all the guests and participants who are here



today to attend the “Public Prosecution Needs Assessment Workshop” that is implemented within the framework of the activities of the USAID Rule of Law Project.

I am full of hope that this workshop will, over the coming three days, be a great success in terms of covering and addressing the topics outlined in the agenda and in achieving the aspired objectives. I can only emphasise that the needs of the public prosecution are many and diverse, and it is a must to revisit the laws and regulations that govern its work and structure and provide it with qualitative and quantitative support to meet the challenges it is faced with across all levels.

I extend all gratitude and appreciation to all those who contributed to holding this workshop and I wish you all great success.

May peace and god’s blessings be upon you
President of the Public Prosecution
Nayef Al Ibrahim

After the opening speech of the Chief Justice and the President of the public Prosecution, each of Mr. Robert Dean and Mr. Paul Scoggin presented themselves and delivered a speech on the role of the Rule of Law Project in the coming phase in terms of developing a work plan for improving the functions of the public prosecution and its various departments that will be presented afterwards to the Judicial Council for endorsement in preparation for its implementation.



It is worthy to note that the biggest share of the workshop was dedicated to public discussion covering questions raised by the expert and the components of the questionnaire, the results of which were presented by the Rule of Law team. The legislations pillar was the prime topic of discussion due to the divergence of views in relation to issuing a special law that would govern the affairs of the public prosecution, outline its functions, responsibilities, work procedures, and organizational structure.

Overview of Survey Results and Discussions Outputs

Component 1: Laws and Legislations

Item	No. / %	Strongly Agree	Agree	Disagree	Strongly Disagree	No Answer	Total
Legislations governing investigation procedures, public prosecution functions and enforcement must be reviewed and amended.	No.	33	21				55
	%	60.0	38.2				100
Put in place legislations to institutionalize the relationship of cooperation and coordination between the public prosecution and police stations, rehabilitation and correctional facilities, and civil society organizations.	No.	43	12				55
	%	78.2	21.8				100

What laws and legislations you recommend to be amended in order to develop and enhance the work of public prosecution department?

Response	No. Of Responses
Criminal Procedures Code	43
Crime prevention	4
Penal Code	15
Judicial Independence Law	4
Anti Terrorism and Anti Money Laundering Law	1
Economic Crimes Law	1
Juveniles Law	2
Prisons and Detention Centres Law	3
Public Security Law	4
Regular Courts Formation Law	3

Component 2: Training and Specialization

Item		Strongly Agree	Agree	Disagree	Strongly Disagree	No Answer	Total
Develop training programs and courses for newly appointed public prosecutors to educate them about work and investigation procedures followed.	No.	41	14				55
	%	74.5	25.5				100
Develop training programs for public prosecution departments on investigation methods, and investigating certain types of crimes, including but not	No.	42	13				55
	%	76.4	23.6				100

Item		Strongly Agree	Agree	Disagree	Strongly Disagree	No Answer	Total
limited to trafficking in persons, money laundering, cyber crimes, and corruption cases.							
Selection of trainers must be based on objective and practical basis that take into account the trainer's specialization and practical experience that is relevant to the topic of training.	No.	47	8				55
	%	85.5	14.5				100
Training materials must reflect the needs, specializations and academic qualifications of trainees.	No.	45	10				55
	%	81.8	18.2				100
Organize training programs on the application of international agreements related to human rights.	No.	29	25			1	55
	%	52.7	45.5			1.8	100
Implementing specialization at public prosecution departments will contribute to improving work effectiveness and building a criminal case that is supported by strong evidences.	No.	25	21	4	4	1	55
	%	45.5	38.2	7.3	7.3	1.8	100
Training courses must cover new amendments in local and international laws and legislations and investigation procedures.	No.	41	14				55
	%	74.5	25.5				100
There is a strong need for developing training programs targeting support staff based on their training needs and the tasks and duties they are assigned.	No.	35	20				55
	%	63.6	36.4				100
Provide training programs to enhance the competence and skills of public prosecution members in the field of information and communications technology.	No.	38	17				55
	%	69.1	30.9				100

Proposed Training Programs

Item	No. / %	Beneficial	Beneficial / Not a Priority	Beneficial for non judges	No Need	No Answer	Total
Criminal intent	No.	27	20	3	2	3	55
	%	49.1	36.4	5.5	3.6	5.5	100
Emerging topics in criminal legislations	No.	40	9	2	1	3	55
	%	72.7	16.4	3.6	1.8	5.5	100
Investigation principles	No.	45	8	1		1	55
	%	81.8	14.5	1.8		1.8	100
The relation between with judicial police and the	No.	40	11	3		1	55
	%	72.7	20.0	5.5		1.8	100

Item	No. / %	Beneficial	Beneficial / Not a Priority	Beneficial for non judges	No Need	No Answer	Total
judiciary							
Evaluate and assess evidences and confessions	No.	37	10	3	3	2	55
	%	67.3	18.2	5.5	5.5	3.6	100
Cyber and computer crimes and means of proving them	No.	42	10	1	1	1	55
	%	76.4	18.2	1.8	1.8	1.8	100
Dealing with multiple party crimes	No.	31	19	1	3	1	55
	%	56.4	34.5	1.8	5.5	1.8	100
The relation between international agreements and national legislations	No.	27	21	2	1	4	55
	%	49.1	38.2	3.6	1.8	7.3	100
Mental and psychological disorders and their impact on criminal liability	No.	30	20	1	2	2	55
	%	54.5	36.4	1.8	3.6	3.6	100
Juveniles cases	No.	30	15	6	2	2	55
	%	54.5	27.3	10.9	3.6	3.6	100
Enforcement of judgements	No.	34	13	5	2	1	55
	%	61.8	23.6	9.1	3.6	1.8	100
Dealing with trafficking in persons cases	No.	40	10	3	1	1	55
	%	72.7	18.2	5.5	1.8	1.8	100
Dealing with money laundering cases	No.	41	11	2		1	55
	%	74.5	20.0	3.6		1.8	100

What suggestions do you have for enhancing and developing the capacity and competence of public prosecution members?

Response	No. Of Responses
Increase the number of support staff at public prosecution departments	4
Possess a longstanding judicial experience prior to being appointed to work in the public prosecution	1
Select members to attended trainings according to need as opposed to randomly	1
Continuing education and training	12
Study and benefit from the experiences of other countries	11
Specialization in the work of the public prosecution	4
Independence of the public prosecution	3
Not to appoint newly hired judges	1
Establish the principle of the long tenure of public prosecutors	1

What training programs and courses do you suggest and that are not listed above and which you believe will enhance the capacity and competence of public prosecutors?

Response	No. Of Responses
Internet / cyber crimes	6
Tax evasion	1
Corruption Crimes	5
Stock markets related crimes and means of evidence collection	4
Focus on means of establishing proof and evidences	1
Family and child cases	2
Crimes against persons.	1
Crimes against property.	1
Investigation and evidence collection techniques	8
Topics related to forensic medicine	2
Topics related to lab tests	1
Honour Crimes	1
English Language	1
Fair Trial Guarantees	2
Enforcement of criminal judgments	3
Economic crimes	2
Training on the Judicial Code of Ethics	1
Justification / reason for holding a person in detention	2
Protection of intellectual property and literary works	1

Component 3: Investigation Procedures

Item	No. / %	Strongly Agree	Agree	Disagree	Strongly Disagree	No Answer	Total
Delay in subpoenaing or bringing parties to the cases or any related person causes delay in case processing and case adjudication.	No.	44	10	1			55
	%	80.0	18.2	1.8			100
Communication with departments and apparatuses that support the work of the public prosecution is easy and streamlined (forensics department, judicial enforcement, criminal investigations, police stations, family protection directorate, other courts, notifiers, government and official departments, prisons, correctional facilities and detention centres . . . etc.	No.	19	23	11	1	1	55
	%	34.5	41.8	20.0	1.8	1.8	100
All means and facilities that help public prosecutors investigate crime and capture criminals, such as staff and logistical support, must be made available to them, particularly when investigating the crime scene and	No.	51	4				55
	%	92.7	7.3				100

Item	No. / %	Strongly Agree	Agree	Disagree	Strongly Disagree	No Answer	Total
collecting evidence.							
Holding suspects in detention during investigation phase leads to speeding up investigation procedures and uncovering the truth.	No.	24	23	4	3	1	55
	%	43.6	41.8	7.3	5.5	1.8	100
It is important to establish criteria for when investigating suspects that are in line with international standards and human rights laws.	No.	28	24	2		1	55
	%	50.9	43.6	3.6		1.8	100

What suggestions do you have for developing and improving investigation procedures at public prosecution departments?

Response	No. Of Responses
Provide the public prosecutor with the criminal record of the defendant and lab results along with the investigation file.	2
Assign members from the judicial police and criminal investigation to assist the public prosecution.	2
Activate the role of the judicial police during the investigation phase.	2
Provide qualified support staff to assist public prosecutors.	11
Review legal articles that govern and regulate the process of holding people in detention given that it impedes investigation, particularly in felony cases as request for bail is filed before the court that will adjudicate it.	1
Increase the number of public prosecutors in proportion to the number of cases received / registered.	4
Improve communication tools with support bodies and apparatuses.	5
Set up specials rooms that are appropriate for conducting investigations and which are separate from public prosecutors' office and registrar offices falling under the department.	1
Assign liaison officers for the aforementioned departments at public prosecution departments.	1
Make available all the means and facilities that help speed up investigation procedures.	1

Component 4: Enforcement Procedures

Item	No. / %	Strongly Agree	Agree	Disagree	Strongly Disagree	No Answer	Total
It is important to appoint a specialised public prosecutor to the criminal judgements enforcement departments	No.	23	26	3	2	1	55
	%	41.8	47.3	5.5	3.6	1.8	100.0
It is imperative to connect all public prosecution departments on one hand and with judicial enforcement on the other.	No.	47	7	1			55
	%	85.5	12.7	1.8			100.0

Item	No. / %	Strongly Agree	Agree	Disagree	Strongly Disagree	No Answer	Total
Shortage in the number of staff members	No.	36	17	2			55
	%	65.5	30.9	3.6			100.0
Weak training in the field of judgement enforcement	No.	17	26	8	1	3	55
	%	30.9	47.3	14.5	1.8	5.5	100.0

In your opinion, what are the best means for improving and developing enforcement procedures?

Response	No. Of Response
Establish direct electronic links with the judicial police, correctional facilities and the Civil Status Bureau.	8
Verify the accuracy of information before issuing the summary judgements (name, address, penalty, date of judgment)	2
Increase the number of qualified staff	8
Over time work on Saturdays	1
Implement and automated system for documenting and archiving all evidences and documents that is linked to applications adopted at the Civil Status Bureau.	1
A specialized judicial body that works under the oversight and supervision of the public prosecution.	2
Grant the public prosecution expanded authorities over judicial enforcement administration at the Public Security Directorate	1
Sentence pronounced in the presence of the defendant must be subject to immediate enforcement	1
Assign a taskforce from the judicial police to enforce judgements such that they would have special places assigned to them within the premises of public prosecution departments and work under the supervision of prosecutors.	1
Put in place binding mechanisms for judicial police to bring in wanted people related to enforcement cases.	3
Reinvigorate the role of police stations and the police	2
Activate legal procedures undertaken by public prosecutors to halt the statute of limitation.	1

Component 5: Infrastructure and Human Resources

Item	No. / %	Strongly Agree	Agree	Disagree	Strongly Disagree	No Answer	Total
Shortage in personnel is considered one of the reasons that lead to increased backlog of cases and delay in judgement issuance.	No.	36	15	1	1	2	55
	%	65.5	27.3	1.8	1.8	3.6	100.0
The infrastructure of public prosecution and enforcement departments require improvement and enhancement in terms of location, facilities, supplies and equipments.	No.	41	10	1	1	2	55
	%	74.5	18.2	1.8	1.8	3.6	100.0

Item	No. / %	Strongly Agree	Agree	Disagree	Strongly Disagree	No Answer	Total
Lack of a unified system and mechanisms for records keeping and files retrieval which obstructs enforcement procedures.	No.	25	26	1	52	3	55
	%	45.5	47.3	1.8	94.5	5.5	100.0
A procedures guide that covers all work procedures that must be followed by those working in public prosecution departments will lead to enhanced service delivery.	No.	35	15	2		3	55
	%	63.6	27.3	3.6		5.5	100.0

General Questions:

How important is the role of the public prosecution and its impact on the criminal justice system?

Response	No. Of Responses
Protection of the society and its members	3
Build a criminal case based on strong proof and evidence	3
Protection of public interest	1
Reveal the truth	2
Achieve justice	9
Investigate crimes and establish the first leads of a case	2
Collect evidences	1

In your view, how can an expanded for the public prosecution be achieved?

Response	No. Of Responses
Train and develop individuals whose work is linked to that of the public prosecution in order to educate them on the role, functions and duties of the prosecution body	7
Amend and issue criminal legislations that are abreast with developments and advancements	3
Competent and capable staff to collect evidence and stay abreast with scientific and practical developments	6
Over time	1
Issue a special law for the public prosecution	2
Independence of the public prosecution body	5
Build bridges of cooperation between the public prosecution and civil society organizations and the media	1
Establish an inspection department special for the public prosecution	1
Assign a specialized force within the police for conducting preliminary inquiry and investigation works.	1

Response	No. Of Responses
Strengthen links between judicial police members and public prosecutors such that the former would report to prosecutors in carrying out their duties.	2
The public prosecutor who handled investigations of cases that touch on public opinion must continue its proceedings before the competent court.	1
Improve the infrastructure of public prosecution departments and supply them with the required and advanced equipments	4
Endorse and adopt penalties levied by public prosecutors on judicial police assistants and enforce them directly.	1
Provide financial, administrative and logistical support	1
Expand the authorities of the prosecution	1
Establish judicial police departments that are linked to public prosecution departments in order to expedite procedures related to enforcement of judgments	1
Link public prosecution department with relevant entities to include the Civil Status Bureau, police departs, correctional facilities and rehabilitation centres and the residency and borders department.	1
Activate the role of the public prosecution as well as his / her oversight on police investigations and detention centres and what is called administrative detention and restrict the authorities of local governors in this regard.	3

Which requirements must be met by those assuming the functions of a public prosecutor?

Response	No. Of Responses
Same terms and conditions that must be met by judges	5
Has served no less than 3 years in the judiciary	4
Has served no less than 4 years in the judiciary	1
Has served no less than 5 years in the judiciary	3
Has served no less than 10 years in the judiciary	1
Be over 40 years of age	1
Hold at least a rank of fourth level	1
Take into account his / her age	3
Master criminal and investigation aspects and procedures.	2
Qualified to deal with field cases	1
Not be from among the newly appointed judges	4
Not less than 45 years of age	1
Be married	1
Not less than 35 years of age	1
Judges appointed as attorney general assistant must possess at least 4 years working as a public prosecutor and at least 3 years working as a judge.	1

Do you think it is important for a judge to work in the public prosecution for a long time without be transferred to another post? If so, please specify the number of years.

Response	No. Of Responses
Yes	27
No	5
2 – 4 years	1
Not more than 3 years	5
5 years	6
6 years	4
Not less than 9 years	1
Not less than 10 years	5
Not more than 10 years	2
Not less than 15 years	1
Transfers from public prosecution positions to other posts must only be based on the request of the public prosecutor and validated by a concrete reason.	2
For the duration of service	1
Not less than 8 years	2
Freedom to choose between staying and continuing and the desire to being transferred and moved to another location	1
Not less than 3 years and not more than 5 years	2
Not more than 5 years	1
Not less than 12 years	1

Suggestions and Recommendations

▪ Legislations Component

Issue an independent law that regulates the work and functions the public prosecution for the following reasons:

- Issuance of a separate and independent law does not necessarily mean that there will be two heads at the top of the judiciary in Jordan. The issuance of such law should be in a way that would not separate the public prosecution from the judiciary, which is considered an integral part of it.
- Determine the legal time periods that must be spent by the public prosecutor in the judiciary, prior to his appointment for the first time in the public prosecution body.
- Clarify the terms and requirements that must be met by public prosecutors prior to appointment. In addition, define the skills, personal qualities and administrative experience and expertise that must be enjoyed by public prosecutors.
- Measures, steps and decisions undertaken by public prosecutors are very important and critical given that they affect the society as a whole and the rights and liberties of individuals which the Constitution safeguarded. Such decisions include but are not limited to those relating to detention and banning people from travelling.
- Clarify the conditions and criteria that must be applied when transferring public prosecutors from their jobs in order to avoid arbitrary and unjustified transfers.
- Take into account the service time sent by prosecutors in their positions within the prosecution body for purposes of transfer and promotion to the appeals court, similar to first instance court judges.
- Texts contained in the Criminal Procedures Code are limited, general and insufficient to address all the functions of the public prosecution.
- The unique aspects of the work and functions of the public prosecution and which distinguishes it from other judicial work.
- Adding text to the Criminal Procedure Code relating to the work of public prosecutors and the mechanisms of their appointment, transfer and promotion is unnecessary and contrary to legislation principles given that this law regulates trial and sentencing procedures as well as appeals mechanisms, and therefore such amendments will be definitely rejected by the House of Representatives.
- It must be taken into consideration that issuing a separate and independent law that would govern the work of the public prosecution will be faced with resistance. Therefore, the alternative solution would be to add a provision to the draft judicial authority law that states that an independent law that would govern the work of the public prosecution will be issued and that it would include, but not limited to, provisions related the public prosecution functions, organizational structure, terms related to appointment, transfer, service . . . etc.

Amend or add articles to the Criminal Procedures Code that regulate the work of the public prosecution, without the need for issuing a separate and independent public prosecution law for the following reasons:

- Issuing an independent law for the public prosecution might lead to conflict over the presidency of the judicial authority; therefore amending the Criminal Procedures Code might be a solution to this dilemma.

- The small and limited number of public prosecutors does not warrant the issuance of an independent law.
- Clarify and detail out the articles that regulate the work of judicial police assistants, and particularly articles 9 and 10 of the Criminal Procedures Code because their application definitely leads to some inconsistency because the aforementioned employees are staff members appointed at other ministries and government entities in addition to their judicial officers duties. This requires that they implement the directives of their direct supervisors in addition to those of the public prosecution in his capacity as head of the judicial police in relation to their work as assistant judicial officers. This impedes work and precludes from carrying out the required functions and duties.
- Clarify the nature of the relation between the public prosecutor as the head of the judicial police and members of the public security as the judicial police pursuant to article 1/1 of the Criminal Procedures Code which reads as follows: “The public prosecutor is the head of the judicial police in his / her area of jurisdiction, and all the judicial police members shall be under his / her supervision and control.” The clarification is needed due to the erroneous understanding of the nature of relationship outlined in the above article, whether in the minds of public prosecutors or that of judicial police members and which, in some cases, leads to a kind of clash and conflict over the jurisdiction of each.
- Revisit the mechanism for applying article 22 of the Criminal Procedures Code and which states the following: “If the judicial police members dawdled in the performance of their duties, the public prosecutor shall reprimand them and he / she can suggest to the competent authority the disciplinary measures that might be taken against them.” The current practice is that the public prosecutor sends a report about the violation of a member of the judicial police of the directives of the public prosecutor during the course of his / her duty to the officer’s direct boss within the public security body. There is no mechanism for the public prosecutor to find out the measure taken against the employee who violated the law and the execution of disciplinary sanctions against him / her, which in most cases is not applied pursuant to an exemption from liability decision issued by the Public Security Director.
- Amend article 22 of the Criminal Procedures Code by increasing the jurisdiction of the public prosecutor and not confining penalty to the issuance of a notice and granting him / her the right to impose stricter penalty on judicial police officers who dawdle in execution of orders given to them by the public prosecutor.
- Amend article 100/1/b of the Criminal Procedures Code and which states that “Hearing the testimony of the defendant immediately after his / her arresting and sending him/her within twenty four hours to the competent public prosecutor along with the report mentioned in subparagraph (a) of this paragraph. The public prosecutor has to document in the report the time the defendant was brought before him / her for the first time and he / she has to start the investigation procedures within twenty four hours” by extending the detention duration at police stations to 72 hours conditioned on the approval of the public prosecutor of such decision.
- Amend article 130 of the Criminal Procedures Code and which states the following: “If the public prosecutor finds out that the act does not constitute a crime or there is no evidence that could prove that the defendant is the perpetrator of the crime or the criminal act has lapsed because of prescription or death or general amnesty, he / she has to – in the first two instances – decide to ban the prosecution of the defendant. As for the other instances he / she has to dismiss the criminal proceedings and send the case’s file immediately to the Attorney General.” The amendment would relate to assessing the evidence, and prevent the trial of the

defendant in the event of the inadequacy of evidences against the defendant proving that he / she is the perpetrator.

- Activate all legal texts in all legislations that will improve the role of the public prosecution.
- Amend all articles that regulate the work of the public prosecution to include duties, organizational structure, terms of appointment, transfer, and service . . . etc.
- Activate the role of the public prosecution during the initial investigation phase given the importance of this procedures its impact on case proceedings and the final judgement.
- Add an article that grants the public prosecutor the power to conduct negotiations (plea bargain) with the defendant to resolve the criminal case and reveal the truth to reduce the penalty before the competent court.
- Add articles or a chapter to the Criminal Procedures Code related to witness protection programs. There is also a suggestion for this to be covered in a special regulation that is issued for this purpose.

Suffice with the articles listed in the Criminal Procedures Code and which relate to the functions of the public prosecution for the following reasons:

- The articles of the criminal procedure code related to the work of the public prosecution are comprehensive and clear and do not require any amendments. Therefore, there is no need for issuing a separate and independent law for this. This evidence to this is that the legal articles that were listed in the temporary Public Prosecution Law that was presented to parliament and repealed by it were 90% taken from the Criminal Procedures Code without any amendments or updating. In addition, the draft law was not comprehensive and increased the powers of the Minister of Justice over the functions of the prosecution and the public prosecution members.
- Issuing and implementing an independent law that regulates the work of the public prosecution is only applicable to countries in which there is separation between the public prosecution and the judicial authority and which is not the case in the Hashemite Kingdom of Jordan, whereby members of the public prosecution are judges and fall under the authority of the Judicial Council.
- Applying a separate law which regulates the work of the Public Prosecution in the Kingdom of Jordan, similar to Egypt, is impossible due to the differences between the two judicial systems. For example, in Egypt there is an investigation judge and an indictment judge, which has no corresponding structure on our judicial system.

▪ **Training and Specialization Component**

Training

First: Investigation Principles

Several public prosecutors emphasized the pressing need for trainings to enhance investigation skills and techniques among prosecution members. There are several tracks or training curricula for such training:

- Develop training programs on managing and understanding crime scenes, giving clear and appropriate instructions to members of the police and assistant judicial police as well as skills related to dealing with forensic medicine.

- Investigation skills, how to prepare work plans before starting the investigation with emphasis on interrogation skills, conducting follow-up investigations and following up on issued notices, criminal lab results, narrow the scope of investigation to cover only what's relevant to the case.
- Train assistant judicial police members on skills related to dealing with crime scenes, collecting evidences, drafting reports, conducting initial investigation, how to question witnesses and interrogate parties before sending to courts or public prosecution departments.
- Training support staff at public prosecution departments to enhance their skills and capacity to carry out their duties in an optimal and efficient manner.
- Hold joint training programs for public prosecution members and assistant judicial police from the Public Security Directorate to clarify relations between them and the tasks assigned to each at the crime scene and during the investigation phase and clarify that the public prosecutor is the person responsible for leading, directing and managing the investigation in addition to issuing orders and distributing the assignments to guarantee investigations take the proper course.

Second: Financial Crimes

- Develop training programs on the mechanisms and tools used in financing crimes of terrorism.
- Develop training programs covering the following topics: organized crime, financial markets, and corruption and banking crimes.

Third: Crimes Committed Using Electronic Means

- Develop training programs to clarify and demonstrate modern techniques adopted in committing financial as well as many other types of crimes using computer and the internet.
- Develop training programs for public prosecution members on the ways and technicalities of dealing with computers and electronic equipments and how to investigate crime and collect evidence by accessing information stored on the computers of suspects and gather the necessary information pertaining to the case being investigated.
- Specialized training programs covering crimes conducted through the use of mobile phones and communications networks and means of tracking and following suspects.

Fourth: Forensic Sciences

- Develop training course for public prosecution members related to the functions of forensic medicine covering DNA testing, semen testing in rape and sodomy cases as well as modern tools for collecting and analyzing fingerprints.

Fifth: Legislative Aspect

- Hold courses related to legislations, laws and new crimes (such as Money Laundering and Terrorism Combating Law, Trafficking in Persons Law, crimes related to children, domestic violence, sexual abuse, and intellectual property crimes).
- Stay abreast with ongoing amendments on current legislations in force and particularly the laws that affect the work of the public prosecution, such as the Penal Code and the Criminal Procedures Law.

Sixth: Management and Dealing with the Public and the Different Segments of the Society

- Hold training courses for public prosecutors on communication skills and means of dealing with all the different segments of society across their different types and cultures.
- Hold training courses for public prosecution members on management and leadership skills, building effective teams that are capable of carrying out their functions and duties competently.

Specialization

- I. Appoint a public prosecutor with jurisdiction across the Kingdom to work on cases that interest the public as well as state security cases. The purpose of this is to prevent from trying civilians before the State Security Court.
- II. Appoint public prosecutors to specialize in new and emerging cases (money laundering, crimes committed using electronic means, internet and cyber crimes, stock market crimes).
- III. Determine the specialization of public prosecutors in general such that they are divided into investigation prosecutor, indictment prosecutor and criminal judgments enforcement prosecutor.
- IV. Solicit the desire and interest of public prosecutors when appointing them in the prosecution body and during the time of their service.

▪ Investigation Procedures Component

- I. Establish electronic links with government and official entities that are relevant to the work of the public prosecution department. These include the following:
 - Criminal investigations
 - Residency and borders
 - Criminal lab
 - Forensic medicine
 - Drivers and Vehicles Licensing Department
 - Civil Status Bureau
 - Prisons and detention centres
 - Juveniles rehabilitation centres
 - Family Protection Directorate
- II. Appoint a public prosecutor at each police station to supervise initial investigation procedure or to carry it out him / herself in order to ensure the accuracy of investigations and their compliance and alignment with legal rules, particularly article 100/1/b of the criminal procedures code and which states that (Hearing the testimony of the defendant immediately after his / her arresting and sending him/her within twenty four hours to the competent public prosecutor along with the report mentioned in subparagraph (a) of this paragraph. The public prosecutor has to document in the report the time the defendant was brought before him / her for the first time and he / she has to start the investigation procedures within twenty four hours). It must be noted here that any confession or evidence obtained after the lapse of 24 hours is not admissible in court.
- III. Make available to public prosecution members appropriate transportation means as well as adequate staff support, particularly when going to crime scenes given that the procedures currently in place requires public prosecutors to use their private cars and which:
 - Does not provide the necessary safety and security.

- Might lead to a direct confrontation between public prosecution members and people linked to or connected to the crime.
 - Does not provide safety and security for evidences and statements taken.
- IV. Provide public prosecutors with the criminal record of suspects before the start of judicial investigation.
 - V. Unify the numbering system used for registering cases such that each case would have one serial number from initial registration at the investigation stage all through the final stage of adjudication and judgement enforcement.
 - VI. Appoint, from the judicial police, specialized assistants who report directly the public prosecutor and who are physically located in the same work premises of that of prosecutors and who work under the command and supervision of the prosecutors, provided that said assistants are holders of law degrees.
 - VII. Establish a special unit for pursuing and capturing fugitives from justice.
 - VIII. Appoint a number of notifiers to work under the supervision and direction of the public prosecutor.
 - IX. Reiterate to the assistants of law enforcement officers the importance of verifying and making sure that the information listed below, and which relate to both the complainant and the defendant when writing the statement are accurate:
 - Full name.
 - Nationality.
 - National ID number for Jordanian citizens and the passport number of non Jordanians.
 - Accurate address to facilitate the issuance of warrants and subpoenas.
 - Mother's name.
 - X. Orders issued by public prosecutors to assistant judicial police must be done in writing, which will guarantee the compliance of the members of the police force and judicial police assistants to such orders.
 - XI. Obtain the statements of the parties to the complaint under legal oath by assistant judicial police.
 - XII. Document statements and witnesses' testimonies as well as the initial interrogation using audio visual means.
 - XIII. Institutionalize relations between public prosecution departments and criminal labs through the following:
 - Placing monitoring responsibility on public prosecutors over forensic labs to prevent tampering with criminal evidences.
 - Sign an agreement of cooperation between the Ministry of Justice and private sector labs because of delays by the forensic lab of the Public Security Directorate in issuing reports and the lack of their accuracy.
 - Appoint a liaison officer between public prosecution departments and forensic labs.
 - XIV. It is important for forensic labs to be independent from the Public Security Directorate to prevent susceptibility to the interests and requests of the executive authority.

▪ **Enforcement Procedures of Criminal Judgments Component**

- I. Allocate a unit for enforcing criminal judgements that administratively and logistically falls under the supervision of public prosecution departments.
- II. Improve and develop the work of Judicial Police Departments through increasing the number of their staff members, enhancing their skills and competence, and providing them with the necessary supplies and equipments to carry out their duties and functions, such as appropriate vehicles, computers, and electronic links with the Civil Status Bureau.
- III. Implement the addresses system adopted in the capital city of Amman in all areas across the Kingdom.

- IV. In the event that judicial police assistants from the Public Security Directorate commit any crime, they must be referred to regular courts and not to the special police courts.
- V. Increase the role of the public prosecutor in taking material measures that halt the statutes of limitation, and define the type of such measures.
- VI. Activate the role of public prosecutors to take legal measures against sponsors.
- VII. Send summary judgements from courts that issue the judgements and require enforcement in a proper way such that they would include an accurate listing of names, penalties and addresses.

▪ Human Resources and Infrastructure Component

Human Resources

- I. Increase the number of public prosecutors in all courts across the Kingdom given that based on field visits results and the Public Prosecution Needs Assessment Workshop's outcomes it is clear that the number of cases investigated by public prosecutors ranges between 700 – 1000 cases per year, that is in addition to overseeing visitation right, enforcement cases, going to crime scenes, supervising autopsy procedures, and inspecting police stations and prisons. From the above, it is clear how big the workload is on public prosecutors and which requires them to work long and extra hours that exceed the number of official daily work hours.
- II. Appoint assistant public prosecutors who hold law degrees so as to assist public prosecutors in carrying out investigations at crime scenes and collect evidences.
- III. Increase the number of the administrative support staff in a manner that is congruent with the exponentially increasing number of cases being registered and that require enforcement.
- IV. Develop the skills and competencies of the administrative support staff because the actual reality shows the little practical expertise and qualifications the administrative staff members have and which reflects negatively on performance and work. This would be achieved through having them undergo intensive training courses.

Infrastructure

- I. Improve and develop the infrastructure of all public prosecution buildings and offices across the country.
- II. Buy and / or establish special buildings for public prosecution departments instead of renting them to avoid depletion of the Ministry of Justice's funds through paying high rental fees for offices and buildings.
- III. Make available appropriate services and tools at buildings and places designated for the work of public prosecution departments to include the following:
 - Surveillance cameras.
 - Safety and protection measures for public prosecution offices.
 - Independent investigation rooms that are separate from the offices of public prosecutors.
 - Investigation rooms equipped with glass partitions to ensure the safety and soundness of investigations and the revealing of truth when the victim is confronted with the suspect, particularly when the victim is a child.
 - Audiovisual recording equipments to document the interrogation and investigation procedures.

- Provide furniture that is suitable for the type and nature of the work of public prosecution departments.
 - Suitable and adequate number of equipments, such as computers, printers, communications equipments among others that will enable the departments to properly carry out their functions.
 - Special vehicles for transporting public prosecutors to the crime scene and location.
 - Make available special parking areas for the public and staff.
- IV. Develop a special and effective system for keeping files and evidences that would guarantee their integrity and facilitate retrieval.