



**USAID | JORDAN**  
FROM THE AMERICAN PEOPLE

# USAID-Rule of Law Project in Jordan

Contractor: DPK Consulting - A division of ARD.Inc  
Contractor: USAID-Rule of Law Project

تقرير ورشة عمل  
إعداد الخطة التدريبية لعام 2012  
للسلطة القضائية

فندق المريديان - عمان

19/2/2012

## Table of Contents

Introduction: .....	3
Workshop Agenda.....	3
Opening Speeches.....	4
H.E President of the Judicial Council Speech:.....	4
Judicial Council’s Secretary General Speech:.....	5
Presentations: .....	6
Mr. Nabil Isifan Presentation / Rule of Law Project: .....	6
Workshop’s Objectives: .....	7
Training Needs Assessment Workshop Results:.....	7
First: Training Needs/ Public Prosecution:.....	7
Second: Training Needs/ Courts of Appeals: .....	8
Third: Training Needs/ First Instance Courts: .....	9
Fourth: Training Needs/ Tax and Customs First Instance Courts: .....	11
Fifth: Training Needs: Recommendations .....	11
List of Appendixes: .....	13
Appendix (1) - Workshop Agenda .....	13
Appendix (2) - Opening Speeches.....	15
Appendix (3) – Presentations.....	18

## **Introduction:**

Upon an invitation by the President of the Judicial Council, a workshop was held in order to define the Judicial Authority's training needs for the year 2012. The workshop was held under His Excellency's auspices in order for the Judicial Authority to continue in its development efforts according to the Royal vision and in pursuance of the Judicial Building Strategy of 2012-2014, which contained six main programs one of them is the Training and Specialization Program. The Training and Specialization program contains a number of activities in order to achieve the Strategy's components and goals. This program's importance stems from its goal to promote and upgrade the judges' efficiency and abilities in order to be more able to carry out their increasing duties and achieve timely justice.

In order to effectuate the participation principle in decision making and be also able to receive the largest number of suggestions and recommendations, which contribute to the development of the training plan, the largest number possible of decision makers in the Judiciary were engaged in this activity. The workshop was attended by:

- The Chief Judges of all Cassation Court's panels, (6 judges).
- Heads of all the appellate judicial panels in the kingdom, (35 judges).
- President of the Public Prosecution.
- Ministry of Justice Secretary General.
- Tax Court of Appeals Chief Judge.
- Customs Court of Appeals Chief Judge.
- First Instance Courts' Chief Judges, (18 judges).
- Attorney Generals, (4 judges).
- Head of the Technical Office.
- Head of Judicial Inspection Directorate.
- Judicial Institute's General Manager.
- Civil Public Attorney.
- Administrative Units Cadre (Director of the Training and Specialization Unit and Director of the Planning and Development Unit).
- Rule of Law Project Staff.

The event started by a welcoming speech by His Excellency the President of the Judicial Council, followed by a welcome speech by the Judicial Council's Secretary General. Mr. Nabil Isifan – Rule of Law Project's Judicial Consultant- presented the results of the training needs assessment survey and after the presentation each judge presented the training needs of the category, he/she represents. After the presentations an open discussion session was held, where all attending judges participated in it.

## **Workshop Agenda**

- The Opening Session: Opening speech by H.E Judge Mohammad Al Mahameed (President of the Judicial Council) and a speech by Judge Jamaliah (Judicial Council's Secretary General).

- A presentation of the training needs assessment survey results by Mr. Nabil Isifan (Rule of Law Project's Judicial Advisor).
- Training needs presentations by (Judge. Ghazi Azar, Judge. Naseem Nasrawi, Judge. Ibrahim Abu Taleb, Judge. Yousef Al Tarawneh).
- A presentation of the training needs related to the Judicial Inspection Directorate, - did not take place, due to the Director's absence and a presentation by Judge. Mansour Al Hadedi (Judicial Institute Director) followed by a discussion session.
- A presentation of the Public Civil Attorney training needs by judge. Khalaf Raqad (Director of the Public Civil Attorney Department), in addition to a presentation by the Technical Office Director, Judge. Mohammad Shamout, followed by a discussion session.
- Presentation of the public prosecution's training needs by ( Judge. Nayif Ibrahim, Judge Hamad Al Ghazwi and Attorney General Talab Al Dalaeen, Attorney General Thaer Al Edwan , Attorney General Ziad Al Doumour) , followed by a discussion session.
- Presentation of first instance courts' training needs presented by ( Judge. Yaser Shibly – Chief Judge of Zarqa First Instance Court- , Judge. Musa Falah – Chief Judge of Irbid First Instance Court- , Judge Nabil Al Sabir – Chief Judge of Tax First Instance Court- , Judge. Waleed Kanakriah – Chief Judge of North Amman First Instance Court- , Judge. Mohammad Al Khawaldeh – Chief Judge of Moaan First Instance Court) the presentations were followed by a discussion session.

## Opening Speeches

### *H.E President of the Judicial Council Speech:*

H.E the Chief Justice, President of the Judicial Council started his welcoming speech, by pointing out that establishing justice in these days faces many great challenges due to the increasing number cases received by the courts and the limited numbers of employees and staff in such courts, in addition to the various large numbers of laws and regulations that should be implemented and followed by such courts. He also pointed out that the fast developments in various legal fields such as commerce, investment, environment, intellectual property, combating terrorism and money laundering in addition to combating family crimes and the emergence of new crimes, which affect humanity in its security and stability and to face all such challenges, there is an imminent need to formulate judicial approaches which can deal with such developments in reasonable and successful way. You the leaders of our Judiciary shall bear the responsibility of facing and overcoming such challenges and you are also requested to define the judiciary needs and be able to view others' experiences and utilize the best of such experiences as a major source for development and change.

He also pointed out that preparing judges and qualifying them in a way that suits our times developments is a very important aspect , which is needed in order to create a modern and efficient judiciary which guarantees fair trials and enhances the public confidence in it and its performance. The adoption of training programs directed towards the enhancement of efficiency and the development of legal thinking in addition to expanding judicial specialization within an environment which utilizes good quality and well drafted, free of any imbalances or ambiguities,

will have its major effect on the court's efficiency by reducing the delay in deciding cases and also by providing the public with more quality judgments and decisions.

H.E the Chief Justice also thanked H.M King Abdullah the II Iben Al Hussein for his support to the Judicial Building Strategy when He met H.M, in order to reach the level of having a distinguished judiciary which strengthen justice and rule of law. H.M also emphasized on the importance of provided the Judiciary with all its material needs and also providing it with the qualified talents in order to be able to carry out its duties and play its vital role in the process of comprehensive reform.

### ***Judicial Council's Secretary General Speech:***

The Secretary General of the Judicial Council Judge, Ahmad Jamaliah started his speech by thanking the honorable judges for their attendance of the workshop, emphasizing that this workshop aims at developing the Judiciary's Training Plan for the year 2012, which stems from the Judicial Building Strategy submitted by H.E the President of the Judicial Council lately to H.M the King.

The Secretary General noted the Judicial Council's and H.E the President of the Council keenness and care regarding judicial training as it constitutes a major component of the strategy and serves as the gate for all other future programs and projects success in addition to all hopes related to the development of the litigation process. This can be only done by continuing the judges training programs and enable such judges to be exposed to all related legal resources.

He also stressed that training can't be effective unless it follows a certain strong methodology and is build upon scientific basis in addition to employing modern teaching ways. The training programs shall be of a main concern to the Judicial Council , which has to activate such training according to specified plans and programs aims at strengthen the judges skills and increase their knowledge. The Judiciary's training needs shall be materialized in an exclusive and specialized training plan that shall be implanted by the Judicial Council.

He also pointed that the Training and Specialization Unit at the Judicial Council works continually in order to organize and implement the training programs aiming at increasing the judges' skills and knowledge base according to their special areas of work in order to achieve the anticipated results. He also pointed that the implementation of the annual training plan shall be one of the Training Unit's main duties. In order to guarantee the effectiveness of all training programs, the Unit performs an evaluation of the trainees and the trainers in each training event in order to measure the benefits resulting from such training and in order to develop the training process by utilizing the lessons learned.

He also pointed out the support the Judicial Council had by H.M the King initiatives and directions, which reflects that there is a real and strong well in order to develop the Judiciary and make it capable of carrying out its duties and functions by providing it with all its needs and work hard in order to keep it guardian of rights and freedoms. The Judiciary is working hard to achieve more transparency and equality in addition to provide equal opportunities to all in a democratic environment under the protection and guidance of H.M King Abdullah the II Ibin Al Hussein.

## **Presentations:**

### ***Mr. Nabil Isifan Presentation / Rule of Law Project:***

MR. Nabil Isifan presented the training needs assessment surveys results, and noted that the judicial training program complements the Judicial Building Strategy of 2012-2014, which focuses on providing judicial cadre with the needed knowledge, skills and abilities in order to be able to materialize and achieve the Judiciary's goals and message. He also pointed out that the training program includes (25) different training activity directing all judges and their administrative staff regardless of the rank or level they server at right now. The training activities are divided into four main components and twelve goals.

Mr. Isifan defined the training needs as "a group of positive changes, which are to be achieved in relation to the knowledge, approaches, skills of the judges through training in order to keep up with the rapid developments and complications related to the judicial work and in order to bridge the gap between actual performance and desired one.

He also talked about the basis used in order to indentify the training needs:

1. Linking the judges' training needs with the Judicial Authority Building Strategy for 2012-2014.
2. Analyzing the specializations related to the judges' work.
3. Receiving the courts' chief judges' opinions in relation to the training needs of their own judges.
4. Survey the judges in order to be able to get their training needs.
5. Analyze the judicial inspection reports in relation to the judges' strengths and weaknesses.
6. Human resources planning in relation to the number of judges who will be appointed or transferred or promoted and then the training needs for each category of judges.
7. Analyzing the previous training activities evaluations in order to know the extent such trainings were able to satisfy the training needs.
8. Defining the level of abilities (knowledge and skills) needed in order to perform the post duties.
9. Defining the training content.
10. Defining the training evaluation standards.

He also presented the results of the training needs assessment which was as follows:

- The results of the Kingdom's courts' chief judges workshop which was held between 24<sup>th</sup> and 25<sup>th</sup> of September 2011 , where the views of the participants regarding the training needs of their judges was collected through the use of a questionnaire which included open ended and closed questions.
- The results of the needs assessment survey which targeted members of the public prosecution in all the Kingdom's courts. The survey aimed at assessing the public prosecution's needs in general through a questionnaire. Part of the questionnaire was dedicated to collect information regarding the training needs of the public prosecution members in order to strengthen their efficiency and promote their performance.
- The results of meetings we conducted with Cassation Court's and courts of appeals judges in Amman in order to define the training needs of the appellate and trial judges.

## **Workshop's Objectives:**

1. Implementing the strategic plan which includes a full program related to training, efficiency enhancement of all judges, which is the training and specialization program.
2. Defining the Judicial Authority's training needs for the year 2012 in order to prepare the full and detailed training plan.
3. Activating the participatory approach, by involving the largest number of judges in preparing the training plan based on the judge's actual training needs.

## **Training Needs Assessment Workshop Results:**

The Judicial Authority Building Strategy of 2012-2014, gave the training and qualification processes a great interest. The training aims at proving the judicial cadre with the knowledge, abilities and skills needed in order to materialize and achieve the judicial authority's goals and message. It also aims at bridging the gap between the actual and desired performance.

The training and specialization program enjoys a lot of coverage and focus in the strategic plan, where it includes (25) activity divided into (12) goals.

The workshop comes in order to define the training needs as a reflection to the participatory and cooperation approach between the variously related components of the Judiciary. Such participatory approach became the guiding doctrine which the judiciary always follows in relation to decision making and the development of policies in addition to the defining the training needs of the judicial and administrative cadres. The following are the workshop's main results:

### ***First: Training Needs/ Public Prosecution:***

The fact that the public prosecution is the body which is legally entrusted with investigating crimes and perusing its perpetrators , arresting them , collecting evidences in order to submit it to the competent court in order to achieve justice and reach the truth, all this calls for the preparation of training programs in the following areas:

1. A training program in the principles of investigation, collecting evidences, using experts and specialists.
2. A training program in relation to corruption crimes especially financial crimes such as embezzlement, forgery and fraud which requires a good knowledge in financial and accounting issues in order to be able to prosecute such crimes.
3. A training program in relation to investigating crimes committed by electronic means such as using mobile phones, internet, credit cards and e commerce, due to the fact that such crimes requires special procedures different than the ones followed while investigating regular crimes.
4. A training program on money laundering and terrorism crimes in addition to Trans boundary crimes.
5. A training program on human trafficking crimes.
6. A training program on intellectual property crimes and crimes against photocopy rights.
7. A training program on crimes against trademarks, patent rights and other protected intellectual rights.

8. Training programs in relation to investigation of family violence crimes and all other crimes related to the family (such as sexual crimes and incest). Such crimes have its own special circumstances, which have to be taken into consideration.
9. Conducting English training programs provided that such programs should be long term ones.
10. Training programs for both judges and staff members in relation to communication and customer service skills.
11. Forensic medicine training programs.
12. Defining the trainer's skills and the training material.
13. Training programs related to the relationship between the public prosecution and the judicial police.
14. Training programs on special investigation techniques and principles such as investigating international stock markets' crimes and other financial crimes.
15. Conducting awareness sessions for civil society organizations in order to educate them about the public prosecution and its functions.
16. Cross border crimes.
17. Training programs related to the relation with the judicial police.
18. Giving the attorney general's the power to inspect the work of public prosecutors.
19. Training the administrative staff on how to deal with the public.

When developing any training program to the public prosecution members it shall be taken into consideration that such training would not negatively affect their work and duties, especially those who are public prosecutors and trial judges or assistants to the civil public attorney or those who appear before the criminal courts.

### ***Second: Training Needs/ Courts of Appeals:***

In light of the huge developments which affected all aspects of life including the judiciary and in relation to H.M vision regarding the judicial authority and the continues emphasis on the importance of judicial training and. The following are the main training topics as seen by the courts of appeals judges:

1. Establishing a data base which contains all information related to the Kingdom's judges 'training needs.
2. The training subjects shall be a true translation of the actual training needs with emphasis on preparing an annual training plan and also the creation of an English language training program which became an important training aspect.
3. Selecting trainers based on objective basis which take into consideration efficiency especially in practical training methods.
4. In order to be able to identify the judges' real training needs , it is important that judges participate in identifying such needs through the distribution of certain questionnaires on them , where they can set their training needs and prioritize such needs.
5. Civil specialization : judges' needs in this area focuses on the following areas : responsibility for medical mal practice, legislative developments in the area of civil procedures , banking operations , intellectual property , insolvency , bankruptcy, arbitration, tenant and landlord law, construction cases and how to deal with experts reports , compensation cases, judgments' execution, mediation , jurisdiction and estimating the case value.
6. Criminal jurisdiction ; the judges training needs in this area focuses on the following cases: computer crimes and how to prove such crimes , amendments to criminal legislations, evaluation of evidences and confession , mental and psychological illnesses and its effect on criminal responsibility, the relationship between international agreements and local legislations, the relationship between the civil case and the public one , criminal execution ,

the defendant's rights , standards governing precautionary detention , the interrogation principles and how to deal with multi parties crimes, the witness legal status , juvenile criminal cases , the relationship between the public prosecution and the police , the parties which has the right to initiate the public criminal legal action and how to prepare a criminal pleading by the public prosecutor.

7. Special skills: in the area of special skills the judges needs can be summarized as follows: how to reduce delay in trying cases, early judicial control of the case course, scheduling hearing sessions and how to control the hearing and manage the trial, expediting the notification process, protecting the lawyers' rights and judicial notifications.
8. General skills: these skills focus on computer skills and other skills related to how to manage multi requests and parties' cases, legal research by using computers in addition to facilities' management, improving drafting skills and how to deal with witnesses and citizens.
9. The following topics represent the judge's training priorities :
  - New developments in the civil procedures law.
  - Banking operations and modern commerce.
  - Responsibility for medical malpractice.
  - Tenant and landlord law.
  - Time management.
  - Improving drafting skills.
  - How to deal with parties and lawyers.
  - New developments concerning civil law.
  - Landlord and tenant law.
  - International and commercial transactions.
  - Mediation.
  - Evaluating evidences and confession.
  - Constructions and intellectual property cases, appointing experts, how to deal with experts' reports. Bankruptcy cases, arbitration, financial notes and mediation in civil cases.
  - Training programs related to commercial maritime law.
10. Criminal jurisdiction: the following topics constitute the training priority to judges:
  - Evaluating evidences and confession.
  - New developments in criminal legislations , computer crimes and how to prove it , dealing with multi parties cases , relationship between international agreements and national laws and the relations between the public criminal case and the civil case.
  - Criminal intention.
  - Principles of investigation and crime scene investigation.
  - Evaluating evidences and confession.
  - Detention governing principles.
  - Computer crimes.
  - Representation rights.

### ***Third: Training Needs/ First Instance Courts:***

The following are the main training needs as defined by the courts of first instance judges: The first instance courts judges see that the training programs should be held in the form of discussion session instead of the typical lecture format and they also see that there should be objective standards for the selection of trainers where factors like experience and knowledge, in addition to

the related course plan and differentiation between training and education shall be taken into account. The following are the main training topics that were discussed:

1. Focusing on subjects related to juvenile crimes.
2. Training on alternative dispute resolution methods such as mediation.
3. Communication and outreach skills.
4. Intellectual property.
5. Administrative skills and time management.
6. Evidences' law.
7. Obligating the adversary.
8. Injunction requests.
9. Leasing contracts.
10. In relation to the criminal jurisdiction , the following topics has to be addressed by the training programs:
  - Public prosecution.
  - Repeated offences and incorporation of penalties.
  - The legal characterization of some types of crimes.
  - The civil case and its relation with the criminal action.
  - International crimes and its effect on the national penal code.
  - Criminal intention.
  - Challenging criminal judgments.
  - Continues and persistent crimes.
  - Alternative resolutions for criminal disputes.
  - New developments in criminal legislations.
  - The relation between the civil case and the public criminal one.
  - Rules of investigation.
  - Legal status.
  - Evidences and confession.
  - Computer crimes.
  - Dealing with multi parties crimes.
  - The right to defense.
  - International agreements.
  - Cases related to mental illness.
  - Rules of criminal procedures.
11. In the area of civil jurisdiction the training shall focus on the following topics :
  - New developments in the civil procedures law.
  - Tenants and landlords law.
  - Responsibility for medical malpractice.
  - Appointment of experts and how to deal with experts' reports.
  - Labor contracts.
  - Contracts and how to change or amend them.
  - Procedures and rules followed before the conciliation courts according to article (7 and 8) of the Conciliation Courts Law.
  - Appointing judicial guardian.
  - Commercial disputes related to commercial notes.
  - Counter claims in companies' cases.
  - Liquidating insurance companies.
  - Insurance cases.
  - Requests to join a pending case.
  - Companies' liquidation cases and commercial contracts.
  - Retrial requests and case.
  - Banking and commerce.

- Property protection.
  - Construction cases.
  - Bankruptcy cases.
  - Arbitration.
  - Commercial agreements.
  - Intellectual property.
  - Shipping procedures.
  - Preparing budgets.
  - Prohibiting double taxation.
  - Imported services.
  - Famous commercial names.
  - Banking and money exchange services.
  - Money laundering.
  - Tax evasion.
  - Commercial law and illegal competition.
12. General Skills: the following skills have to be addressed by the training programs:
- Time management.
  - Managing multi parties cases.
  - Communication skills.
  - Computer skills.
  - Case control skills.
  - Judicial notifications.

#### ***Fourth: Training Needs/ Tax and Customs First Instance Courts:***

The following are the most important training needs:

1. In relation to the customs first instance court the following topics are important :
  - International and regional agreements related to customs and tariffs.
  - Intellectual property subjects and its applications.
  - Shipping permits and procedures.
  - Customs' law.
2. In relation to the tax first instance court the following topics are important:
  - Preparing budgets and income lists.
  - Imported services.
  - Banning double taxation.
  - Income tax.
  - Banking and money exchange activities.
  - Money laundering and combating tax evasion.
  - Commercial law.

#### ***Fifth: Training Needs: Recommendations***

The following are the most important recommendations related to training:

1. Training on the constitutionality of laws.
2. Training on the elections law when it is issued.
3. Discussing the evidences law, article (29).
4. Discussing the commercial law, articles (22 and 28).
5. Checks cases (personal claims).
6. The training shall be held outside the working hours and during holidays.
7. Training new judges on communications skills before they are officially appointed.

8. The training should be held on interactive dialogue basis.
9. Discussion shall be held with inspectors in relation to the judges' training needs.
10. Cassation court, courts of appeals and first level judges shall have a say in defining the training topics.
11. Activating the role of the judicial inspection department in defining the training needs of judges.
12. Activating the role of the courts of appeals chief judges in defining the training needs.
13. Establishing a committee in order to define the training needs.
14. Providing the judges with the draft laws and the strategy.
15. Focus should be on the judge's training processes and not on the educational process.
16. The trainer should have practical experience and not only theoretical one.
17. The training of first level courts' judges shall be mandatory.
18. Dealing with the public.

## List of Appendixes:

### Appendix (1) - Workshop Agenda

#### Agenda

Preparing the Training Plan of 2012 Workshop

19/2/2012.

Meridian Hotel – Amman

<i>8: 30- 9: 000</i>	Arrival and Coffee Break	
<i>9:00-9: 20</i>	Welcoming Words	<ul style="list-style-type: none"> <li>• H.E Chief Justice / President of the Cassation Court.</li> <li>• H.E The Secretary General of the Judicial Council/ Chief Judge of Amman First Instance Court</li> </ul>
<i>9:20-9: 45</i>	Presentation : The results of the training needs survey	<ul style="list-style-type: none"> <li>• Mr. Nabil Isifan</li> </ul>
<i>9: 45- 10: 00</i>	Coffee Break	
<i>10: 00-10: 40</i>	Presenting the Training Needs	<ul style="list-style-type: none"> <li>• H.E Judge Ghazi Azar .</li> <li>• H.E Judge Naseem Nasrawi .</li> <li>• H.E Judge Ibrahim Abu Taleb.</li> <li>• H.E Judge Yousef Al Tarawneh.</li> </ul>
<i>10: 40-11:10</i>	Discussion	
<i>11:10- 11:30</i>	<ul style="list-style-type: none"> <li>- Presenting the Judicial Inspection Directorate Training Needs</li> <li>- Presentation by the Judicial Institute's General Director.</li> </ul>	<ul style="list-style-type: none"> <li>• H.E Judge Kareen Al Tarawneh.</li> <li>• H.E Judge Mansour Al Hadidi</li> </ul>
<i>11: 30- 12: 00</i>	Discussion	
<i>12: 00- 12:15</i>	Coffee Break	

<i>12: 15- 12: 35</i>	<ul style="list-style-type: none"> <li>- Presenting the Civil Public Attorney's training needs.</li> <li>- Presentation by the Technical Office Director.</li> </ul>	<ul style="list-style-type: none"> <li>• H.E Judge Khalef Raqad.</li> <li>• H.E Judge Mohammad Shamout .</li> <li>•</li> </ul>
<i>12:35-1: 00</i>	Discussion	
<i>1: 00- 2: 00</i>	Lunch Break	
<i>2: 00-2: 40</i>	Presenting the Public Prosecution's Training Needs ( President of the Public Prosecution , Irbid Attorney General , Maan Attorney General , Amman Attorney General , Grand Felonies Court's Attorney General)	<ul style="list-style-type: none"> <li>• H.E President of the Public Prosecution , Judge Nayef Al Ibrahim.</li> <li>• H.E Attorney General Hamad Al Ghazawi.</li> <li>• H.E Attorney General Taleb Dalaeen.</li> <li>• H.E Attorney General Dr. Thaer Al Edwan.</li> <li>• H.E Attorney General Judge Ziad Al Doumour.</li> </ul>
<i>2:40-3:00</i>	Discussion	
<i>3: 00- 3: 50</i>	Presenting the First Instance Courts' Training Needs	<ul style="list-style-type: none"> <li>• H.E Judge Yaser Shibli</li> <li>• H.E Judge Falah Al Musa.</li> <li>• H.E Judge Nabil Al Sabir .</li> <li>• H.E Judge Waleed Kanakreiah .</li> <li>• H.E Judge Mohammad Al Khawaldhe.</li> </ul>
<i>3:50-4.30</i>	Discussion	

## ***Appendix (2) - Opening Speeches***

H.E President of the Judicial Council Speech:

Dear Colleagues and Attendees,

I would like to welcome you all in this meeting. I am pleased to talk to you within the time given to me about the judicial authority's training needs for this year, which needs to be defined and treated as a top priority by the Judicial Council. This should be done in pursuant of the Judiciary's Strategic Plan and in order to be able to achieve its goals.

Dear Colleagues, justice in these days faces many great challenges due to the increasing numbers of incoming cases and the lack of staff in addition to the huge number of legislations and regulations that have to be implemented. the fast developments in various legal fields such as commerce, investment, environment, intellectual property, combating terrorism and money laundering in addition to combating family crimes and the emergence of new crimes, which affect humanity in its security and stability and to face all such challenges, there is an imminent need to formulate judicial approaches which can deal with such developments in reasonable and successful way. You the leaders of our Judiciary shall bear the responsibility of facing and overcoming such challenges and you are also requested to define the judiciary needs and be able to view others' experiences and utilize the best of such experiences as a major source for development and change.

The adoption of training programs directed towards the enhancement of efficiency and the development of legal thinking in addition to expanding judicial specialization within an environment which utilizes good quality and well drafted, free of any imbalances or ambiguities, will have its major effect on the court's efficiency by reducing the delay in deciding cases and also by providing the public with more quality judgments and decisions.

H.M the King confirmed when I met him , his support to the judicial Authority Building strategy in order to reach a distinguished judiciary which can provide justice and protect the rule of law. H.M also pointed out the importance of providing the Judiciary with all its needs in order to be able to perform its duties and play its vital role in the reform process.

You are all aware that the mission given to the Judiciary is a very sacred one , thus we hope that this meeting will result in appropriate mechanisms to reach the level of competency we all look up for.

Chief Justice of the Cassation Court.

## ❖ The Judicial Council's Secretary General's Speech

**In the Name of God the Merciful,**

Your Excellency Chief Judge of the Cassation Court / Chief Justice of the Judicial Council.

Your excellencies member of the Judicial Council / Cassation Court judges

Your excellencies the chief judges

Directors of the Administrative Units at the Judicial Council

May God's blessings and peace be upon you.

At the outset, allow me to extend to you my sincere thanks and appreciation for your participation in this workshop that is held to prepare the Judicial Council's annual training plan for 2012. Said plan comes to build on the Judicial Authority Strategy which His Excellency the Chief Justice recently submitted to His Majesty the King.

The Judicial Council in general and the Chief Justice in specific have paid special attention to training given that it is a pivotal component upon which the success of all future programs and projects as well as future aspirations pertaining to developing litigation is based on. This will be achieved through continuing to develop training programs for judges and strengthen their knowledge and skills, both in theory and in practice.

Training, as we know, cannot be effective unless is followed a robust methodology, scientific basis, and modern methods all which the Judicial Council is keen on adopting according to the plans and programs aimed at developing skills and honing the knowledge of judges and implementing comprehensive and specialized programs based that are based on the judges' training needs.

The competence of a judge and the quality of his / her judgments depend on his / her capabilities and skills and the ability to use all emerging legal and judicial knowledge, as well as developments related to litigation procedures and expediting them and enhancing the effectiveness of the judiciary.

Your Excellency Chief Justice

Fellow judges , , ,

Our taking part today in the preparation of the training plan stems mainly from the principle of participation which we have established as our work culture and our emphasis on team work. This will help in benefiting from our ideas, cumulative experience and comprehensive vision in drawing our preliminary path for the training programs that must be incorporated into the 2012 plan and that is in line with the Judicial Authority Strategy.

Accordingly, the discussion of the training plan by judges and implementing it is among the priorities of the Judicial Council. The quality of managing the training plan effectively and competently is one of the performance indicators related to the advancement of the judiciary.

This workshop comes after a series of phases carried out by the Council within the time period prescribed in the work plan taking into account the identification of all training needs and assessing them based on the needs of the judiciary and their congruence with developing the litigation

process and improving efficiency and effectiveness. It also entails the distribution of questionnaires among judges and the administrative staff to collect such information in order to tabulate them and analyze them through an automated database so as to identify training priorities related to the work of judges and to discuss them in order to be incorporated into the training plan under the guidance of His Excellency the Chief Justice.

The Training and Specialization Unit continuously works on organizing and managing training courses programs aimed at developing the knowledge and skills of judges as well as their specializations in order to achieve the aspired results in terms of improving their performance and competencies in accordance with best methods and practices adopted in this field. The Unit also ensures that the annual training plan is carried out accurately and in a manner that guarantees the success of the training programs. To ensure the effectiveness of the training programs, the Training and Specialization Unit continuously assess the performance of trainers, trainees and training programs as well as the benefit of said programs. It also works on developing the training process through analyzing assessment results of the training programs and preparing assessment reports that help in making the necessary decisions and developing the appropriate mechanisms in light of assessment results and outputs.

The support enjoyed by the Judicial Council through royal initiatives and directives reflect the strong will and honest resolve that exists to develop the judiciary and alleviate the challenges it faces. This is also reflected through meeting the necessary needs and requirements to enhance its work such that the judiciary remains the symbol of justice that is emulated by others in terms of achieving efficient and timely justice and set it itself as a model that countries seek to achieve in terms of applying the highest standards of quality in litigation procedures and achieve more transparency, equality, equal opportunity for all in a democratic country under the leadership of His Majesty King Abdullah II ibn AL Ahussein.

God's peace and blessings be upon you , , ,

Ahmad Jamaliyyeh  
Chief Judge of Amman First Instance Court  
Secretary General of the Judicial Council

## ورشة عمل إعداد الخطة التدريبية لعام 2012 للسلطة القضائية عرض نتائج الاستبيانات للاحتياجات التدريبية

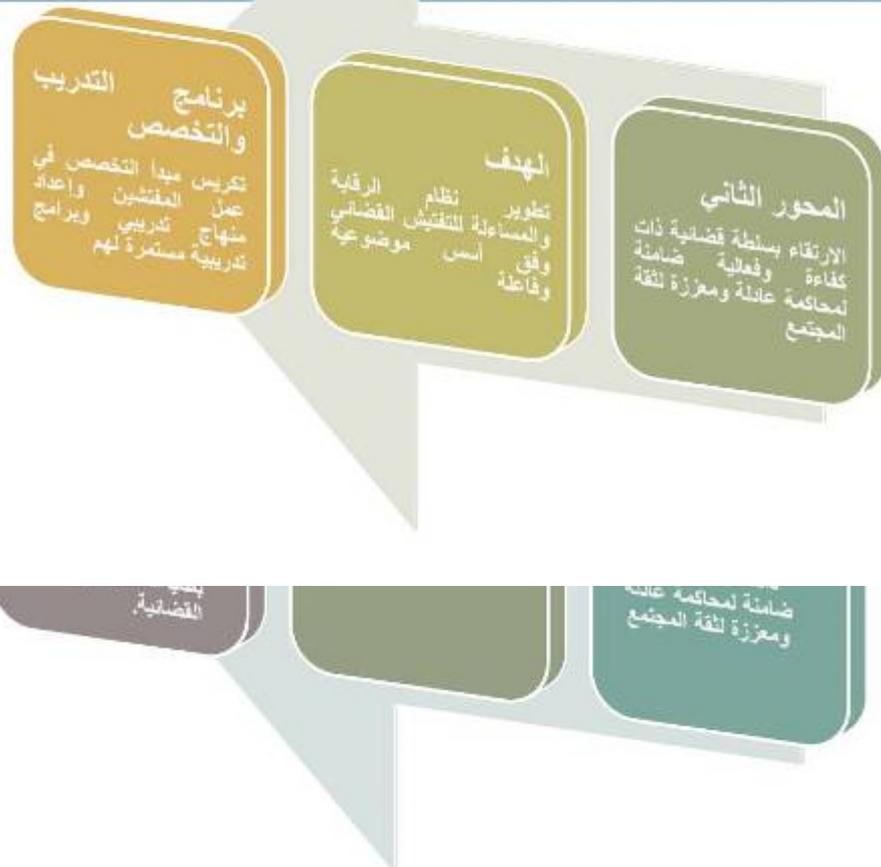
فندق المريدين - عمان  
19 شباط 2012

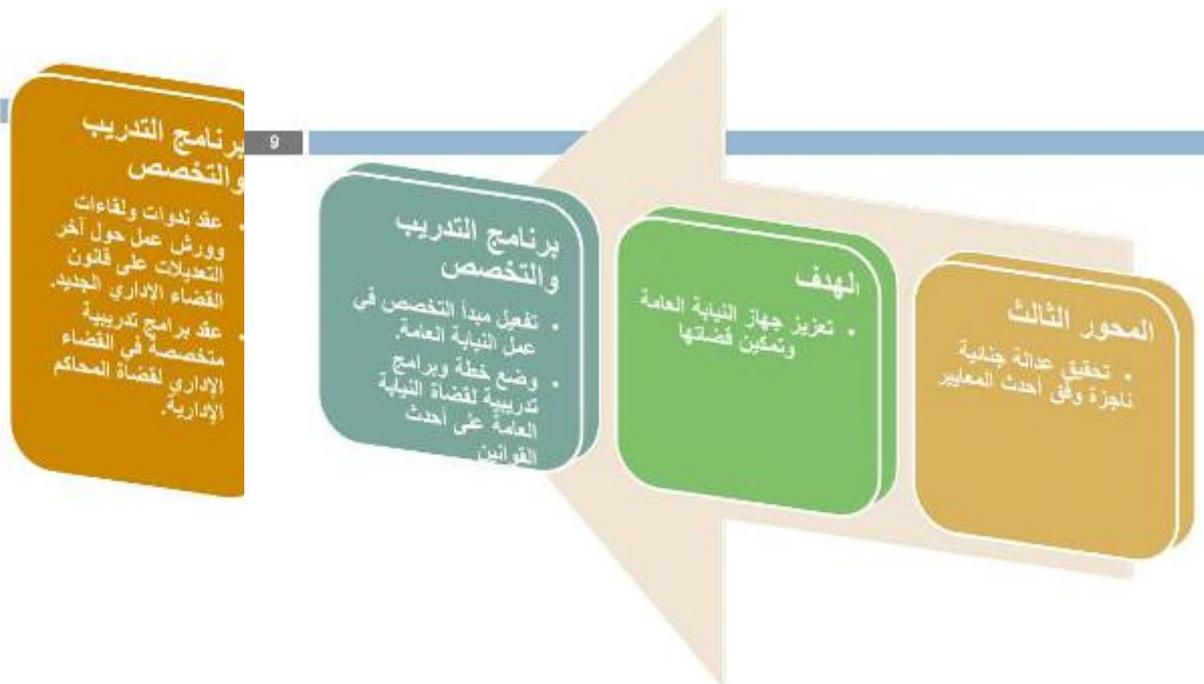
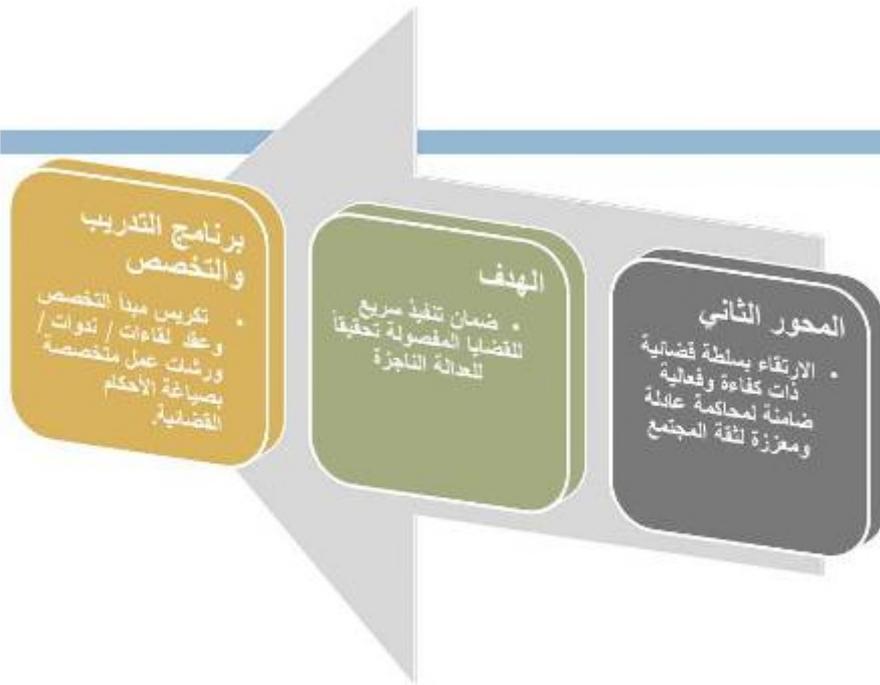
2

يتكامل برنامج التدريب القضائي مع استراتيجية  
البناء للسلطة القضائية 2014 - 2012 والتي  
تُركز على إكساب الكادر القضائي المعارف والقدرات  
والمهارات اللازمة لتجسيد رؤية ورسالة وأهداف



يشمل البرنامج التدريبي في إطار استراتيجية البناء  
للسلطة القضائية 2014 - 2012 على أكثر من 25  
نشاطاً تدريبياً للقضاة بمختلف درجاتهم والكوادر  
المساندة لهم في المحاكم موزعة على أربعة محاور و  
إثنا عشر هدفاً





### برنامج الدراسات والبحوث والخطط واستطلاعات الرأي

- تفعيل مبدأ التخصص في عمل النيابة العامة.
- وضع خطة وبرامج تدريبية لقضاة النيابة العامة على أحدث القوانين

### الهدف

- تعزيز جهاز النيابة العامة وتمكين قضاتها

### المحور الثالث

- تحقيق عدالة جنائية ناجزة وفق أحدث المعايير

### برنامج التدريب والتخصص

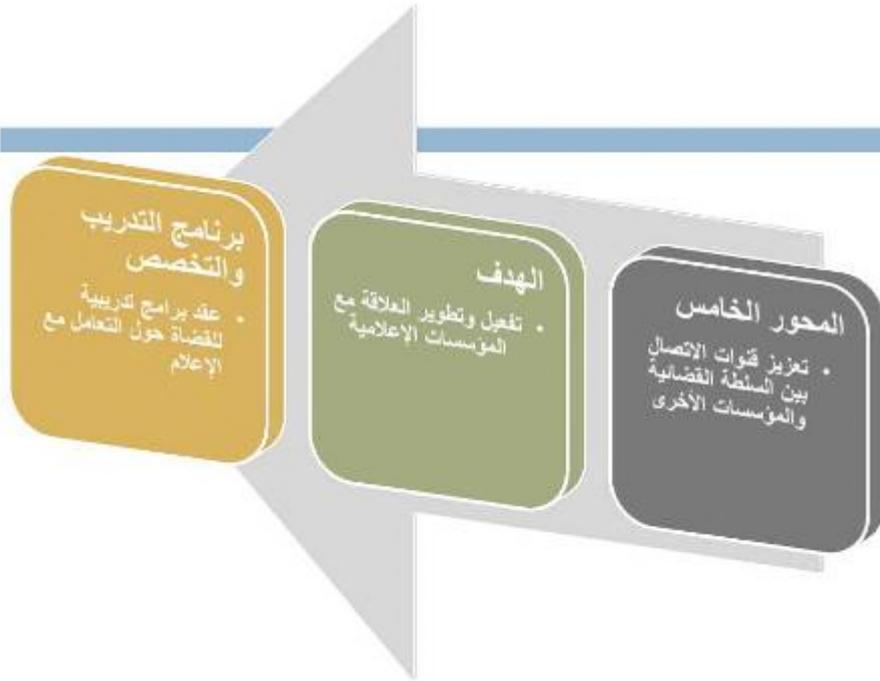
- عقد دورات متعلقة بمفاهيم وضمانات المحاكمة العادلة.
- عقد برامج تدريبية خاصة بتطبيق الاتفاقيات الدولية المتعلقة بحقوق.

### الهدف

- تطوير نظم العدالة الجنائية

### المحور الثالث

- تحقيق عدالة جنائية ناجزة وفق أحدث المعايير



## تحديد الاحتياجات التدريبية

الاحتياجات التدريبية هي مجموعة التغيرات الإيجابية المراد إحداثها في معارف وتوجهات ومهارات القضاة من خلال التدريب لمواكبة التطورات



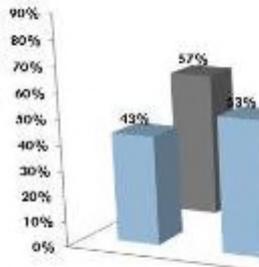
## نتائج استبيان الاحتياجات التدريبية

16

عُقدت ورشة عمل للسادة رؤساء المحاكم في المملكة في الفترة ما بين 24-25/9/2011 تم من خلالها استطلاع آرائهم من خلال استبيان مقنن تضمن أحد محاوره الاحتياجات التدريبية للقضاة من خلال أسئلة مفتوحة وأخرى مغلقة فيما يلي أهم النتائج:

### أهم نتائج استطلاع رأي رؤساء المحاكم في دراسة تحديد الاحتياجات التدريبية للسادة القضاة

16



المرادف	النسبة المئوية
موافق	57%
معارض	43%

18

تم إجراء استطلاع آراء السادة أعضاء النيابة العامة في جميع محاكم المملكة حول احتياجات النيابة العامة من خلال استبيان مقنن تضمن في أحد محاوره احتياجات أعضاء النيابة العامة التدريبية لرفع كفاءتهم وتحسين أدائهم. حيث نوقشت النتائج في ورشة العمل المنعقدة خلال الفترة ما بين 5-7/2/2012 وفيما يلي أهم النتائج:

دراسة تحديد الاحتياجات - ثلث وثلثين والمدعون العامون

تطوير برامج و دورات تدريبية للمدعين العامين( حديثي التعيين	تطوير برامج تدريبية لدوائر الإحعاء العام	اختيار متدربين يجب ان يتم وفقا لأمس	يجب ان تعكس المواد التدريبية خاصة بتطبيق	تنظيم برامج تخصص في دوائر لإحعاء العام	تعمل تخصصات الدورات التدريبية	يجب ان تراكب الدورات التدريبية	لحاجة ماسة لى تطوير برامج	توفير برامج تدريبية لرفع كفاءة كادر النيابة
--	--	-------------------------------------	--	--	-------------------------------	--------------------------------	---------------------------	---

## مدى إفادة وحاجة كادر النيابة العامة للمواضيع التدريبية التالية من وجهة نظرهم

النظر في	عدد المتدربين	عدد	بشأن ولا يتصل بالبريد	عدد المدعوين - 0	لا حاجة	لا يوجد	المجموع
الخدمة الجرس	عدد	27	20	3	2	3	55
الأمور المستعجلة في التتبعات الجزائية	النسبة	49.1	36.4	5.5	3.6	5.5	100.0
	عدد	40	9	2	1	3	55
اصول التحقيق	النسبة	72.7	16.4	3.6	1.8	5.5	100.0
	عدد	45	6	1	1	1	55
العلاقة بين نشاطاتية العدالة ونشاء	النسبة	81.3	14.5	1.8	1.8	1.8	100.0
	عدد	40	11	3	1	1	55
تفسير الأداة و الأضرار	النسبة	72.7	20.0	5.5	1.8	1.8	100.0
	عدد	37	10	3	3	2	55
جرائم الحاسوب ووسائل التتبع	النسبة	67.3	16.2	5.5	3.6	3.6	100.0
	عدد	42	10	1	1	1	55
التعامل مع الجرم متعدد الأطراف	النسبة	76.4	16.2	1.8	1.8	1.8	100.0
	عدد	31	19	1	3	1	55
العلاقة بين الاتفاقيات الدولية و التتبعات الوطنية	النسبة	56.4	34.5	1.8	5.5	1.8	100.0
	عدد	27	21	2	1	4	55
الأمراض النفسية والعقلية وأثرها على المسؤولية الجزائية	النسبة	49.1	36.2	3.6	1.8	7.3	100.0
	عدد	50	20	1	2	2	55
مقتضايات الأحكام	النسبة	54.5	36.4	1.8	3.6	3.6	100.0
	عدد	30	15	6	2	2	55
تفكير الأحكام	النسبة	54.5	36.4	1.8	3.6	3.6	100.0
	عدد	40	10	5	1	3	55
التعامل مع قضايا الاتجار بالبشر	النسبة	61.3	23.4	9.1	1.6	1.6	100.0
	عدد	40	10	5	1	1	55
التعامل مع قضايا غسل الأموال	النسبة	72.7	16.2	5.5	1.8	1.8	100.0
	عدد	41	11	2	1	1	55
	النسبة	74.5	20.0	3.6	1.8	1.8	100.0

## التوصيات المقترحة والبرامج والدورات التدريبية المقترحة لقضاة النيابة العامة



من خلال عقد لقاءات مع اصحاب العطفوة قضاة التمييز وقضاة الاستئناف في عمان لتحديد الاحتياجات التدريبية التي يحتاجها السادة قضاة الاستئناف وقضاة الدرجة الاولى (البداية والصلح) من وجهة نظرهم فقد تم تحليل الاحتياجات وفيما يلي أهم النتائج :

## الإحتياجات التدريبية من وجهة نظر قضاة الإستئناف

أهم الإحتياجات التدريبية	
الإحتياجات تدريبية لقضاة لدية والصحة	
القوانين المتعلقة بالتجارة والشركات	
قانون العمل	
قانون التأمين	
قانون الملكية الفكرية	
قانون محاكم تصلح	
الصياغة القانونية (كتابة القرارات)	
إجراءات المحاكمة (تسرع في تفصل بالقضايا)	
تعليق وتسبب الاحكام	
تطبيق القانون على الوقائع	
قواعد التتابع	
بورات على الخبرة وتباتها	
البيئات وطرق الإثبات	
إدارة جلسات المحاكمة	
البلونه (العمليات البنكية والمصرفية، خطابات التضامن، تحولات)	
القوانين المتعلقة بالتجارة والشركات	
قانون العمل	

## الإحتياجات التدريبية لقضاة الإستئناف

حلقات نقاش متقدمة تغطي النقاط القانونية المستحدثة والقوانين وتعييلتها.

حلقات نقاش لتوحيد الاجتهادات بين الهيئات الاستئنافية

## الاحتياجات التدريبية من وجهة نظر قضاة التمييز لقضاة الإستئناف

26	
	الخبرة
	صياغة الاحكام
	إجراءات المحاكمة
	تطبيق القانون على الوقائع
	الرد على أسباب الإستئناف
	التواليق
	التعليق والتسبب
	قانون اصحاب البلونه
	قانون الضريبة
	القضايا الصناعية
	نظام الرسوم
	قانون المالكين والمستأجرين
	قانون العقود (الإفلاس، التزوير، الرخوة، الشروع الناقص وانقاص)
	قانون الاموال
	حقوق الاسمن
	الملكية الفكرية
	قانون الأحداث
	القوانين المتعلقة بالتجارة والشركات
	قانون البيئات
	اصول محاكمات الجزائية
	الاتفاقيات الدولية
	الاتفاقيات العربية
	استئناف القرارات المستعجلة