

# **Judicial Authority Annual Report 2011**

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## **A World by the Chief Justice**

**In the name of God the Merciful**

You Majesty King Abdullah II Ibn Al Hussein,

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

Pursuant to article 8 of Judicial Independence Law No. 15 of 2001, it gives me great honor that I submit to Your Majesty, on behalf of my colleagues the members of the Judicial Council, the annual report on the status of courts and their performance during 2011.

Your Majesty,

Since I was honored with your Majesty's confidence to carry the responsibility you entrusted me with, I have been working towards translating your royal vision. I have been basing my work on your directives to build on the accumulated achievements of our trusted Jordanian judiciary and to continue to advance it as an independent judiciary and as one of the state's body.

Me and my colleagues the members of the Judicial Council, have been keen on developing and modernizing the judiciary, enhancing its independence, upgrading the competence and capacity of those serving in the judiciary, and improving performance and achievements to stay abreast with the modernization and development our country is witnessing in various fields. Therefore, this report comes to document the activities carried out by the Judicial Authority during the past year and explores future avenues within the framework of the pillars and goals of the judicial authority strategy for the years 2012 - 2014. It also documents the achievements and presents a diagnosis of the challenges and opportunities before it. The report covers six main pillars which represent the pillars of the Judicial Authority Strategy (the Strategy of Building) in addition to the sub objectives falling under each pillar.

With regard to the judicial independence and building of its institutions pillar, you Your Majesty, as your Hashemite ancestors have been the guardian of judicial independence and the rule of law fairly, impartially and objectively among all members of the society.

Therefore, we focused in this pillar on the achievements of the judiciary over the past years, with emphasis on what has been done in the past year in the area of instilling the basis of the independence of the judicial authority and the individual independence of judges through amending relevant laws among other related laws. The report also lists the achievements made in relation to the separation of powers principle and the forms of cooperation and integration among them.

On the institutional level, the report touches on the institutional achievements pertaining to judges affairs, the judicial code of conduct, amendments of laws and regulations of

institutions falling under the judiciary, such as judicial inspection, the Judicial Institute of Jordan, the Technical Office, the State Lawyer department and the Administrative units.

We have outlined in this report the challenges which faced our work along with the opportunities and future aspirations for the coming years in terms of issuing the Judicial Authority Law, the two level administrative judiciary law, the execution law, the civil procedures code and the criminal procedures code and the development of objective criteria for the appointment, transfer, secondment, suspension and dismissal of judges among others.

The past year witnessed the formation of Your Majesty of the Royal Committee for Amending the Constitution which received a big share in terms of benefiting from the amendments that contribute to keep pace with the path of judicial reform and development.

In light of the constitutional amendments that were introduced to article 27 of the Constitution, which states that the judicial authority shall be independent, and to article 28 of it which stipulated that a Judicial Council shall be established pursuant to law and shall handle all affairs related to regular judges, and in order to put in place a unified legislation that governs the functions of the judicial authority, we developed a draft judicial authority law after a committee of judges from various judicial levels and courts was formed that developed a draft law after soliciting the views and opinions of judges. The draft law was endorsed by the Judicial Council and cassation court judges upon which we submitted to the Prime Minister with an explanatory memo to undertake the necessary constitutional measures for its issuance.

Based on the constitutional amendments that were introduced to article 100 of the Constitution, and which stipulated that the administrative judiciary shall be litigated on two levels, the Judicial Council developed a draft administrative judiciary law. This was done by distributing a questionnaire among all the judges of the Kingdom in order to identify their views with regard to said law. This was followed by a workshop that was attended by Judicial Council members, Court of Higher Justice judges, the public prosecution before the administrative court, administrative law professors and Jordanian universities and a delegation from the State Council of Egypt. The aim of the workshop was to benefit from the experience of Egypt in this regard. The outcome of these efforts was the development of a draft administrative judiciary law which we submitted to the Prime Minister along with an explanatory memo in order to undertake the necessary constitutional measures for its issuance.

With regard to the courts efficiency and effectiveness pillar, your majesty's vision of modernizing the Jordanian judiciary was the main base and challenge for us towards advancing the judicial authority into a modern body that is protected by independence, integrity and impartiality and has a pivotal role in ensuring the implementation of Jordan's comprehensive development plans. Your Majesty's strong political will and clarity had the biggest impact in guiding all justice sector stakeholders in developing work tools and

policies in a qualitative manner that are in line with your majesty's vision in dealing with judicial reform that would lead to fair and timely delivery of justice.

With respect to reducing litigation time, we aimed to expedite performance while taking into account the quality of judgments issued by courts, the type and complexity of cases and the specialization of judges in certain types of case, including the accounting for backlog case, which had an impact in combining between speed and quality.

Therefore, the effectiveness of courts functions is among the important indicators that measure the effectiveness of the Jordanian judicial system and the degree of its flexibility and responsiveness to developments, particularly in relation to the high workload on courts and judges. The importance of this indicator lies in that it measures an aspect of the objective of the strategy for developing the Jordanian judiciary over the coming years aimed at reducing litigation time, expediting the disposition of cases, curtailing the accumulation of backlog and reducing caseload on judges.

The performance indicators of courts for the past year indicate that the number of cases filed at courts, with the exception of municipal courts, was 384,673 cases, and the number of disposed cases during the same period was 395,340 cases, and the case disposition rate was 103%. This constitutes a high percent for this year because of the issuance of the general pardon law for 2011, which was a reason for disposing and closing many of the criminal cases.

With respect to the effective criminal justice pillar, a lot of work has been done over the past years towards enhancing the independence of the public prosecution body, as it is considered a primary pillar upon which the criminal justice system is based in exercising its jurisdiction and authority within the provisions of legislation in force.

The public prosecution adjudicates cases on behalf of society, supervises the work of the judicial police, applies criminal laws, and oversees the enforcement of judgments to make the community safer and to protect the rights of citizens without discrimination. We devoted a major pillar within Strategic Plan for the next three years within specific objectives in addition to several activities and programs to achieve these objectives. This so given that developing the performance of the public prosecution requires strengthening it through the principle of specialization which has become the prevailing trend, and providing it with exceptional judicial skills that meet its requirements, as well as qualifying public prosecutors and providing them with job stability in order to improve the quality of judgments and secure their needs.

Regarding the pillar of cooperation relations between the judicial authority and the ministry of justice, despite the big achievements and the strong cooperation relations between us that is governed by the legislations in force, in the coming phase we would like to put an end to the controversy related to the nature of relations between the two parties. This we aim to achieve through establishing it as an institution that instills the basis of the independence of the judicial authority and the principle of the separation of powers through activating integration and cooperation within shared and common interests. Lack

of clarity of the relationship and overlapping responsibilities in the absence of allocated funds for the judicial authority within the general budget as an independent and established authority makes it the least independent of the state's authorities. No less important is the forging of cooperation relations with other partners, both official and non official entities, in order to achieve complementarity of work which enhances transparency and integrity. This includes strengthening cooperation relations with the Bar Association, law schools of Jordanian universities, civil society organizations, media organizations, and developing relations with relevant security apparatuses with the aim of raising awareness on the role of the judicial authority, supporting efforts aimed at judicial independence and supporting judicial development and modernization efforts on one hand, and on the other creating a legal culture that supports awareness building of the society and which establishes the base for building a modern state built on partnership, accountability and the rule of law.

The pillar related to promoting confidence in the rule of law, which is considered the most important base of citizenship pertaining to the duties and rights of individuals towards each other and towards the country in which they live in, the rights and duties are governed by legislations related to the concept of the application of the rule of law among all in an impartial, fair and just manner, irrespective of race, gender, religion, social status, political orientation or origin. This requires that all are informed and aware of them and abide by them through active participation in applying them on the ground and that are based on good governance principles on the grounds of applying the law on all, providing protection of the basic rights and freedoms without discrimination, the separation of powers through the existence of an independent judicial authority that exercises its mandate with all fairness, integrity and equality that are in line with international standards and laws that guarantee fair trials.

Therefore, and through the strategic plan for the next three years, we have defined the most important basis for enhancing public confidence in the rule of law through several objectives, activities and programs related to easy access to justice, obtaining rights in an appropriately speedy manner, providing approximate conditions of fair trials, because knowledge on the part of the public about the principles of the work of the judicial authority and litigation procedures will facilitate the work of judges, and which expedites case procedures and case disposition.

Your Majesty,

We seek to find the right and guidance from the almighty God and then from your majesty's vision to ask for your support to achieve your ambitions and aspirations from the Jordanian judiciary that is always proud of your majesty's continuous support. We promise you to carry out our duties with all fairness and integrity, and which safeguards the pride and honor of the Jordanian citizen and every person in this country and achieves the higher interest of the county. A free and respected citizen who enjoys fairness and security loves his country and his king and would sacrifice all that is precious and devotedly contribute to serving his people and his nation.

We ask the almighty God to protect you and keep you in good health.

May God's blessings and peace be upon you.

Amman  
22/ 3/ 2012

Judge Mohammad Al Mahameed  
Chief Judge of Cassation Court  
Chief Justice / Judicial Council of Jordan

## **I. General Framework of the Judicial Authority's Annual Report for the Year 2011:**

The justice sector enjoys the high interest of His Majesty King Abdullah II. Said interest is reflected in the letter sent by His Majesty the king to the Chief Justice and Chief Judge of the Court of Cassation on 20 September 2011. The letter focused on several factors that are based on the constitutional amendments relating to the judicial authority. These amendments are grounded on the separation of powers principle, the complementary relationship and equality among the three powers (the legislative, judicial and executive powers), and the instilment of the judicial independence principles and the building of its institutions.

In order to translate vision to reality, the performance of the judiciary must be developed, especially in the area of reducing litigation duration and the time needed to settle a case and achieve the aspired level of efficiency that would promote justice among people. In addition, it requires a new judicial culture that encompasses all the values and gives the fair ruling in disputes the dimensions stated and reflected in the constitutional amendments. It also requires the strengthening of trust and reliability of an effective and fair judiciary as the robust guardian of the rightful state, the main pillar of the security of justice, fair trails and the driver of comprehensive development. In addition, it requires the training of judges in various fields to stay abreast with national and international changes and the increasing complexity of specialized legislations and to meet the need for the society to tangibly see, in the foreseeable future, the direct and positive impact of judicial reform.

This annual report documents the performance and achievements of courts during 2011, and explores the future prospects during the coming three years and which fall under the pillars and objectives of the Judicial Authority Strategic Plan for the years 2012 – 2014. The report also provides a diagnostic assessment of the challenges and opportunities facing the judiciary and covers the six main pillars that represent the main components for building and strengthening the judicial authority over the coming three years in addition to the sub – objectives that fall under each component, which are as follows:

1. **Judicial Independence and Institutional Building Pillar:** this pillar focuses on the cumulative achievement of the judiciary, with emphasis on the achievements realized during 2011 in terms of laying the foundation for the independence of the judicial authority and strengthening the individual independence of judges legislatively through amending laws related to judicial independence and judges among other relevant laws. It also outlines achievements related to the principle of separation among the three powers and the forms of collaboration and integration among them. With regard to the institutional aspect, the report touches on the institutionalization of the rules of procedures related to the judges affairs, judicial conduct, amending the laws and regulations of institutions falling under the judiciary such as the judicial inspection body, the Judicial Institute of Jordan, the Technical Office and the State Lawyer Department.

The report also outlines the challenges that were faced in relation to this pillar as well as the opportunities and future prospects and aspirations for the coming years, in the area of legislation to include the issuance of a judicial authority law, the administrative judiciary law to become adjudicated in two levels, the enforcement law, the criminal procedures law and the civil procedures law. It also outlines aspirations related to setting objective criteria for appointment in the judiciary as well as for the transfer and secondment of judges and their suspension and removal among others.

2. **Efficiency and effectiveness of court operations pillar:** This pillar captures the statistical achievements of courts both qualitatively and quantitatively. It also extrapolates data and indicators pertinent to the effectiveness of the different levels of courts in terms of the following: the number of judges and their distribution, the number of pending cases, incoming and cleared cases and the real annual caseload of judges or judicial panels, the clearance rate of judges or judicial panels, the quality of judgments, performance level and progress rate in the functions and performance of courts over the past three years. In addition, it also addresses achievements in the area of enforcement of cases and the timelines in which people obtain their rights.

The report presents in detail the achievements made in the field of improving effectiveness of judges, developing their knowledge and skills, particularly in the field of training and the quality of training programs as well as trainers, specialized training, training of new judges, exchange of expertise, cooperation with Arab and foreign entities, projection of performance indicators for courts for the year 2012, provision of recommendations to reduce caseload before courts and on judges, reduction of litigation time, improve the performance and quality of judgments, and planning for training programs and curricula and trainers in various and specialized judicial fields.

3. **Efficient criminal justice system pillar:** This pillar captures the achievements of the public prosecution body in amending the public prosecution law, and the criminal procedures law and guaranteeing fair trial standards, developing the legal aid system, the extradition law in a manner congruent with international agreements. The report also outlines achievements in the field of coordination with security apparatuses, judicial enforcement directorate, criminal investigation, and rehabilitation centers among others. In addition, achievements related to deploying expertise, training of public prosecution members, their assistants and staff working at the attorney general office are also outlined.

In addition, the report documents the challenges and opportunities as well as future aspirations in the field of providing members who are competent, possess experience in the substantive and procedural aspects of criminal law, and the ability to project problems that could emerge during litigation, provide specialized judicial policing with expertise in policing matters, develop structured coordination between the public prosecution body and the Judicial Council on one hand, and police stations, judicial enforcement and other establishments on the other.

4. **Cooperation relations between the judicial authority and the Ministry of Justice pillar:** this pillar presents achievements realized in 2011 related to notary public departments in terms of the quantity and quality of services provided to the public, and the non – conviction certification department in terms of the type and quantity of certificates issued and the means of obtaining such certificate in person and on – line. It also presents improvements in terms of providing services to the public at the execution departments, electronic inquiry system installed at courts in terms of the number and type of inquiries. This pillar outlines achievements in modernizing and improving the infrastructure of courts, logistical support extended to courts in terms of supplying equipment, stationary and supplies, information technology systems, intranet and extranet between courts, website development among others. It also covers achievements in supporting courts through the provision of support staff, improving effectiveness of the judiciary through attracting highly qualified and competent candidates, specialized training programs according to job title and functions and duties.

Furthermore, the pillar provides an overview of the available challenges and opportunities and the prospects of developing and modernizing departments falling under the Judicial Council, both legislatively and institutionally as well as the quality of services extended to the public. It also outlines the future of the complementary relationship between the Ministry of Justice and the Judicial Council within a framework of joint plan that distributes roles, defines implementation mechanisms, as well as monitoring and evaluation.

5. **Cooperation relations between the judicial authority and other entries:** this pillar covers achievements of the judicial authority in the field of enhancing communication and cooperation with the various relevant institutions, such as the Jordanian Bar Association and its role in applying the law and preserving judicial independence, as well as law schools, civil society organizations and the media.

The pillar presents potential future challenges and opportunities in developing relations and cooperation between the judicial authority and relevant entities while preserving the independence of each. The institutionalization of such relations requires the provision of legislations that support and regulate coordination mechanisms that guarantee the effectiveness of such partnerships. Building cooperation and coordination relations require the development of a joint work plan that contributes in developing and implementing activities of joint interest.

6. **Building public confidence in the rule of law:** instilling public confidence in the rule of law has a direct and positive effect on the performance of the judicial authority. Furthermore, the proper methodology of reform is based on promoting the confidence of the citizen in the rule of law. This pillar reviews the achievements of the judiciary as well as outreach and field visits carried out within the framework of awareness campaigns. It also provides an overview of progress made in terms of developing websites and identifying the type of media and communication tools that the judiciary must use to gain public confidence. The report also reviewed the key findings of studies that solicit public opinion with regard to the rule of law. Also, it outlines the activities undertaken by the judiciary in the education sector and the integration of the legal culture into education curricula and

systems, particularly the dissemination of the culture of citizens' rights, duties, fundamental freedoms and equality before the law.

The future outlook in this regard focuses on developing joint programs in collaboration with relevant entities with the aim of building understanding on the importance of the judiciary and rule of law and raising awareness about the legal culture. This will be achieved through incorporating the legal culture into the educational curricula, programs and activities, educating the public about the judiciary's efforts in judicial development and the constitutional amendments, and carrying out survey studies that capture the development of knowledge, understanding and practices of the public vis-à-vis the rule of law, justice and timely enforcement of judgments . In order for media organizations to play a positive role in spreading legal awareness, it is important to train and simplify the judicial and legal concepts for them and unify the media message to be disseminated. It is also important to enable the media to obtain and access correct, reliable and documented information all which will improve the effectiveness of these institutions and enable them to spread the mission of the judiciary and reach out to the public. In order for such institutions to perform their role, the work must be institutionalized through signing cooperation protocols to implement training programs and through publishing a series of booklets to be distributed widely among the public to educate people about the efforts of the judicial authority and raise awareness about citizens' basic rights, duties and freedoms and their equality before the law.

The key opportunities available to develop and modernize the Jordanian judiciary to assume high rankings among advanced countries pertains to the safety, strength and clarity of ideas, philosophies and perspectives with regard to judicial reform at the top of the echelon of the state. This will undoubtedly ensure the soundness, quality and correctness of implementation at the base of the pyramid. In addition, there exists diligence and seriousness on the part of the government and the judicial authority to adopt and activate legal reform as well as practical implementation of reform programs. In addition, there is conviction among public and private relevant institutions as well as the public in the credibility of the judicial reform process. Furthermore, there exists a highly qualified team of judges with high level of competence and judicial expertise and who possess a strong will, desire and conviction of the importance of development, modernization and reform in the judiciary as the basic guarantor for the embodiment of modernization and development on the ground.

## **II. Methodology of Annual Report Preparation and Calculation of Performance Indicators Pertinent to Courts Effectiveness**

Pursuant to article (8) of the Judicial Independence Law No. 15 of 2001, the Chief Justice shall, at the beginning of each year, prepare an annual report that covers the status of courts and courts performance during the preceding year and is presented to the judicial

council for endorsement and for submission to His Majesty the king with a copy sent to the minster if justice.

In preparing this report the Judicial Council consulted with all the entities and departments falling under it by requesting them to provide those charged with developing the reports a written documentation of their achievements in 2011 as well as the challenges they faced during the course of their work. They were also requested to identify the main opportunities available that would help in the process of enhancement and development and to share their future aspirations and plans for improving performance and enhancing the level of service provided to society in the course of achieving efficient justice.

The methodology adopted in the preparation of the report is in accordance with accepted scientific standards, both in terms of official statistical data sources, or in terms of ensuring and verifying the accuracy and consistency of data and its documentation, tabulation and calculation of indicators related to the operations of courts. A participatory approach was adopted as well as close collaboration with all relevant entities and stakeholders in the preparation of the report corresponding with institutions and departments falling under the Judicial Council to provide the team responsible for the preparation of the report with information related to achievements during 2011, share their thoughts with regard to the key challenges that they faced during the course of their work, identify the opportunities that are available for improvement and development, and outline their future aspirations and plans for improving performance and enhancing the quality of services extended to society to achieve efficient and timely justice.

Official court statics that are documented through the monthly data issued by all courts across various levels throughout the year were used and manually entered into special forms that are compiled monthly using excel sheets.

The methodology used in preparing the report was based on linking the achievements of the judicial authority and the challenges faced by it during 2011 with the pillars and objectives of the Judicial Authority Strategy for the coming three years (2012 - 2014) in order to achieve integration and coordination between the activities and achievements of the judiciary with the objectives of the strategic plan. The report adopted some of the statistical indicators used in pervious annual reports. In addition, some new and modern concepts were introduced that are in line with the current reality and new indicators were used that were not adopted previously. A descriptive analytical approach was used in the extrapolation of data pertaining to the operations of courts through presenting statistical tables, graphs and explanatory analysis and drawing results and recommendations where possible.

The statistical report covered regular courts, which are the first level courts (first instance and conciliation courts), second level courts (appeals courts) and the highest judicial body in the Kingdom which is the Cassation Court. It also covered special court that are presided over by regular judge and which are: the Court of Higher Justice, the Major Felonies Court, the State Properties Court, Customs First Instance Court, Customs Appeals Court, Income Tax Appeals Court, Lands and Water Settlement Court, municipalities courts, Aqaba Special

Zone Customs Appeals Court, Aqaba Special Zone First Instance Customs Court, First Instance Tax Court, Aqaba First Instance Tax Court, in addition to the various investigation and enforcement departments.

Statistical data included in the annual report are highly credible and reliable and can be used as a scientific reference and resource for decision makers within the judiciary or other public and private institutions as well as scholars and researchers special in the judiciary. It is worthy to note that some justified errors in the data, which do not exceed 1%, and which are acceptable from a statistical standpoint, do not affect the core of the issue or impact the results and forecasts. Most of such errors pertain to cases carried over from one year to the other with minor variations. **Following are the indicators that were used and their method of calculation:**

1. **Pending (or carried over) cases indicator:** this indicator measures the number of cases that were not closed during the previous month or the previous year and is carried over. This indicator is usually calculated as follows: (the total number of pending cases and the cases registered during the year – the number of cases that were closed during the year). If there was a discrepancy between the number of mathematically calculated cases and the number listed in the data provided then the latter shall be used.
2. **Number of judges / judicial panels according to court:** this indicator was calculated based on the endorsed numbers from the human recourses database in courts.
3. **Number of registered case during the year indicator:** this indicator measures the number of the different types of cases filed at courts each day and distributed among judges for review.
4. **Number of disposed cases indicator:** this indicator measures the number of cases disposed by judges and are added for all judges at each court every day.
5. **Pending and new cases indicator:** the number of pending cases and new cases for each judge each day are calculated at the court level and added monthly. Mathematically, this indicator is calculated as follows: (number of new cases registered each day, month and year + pending caseload from the previous year and pending each day, month and year).
6. **Percent of disposed cases to new cases indicator:** this indicator measures the performance of all judges in a court monthly and yearly. Mathematically it is calculated as follows: (number of disposed cases / number of new cases x 100). This indicator was used in preparing the 2011 annual report in addition to the same indicator that was calculated differently as follows:  $(\text{number of disposed cases} / (\text{number pending cases} + \text{number of new cases}) \times 100)$ . This is so given that the judges handles and disposes both types, pending and new cases.
7. **The real annual average caseload of each judge:** this indicator calculates the caseload of each judge at each court. Mathematically, this indicator is calculated based on the annual data as follows:  $(\text{total number of pending and new cases according to court and case type} / \text{number of judges in each court and according to case type})$ . The change, either increase or decrease, in the average caseload of a judge from one year to another to many reasons the most important of which are the following:

- Change in the number of cases filed at the court during the year (increase or decrease) compared to previous years, which increases or decreases the caseload of a judge, assuming that the number of judges is constant.
  - The number of pending cases from the previous year, which increases or decreases the caseload of a judge, assuming that the number of judges is constant during the years.
  - The annual caseload of a judge increases or decreases according to the number of judges in a court compared to previous years.
8. **Annual clearance rate per judge / judicial panel indicator:** this indicator measures the performance level (clearance rate) of a judge in clearing cases that were filed during the year or carried over from previous years. Mathematically, this indicator is calculated as follows: (number of new and pending cases / number of judges in a court). The annual clearance rate of a judge mathematically increases or decreases for several reasons the most important of which are the following:
- The increase or decrease in the number of cleared cases during the year compared to previous years.
  - Change in the number of judges during the year compared to previous years.
9. **The overall average of the annual caseload and clearance rate of a judge in courts with joint jurisdiction indicator:** the annual average indicator of the performance level and caseload of a judge for all courts that have joint jurisdiction is considered as the key measurement for calculating the workload and performance of judges at the level of one court compared to the general average of all courts.
10. **Monthly caseload of a judge:** this indicator measures the caseload of each judge. Mathematically, this indicator is calculated from the annual data of courts as follows: (total number of pending and new cases according to court and case type / number of judges according to court and case type / 12).
11. **Forecasted workload and performance of courts for 2012 indicator:** this indicator aims at projecting the level of the courts' workload for the year 2012. The percent of change is calculated by using data from the past two years (2011 and 2010) pertaining the pending and closed cases by considering 2010 as the base year as follows:
- **Percent of change (increase / decrease) in the number of new cases per year** = (number of cases filed in 2011 - number of cases filed in 2010 / number of cases filed in 2010) x 100.
  - **Percent of change (increase / decrease) in the number of disposed cases per year** = (number of disposed cases during 2011 - number of disposed cases in 2010 / number of disposed cases in 2010) x 100.
  - **Number of new cases filed during 2012** = number of cases filed in 2011 + (number of cases filed in 2011 x percent of change in the number of filed cases).
  - **Number of disposed cases in 2012** = number of disposed cases in 2011 + (number of disposed cases in 2011 x percent of change in disposed cases.)

## **Judicial Authority**

### **Courts Achievements, Performance Indicators, Opportunities and Future Aspirations**

The methodology adopted in preparing the judicial authority's annual report for the year 2011 is a participatory and a collaborative one that reflected the achievements, challenges, as well as the opportunities and future aspirations before all institutes and departments relevant to the judicial authority. All institutes and departments were officially approached requesting that they provide the team concerned with preparing the annual report with the achievements realized during the year, as well as their future plans and aspirations for improving performance and enhancing the quality of service provided to its targeted beneficiaries. Prior agreement on the content of the report and the timeframe for completing its first draft was reached with relevant entities following extensive dialogue and discussion.

The achievements of the judicial authority during 2011 were captured, as well as the challenges it faced during the course of its work. In addition, the report outlines the wide range of opportunities available as well as future aspirations in the context of the pillars and objectives of the Judicial Authority Strategy (the Building Strategy) for the coming three years (2012 - 2014). The aim of said methodology is to objectively reflect on the achievements in the context of the strategic objectives of the Building Strategy pertinent to the judiciary, and to document lessons learned from challenges faced in the past in order to proceed towards the future through identifying the opportunities available before the judiciary and project aspirations for the future.

#### **1. Judicial Independence and Institutional Building Pillar**

All international covenants emphasize the importance of judicial independence and indicate that the state must guarantee and safeguard such independence. This must be achieved through a constitutional provision that obliges all state institutions to respect and account for the independence of the judicial authority from both the legislative and executive ones while maintaining a complementary relationship between the three branches based on an equal footing, and not allowing any body or entity to issue orders, instructions or suggestions to the judicial authority concerning its regulation and governance. In addition, the original jurisdiction of the judiciary, which is the resolution of disputes by assigning jurisdiction over the adjudication of cases to other courts such as special courts, legislative councils, or granting administrative judicial authority to executive administrations, must not be touched.

The topic of judicial independence is considered closely linked to the issue of justice, rule of law, the balance of equality and freedoms in a society. The values of justice and equality are affected negatively or positively with the level of instilment and prevalence of judicial independence. Judicial independence is an inevitable choice for people or rulers and a

necessity that constitutes a safety valve for litigants. Discourse on a state of institutions, the rule of law principle and legitimacy in a state in which an independent judiciary does not exist becomes somewhat futile given that all these issues are closely interrelated. Where there is no conviction and belief in the rule of law concept, it is not possible to imagine the existence of an independent judicial authority that can stand in the face of interference by the other authorities (the executive and the legislative).

The Jordanian Constitution guaranteed the separation of powers principle in articles 97 through 102, whereby it considered the Judicial Council to be the apex of the judicial authority, and on parallel, equal and complementary footing with the legislative and executive powers. This was also reiterated and emphasized in the recent amendments made to the Constitution.

Given the importance of the issue of judicial independence, a main pillar within the Judicial Authority Strategy for the coming three years (2012 – 2014) was dedicated for it. A set of objectives were drafted along with many activities that would be implemented through six programs, the most important of which are the following: the Legislations Program and the Institutional Capacity and Human Resources Development Program.

### **1.1 Institutional Independence of the Judicial Authority**

Judicial independence is manifested in two primary variables the first of which is the independence of the judicial authority from both the legislative and the executive ones. The independence of the judiciary from the legislative is exhibited by the latter not interfering in the affairs of the former, by not issuing any legislation that affects judicial decisions, or change the format of a court with the aim of influencing its decisions.

With regard to the independence of the judiciary from the executive power, this would be through not allowing the latter to exercise any authority that would interfere in the judicial process, nor practice any monitoring or inspection over the judicial functions of courts. It would also be displayed through the executive not abstaining from or ignoring to undertake a function or task in anticipation of a definite judicial ruling into the dispute, or impede the sound enforcement of the decision of one of the courts.

The second variable relates to jurisdiction of the judiciary over all matters of judicial nature, whereby “the judicial authority would have general jurisdiction over all matters of judicial nature, and it would solely decide on whether any matter brought before it for resolution does or does not fall within its jurisdiction according to the definition stipulated in the law”.

#### **1.1.1 Challenges Related to the Institutional Independence of the Judicial Authority**

The process of establishing the principles of the institutional independence of the judicial authority faces several challenges. The key challenge relates to the existence of legislations that affect the institutional independence of the judiciary, particularly those related to the

judicial inspection body and the Judicial Institute of Jordan, both of which fall under the Ministry of Justice. In addition, several other challenges exist, the most important of which are the following:

- Legislations are not in line with the vision of His Majesty and international standards related to the institutional independence of the judiciary and the individual independence of a judge as well as human rights standards.
- Management of the administrative and financial resources of the judiciary fall under the Ministry of Justice as opposed to the Judicial Council.
- Court support staff report to the Ministry of Justice administratively and functionally, instead of the Judicial Council.
- The Ministry of Justice supervises infrastructure development of courts and the provision of logistical support for courts, instead of the Judicial Council.
- Lack of full and integrated institutional independence of the judiciary in the legislations.

### **1.1.2 Opportunities Related to the Institutional Independence of the Judicial Authority**

Several opportunities exist for establishing the basis of institutional independence of the judiciary, the most important of which is the presence of strong royal will which perceives judicial enhancement and development as a priority given that it is the guardian of justice and the driver of integrated development. In addition, several other opportunities exist, the most important of which are the following:

- The Jordanian Constitution emphasized the separation of powers principle and it also guaranteed the independence of the judiciary through the Judicial Independence Law which considered the Judicial Council the apex of the judiciary and on par with and complementary to the legislative and executive authorities.
- The constitutional amendments that emphasize the independence of the judiciary and its institutions.
- Presence of a strategic plan for the coming three years (2012 – 2014) whose main pillars, objectives, activities and programs were built based on instating the independence of the judicial authority both legislatively and institutionally.
- An active Judicial Council exists and which represents the judicial authority, which is independent from both the executive and legislative authorities, which handles in full all affairs related to judges in terms of apportionment, duties, promotion, transfer, secondment, resignation, trial and disciplining.
- Presence of competencies and expertise capable of staying abreast with the constitutional amendments and advancements taking place, and who possess full understanding of requirements for attaining judicial independence institutionally and legislatively.
- There is strong conviction among public institutions and civil society organizations as well as high level of awareness among the public on the importance of the independence of judicial authority institution from the legislative and the executive.

### **1.1.3 Future Aspirations for Enhancing Institutional Independence of the Judicial Authority**

Within the framework of the strategic plan for the coming three years (2012 – 2014) there are six programs that include all the activities and functions which the judicial authority will work on implementing over the next three years. The Legislations program has particular importance in relation to the pillar, which pertains to the institutional and legislative independence of the judiciary in order to close the legal and legislative gap which would enhance judicial independence. Following are the main future aspirations in this regard:

- Establish a fair and independent judiciary that enhances the concept of financial and administrative independence of the judiciary and as a sovereign judicial authority that is independent from the executive and the legislative powers, and which guarantee the integrity and transparency of the judiciary.
- Study and amend laws and legislations as a tool to enhance the independence of the judicial authority such as the judicial authority law and the two-level administrative judiciary law. Also, meet the needs of courts by amending several other laws such as the Enforcement Law, the Criminal Procedures Law, the Civil Procedures Law, the Penal Code, Industry and Trade Law, Mediation Law, Juveniles Law, the Rehabilitation and Correctional Facilities Law among others.
- Amend the judicial authority law in such a way that would guarantee an independent budget and the financial and administrative independence, including the independence of support functions, the judicial inspection body and the Judicial Institute of Jordan among others.
- Institutionalize the relationship of cooperation and joint work within a framework of work plan that is clear and outlines roles and responsibilities between the judiciary and the Ministry of Justice according to specialization, in order to avoid overlap in responsibilities and authorities and would promote solid principles of an independent judicial authority both institutionally and legislatively.

### **1.2 Individual Independence of a Judge**

The Jordanian Constitution guaranteed the individual independence of a judge whereby article (97) states that “, judges are independent, and in the exercise of their judicial functions are subject to no authority other than that of the law.”

The meaning of this is the noninterference by the executive in their functions and for it not to be involved in the appointment, dismissal, secondment, and promotion and disciplining of judges. This is what international conventions emphasize in the Universal Declaration on the Independence and Neutrality of Judges and Advisors and the Independence of Lawyers, issued by the United Nations Convention in 1988.

There is a close relationship between the independence of the judicial authority and the individual independence of a judge. No judicial independence exists without the individual

independence of a judges and the reverse is true. There are no independent judges without a judiciary that is independent. On this premise, independence of the judicial authority is based on two main components which are as follows:

**First Component:** it revolves around the independence of judges in applying laws in disputes and cases between individuals and between people and state entities, and it is them, and only them, who decide to criminalize specific acts and rule certain penalties in application of said laws. No other entity in the state, whichever entity it is, shall interfere in the work of judges.

**Second Component:** is that all decisions related to judges must be fully in the hands of the judicial authority in terms of their appointment, transfer, secondment, dismissal and disciplining, and that the judge be given wider guarantees to defend himself. The Constitution of the state and all laws in force guarantee this for judges, These are the basic issues that guarantee the independence of the judicial authority as an institution and the independence of judges as individuals, and makes of the judiciary a true guardian to achieving justice, protecting freedoms, and limiting interference by the executive authority.

#### **1.1.4 Challenges Related to the Individual Independence of a Judge**

Many challenges relate to the individual independence of judges. The most important challenge pertains to the existence of legislations that affect the individual independence of a judge, which requires that they be reviewed and amended. In addition, there are many issues related to the affairs of judges which are beyond the control of the Judicial Council, particularly in the area of appointment and others. Following are the main challenges in this field:

- Weak transparency, equal opportunity and equality in the appointment, secondment and promotion of judges and the interference of the Ministry of Justice in the aforementioned.
- Lack of legislations that further and enhance the status of the judge in society, uphold his / her decisions, protect him from pressure and influence exerted by governmental and nongovernmental bodies, as well as influence by colleagues, relatives and friends.
- The wide authorities that the Ministry of Justice have, particularly in having oversight over all courts in terms of infrastructure, facilities, logistical support and the appointment of court staff.

#### **1.1.5 Opportunities Related to the Individual Independence of a Judge**

The main opportunities available for strengthening the individual independence of a judge is the presence of a constitutional text that supports said independence, the vision of His Majesty and the constitutional amendments that support such independence and further the status of the judiciary through confining the appointment of judges solely to the Judicial Council that would be in accordance with transparent and specific criteria based on competence and competitiveness as included in the constitutional amendments. There are several opportunities in this regard, the key of which are summarized below:

- The strategic plan for the coming three years focuses in its main pillars on completing the individual independence of a judge and amending laws and legislations that affect such independence.
- Institutionalization of rules of procedures pertaining to judges' affairs, especially in establishing judicial conduct rules.
- The Judicial Council and judges possess the will and awareness about the importance of supporting the individual independence of judge institutionally and legislatively.
- There exists an independent and active Judicial Council capable of fully handling all affairs related to judge in terms of appointment, duties, promotion, transfer, secondment, resignation, trial and disciplining.

#### **1.1.6 Future Aspirations Related to Supporting the Individual Independence of a Judge**

Among the main future aspirations pertinent to promoting and strengthening the individual independence of judge relates to the transfer of all Ministry of Justice authorities related to judges affairs to the Judicial Council both legislatively and institutionally. In addition, there are several future aims in the area of establishing the basis for the individual independence of a judge as follows:

- Study and review legislations in force related to the individual independence of a judge and work towards amending them.
- Provide a subjective accountability system that is based on scientific criteria should there be a violation of the Judicial Code of Conduct.
- Review and update the criteria related to judges affairs, including appointment, training, and criteria pertinent to promotion, transfer and disciplining, as well as criteria for retiring judges such that adequate financial resources be made available for judges, enhance their social stature and that of their job and general security.
- Providing an environment that promotes the individual independence of a judge through modernizing the infrastructure of courts in terms of space, equipment, protection, and privacy among others.

### **1.3 Judicial Inspection**

The judicial inspection body falls under the Ministry of Justice. The judicial inspection is comprised of the Chief Inspector and a number of inspectors. The chief inspector is appointed pursuant to the decision of the Judicial Council and royal decree. The chief inspector is appointed from among the higher - level judges and he / she is the direct administrative supervisor of the directorate's inspectors and staff. Inspectors are appointed by a decision of the Judicial Council and are selected from among judges whose rank is not less than second, for a period of three years subject to renewal. The services of any inspector cannot be terminated nor can he / she be retired, subjected to early retirement, transfer or secondment unless upon his / her request, based upon the recommendation of the chief inspector.

According to article 4 of the Judicial Inspection Over Regular Courts Regulation No. 47 of 2005, the Judicial Inspection Directorate handles the following functions: Inspect the work of judges, members of the prosecution body, State Lawyer assistants, and execution judges, with the exception of higher - level judges, evaluate the work of judges in terms of the proper application of the law, the fulfillment of litigation and evidences procedures, reasons for postponement, case duration until judgment issuance, the proper reasoning and justification of judgments reached, and determination of the annual clearance rate of each judge.

The Chief Inspector submits his reports and that of the inspectors to both the Chief Justice and the minister of justice who in turn provides each judge a copy of it.

The main function of judicial inspection is not so much to track the mistakes of judge, but rather to develop and improve their performance. Therefore, the judicial inspection process requires that it be based on objective criteria that all judges subject to inspection should thoroughly know and understand. The aim of judicial inspection is to review functions related to the quantity and quality of clearance of cases in order to serve justice.

#### **1.1.7 Achievements of the Judicial Inspection Directorate During 2011**

Judicial inspection is among the legal means for monitoring and directing the work of judges and courts as well as inspecting them with the aim of achieving efficient and effective justice and deliver rights to people. From this premise, the efforts exerted by the judicial inspection body to evaluate the work of judicial bodies must be noted, given that its primary function is the early detection of strengths and weaknesses in the work of the judiciary. In this case, judicial inspection reports must be considered, in light of the outcomes and proposed solutions. This makes us conclude that judicial inspection contributes effectively in the proper administration of justice, enhancing confidence in the judiciary, highlighting negative aspects related to judicial practices and accordingly judicial inspection could have an influential role in avoiding such practices.

The work of the judicial inspection ultimately results in putting forward solutions and appropriate mechanisms for mending imbalances and removing obstacles that stand in the way of achieving the higher goal of improving judicial work and delivering timely justice at the lowest possible cost such that it would be in line with the requirements on the ground resulting from the advancement of the society and styles of life and the resulting disputes in various fields.

Reaching these goals cannot be achieved unless the judicial inspection body itself is qualified to undertake the functions and duties specified in the Judicial Inspection Regulations, and possess the necessary means that elevate it to the required level which enables it to complete the inspection function optimally. The work of a judge, irrespective of post or level, aims to reveal the truth and achieve justice. The same applies to the judicial inspection body as it also aims to look for and identify the truth and deliver its mandate and mission, whether in relation to inspection the work of judges or investigating complaints.

From this premise, the capacity of the judicial inspection to carry out its duties stipulated in the Judicial Inspection Regulations No. 47 of 2005 is closely linked to the availability of resources. The duties placed on the judicial inspection body are many and complex and include inspecting the work of all courts, including all courts departments, their administrative staff, prosecution departments, assistants to the state lawyer, and enforcement departments and preparing pertinent reports. It also includes inspecting the work of judges, public prosecution members, enforcement judges, and assistants to the state lawyer in terms of the proper application of the law, the fulfillment of litigation and evidences procedures, reasons for postponement, case duration until judgment issuance, the proper reasoning and justification of judgments reached, determination of the annual clearance rate of each judge. This is done in accordance with a form that was specially designed for this purpose whereby 20 cases for each judge / prosecutor / assistant state lawyer are audited, using 40 items for each case that include the full case starting from the power of attorney up until the final judgment issuance.

A grading system in which a mark is assigned to each item was adopted. Data related to all inspected cases are entered into an automated system, which displays the result obtained by the judge and his / her average grade obtained from inspecting the judge's work. This is done by two inspectors, each inspecting the cases of the judge separately. In addition, the Judicial Inspection Directorate has been assigned the task of investigating complaints against judge related to postponements, personal behavior or administrative conduct, which requires listening to the parties and their evidences, reviewing the case file and interviewing anybody who could help in identifying and reaching the truth.

It should be noted that the Directorate keeps a confidential file for each judge that contains the inspectors' reports and any objections related to them as well as complaints filed against the judge and the disciplinary penalties imposed on him / her.

Among the burdens which the judicial inspection body shoulders is the handling of requests received through the Minister of Justice. These include requests to repeal by a written order, request for retrials, special pardon requests or legal consultations whereby one of the inspectors would prepare the required study for providing to consultation and submitting it to the entity that requested it. Despite the limited number of inspectors, they carry out and complete all these functions, prepare reports covering their work and submit it to the competent authorities.

The inspectors performed the regular inspection over courts, judges and public prosecution departments in order to check the timeliness of performance and the clearance of cases and that there is no undue delay. This included carrying out the following:

1. Conducted 100 inspection visits during the year to first instance and conciliation courts, attorney general and public prosecution departments, enforcement departments, customs appeals and first instance courts, income tax appeals court and the municipalities courts.
2. Submit detailed reports pertinent to said visits. These reports outline the judicial and administrative staff assigned to each court / department covered in the field inspection visits, the respective workload in terms of the number of new cases, number of disposed

cases and the size of the pending caseload for the next year with a statement that clarify the reasons for postponements and delays in case disposition based on the sample of backlog cases that were covered in the inspection. The report also includes the needs of courts that were identified during the visits in terms of the additional number of judges and support staff, infrastructure and buildings maintenance needs, and equipments needs for sustaining the work of each of the inspected courts / departments.

- The reports were submitted the H.E. the Chief Justice and the Minister of Justice in order for each to take the appropriate measure within their respective jurisdictions. Both the Chief Justice and the Minister undertook the necessary and appropriate measures based on the available resources. They also sent letters to concerned entities to work on implementing the recommendations which should be followed up on by the judicial inspection body. In addition to the above, during 2011 judicial inspectors carried out the following as shown in the statistical report issued by the Directorate:

### **Functions Carried out by Judicial Inspectors during 2011**

<b>Special Pardon Requests</b>	Number of filed requests	<b>80</b>
	Kept on file due to lack of criteria	<b>6</b>
	A letter was sent to the prime ministry	<b>72</b>
<b>Inspection and legal opinions</b>	Number of filed requests	<b>146</b>
	Number of requests / motions that were decided on and relevant entities were corresponded with in their regard	<b>121</b>
	Under study	<b>25</b>
<b>Repeal and retrial motions</b>	Number of repeal motions filed	400 requests of which 350 were reviewed and the rest are still under study.
	Number of retrial motions filed	31 requests of which 26 were reviewed and the rest are still under study.
<b>Inspection over courts and judges</b>	Number of judges covered in the inspection	<b>226</b>
	Number of inspected cases	<b>9040</b>
<b>Complaints and grievances (complaints against judges)</b>	Number of complaints and grievances filed against the judiciary	<b>100</b>
	Recommended to file the complaint / grievance	<b>84</b>
	Under study and investigation	<b>16</b>
<b>Complaints and grievances (complaints against administrative staff)</b>	Number of complaints filed against the employees	<b>16</b>
	Recommended to file the complaint	<b>13</b>
	relevant entities were corresponded with to take necessary measures	<b>2</b>
	Under study and investigation	<b>1</b>

#### **1. Inspection Visits Carried Out in 2011:**

The following table shows the number of inspections carried out by the Judicial Inspection Directorate in 2011. The results show that the inspection covered all the first instance courts in all the governorates and which amount to 16 courts. In addition, judicial inspection functions covered all conciliation courts across the Kingdom and which amount to 50 courts. Inspection also included 52 departments of various specialization, including investigation, enforcement and public prosecution departments. In terms of municipalities, inspection visits covered 28 municipality courts in various governorates. In addition to the above, judicial inspection also covered the following: the two income tax appeals courts, the customs first instance and appeals courts, state lawyer assistants, a number of courts such as the Major Felonies Court, the Juveniles Conciliation Court, the Greater Amman Municipality Court, and the Lands Settlement Court. A total of 154 field inspection visits were carried out during 2011.

### Field Inspection Visits in Amman Governorate

Various Courts	Departments	First Instance Courts	Conciliation Courts
1. Income Tax Appeals Court	1. Attorney General Department / Felonies	1. Amman First Instance Court	1. Amman Conciliation Court
2. Customs Appeals Court	2. Public Prosecution Department / Felonies	2. South Amman First Instance Court	2. South Amman Conciliation Court
3. Major Felonies Court	3. Public Prosecution Department / Amman	3. North Amman First Instance Court	3. Sahab Conciliation Court
4. Amman Municipality Court 5. Amman Municipality Public Prosecution	4. Amman First Instance Execution Department	4. East Amman First Instance Court	4. Al Jeeza Conciliation Court
6. Lands Settlement Court	5. South Amman First Instance Execution Department	5. West Amman First Instance Court	5. Al Muwaqar Conciliation Court
7. State Property Court	6. Public Prosecution Department / South Amman		6. North Amman Conciliation Court
8. Sahab Municipality Court	7. Public Prosecution Department / North Amman		7. East Amman Conciliation Court
9. Income Tax First Instance Court	8. North Amman First Instance Execution Department		8. West Amman Conciliation Court
10. Customs First Instance Court	9. Public Prosecution Department / East Amman		9. Naour Conciliation Court
	10. East Amman First Instance Execution Department		
	11. Public Prosecution Department / West Amman		
	12. West Amman First Instance Execution Department		

	13. State Lawyer Assistant / South Amman		
	14. State Lawyer Assistant / North Amman		
	15. State Lawyer Assistant / East Amman		
	16. State Lawyer Assistant / West Amman		

### Field Inspection Visits in Zarqa Governorate

Various Courts	Departments	First Instance Courts	Conciliation Courts
11. Zarqa Juveniles Court	17. Public Prosecution Department / Zarqa	6. Zarqa First Instance Court	10. Zarqa Conciliation Court
12. Zarqa Municipality Court	18. Zarqa First Instance Execution Department		11. Ruseifeh Conciliation Court
13. Ruseifeh Municipality Court	19. State Lawyer Assistant / Zarqa		12. Azraq Conciliation Court
14. Azraq Municipality Court			

### Field Inspection Visits in Salt Governorate

Various Courts	Departments	First Instance Courts	Conciliation Courts
15. Ain Al Basha Municipality Court	20. Public Prosecution Department / Salt	7. Salt First Instance Court	13. Salt Conciliation Court
16. Southern Shuneh Municipality Court	21. Salt First Instance Execution Department		14. Ain Al Basha Conciliation Court
17. Salt Municipality Court	22. State Lawyer Assistant / Salt		15. Southern Shouneh Conciliation Court
18. Deir Alla Municipality Court			16. Deir Alla Conciliation Court

### Field Inspection Visits in Madaba Governorate

Various Courts	Departments	First Instance Courts	Conciliation Courts
19. Madaba Municipality Court	23. Public Prosecution Department / Madaba	8. Madaba First Instance Court	17. Madaba Conciliation Court
	24. Madaba First Instance Execution Department		18. Theiban Conciliation Court

### Field Inspection Visits in Irbid Governorate

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Various Courts	Departments	First Instance Courts	Conciliation Courts
20. Irbid Municipality Court	25. Irbid First Instance Execution Department	9. Irbid First Instance Court	19. Irbid Conciliation Court

21. Northern Mazar Municipality Court	26. Public Prosecution Department / Irbid		20. Northern Mazar Conciliation Court
22. Mu'ath bin Jabal Municipality Court	27. Irbid Attorney General Department		21. Northern Ghor Conciliation Court
23. Ramtha Municipality Court	28. State Lawyer Assistant / Irbid		22. Ramtha Conciliation Court
24. Deir Abi Saeed Municipality Court			23. Kura Conciliation Court
25. Juveniles Conciliation Court			24. Bani Kenana Conciliation Court
			25. Bani Obeid Conciliation Court
			26. Tiba Conciliation Court

### Field Inspection Visits in Mafraq Governorate

Various Courts	Departments	First Instance Courts	Conciliation Courts
26. Mafraq Municipality Court	29. Public Prosecution Department / Mafraq	10. Mafraq First Instance Court	27. Mafraq Conciliation Court
27. Ruwaishid Municipality Court	30. Mafraq First Instance Execution Department		28. Northern Badia Conciliation Court
			29. Ruwaishid Conciliation Court

### Field Inspection Visits in Jerash Governorate

Various Courts	Departments	First Instance Courts	Conciliation Courts
28. Jerash Municipality Court	31. Public Prosecution Department / Jerash	11. Jerash First Instance Court	30. Jerash Conciliation Court
	32. Jerash First Instance Execution Department		

### Field Inspection Visits in Ajloun Governorate

Various Courts	Departments	First Instance Courts	Conciliation Courts
29. Ajloun Municipality Court	33. Public Prosecution Department / Ajloun	12. Ajloun First Instance	31. Ajloun Conciliation Court
	34. Ajloun First Instance Execution Department		
	35. State Lawyer Assistant / Ajloun		

### Field Inspection Visits in Ma'an Governorate

Various Courts	Departments	First Instance Courts	Conciliation Courts
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30. Ma'an Municipality Court	36. Public Prosecution Department / Ma'an	13. Ma'an First Instance Court	32. Ma'an Conciliation Court
31. Al Sharah Municipality	37. Ma'an First Instance Execution Department		33. Al Husseinieh Conciliation Court
32. Al Ash'ari Municipality			34. Wadi Musa Conciliation Court / Petra
			35. Shobak Conciliation Court
			36. Hasa Conciliation Court

### Field Inspection Visits in Tafila Governorate

Various Courts	Departments	First Instance Courts	Conciliation Courts
33. Tafila Municipality Court	38. Public Prosecution Department / Tafila	14. Tafila First Instance Court	37. Tafila Conciliation Court
	39. Tafila First Instance Execution Department		38. Bsair Conciliation Court

### Field Inspection Visits in Karak Governorate

Various Courts	Departments	First Instance Courts	Conciliation Courts
34. Karak Municipality Court	40. Public Prosecution Department / Karak	15. Karak First Instance Court	39. Karak Conciliation Court
35. Southern Ghor Municipality Court	41. Karak First Instance Execution Department		40. Southern Mazar Conciliation Court
36. Shihan Municipality Court			41. Al Qaser Conciliation Court
37. Mu'tah Municipality Court			42. Ay Conciliation Court
			43. Al Ghor Al Safi Conciliation Court
			44. Fagou' Conciliation Court

### Field Inspection Visits in Aqaba Governorate

Various Courts	Departments	First Instance Courts	Conciliation Courts
38. Aqaba Municipality Court	42. Public Prosecution Department / Aqaba	16. Aqaba First Instance Court	45. Aqaba Conciliation Court
	43. Aqaba First Instance Execution Department		46. Quwaira Conciliation Court
			47. Jafer Conciliation Court

**2. Judicial Inspection Directorate Plan:** the Judicial Inspection Directorate defined its strategy for the coming year as follows:

**First:** that there be two types of inspection:

1. **Programmed Inspection:** this relates to pre-schedule inspections whereby the court is aware of the date of the inspectors visit. This type of inspection aims at removing the negative aspects present at courts before the visit of the inspectors. This method is valid given that the aim of inspection is to remove all negative aspects and augment the positives.
2. **Ad Hoc Inspection:** this relates to inspections that are not scheduled in advance and aim at following-up on inspections over courts in a sudden way. This helps in having courts be constantly ready to receive inspectors and which in turn affects its performance and readiness for inspection.

**Second:** delay in the disposition of cases results in a consequent delay in delivering people's rights in a timely manner. Judicial inspectors cannot look into reasons of delay as long as the case is pending. The only case in which an inspector can review a case is when there is a complaint filed by the aggrieved party, whether the plaintiff or the defendant, the complainant or complained against. This means that in the absence of a complaint, the inspector cannot review late cases and identify the obstacles causing case delay. Therefore, we believe that inspectors should be allowed to access backlog / delayed cases and identify the reasons for delay and postponements and to prepare a report in their regard which would be submitted to the concerned party.

**Third:** some judge, including the newly appointed conciliation judges, are forthcoming and often their behavior towards litigating parties in some aspect lacks respect. From this perspective, the Directorate believes that the inspector should attend court hearings while in session and prepare a report in this regard and submit it to the concerned person / entity while redirecting the judge's behavior when necessary.

**Fourth:** judicial inspectors are not present in a regular manner in courts. This requires that the role of the chief judge of court be activated in monitoring the performance of judges in terms of the starting time of trials, ending time, the judge's relations with his / her colleagues, the overall level of compliance with the Judicial Code of Conduct. The chief judge must also prepare a report and provide it to the Judicial Inspection Directorate covering each of the judges he / she supervises provided that such report be based on actual events and in an objective manner. This report in turn would be taken into account when preparing the overall inspection report concerning each judge.

**Fifth:** activate the recommendation made by the Inspector over the performance of a judge in terms of recommending courses to be organized by the Judicial Institute covering areas of weaknesses among judges that were detected during the inspection process and through auditing the case files and not only use the recommendation for purposes of promotion. The role of the Judicial Institute in this regard must be enhanced and necessary and appropriate programs must be designed for this purpose.

**Sixth:** activate paragraph b of article 8 of the Judicial Inspection Regulations and which stipulates that a copy of the inspection reports must be provided to the judge who was subject to

inspection in order for him / her to review it and avoid repeating the shortcoming outlined in it in the future.

**Seventh:** work on amending the Judicial Inspection Regulations in line with these recommendations.

### **1.1.8 Challenges Facing the Development and Modernization of the Judicial Inspection Body**

Among the main weaknesses of the judicial inspection system relates to the falling of the judicial inspection function under the Ministry of Justice according to article 41 of the Judicial Independence Law. It is important to transfer the judicial inspection to become under the Judicial Council and within the framework of the judicial authority. There are several other weaknesses the most important of which are summarized below:

- Shortage in the number of inspectors, whereby courts cannot be inspected more than once a year.
- Weak monitoring and accountability measures and responsiveness in dealing with errors.
- There is no full compliance among the judicial inspection body with the endorsed judicial inspection criteria covering the legal and behavioral aspects of judges.
- Lack of diversified and complementary specialization within the judicial inspection body.
- The endorsed judicial inspection criteria were not developed and enhanced on an ongoing basis such that it remains congruent with the emerging and changing needs and requirements of the judiciary.
- The limited scope, mandate and authority of the judicial inspection.
- Low level of periodic and surprise (ad hoc) field visits to inspect judges and courts in terms of both quantity and quality.
- Judicial inspection is only linked to promotion.
- No accountability departments to assess the work of registrar offices at courts.
- Absence of monitoring by the court of appeal over the work of first instance courts.
- The chief judge has no role in the performance evaluation of judges.
- Weak application of the judicial code of conduct.
- Electronic monitoring and periodic review of case results, in terms of new cases, cleared cases and pending caseload, is not activated.

### **1.1.9 Opportunities for the Development and Modernization of the Judicial Inspection Body**

Among the opportunities available for improving the performance of judicial inspection is the availability of high competence among the members of the judicial inspection body, and the high flexibility for improving and developing the standards and criteria governing the inspection such that they are in line with emerging circumstances and developments

related to the diversity of judicial specializations. In addition, there are other opportunities the most important of which are summarized below:

- The strategic plan for the coming three years focuses in its objectives on enhancing the work of the Judicial Inspection Directorate and developing its work methodology through two programs, which are: the Legislations Program and the Human Resources and Capacity Building Program.
- Training programs targeting inspectors are available and inspectors are enrolled in them regularly and based on needs.
- The high level of competence, experience and integrity among members of the judicial inspection body which guarantees accuracy in judging performance.
- Availability of an automated system that assists inspectors in conducting their inspection functions over the work of judges.
- The presence of criteria that govern the work of the judicial inspection body and based on which performance is assessed.

#### **1.1.10 Future Aspirations for the Development and Modernization of the Judicial Inspection Body**

The main future aspirations and outlook for improving the performance of judicial inspection is to attach it to the Judicial Council in the Judicial Authority Law and to expand the role of the chief judge in judicial inspections as a resident and full time inspector in courts. In addition, there are several other ambitions for improving and developing judicial inspection performance which are as follows:

- Develop a new strategy for judicial inspection based on constant monitoring and supervision, and active the self monitoring principle.
- Provide the Judicial Inspection Directorate with highly experienced and competent judges in various specializations and who known for their integrity and impartiality.
- Continuous evaluation of the performance of the judicial inspection body to identify areas of weakness to address them.
- Develop a mechanism to verify the complaints filed against judges through field inspections.
- Instill a culture based on the premise that the objective of judicial inspection is to advise and enhance confidence in one self and the judiciary and it is not a tool for punishment. It is a tool for providing guidance and direction.
- Diversify the specializations of the judicial inspection and that of judges.
- Develop judicial inspection criteria as well as the monitoring, accountability and performance evaluation of inspectors based on scientific principles and criteria.
- Link judicial inspection to the promotion of judges.
- Give the chief judge of a court a broader role in assessing judicial inspection and training him / her to become a resident inspector at courts.
- Develop and activate electronic monitoring and periodic inspection and monitoring of inspection results.

## **1.4 Judicial Institute of Jordan**

The Judicial Institute of Jordan is the official academic institution in the Kingdom responsible for qualifying candidates with legal background to assume judicial posts. It is also responsible for raising the competence of judges and court staff through continuous training to keep them informed of the latest legal, technical and procedural developments related to their work that are in accordance with best international practices. The Judicial Institute of Jordan was established pursuant to the Judicial Institute of Jordan Law No. 3 of 1988 which continued to be in force until the issuance of the Judicial Institute of Jordan Regulation No. 68 of 2001 and its amendments pursuant to Regulation No. 68 of 2005.

In addition, the Judicial Institute works on developing their scientific research skills, exchange of expertise and technical and academic cooperation between the Institute and the different legal and judicial institutes, establishments and entities regionally and internationally, and contribute and developing plans and strategies aimed at enhancing performance level of the Jordanian judiciary.

The Judicial Institute translates its objectives through the Judicial Studies Diploma Program, which is a two year program after which students are given a diploma certificate that qualifies him / her to assume judicial posts in the Hashemite Kingdom of Jordan.

It also carries out the Continuing Legal Education Program that is implemented based on an annual training plan. Said plan is prepared by specialists at the Institute based on the results of the training needs assessment survey that is conducted by distributing questionnaires among all judges as well as the recommendations of the Judicial Inspection Directorate resulting from periodic assessments carried out by the directorate over judges across different levels.

The Continuing Legal Education Program focuses on modern ways of litigation, emerging legal matters, the consequent new legislative amendments and relevant procedures and applications among others.

### **1.4.1 Judicial Institute of Jordan Achievements in 2011**

The Judicial Institute of Jordan was able to make big strides that enabled it to become a scientific and training icon with established partnerships with similar Arab and foreign judicial institutes through important scientific agreements that helped build bridges of judicial cooperation with fellow countries. The Judicial Institute's achievements this year fulfilled its objectives and work programs and which are as follows:

#### **First: Judicial Studies Diploma Program (preparatory training):**

This is a highly important program because it prepares and trains future judges. Therefore, much emphasis was placed on properly and adequately preparing judges scientifically and practically

in order to develop and hone their knowledge, enhance their legal skills and instill the meanings, values and traditions of the judiciary in students.

The study plan that was applied this year came in alignment with this and congruent with developments and advancements being witnessed. New training courses were introduced whereby emphasis became more on analytical studies and practical application in courts as opposed to theoretical training.

- The number of students graduating from the 16<sup>th</sup> class amounted to 71 graduates, of which 10 were seconded by the Palestinian National Authority.
- A total of 61 diploma students from the 17<sup>th</sup> class are currently enrolled in the 2011 – 2012 scholastic year.
- During 2011 the Institute held several activities for its diploma program students from both the 16<sup>th</sup> and 17<sup>th</sup> year classes that included seminars, lectures, workshops and training programs.

### **Second: Continuing and Specialized Legal Education Program**

This program is considered among the main programs that the Institute carries out for judge and public prosecutors for them to be in touch with the recent developments in the legal and judicial spheres. Its importance stems from the fact that its outcomes are reflected in the way of thinking of judges and their work and judges remain abreast with the new and recent legal amendments and technological advancements. In addition, and in the parallel, the Institute held courses for the administrative staff which constitutes an integral and complementary component of the judiciary. The Institute always seeks to develop and update these programs.

### **Third: Local, Regional and International Cooperation**

The Judicial Institute has entered into several judicial cooperation memoranda with several Arab and international entities. This comes in line with the policy of the institute that is aimed at prompting such cooperation and benefiting from the experience of fellow countries and exchanging knowledge with them. Accordingly, the Institute entered into a number of agreements and memorandums of understanding in the field of judicial cooperation and training in 2011 and organized several workshops for visiting delegations as follows:

#### **1. Memorandums of Understanding Signed with the Framework of Arab and International Cooperation**

- Euro – Arab Network Agreement for cooperation in the field of judicial training among a number of Arab and European countries. Jordan was selected to be the base for the network as well as its chair.
- The Institute signed a memorandum of understanding for technical cooperation among a number of Arab countries and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Sweden to cooperate in the field of international judicial standards.
- MOU between the Judicial Institute of Jordan and the Higher Judicial Institute in the Kingdom of Saudi Arabia.

## **2. Seminars and Workshops Held Within the Framework of Local, Regional and International Cooperation**

Within the framework of local, regional and international cooperation, the Judicial Institute held and participated in several functions and activities that are listed below:

- The Judicial Institute of Jordan, in cooperation with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law and with support from the Swedish International Development Agency (Sida), held a high level meeting for directors of judicial institutes in the Middle East and North Africa region.
- With the framework of cooperation between the Ministry of Justice / the Judicial Institute of Jordan and the Embassy of France in Amman and the National Judicial College in France, two College students were received at the Institute whereby a one – month training program was organized for them in the first instance courts, the attorney general and public prosecution departments and the appeals court.
- Euro – Arab Network for Judicial Training meeting in Amman on 5/ 10/ 2011.
- Four seminars and workshops were held for law school students in cooperation between the Judicial Institute of Jordan, the Arab Women Legal Network (AWLN) and the American Bar Association (ABA).
- Held a workshop for judges on Family Integration and Local Communities.
- Held a specialized training program for newly appointed female judges in cooperation with the Judicial Council, the Arab Women Legal Network and the American Bar Association.
- A seminar was held for judges and public prosecutors on the relation between the public prosecution and the judicial police. The Seminar was held in cooperation with the Embassy of France in Amman and the National Judicial College in France.

## **3. Visiting Delegations to the Institute to Learn About its Experience in Judicial Training**

Several delegations from Arab and international countries visited the Judicial Institute of Jordan to learn about its experience in judicial training. Following is a summary of the list of visiting delegations and the objective of each visit:

- A delegation from the American Bar Association visited the Judicial Institute of Jordan whereby the visiting delegation listened to a presentation by the Institute's director on the activities and achievements of the Judicial Institute and discussions were held about the prospects and mechanisms of future cooperation.
- A delegation of members of the Board of Directors of the National Center of Independent Legal Studies from the Islamic Republic of Afghanistan visited the Judicial Institute to learn about the achievements and activities of the Institute as well as its work mechanisms and training programs, covering all training tracks including the preparatory training, and the containing and specialization training programs. Also, a visit to the Ministry of Justice to meet with H.E. the minister of justice was organized in addition to a visit to the Judicial Council to meet with H.E. the chief justice. Furthermore, field visits to the public prosecution before the Court of Cassation, the public prosecutor before the Amman Court of Appeal, Sharia Courts

Department, law schools, and the Dean of the Faculty of Sharia at the University of Jordan were also organized.

- Within the framework of cooperation between the ministries of justice in the Kingdom of Saudi Arabia and the Hashemite Kingdom of Jordan, a delegation from the Ministry of Justice in the Kingdom of Saudi Arabia headed by chief judicial inspector of the Supreme Judicial Council visited the Institute to learn about the Jordanian experience in the enforcement of court decision in civil cases, from both the theoretical and practical standpoints. In addition, the Institute organized for the delegation a scientific program that included a lecture on the judicial enforcement law in each of Jordan and Saudi Arabia.
- A delegation from the law school at Yarmouk University visited the Judicial Institute to learn about its programs and plans.

#### **Fourth: Institutional Development and Capacity Building of the Judicial Institute**

To keep up with the policy of "modernization and development" adopted by the Ministry of Justice and in keeping in line with the strategy for the development of the judiciary, the Judicial Institute worked on institutionalization of the new organizational structure, that was endorsed by the Institute's board of directors, through assigning the Institutes staff to the different departments and according to the job titles listed in the revised structure. In addition, procedures guide was developed that covers all the operating procedures of all the departments units of the Institute.

#### **Fifth: Achievements in Statistics and Numbers**

- **Graduates of the 16<sup>th</sup> Year Class:** the number of graduates of the 16<sup>th</sup> year class reached 71 of which 30 graduates (42.3%) were male and 41 graduates (57.7%) were females. The 16<sup>th</sup> year class also included 17 graduates from tracks 1 and 2 of the Future Judges Program. In addition, the Institute admitted 10 students that were seconded by the Palestinian National Authority.

#### **Distribution of 16<sup>th</sup> Year Graduates According to the Different Categories**

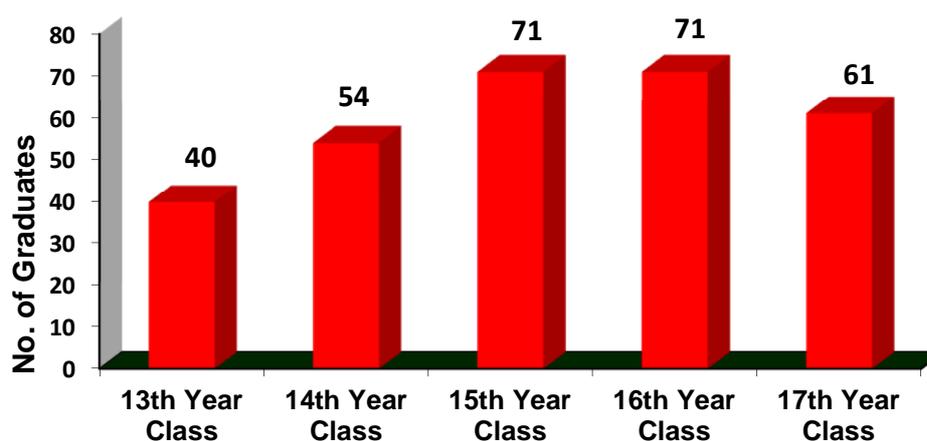
No. of Top University Graduates	No. of Clerks	No. of Lawyers	Future Judges Track (1)	Future Judges Track (2)	No. of Students Seconded by the Palestinian National Authority
24	7	13	10	7	10

- **Graduates of the 17<sup>th</sup> Year Class:** the number of graduates of the 17<sup>th</sup> year class reached 61 of which 30 graduates were male and 31 graduates were females. The 17<sup>th</sup> year class included several categories of students. Thirteen (13) of the graduates were from among the top graduates of Jordanian universities, thirty one (31) were lawyers, six (6) were from among the Future Judges Program students with LLB from public universities, and four (4) were from the same Program who obtained LLMs from British universities.

#### **Distribution of 17<sup>th</sup> Year Graduates According to the Different Categories**

No. of Top University Graduates	No. of Clerks	No. of Lawyers	No. of Future Judges Program Students (LLM graduates from Britain)	No. of Future Judges Program Students (LLB graduates from Public Universities)
13	7	31	4	6

**Distribution of the Judicial Institute's Graduates According to Class**



**Training courses for year 1 and year 2 JIJ students sitting for the diploma program:** the following table shows that the number of those who participated in the lectures and training programs for JIJ students amounted to 174. It also shows that the program was held 7 times. The highest percent of participation pertained to lecture on the Evidences Law, whereby a total of 62 students, representing 35.6% of total participants, attended the courses. A total of 46 students, representing 26.4% of total participants, attended the lectures on media cases and the protection of the freedoms of journalists. In addition, a total of 37 students, representing 21.3% of total participants, attended the lecture on the legal system in Australia. As for the number of those who participated in the specialized seminar on “Protection of Intellectual Property”, they were 22 students, (12.6%) of the total number of participants, from both the first year and second year students.

**Type of Seminars and Training Courses for 1<sup>st</sup> and 2<sup>nd</sup> Year Diploma Program Students Held in 2011**

Course	No. of Times the Course was Held	No. of Participants	% from Total Number of Participants
Workshop on “Legislations Development” – National Council for Family Affairs	1	1	0.6

<b>Discussion Session on “Mitigating Factors in Murder Cases Related to Honor Killing”</b>	1	2	1.1
<b>Awareness Workshop on the Services of the Interpol – Police Academy</b>	1	4	2.3
<b>Lecture on Specialization in Media Cases and the Protection of the Freedoms of Journalists</b>	1	46	26.4
<b>General Introduction Lecture on the Legal System in Australia</b>	1	37	21.3
<b>Specialized seminar on “Protection of Intellectual Property”</b>	1	22	12.6
<b>Evidences Law</b>	2	62	35.6
<b>Total Number</b>	<b>7</b>	<b>174</b>	<b>100.0</b>

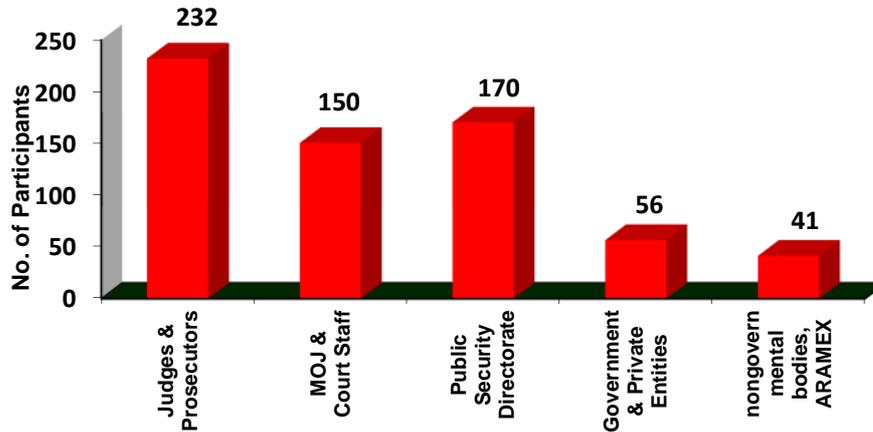
• **Participants in Continuing Education Program Courses:** Around 649 judges and court staff participated in the continuing education training program, whereby some participants attended more than one training course. A total of 232 judges and public prosecutors, accounting for 35.7% of participants, attended the courses. Also, a total of 150 court staff and ministry of justice employees, accounting for 23.1% of participants, attended the courses organized through the continuing education program. In addition, 170 (26.2%) participants for governmental entities (The Public Security Directorate) attended the courses delivered by judges, and 56 participants from other governmental entities and the private sector enrolled in the courses of judges and public prosecutors, representing 8.6% of participants. The rest were participants from the government bodies (the Licensing Department) and ARAMEX, totaling 41 participants, 6.3% of total participants.

**Total Number of Participants in Continuing Education Courses Distributed According to Target Group**

<b>Participants</b>	<b>No. of Participants</b>	<b>% from Total Number of Participants</b>
<b>Judges and public prosecutors</b>	232	35.7
<b>Regular courts staff and Ministry of Justice personnel</b>	150	23.1
<b>Governmental bodies (public security department) who participated in judges courses</b>	170	26.2
<b>Other governmental bodies and private entities ) who participated in judges courses</b>	56	8.6
<b>Governmental bodies (Licensing department, ARAMEX) who participated in staff courses</b>	41	6.3

<b>Grand Total</b>	<b>649</b>	<b>100.0</b>
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**Total Number of Participants in Continuing Education Courses Distributed According to Target Group**

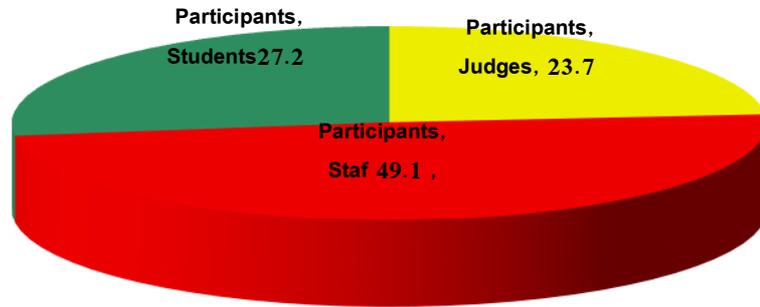


**Female participants in continuing education courses:** alongside male participants, a total of 232 female participants attended the continuing education courses. Of the 232 participants, 55 were judges, representing 23.7% of total female participants. In addition, 114 participants were from courts and the ministry of justice, representing 49.1% of female participants, and 63 were students, accounting for 27.2% of total participants. It must be noted here that some participants attended more than one course.

**Total Number of Participations on Continuing Education Programs According to Target Group**

Participations	Number	% from Total Number of Participants
Total number of judges participations (female judges)	55	23.7
Total number of staff participations	114	49.1
Total number of students participations	63	27.2
<b>Grand Total</b>	<b>232</b>	<b>100.0</b>

**Distribution of Female Participants in Continuing Education Courses Distributed According to Target Group**



• **Distribution of participants according to the three regions:** a total of 394 participants, both males and females judges, prosecutors, court staff and ministry of justice employees, participated in the continuing education program from the various regions. A total of 380 participants, of which 222 were males and 158 were females, participated from the central region. A total of 14 participants, 8 males and 6 females, all of which are court staff and ministry of justice employees, participated from the southern region. There were no participants from the northern region.

• **Number of continuing education program courses:** the number of courses implemented through the continuing education program was 32 courses, 14 of which were for judges and public prosecutors, representing 43.8% of the total number of courses. These courses targeting judges and public prosecutors were distributed over the three regions. Ten courses were held in the central region, and two courses were held in each of the northern and southern region. In addition, six (6) courses were organized for court staff and ministry of justice employees, five of which were held in the center and one in the south. Furthermore, nine (9) courses were held for the Public Security Directorate, and three specialized courses were held for employees from the Licensing Department and ARAMEX.

**Distribution of the Number of Continuing Education Program Courses According to Target Group**

Continuing Education Program Course	Number	% from Total Number of Participants
Continuing education program courses for judges and public prosecutors	14	43.8
Continuing education program courses for court staff and Ministry of Justice personnel	6	18.8
Continuing education program courses for governmental bodies	9	28.1

Continuing education program courses for other than Ministry of Justice staff (Licensing Department, ARAMEX)	3	9.3
<b>Grand Total</b>	<b>32</b>	<b>100.0</b>

#### **1.4.2 Challenges Facing the Institutional Development and Capacity Building of the Judicial Institute**

Among the key challenges that face the Judicial Institute of Jordan is that it falls under the ambit of the Ministry of Justice, which must be changed such that it becomes attached to the Judicial Council within the Judicial Authority Law. In addition, there are several other challenges, the most important of which are the following:

- Weak infrastructure of the Judicial Institute of Jordan.
- Incompatibility between the training course and the career path for both judges and staff.
- Absence of an appropriate mechanism for programs to meet the training needs of judges and staff.
- Absence of clear standards and criteria for the selection of judges to train at the Judicial Institute of Jordan.
- Absence of a clear, structured and comprehensive training manual.
- Weak emphasis on the practical aspect in the training plan of the Institute and it is not continuously revised and developed.
- Lack of implementation of seminars and lectures inside courts on court operations and role, their importance and uniqueness.
- Lack of training programs focused on developing and enhancing the capacity of support staff at courts.
- Weak integration of judges in teaching at law faculties in Jordanian universities.

#### **1.4.3 Opportunities for the Institutional Development and Capacity Building of the Judicial Institute**

The key opportunities related to developing the performance of the Judicial Institute of Jordan is its high ability to attract more candidates with exceptional qualifications to study at the Institute and qualify them through the Future Judges Program. In addition, there are several other opportunities for developing the work of the Institute as summarized below:

- The Judicial Authority Strategy for the years 2012 – 2014 emphasized in its goals and objectives on enhancing the institutional capacity of the Judicial Institute through two endorsed programs: Training and Specialization Program, and Human Resources and Capacity Building Program.
- Presence of a number of preparatory and continuing education programs designed for new and old judges, with emphasis on modern litigation techniques, emerging legal topics in addition to the judicial studies diploma program.
- Judges participate in teaching students at the Judicial Institute of Jordan.

- Existence of specialized training programs for old and new judges aimed at enhancing their skills and staying abreast with scientific advancements in the field of legal jurisprudence.

#### **1.4.4 Future Aspirations for the Institutional Development and Capacity Building of the Judicial Institute**

The main future goals include the attachment of the Judicial Institute of Jordan to the Judicial Council with the framework of the Judicial Authority Law, development of a clear, structured and comprehensive training manual that organizes the training process in a methodological way, starting from defining the training needs, selecting the training material and trainers, up to the evaluation of the training programs.

- Develop training programs that meet the training needs of judges and staff, and that are designed based on the results of a training needs assessment study.
- Develop scientific criteria for selecting candidates to enroll at the Judicial Institute as well as trainers to teach at the Institute.
- Develop a mechanism to conduct training inside courts.
- Develop programs to integrate judges in the educational process at law schools in Jordanian universities.

#### **1.5 Administrative Units That Support the Judicial Council**

The regulation pertinent to the Administrative Units that fall under the Judicial Council was issued pursuant to article 45 of the Judicial Independence Law No. 15 of 2001. The organization structure of these units is comprised on the Judges Affairs Unit, the Training and Specialization Unit, and the Planning and Development Unit. The regulation was amended and endorsed by the relevant entities whereby amendments included the addition of a general secretariat for the Judicial Council that supervises and managed the process of developing the strategic plan for the judicial authority and the training of its staff.

##### **1.5.1 Achievements of the Judicial Council's Administrative Units**

The aim of establishing the Administrative Units is to support the Judicial Council in carrying out its functions related to media and to respond to the decision of the Chief Justice to prepare a strategy for building and strengthening the judicial authority in the coming three years, and which reflects the vision of His Majesty and the directives of the Chief Justice. The directors of the Judicial Council Units and their staff started to hold a series of meetings the outcome of which was a joint work plan to prepare the strategy of the judiciary. Following is an overview of the main achievements of the Administrative Units:

- **Administrative Units Offices:** Fully equipped offices were established for the Administrative Units and the Amman Palace of Justice and were supplied with electronic equipments and a legal library.

- **Training Courses:** a training course was held for the directors and staff of Administrative Units at the Judicial Council on the concepts, importance, objectives and mechanisms of strategic planning. The training covered the definition of analysis methodologies of the status quo of the judiciary, vision and mission formulation, setting of strategic objectives and sub-objectives, setting performance indicators and developing an operational plan (implementation plan) to achieve the goals. The training was conducted by strategic planning experts over five days covering 30 hours of training.
- **Presenting Strategic Planning Concepts to Judge:** the concepts and principles of strategic planning were presented to judges in a workshop that was delivered by a strategic planning expert.
- **Analysis of Past Years' Strategic Plans:** a full and comprehensive analysis of the strategic plans implemented over the past years was conducted. This was achieved through distributing two questionnaires among decision makers within the judiciary during a workshop which gathered them all to review the vision, mission, and strategic pillars and objectives of past strategies and decide on whether they are still valid and appropriate in light of the new developments reflected in the vision of His Majesty. The workshop also aimed at discussing suggestions and alternatives for keeping pace with these new developments and to identify the areas of strengths, weaknesses, opportunities and threats pertinent to the judiciary through the SWOT analysis.
- **Workshop to Discuss the Broad Outline of the Strategic Plan:** a workshop was held to endorse the vision, mission and main pillars of the strategic plan by the senior management within the judiciary and to develop the broad goals that will be used as a base for building the strategic plan for the coming three years.
- **Needs Assessment Study of Courts:** a standardized questionnaire was used in conducting the assessment and which targeted all judges across the different levels. The aim of the study was to identify the size of the gap between the status - quo and the objective needs of courts that enable them to carry out their functions. This step was undertaken in preparation for bridging the gap through the strategic plan covering the next three years.
- **A Courts Needs Assessment Workshop:** a two - day workshop was held for all the chief judges of first instance and appeals courts in Jordan during 24 - 25/ 9/ 2011 during which a questionnaire was distributed among participants that was analyzed to define the needs of courts, learn about the problems and challenges that face them, as well as the possible areas of opportunities for improving the performance of judges in their courts and advance the judiciary in achieving efficient justice.
- **Collaborative Planning and Participatory Approach:** the Administrative Units at the Judicial Council adopted the participatory approach in drafting the vision, mission and the objectives of the judicial authority's strategic plan. This was achieved by involving decision makers within the judiciary in the planning process which included Judicial Council members, chief judges and attorney generals. The Administrative Units also focused on institutionalizing work, building capacity and adequately staffing the units, enhancing communication channels between the

Judicial Council and the chief judges, attorney generals and administrative units to institutionalize work and build real and effective partnerships with relevant stakeholders.

- **Preparation of the Judicial Authority Strategic Plan (the Strategy of Building) for the years 2012 – 2014:** the plan is made up of three parts. The first part covers the methodology that was adopted in preparing the strategic plan and the outcome of analysis of status quo analysis of the judiciary and over the past years. The second part included the vision, mission, main pillars and objectives, and the key implementation programs and activities pertinent to the Judicial Authority's strategic plan.
- **Preparation of the Implementation Plan for the Judicial Authority Strategic Plan:** six programs were adopted in preparing the implementation plan under which several activities that help achieve the objectives of the strategy were set. These programs include the following: Legislations Program, Training and Specialization Program, Human Resources and Capacity Building Program, Studies, Research, Planning and Evaluation Program, Communications Program, and finally the Awareness and Education Program.
- **Development of the Strategy Implementation Plan:** six main programs were used in developing the implementation plan pertinent to the Judicial Authority Strategy, and which included several activities that help achieve the objectives. These programs are the following: legislation program, training and specialization program, human resources and capacity building program, studies, research, planning and evaluation program, communications program, and finally the awareness and education program.
- **Held a Workshop on Two - level Administrative Judiciary:** a two – day workshop was held during 19 – 20/ 11/ 2011 that was attended by the following: members of the Judicial Council, Court of Higher Justice judges, attorney general department judges, directors of the Administrative Units of the Judicial Council, and universities professors and academia. To benefit from the experience of Egypt in this field, the Judicial Council invited the advisor and Vice-President of the State Council of Egypt who supervises the administrative and disciplinary tribunals, and is a member of the Special Council of the State Council in Egypt, in addition to a judge from among the judges specialized in administrative judiciary. The aim of the workshop was to prepare a draft law for establishing a two – level administrative judiciary. The workshop included several activities as follows: dissemination of a questionnaire to identify the views and opinions of attendees and open discussion on the formation and jurisdiction of the first instance administrative court, the court of higher justice and the public prosecution before the administrative judiciary, as well as endorsement of a draft law for a two – level administrative judiciary.
- **Activities for Preparing the Judicial Authority Law:** to complete work on endorsing the draft Judicial Independence Law, several activities were carried out including the following: distribution of a questionnaire among all judges across the

Kingdom to solicit their opinions and views on the judicial authority law whereby questionnaire results were analyzed and used in developing the draft law, held a two – day workshop on the judicial authority law during 21 – 22/ 12/ 2011 that was attended by the Chief Justice, Judicial Council members, Cassation Court judges and Administrative Units directors during which the pillars and components of the judicial authority law were discussed and a draft law was endorsed.

- Other activities, such as the issuance of a bulletin covering affairs related to the judiciary, preparation of a media strategy plan, developing rules that govern the process of publishing, holding of workshops related to increasing the efficiency of the litigation process, revision of the Enforcement Law and reasons of case delay, revision of the civil procedures code and the criminal procedures code, among other.

### **1.5.2 Challenges Facing the Work of the Administrative Units**

The main challenges that face the administrative units is the lack of qualifies and full time personnel working at the administrative units, and weak coordination among the units and with the other entities falling under the Judicial Council. In addition, there are several other challenges as follows:

- Weak training programs targeting Administrative Units staff in all topics.
- The Administrative Units are not connected to the “Judges Affairs Automated System”.
- The judges affairs system currently in place is not in line with developments.
- Lack of exchange programs with advanced countries in this area.
- Weak awareness among judges of the role of administrative Units within the Judicial Authority.

### **1.5.3 Opportunities for Developing the Performance of the Administrative Units**

The main opportunities related to developing the performance of the Administrative Units relate to the presence of a work plan for said units, and the integration and alignment of such plans with the Judicial Authority’s plan, in terms of objectives, programs and activities. Furthermore, there are several other opportunities that are outlined below:

- The existence of preparatory and development training programs for Administrative Units staff.
- The objective and transparent methodology adopted by the Administrative Units in selecting judges for participating in workshops and seminars.
- The existence of an automated system for the Judges Affairs Unit.

### **1.5.4 Future Aspirations for Developing the Performance of the Administrative Units**

The main future aspirations pertinent to the Administrative Units functions relate to their participation in implementing the activities outlined in the strategic plan and following up on and assessing the implementation progress of the strategy’s programs, based on the performance indicators outlined in the plan. In addition, there are several other future goals as outlined below:

- The Administrative Units handle the assessment of all programs implemented by the Judicial Council to identify level of achievement of the strategy's objectives according to the endorsed performance indicators.
- Allocate a number of capable personnel to work full time at the Administrative Units to support the Judicial Council carryout the functions and responsibilities assigned to them.

### **1.6 Technical Office at the Court of Cassation**

A technical Office at the Court of Cassation was established pursuant to Regulation No. 7/ 2010 that became in force on 18/ 4/ 2010 and that was issued according to article 12 of the Regular Courts Formation Law No. 17 of 2001 and the Judicial Council's decision following the seconding of a cassation court judge as its director as well as four judges to work at the Office.

#### **1.6.1 Achievements of the Technical Office**

The Technical Office started to carry out its duties in March of 2011 after the Court of Cassation moved to the new building. Establishment works of the Technical Office were completed and seven legal researchers and a number of editors were hired to work at the Office. In addition, the Technical Office was provided with all equipments and supplies needed for its operations after which it started to carry out of the functions mandated to it under the provisions of the Regulation.

The Technical Office provides legal, technical and administrative support to the Court of Cassation. It also classifies cases and motions filed before in order to distribute them among judicial chambers according to specialization. Furthermore, it provides judicial chambers with the needed legislations, past judgments and precedents related to each case according to its type and subject matter, as well as any legal studies and research it may need. In addition, its functions include drawing legal principles based on the decisions and judgments issued by the Court of Cassation and classifying them as well as undertaking necessary measures to facilitate their publication. Another function pertains to analyzing judicial precedents, and providing the necessary studies and opinions in their regard to the President of the Court of Cassation, which would contribute to the establishment of legal principles. Furthermore, it provides courts with the legislations and legal precedents that the Director perceives as necessary to be disseminated as well as any other functions or tasks assigned by the Judicial Council or the President of the Cassation Court.

During March – December 2011, the Technical Office carried out the following:

- Reviewed and audited civil cases registered at the Court of Cassation, and which amounted to a monthly average of 390 cases, in terms of fulfilling the requirements for appeal, and the acceptance of such appeals in terms of form.
- Prepared written reviews on appeals before the court of cassation that were rejected in form and prepare a list covering said cases and present it to the Chief Justice who in turn would distribute them among judicial chambers in as timely a

manner as possible in order to reduce litigation time. The number of such cases amounted to 195.

- Classified cases that are similar and the ones that include new legal points for distributing them among the specialized chambers after having conducted the necessary legal studies in order to avoid contradictory decisions or rulings.
- Prepared legal studies assigned by the Chief Justice and Court of Cassation judges and which reached a total of 72 legal studies.
- Provided court judges with judicial precedence issued by the Court of Cassation as well as legal jurisprudence upon their request.
- Provided judges with new or amended legislations upon their publication in the Official Gazette.
- Prepared a detailed memo of all permissions to appeal a judgment before the Court of Cassation that included the relevant legal articles and Cassation Court precedents.
- The decisions of the General Assembly of the Court of Cassation that included new precedents were distributed, some of which were published in the Judicial Bulletin.
- Compiled the Court of Cassation judgments, summarized reasons of appeal and edited judgments after their typing.
- Contacted a number of Arabic websites to identify recent legal jurisprudence and judicial precedence published on the web.
- Archived and automated all judicial decisions issued by the Court of Cassation since establishment.

The Technical Office carried out these functions according to the available resources. It aims to be provided with an additional number of judges, legal researchers and auditors as well as legal references and jurisprudence to enable it to carry out its full mandate and tasks and support all of the specialized chambers at the Court of Cassation. This will reduce the workload of Cassation Court judges and which will be reflected positively in the clearance rate and time of cases before said court and unify judicial jurisprudence.

### **1.6.2 Challenges Facing the Performance Improvement and Development of the Technical Office at the Cassation Court**

The main challenges related to enhancing and developing the performance of the Technical Office pertains to the weakness in the performance system of courts. There is no system that provides scientific indicators that reflect the needs of data users. There also is a lack of a mechanism for automating data and auditing them electronically and in the field in order to reconcile data, particularly in relation to pending cases that are carried over at the end of each month and each year.

On the other hand, no periodic assessment of the information system is conducted which helps identify its areas of strengths and weaknesses, the size of the informational gap and the accuracy of data available at the Technical Office of that generated by the automated case management system (MIZAN) in order to bridge it. Furthermore and in addition to the aforementioned challenges, other challenges that are not any less important exist and which affect the work and performance level of the Technical Office and as outlined below:

- The limited number of qualified judges with diverse specializations working at the Technical Office. This weakens the legal, technical and administrative support provided to the Court of Cassation as well as the capacity of the Office to provide courts with legislations and legal precedents.
- The number of periodic publications and legal research papers and studies conducted is few and limited as well as shortage of legal references and books that include latest legislations and legal precedents.
- Lack of a realistic annual implementation plan that specifically outlines the tasks, responsibilities, implementation timeframe, and required budget necessary for their implementation.

### **1.6.3 Opportunities for the Institutional Development and Capacity Building of the Technical Office at the Cassation Court**

The main opportunities available before the Technical Office include the provision of qualified judges and staff possessing relevant knowledge and expertise. In addition, providing the Technical Office with a management information system covering the operations of courts and their performance and which would help in evaluating and assessing their achievements. Among the other main opportunities is the availability of a main objective within the strategy covering the coming three years (2012 – 2014) which aims at developing and strengthening the Technical Office to carry out the tasks assigned to it competently and effectively and which will be achieved through two programs: the Legislations Program and the Capacity Building and Human Resources Development program.

### **1.6.4 Future Aspirations for Developing the Performance of the Technical Office at the Cassation Court**

The main future aspirations pertaining to developing the capacity of the Technical Office relate to assisting it develop an annual work plan that includes the following: updating and modernizing the management information system related to court operations, improving data collection methodologies, automate data collection processes and perform electronic and field quality audits through unified electronic forms and through the web that are linked in real time to the data center and that would be used by courts in entering data. In addition, the plan will include the following:

- Establish a mechanism to coordinate the integration of information from the MIZAN program and the Technical Office data and bridge the gap between them.
- Allocate a dedicated budget to the Technical Office to provide its library with legal books, publications and studies issued by various sources.
- Issue a periodic scientific bulleting that publishes legal researches, studies and legislations as well as legal precedents.

### **1.7 State Lawyer Department**

Article 16 of the Regular Courts Formation Law stated that the State Lawyer shall prepare an annual report covering the achievements and performance of the State Lawyer Department and the progress of cases in which it represents the government as well as enforcement cases in favor of the government's treasury it is handling. According to the same article, the report must be submitted to the Minister of Justice who in turn submits it to the Council of Ministers at the end of December of each year.

For several decades, the public prosecutor assumed the responsibility of representing, defending and litigating on behalf of the government in civil cases in which it is involved in. The public prosecution shouldered this task pursuant to the provisions of Government Cases Law No. 25 of 1958 and its amendments in addition to its responsibilities pertaining to fighting crime in order to maintain the safety and security of society. Therefore, and in addition to the aforementioned tasks, it makes the department unable to handle this major responsibility of representing and defending the government in treasury related cases and to achieve the desired end of maintaining and safeguarding the public money.

Therefore, and based on the interest of the Jordanian legislator to safeguard and protect public funds from being wasted, a State Lawyer Department was established pursuant to Law No. 13 of 1994. The Department was established and full time judges and staff were assigned to it on full time basis in order to preserve and protect public funds. Confining litigation and defending public funds related to cases in which the government is party to a case to a specialized body that is dedicated to said task will lead to the protection of treasury rights, conduction of proper litigation procedures, timely resolution of cases and expedited enforcement of judgments issued in favor of the government, which is considered a qualitative and quantitative achievement in this regard.

The State Lawyer Department is headed by a civil judge of the highest degree, and is supported by assistants who represent the government before courts in civil cases, whether held by or against the Government. They also handle the execution of cases at the courts' execution departments whose outcome was in favor of the treasury.

At the beginning, a few number of assistants were assigned to work at the central department in Amman. In mid 2005, the number of assistants reached 8 and which dropped to 7 in 2007.

After studying the work conditions and the size of government related cases adjudicated before courts across the Kingdom, and out of keen interest in preserving the rights and the treasure, and despite suffering from shortage in the number of judges, at the end of 2011 and the beginning of 2012, the Judicial Council appointed assistants to the state lawyer in all first instance courts in the Kingdom.

The State Lawyer Department body is consisted of a number of judges who adjudicate and defend government cases before courts across the Kingdom. In 2011 a total of 11 assistants were assigned to the central department in Amman. Said assistants handle treasury cases

before the Amman Court of Appeal, the Amman First Instance Court and the Amman Conciliation Court. In addition, they also follow-up the execution of cases at the Execution Department in the Amman First Instance Court. A total of 23 assistants to the state lawyer in Amman handle government related cases and the enforcement of judgments issued in favor of the government before 16 courts.

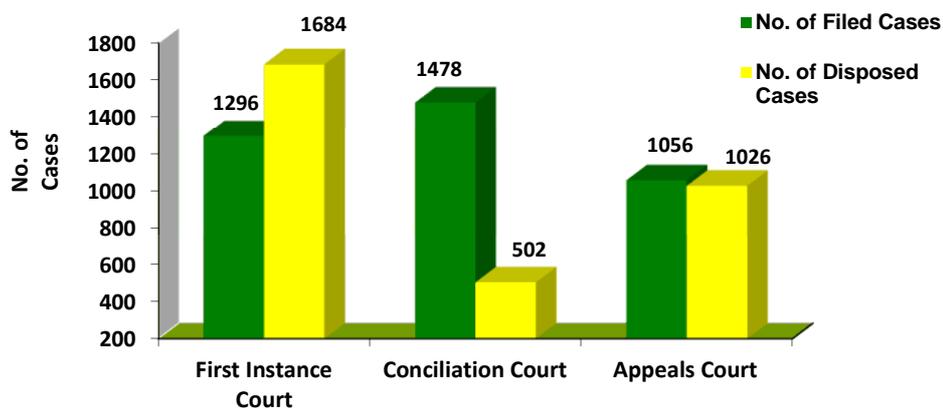
### 1.7.1 State Layer Department Achievements

The table below shows the number of treasury cases at first instance, conciliation and appeal courts that are being followed up by the state lawyer during the period January 1/ 1/ 2011 through the end of October of 2011. From the table below, it can be noted that the percent of disposed cases from the total number of new cases amounted to 106.2% whereby the number of disposed cases was the equivalent of the number of cases that were filed in 2011 as well as 6.2% of cases that have been pending from previous years. This means that the number of backlog cases in 2012 has dropped at the same rate in the three courts.

**Number of Treasury Cases before All Courts in Kingdom during 1/ 1/ 2011 – 31/ 10/ 2011**

Indicator	First Instance Courts	Conciliation Courts	Appeals Courts	Total
No. of Pending Cases from 2010	1325	1478	1146	3949
No. of Cases Filed in 2011	1296	672	1056	3024
Total No. of Pending and New Cases	2621	2150	2202	6973
No. of Disposed Cases	1684	502	1026	3212
No. of Pending Cases in 2012	937	1648	1176	3761

**Number of Treasury Cases Before All Courts in Kingdom during 1/ 1/ 2011 – 31/ 10/ 2011**

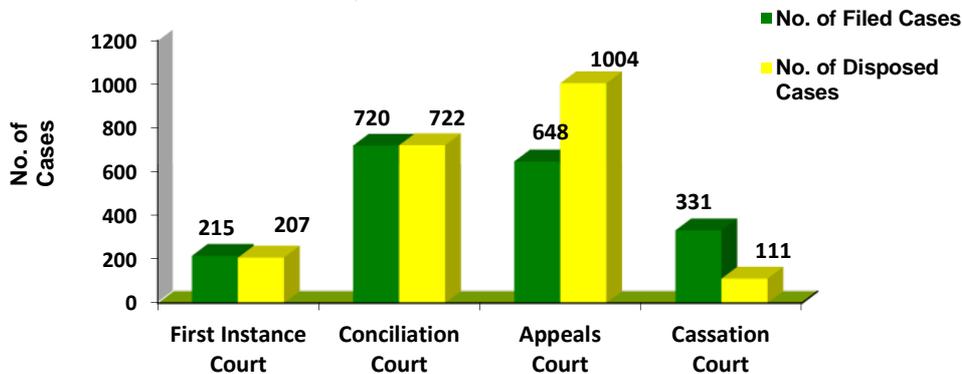


The table below shows the number of treasury cases at first instance, conciliation and appeal courts as well as the Court of Cassation that are being followed up by the state lawyer during January 1/ 1/ 2011 through the end of October of 2011. From the table below, it can be noted that the percent of disposed cases from the total number of new cases amounted to 104.8% whereby the number of disposed cases was the equivalent of the number of cases that were filed in 2011 as well as 4.8% of cases that have been pending from previous years. This means that the number of backlog cases in 2012 has dropped at the same rate.

**Indicators Related to the Work of the State Lawyer Department on Treasury Cases / Amman - 2011**

Indicator	First Instance Courts	Conciliation Courts	Appeals Courts	Cassation Court	Total
No. of Pending Cases from 2010	325	387	428	255	1395
No. of Cases Filed in 2011	215	720	684	331	1950
Total No. of Pending and New Cases	540	1107	1112	586	3345
No. of Disposed Cases	207	722	1004	111	2044
No. of Pending Cases in 2012	333	385	108	475	1301

**Indicators Related to the Work of the State Lawyer Department on Treasury Cases / Amman - 2011**



The total value of amounts collected for the benefit of the Amman Execution Department / Treasury during 1/ 1/ 200 - 31/ 12/ 2011 amounted to JD329,341.670. The following table shows the number of treasury cases before the different execution departments across the Kingdom as well as the treasury cases handled by the Amman First Instance Court Execution Department according to end date.

**Treasury Cases before the Different Execution Departments Across the Kingdom during 1/ 1/ 2011 – 31/ 10/ 2011**  
**&**  
**Amman First Instance Court Execution Department during 1/ 1/ 2011 – 31/ 12/ 2011**

<b>Execution Departments in The Kingdom 1/ 1/ 2011 – 31/ 10/ 2011</b>		<b>Amman First Instance Court Execution Department 1/ 1/ 2011 – 31/ 12/ 2011</b>	
No. of Pending Cases from 2010	1167	No. of Pending Cases from 2010	3671
No. of Cases Filed in 2011	677	No. of Cases Filed during 31/ 10/ 2010 – 31/ 10/ 2011	487
No. of Pending and New Cases	1844	No. of Enforced Case during 31/ 10/ 2010 – 31/ 10/ 2011	276
No. of Disposed Cases	699	No. of Enforced Case Up Till 30/ 11/ 2011	2907
No. of Pending Cases	1145		

**1.7.2 Challenges Facing the Performance Improvement and Development of the State Lawyer Department**

The main challenges faced by the State Lawyer Department relate to the weak criteria that are in place for selecting the state lawyer and his / her assistants, the continuous changing and lack of sustainable tenure of state lawyers, particularly in the absence of legislations that guarantee a fixed tenure for a specific and adequately long period of time that enables him / her to carry out his / her duties effectively and implement the work plan of the Department. The third challenge pertains to the ongoing discourse related to judges assuming the functions of the state lawyer and the association confusion and divergence of opinion in this regard. Following are some of the other challenges facing the work of the State Lawyer Department:

- Slowness of relevant government agencies being adjudicated against in providing the Department with relevant information and facts that show the actual details related to the claim and on which the State Lawyer basis his / her defense arguments and in the preparation of the list of response.
- The full name of the defendant and the charged is not provided or made available. The same applies to addresses whereby the information listed includes the first, second and last name of the person to be notified and the address only lists the area in which he / she lives in. This renders the notifier unable to serve the notice and requires that the notice be published in newspapers. This results in incurring additional expenses, delays the resolution of cases and results in prohibiting the enforcement of judgments issued in favor of the treasury.

- There is a continuous need for assigning a number of public prosecution judges to work at some courts in the Kingdom (Maan, Madaba, Tafilah, Karak, Jerash, and Aqaba) due to the presence of only one state lawyer assistant who handles cases in which the government is party and follows up on the execution of judgments issued in favor of the treasury. In the event that this sole assistant is absent due to an emergency, illness, death or some other family matter, it results in disruption and delay of work.
- Lack of specialized assistants to represent the government before conciliation courts. In execution cases, seconded chief clerks represent the treasury and who lack the legal knowledge that enables them to defend the rights of the treasury and collect the funds.
- Lack of the necessary number of qualified staff and judicial assistants at some State Lawyer Departments within Amman and other courts.
- Lack of a mechanism or a body that assists in searching for the addresses of the defendants and convicted persons for purposes of serving notices related to treasury cases.
- The number of correspondences of ministries, government departments and the Audit Bureau related to inquiries about the proceedings of cases and the execution of judgments is high and sometimes repetitive throughout the year. This casts a great burden on the Department given that responding to such inquiries requires significant effort and time on the part of government representatives and supporting administrative bodies.
- The Ministry of Finance is either late or does not pay expenses related to hiring experts assigned to the Treasury by the courts, thereby hindering the progress of cases or even suspends it until experts expenses are paid.

### **1.7.3 Opportunities for the Institutional Development and Capacity Building of the State Lawyer Department**

Among the main opportunities for developing the State Lawyer Department is the commitment of employees working in all ministries, government departments and official and public sector entities to fully cooperate with the State Lawyer Department in the course of the work assigned to it according to the provisions of the law and to provide him / her with all information and documents available to them. In addition, several other opportunities for developing the capacity of the Department exist the most important of which are the following:

- The Judicial Authority Strategic Plan for the coming three years (2012 – 2014) allocated a goal within the first pillar of the strategy for strengthening and developing the State Lawyer Department through two programs: the Legislations Program and the Institutional Capacity and Human Resources Program.
- Qualified judges work at the State Lawyer Department.

### **1.7.4 Future Aspirations for Developing the Performance of the State Lawyer Department**

Among the key aspirations for enhancing and developing the State Lawyer Department is to establish criteria for the selection of the State Lawyer and his / her assistants, extending

the stability of the state lawyer's tenure in his / her position, and assist the Department develop its annual plan the clearly outlines roles and responsibilities, implementation timeframe and budget.

- Provide the State lawyer and treasury representatives in all locations as well as execution departments with the full names, clear addressed and national numbers of parties involved in treasury and execution cases.
- Coordinate and collaborate with the Public Security Department and police stations to accelerate the execution of motions filed by treasury execution departments and expedite the bringing of those sentenced in order to execution judgments related to placing attachments on their vehicles.
- Provide the State Lawyer Department with supporting means to help in sustaining and expediting the Department's work in term of staff and computer equipments and linking them with relevant departments.
- Linking the central State Lawyer Department with the rest of the departments in the Kingdom due to the need for enhanced communication and the provision of necessary instructions in a timely manner.
- Link the State Lawyer Department with the Department of Lands and Survey, the Civil Status Department and the Passports Department to make it easier to enquire about the addresses and properties of defendants.
- Work with all ministries and independent bodies to assign a representative from their legal department to visit the State Lawyer Department once a week in order to train and educate him / her on many of the legal issues as well as on drafting contracts and responding to notices and to bring the required and necessary evidences of the ministry of department.

## **2. Efficiency and Effectiveness of Court Operations Pillar**

### **2.1 Reduce Litigation Time, Alleviate Burden on Courts and Improve their Performance and Enhance the Quality of Judicial Judgments**

The Royal vision to modernize the judiciary constitutes a fundamental premise and a real challenge in reaching a modern judicial system that is safeguarded by independence, impartiality and neutrality, and is a key and important player in ensuring the implementation of the country's plans related to comprehensive and sustainable development. The magnitude of this political will and the clarity of its drive had a significant impact in driving the parties concerned with judicial enhancement to develop tools and improve work methodologies in a qualitative manner and in a way that is in line with His Majesty's vision in dealing with the judicial component towards achieving efficient and timely justice.

Reducing litigation time means more timely clearance of cases, while taking into account the quality of judicial judgments. This depends also on the type of cases brought before the courts, whereby technological advancements and complexities legislations currently in force have a grave impact on the type and level of the complexities of cases. Also, when judges specialize in certain types of cases it will have a positive impact on the timely resolution of cases. The high caseload on judges affects the time in which cases are resolved in.

The performance indicator related to the effectiveness of courts is considered among the most important indicators that measure the effectiveness of the Jordanian judicial system, the degree of its flexibility and responsiveness with new and emerging issues, particularly in relation to increasing workload on courts and judges. The importance of this indicator also lies in the fact that it measures an aspect of the Judicial Authority Strategy for the years 2012 – 2014 pertaining to pillar 2 and which relates to enhancing effectiveness of litigation procedures through reducing litigation time, expediting disposition of cases, limiting the escalation of backlog, and reducing workload on judges. This indicator both directly and indirectly supports the following aspects related to the functions and operations of courts:

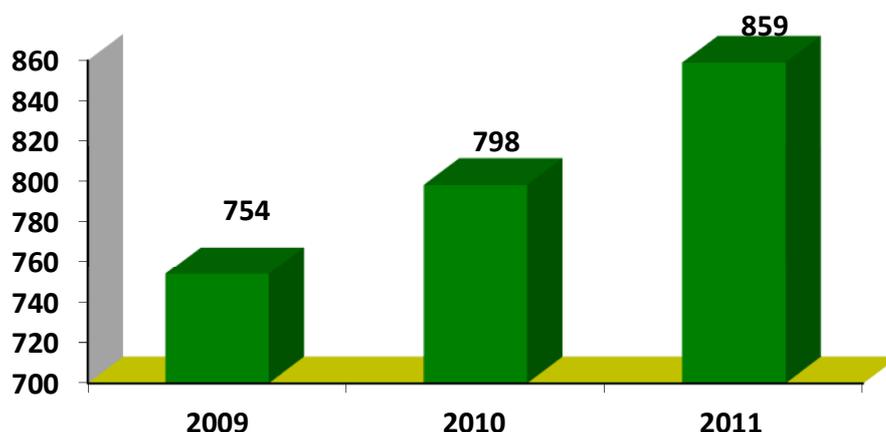
1. The amount of workload on judges of various levels and their ability to keep pace with the steady rise in the number of cases received by courts, and their ability to adjudicate them and reduce backlog, as well as the capacity of the judicial system to require new, qualified and trained judges possessing extensive experience and good reputation.
2. This indicator helps forecast the future workload of courts based on data collected from previous years. This will help the decision maker plan for the future in terms of vertical or horizontal expansion of courts in different locations based on the size of the court's workload, or in terms of controlling the transfer of judges and their secondment and the appointment of new judges based on the load of courts they work in.
3. The extent to which the environment is conducive for litigation, in terms of ease of procedures, reduction of litigation time, and the expediting of the resolution of cases without affecting the principles of fair trial standards, and the extent to which alternative disputes resolution mechanisms of civil cases are effective as well as the development and modernization of the case management system among others.
4. This indicator also reflects the effectiveness level of the Jordanian judicial system in executing judgments issued by courts in a timely manner in order to enhance the rule of law, safeguard the basic rights and freedoms of citizens and give each person his / her rights.
5. The level of improvement and modernization of the infrastructure of courts and the availability of necessary services for facilitating litigation procedures in terms of court automation, expediting the retrieval of cases, establishing links with entities relevant to judicial work and court services, the ease of accessing data, including accessibility of lawyers to information related to their cases.

## 2.2 Judicial Cadre

The database of judges in the Kingdom shows that number of judges amounted to 859 of which 107 are female judges, amounting to 12.5% of the total judiciary and whereby the number of male judges amounted to 752, constituting 87.5% of the total number of judges. Compared to 2010 figures, the number of judges increased by 61, representing a 7.6% increase and a 13.9% increase over 2009 figures. The number of active judges and currently in office is 821 and the number of seconded judges and those on scholarships was 38 judges.

Higher level judges constitute 6.7% of the total number of judges. Those holding a special rank comprise 4.8% of the judiciary. As for first and second level judges they amounted to 5.7% and 9.4% respectively. Judges ranked third through sixth comprised 73.4% of the total number of in office judges.

**Increase in the Number of Judges during 2009-2011**



**Distribution of the Number of Judges According to Rank and Work Classification for 2011**

Rank	No. of Judges	% of Total Working Judges	No. of Judges Seconded and On Scholarship Programs	Total
Higher	55	6.7%	4	59
Special	39	4.8%	1	40
First	47	5.7%	4	51
Second	77	9.4%	8	85
Third	89	10.8%	7	96

<b>Fourth</b>	155	18.9%	6	<b>161</b>
<b>Fifth</b>	188	22.9%	6	<b>194</b>
<b>Sixth</b>	171	20.8%	2	<b>173</b>
<b>Total</b>	<b>821</b>	<b>100 %</b>	<b>38</b>	<b>859</b>

### 2.3 Performance Indicators of the Court of Cassation

The Court of Cassation is the highest judicial body in the Kingdom. Its jurisdiction pertains to reviewing appeals in judgments and decisions issued by courts of appeal. The chief judge of the Cassation Court is, by virtue of his / her post, the Chief Justice of the Jordanian Judicial Council, and is assisted by as necessary a number of senior level judges known as cassation judges. The Court of Cassation is a court of law, that is, it does not consider the subject matter or content of the case before it. Its role is limited to making sure that the judgment and the court that issued it satisfied all legal procedures and due processes. Thus, it is not considered a level of litigation (first instance and conciliation courts are first court levels and courts of appeal are the second level of litigation). The Court of Cassation is a subject matter court only when reviewing appeals from the State Security Court, the Police Court and the Major Felonies Court. The Court of Cassation also specializes in reviewing motions pertaining to determination of jurisdiction when there is positive or negative conflict between two regular courts that do not fall under the same court of appeals. Negative conflict is when a court decides that each of the two courts have no jurisdiction over the case. Positive conflict means that each court would decide on its jurisdiction to review the case.

Results show the extent of workload on the Court of Cassation of members during 2010 - 2012 which reviews judgments and decisions of civil and criminal courts of appeal and those issued by any court which its law provides for appealing its judgments to the Court of Cassation.

The number of cases filed at the Court of Cassation during 2011 amounted to 11,343. Compared to 2010 figures, the number of 2011 filings witnessed a slight decrease of 1%. It is expected that the number of filings in 2012 will drop at the same rate if the percent remained constant. The number of disposed cases increased by 33.5%, and it is expected that the number will increase at the same rate in 2012 to reach 13,837 cases if the percent remained constant. From the following two tables, we can deduce the main performance indicators for the Court of Cassation as follows:

- The real average caseload per Cassation Court panel (total number of pending and new cases / number of panels) dropped from 2,741 cases in 2010 to 2,559 cases in 2011, a decrease of 6.6%. The reduction in the per panel caseload is due to the fact that the number of panels was increased from 5 to 6 panels, and is not the result of the decrease in the number of cases brought before the court. On the contrary, the

number of new filings increased exponentially. Concurrently, the average annual caseload per judge dropped from 527 cases in 2010 to 452 cases in 2011.

- The average annual clearance rate per panel (performance rate) increased exponentially from 1,993 cases in 2010 to 2,125 cases in 2011. In 2012, it is expected that the number of new filings will increase to 2,794 cases. The same applies to the average clearance rate per judge, which is expected to continue to increase in 2012.
- From the following table, it can be noted that the Court of Cassation reviews three types of cases. The caseload of each case type varies. Civil cases comprise the highest percent, which amounts to 38.8% of the total number of new and pending cases, followed by motions at 28.4% and criminal cases at 19.6%.
- Clearance rate of motions amounted to 98.7%, which is the highest rate, followed by criminal cases at 80.7% and civil cases at 75.2%.
- From the above we conclude that the workload of Cassation Court judges is quite substantial due to the increase in the number of cases filed each year at the Cassation Court and the exponentially increasing number of disposed cases, which requires that in the future the number of panels be increased by one.
- The increase in the clearance rate of cases and the performance level of each judge will lead in 2012 to the elimination of backlog cases, should the decrease percent in the number of new cases remains constant.

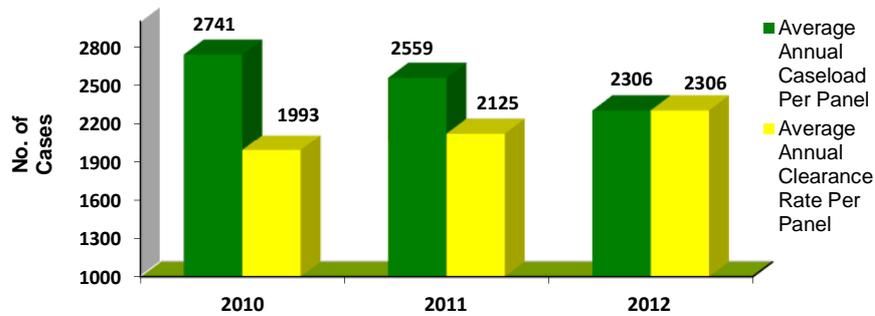
#### **Cassation Court Performance Indicators for 2010 – 2011 and Projected Indicators for 2012**

Indicator	2010	2011	2012
<b>No. of Judges</b>	26	34	34
<b>No. of Cassation Panel Members</b>	5	6	6
<b>No. of Pending Cases</b>	2251	4011	2605
<b>No. of New Cases</b>	11455	11343	11332
<b>No. of Disposed Cases</b>	9695	12749	13837
<b>Total Number of New and Pending Cases</b>	13706	15354	13837
<b>% of Disposed Cases of Total No. of New Cases</b>	<b>84.6%</b>	<b>112.4%</b>	<b>122.1%</b>
<b>Real Average Caseload Per Judge</b>	527	452	407
<b>Real Average Caseload Per Panel</b>	2741	2559	2306
<b>Clearance Rate (Performance Rate) Per Judge</b>	373	375	407
<b>Clearance Rate (Performance Rate) Per Panel</b>	1993	2125	2306
<b>Disposed Cases / ( New + Pending Cases)</b>	<b>70.7%</b>	<b>83.0%</b>	<b>100.0%</b>
<b>Average Monthly Caseload Per Judge</b>	44	38	34

1. Percent of decrease during two years (2010 as a base year and 2011) in the number of new cases and the forecasted ones for 2012 is approximately 1%.

2. Percent of increase during two years (2010 as a base year and 2011) in the number of disposed cases and the forecasted ones for 2012 is approximately 31.5%.

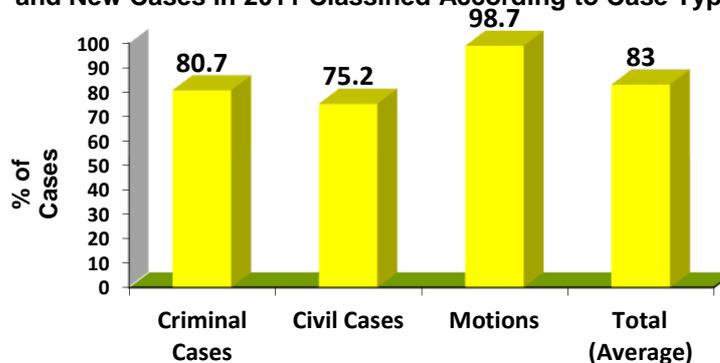
Average Caseload per Cassation Court Panel and Clearance Rate during 2010-2011 and Projected Indicators for 2012



Court of Cassation Performance Indicators for 2011 According to Case Type

Case Type	No. of Pending Cases	No. of New Annual Cases	Total No. of Cases (Pending + New)	No. of Disposed Cases	% of Disposed Cases of Total No. of New Cases	No. of Panels	Average Annual Caseload Per Panel	Annual Clearance Rate	Disposed Cases / (New + Pending Cases)	Caseload Per Month
Criminal	466	2546	3012	2430	95%	6	502	405	80.7%	424
Civil	3405	4520	7925	5961	132%	6	1321	994	75.2%	753
Motions	140	4277	4417	4358	102%	6	736	726	98.7%	713
Total	4011	11343	15354	12749	112%	6	2559	2125	83.0%	1891

Percent of Disposed Cases from the Total Number of Pending and New Cases in 2011 Classified According to Case Type



## 2.4 Performance Indicators of the Court of Higher Justice

The administrative judiciary in Jordan was first established in 1951 pursuant to the Temporary Regular Courts Formation Law No. 71 of 1951. Before that, the law did not allow for the appeal of any administrative decision or to comment on it. Thus, administrative decisions were immune from appeal.

In 1989, the Council of Minister issued Temporary Law No. 11 of 1989. According to this law, an administrative court that was independent from the Court of Cassation in terms of formation and jurisdiction was established for the first time called the Court of Higher Justice. In article 9 of said law, the legislature expanded the jurisdiction of this court and the parliament introduced some amendments and additions to the law, the most important of which was item 11 of article 9 which stated that the Court of Higher Justice specializes in “reviewing appeals in any final administrative decision, even if such decision was immune by virtue of the law it was based on”. Thus, the Jordanian legislature ended the debate regarding the immunity of administrative decisions and there no longer was a decision that cannot be appealed or objected to. This was issued in Law No. 12 of 1992 that is currently in force.

The vision of His Majesty King Abdullah II for the judicial authority primarily relates to the establishment of a two level administrative judiciary that would support the mandate of the judiciary and its relation with other state establishments, safeguard the separation of powers principles guaranteed by the Jordanian Constitution. Furthermore, the Constitutional amendments canceled article 100 of the Constitution related to the Court of Higher Justice and replaced it with the “two level administrative judiciary” term. To fulfill the vision of His Majesty and implement the constitutional amendments, a draft law that would regulate the two level administrative judiciary was developed.

The Court of Higher Justice performance indicator measures the effectiveness level of court procedures followed at said court. The Court of Higher Justice is comprised of one panel that includes six judges. The Court of Higher Justice witnessed a significant drop in the number of cases brought before it during 2010 – 2011. The number of new filings in 2010 amounted to 546 cases, dropping to 472 cases in 2011, a decrease of 13.4%. It is expected that in 2012, the number of case filings before the Court of Higher Justice will drop to 410 cases, if the percent remained constant. With regard to disposed cases, the number of disposition increased marginally from 534 cases in 2010 to 507 cases in 2011, an increase of 5.1%. Following are the key results:

The real annual caseload per judge at the Court of Higher Justice is witnessing a significant decrease. The real annual caseload per judge dropped from 118 cases in 2010 to 108 cases in 2011. The same applies to the per panel caseload whereby it decreased from 710 cases in 2010 to 649 cases in 2011. The drop in the caseload of each judge and panel is attributed to the decrease in the number of cases filed during the year while the number of judges remained constant. It is expected that in 2012 the caseload per judge to decrease if the percent remained constant.

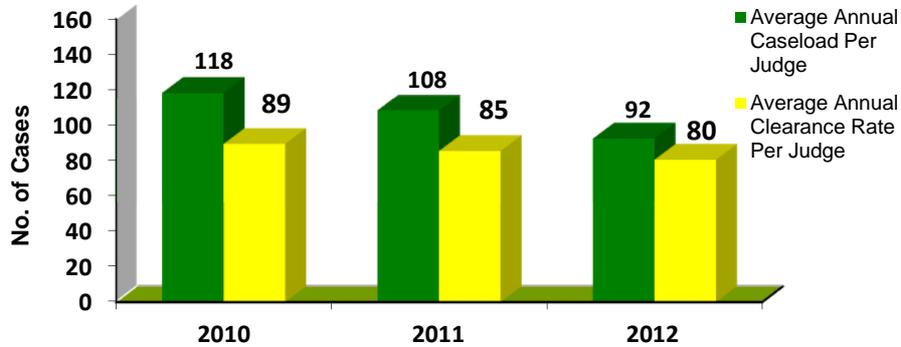
- In addition, the average case disposition rate per judge witnessed a slight decrease from 89 cases in 2010 to 85 cases in 2011, and the same applied to the disposition rate of the panel, despite the increase in the percent of disposed cases from the total number of new filings from 97.8% to 107.2% during the same period. It is expected that the average disposition rate per judge will continue to decrease at the same rate to reach 80 cases in 2012 if the case disposition rate remained constant.

**Court of Higher Justice Performance Indicators for 2010 – 2011 and Projected Indicators for 2012**

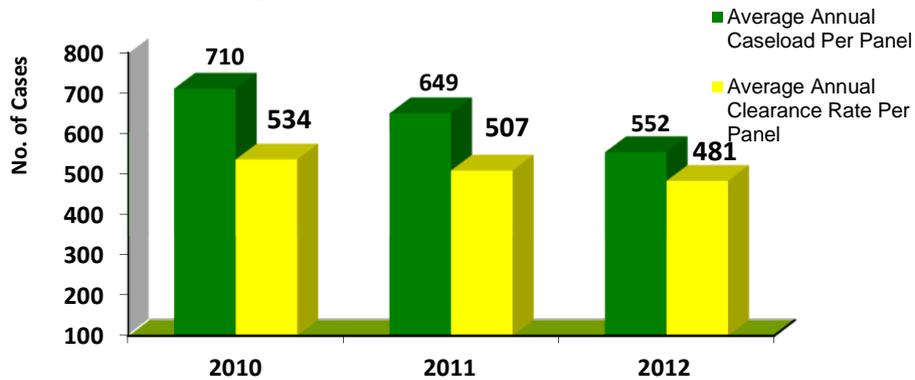
Indicator	2010	2011	2012
No. of Judges	6	6	6
No. of Panels	1	1	1
No. of Pending Cases	164	176	142
No. of New Cases	546	473	410
No. of Disposed Cases	534	507	481
Total No. of New and Pending Cases	710	649	552
% of Disposed Cases of Total No. of New Cases	97.8%	107.2%	117.3%
Real Average Caseload Per Judge	118	108	92
Real Average Caseload Per Panel	710	649	552
Clearance Rate (Performance Rate) Per Judge	89	85	80
Clearance Rate (Performance Rate) Per Panel	534	507	481
Disposed Cases / ( New + Pending Cases)	75.2%	78.1%	87.1%
Average Monthly Caseload Per Judge	10	9	8

1. Percent of decrease during two years (2010 as a base year and 2011) in the number of new cases and the forecasted ones for 2012 is approximately 13.4%.
2. Percent of increase during two years (2010 as a base year and 2011) in the number of disposed cases and the forecasted ones for 2012 is approximately 5.1%.

**Average Caseload and Clearance Rate per Court of Higher Justice Judge during 2010-2011 and Projected Indicators for 2012**



**Average Caseload and Clearance Rate per Court of Higher Justice Panel during 2010-2011 and Projected Indicators for 2012**



## **2.5 Performance Indicators of the Public Prosecution Before the Administrative Court**

The Court of Higher Justice Law No. 12 of 1992 and the amended Law No. 2 of 2000 stipulate that the presidency of the public prosecution before the administrative court shall be formed of a cassation level judge and one or more assistants. The President of the Public Prosecution before the administrative court, or any of his / her assistants whom he / she designates in writing, represent public administration entities before the Court of Higher Justice in the capacity of either plaintiffs or defendants. The Court of Higher Justice **specializes in reviewing objections submitted by concerned parties related to final administrative decisions issued pertinent to employment in public administrations or those related to annual increases, promotion, secondment or other.**

The following table highlights the performance indicators of the public prosecution department before the administrative court. From the table below we conclude that the number of cases filed at the department is witnessing a downward trend. The number of cases dropped from 309 cases in 2010 to 192 cases in 2011, a decrease of 37.9%. It is expected that in 2012 the number of cases will drop to 119 if the percent remained constant. As for disposed cases, their number also witnessed a slight drop from 295 cases in 2010 to 220 cases in 2011, a decrease of 25.4%. It is expected that the number of disposed cases in 2012 will go down to 164 cases if the percent and the number of judges remained constant.

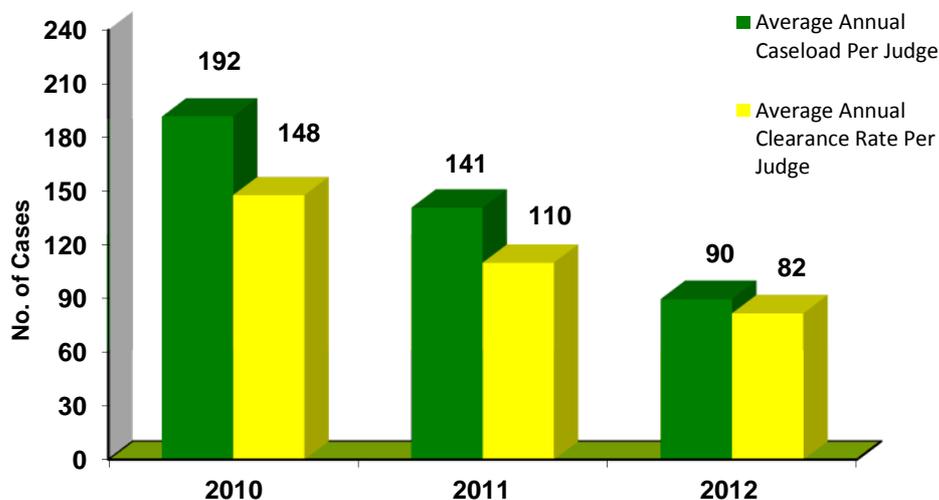
- Average annual caseload per judge: the average annual case load per judge is witnessing a downward trend as a result of the decrease in the number of new cases and the constant number of judges. The average annual caseload per judge dropped from 192 in 2010 to 141 in 2011, a decrease of 26.6%. It is expected that the average will drop to 90 cases due to the forecasted decrease in the number of cases that will be brought before courts in 2012 if the percent remained constant and the number of judges did not change.
- Average annual clearance rate per judge: similarly, the annual average clearance rate per judge is going downward from 148 cases in 2010 to 110 cases in 2011, a decrease of 25.7%. This is due to the decrease in the number of disposed cases and the constancy of the number of judges. It is expected that in 2012 the average will decrease to 82 cases in case the percent remained constant.

**Public Prosecution Department before the Administrative Court Performance Indicators for 2010 - 2011 and Projected Indicators for 2012**

Indicator	2010	2011	2012
No. of Judges	2	2	2
No. of Pending Cases	75	89	61
No. of New Cases	309	192	119
No. of Disposed Cases	295	220	164
Total No. of New and Pending Cases	384	281	180
% of Disposed Cases of Total No. of New Cases	95.5%	114.6%	137.5%
Real Average Caseload Per Judge	192	141	90
Clearance Rate (Performance Rate) Per Judge	148	110	82
Disposed Cases /( New + Pending Cases)	76.8%	78.3%	91.0%
Average Monthly Caseload Per Judge	16	12	8

1. Percent of decrease during two years (2010 as a base year and 2011) in the number of new cases and the forecasted ones for 2012 is approximately 37.9%.
2. Percent of increase during two years (2010 as a base year and 2011) in the number of disposed cases and the forecasted ones for 2012 is approximately 25.4%.

**Average Caseload and Clearance Rate of the Public Prosecution Department before the Administrative Court during 2010-2011 and Projected Indicators for 2012**



## 2.6 Performance Indicators of Courts of Appeal

Courts of appeal (second level courts) have jurisdiction over reviewing and adjudicating objections and appeals related to judgments, decisions and procedures issued by conciliation and first instance courts (first level courts). The decisions of the courts of appeal in criminal and civil cases valued at more than JD10,000 can be objected to before the Cassation Court. As for civil cases with claim value below JD10,000 may not be appealed to the Cassation Court except with a written approval by the Chief Justice of the Cassation Court or whom he / she designates to do so.

The Court of Appeal is formed by at least three judges. There are three courts of appeal in the Kingdom in each of Amman, Irbid and Maan, headed by the judges who are also ex officio members of the Judicial Council of Jordan. In addition to appeals related to civil and criminal cases, the court of appeals has jurisdiction over reviewing motions related to assigning the competent authority if there was conflict of jurisdiction, either positively or negatively, between two conciliations, or between a conciliation and a first instance court, or between two first instance courts falling under the jurisdiction of the same appeals court. Judgment pertinent to capital punishment or a criminal penalty that exceeds five years falls under the jurisdiction of the court of appeal, even if the accused did not request an appeal.

The below table lists the performance indicators of courts of appeals during the years studied. It can be noted that the number of judges increased from 96 judges in 2010 to 105 judges in 2011. Also, the number of panels in all three courts increased 30 to 33 panels during the same period. In addition, it can also be noted that the number of cases appealed to the three courts of appeals underwent a slight drop of 2%, dropping from 67,742 cases

in 2010 to 66,406 cases in 2011. It is expected that this drop will continue in 2012 to 65,248 cases if the percent remained constant. Despite the decrease in the number of cases filed at the three courts, the number of disposed cases increased from 66,232 cases in 2010 to 66,678 cases in 2011, a small increase of 1%. It is expected that the clearance rate will increase at the same rate in 2012. Following are the main conclusions:

- The drop in the number of cases filed at the three courts of appeal during the past two years indicates that the judgments issued by conciliation and first instance courts are accurate and do not require to be appealed to the higher court level. It is also due to assigning the first instance court jurisdiction to review cases in the capacity of an appeals court in cases appealed by conciliation and first instance courts.
- The average caseload per judge at appeals courts is taking a downward trend. The average caseload dropped from 758 cases in 2010 to 695 cases in 2011. It is expected that the caseload per judge will go down to 681 cases in 2012. This decrease is first of all due to the decrease in the number of new cases that were filed during the year, and secondly is because the number of judges increased from 96 in 2010 to 105 judges in 2011. Similarly, the average annual caseload for each panel dropped from 2,425 cases to 2,210 during the same period. It is expected that in 2012 the caseload per panel will be approximately 2,167 cases if the percent remained constant.
- The average level of performance of each judges dropped from 690 cases in 2010 to 635 cases in 2011. It is expected that the average will drop to 643 cases in 2012 if the percent remained constant.
- The Amman Court of Appeals receives that highest percent of new filings and pending cases from the total number of new and pending cases at the three appeals courts and which in 2011 amounted to 73%, followed by Irbid Court of Appeals at 24.3% and Maan Court of Appeal with a percent not exceeding 2.6%.
- The average annual caseload per judge at the Amman Court of Appeals, and which amounted to 750 cases, is higher than the average caseload of judges in the three courts of appeal and which is 695 cases per year. Whereby, the average annual caseload per judge at the Irbid Court of Appeals is lower than the overall average, 633 cases, and which is also lower than the average caseload per judge at the Maan Court of Appeals and which amounted to 324 cases in 2011.
- The percent of disposed cases from the total number of new filings and pending cases at the Irbid Court of Appeal, and which reached 96.3%, is above that of the Amman Court of Appeals (89.6%) and that of the Maan Court of Appeals (92.5%).