



# JORDAN RULE OF LAW PROGRAM

20<sup>TH</sup> QUARTERLY REPORT

JULY – SEPTEMBER 2013

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## ACRONYMS

AU	Administrative Units
CDFJ	ROLP Grantee/NGO Center for Defending the Freedom of Journalists
COP	Chief of Party
EOJ	Execution of Judgments
JC	Judicial Council
JJ	Judicial Institute of Jordan
JIU	Judicial Inspections Unit
Mizan	Automated case file management system tailor-made for Jordan's courts and supporting departments. Mizan V2, the enhanced version will replace Mizan V 1.
MOJ	Ministry of Justice
ROLP	Rule of Law Project
TO	Technical Office
USAID	United States Agency for International Development

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## EXECUTIVE SUMMARY

Project activity continued although at a slower than usual pace due to the observance of Ramadan and Eid Al-Fitr during July and August. Nevertheless, the team made significant effort this quarter to ensure that all elements were in place for an efficient project close-out. The Program will officially end on November 30, 2013. This Report covers events and activities that took place July-September and also references follow-up activities and further requests planned for October and November prior to the November 30 end date.

Prosecution-focused training continued this quarter as planned during September. A federal prosecutor from New York conducted a human trafficking workshop and the Rule of Law Project (ROLP)'s public corruption training expert conducted a study tour follow up brainstorming session and further training. ROLP Chief of Party (COP) continued to take the lead on developing crime scene management protocols and providing basic investigative skills training to newly appointed prosecutors.

ROLP commissioned a local consultant to complete an Access to Justice Assessment Report last quarter and the report is now in the final stages of translation to English. The Report sheds light on the public's access to justice in Jordan, identifies needs, and provides recommendations for improvements to foster improved public confidence and respect for the judiciary.

ROLP started, continued, and completed a number of procurements, upgrades and renovations this quarter. Improvements recommended by the execution of civil and criminal judgments pilot project (centered at the Zarqa and West Amman courts) were implemented and the Zarqa court staff moved into their new premises with substantial material support from ROLP. The new addition to the court of the West Amman Execution of Civil Judgments Department now includes a queuing system and well-organized waiting area for court users. The new space will contribute to enhanced staff efficiency and improved public satisfaction of court services, leading to increased confidence in Jordan's judiciary. The project also completed procurements for office upgrades and material support for the Amman Attorney General, West Amman Court and prosecution offices, Aqaba Prosecution Office, and the Chief Prosecutor General offices.

This quarter, ROLP continued its commitment to meet and strengthen the MOJ's IT needs by moving forward on creating electronic linkages to various public and governmental entities, the public prosecution offices, and MOJ. The project finalized an assessment of the judiciary's overall IT and automation status and developed a plan for future action. To foster ownership and sustainability, the report provides recommendations to help the MOJ develop a strategic IT enhancement plan and confront the challenges of the future.

## OBJECTIVE 1: PROMOTE AN INDEPENDENT AND EMPOWERED JUDICIARY WHILE INCREASING ITS TRANSPARENCY AND ACCOUNTABILITY

### 1.1 JUDICIAL COUNCIL 2012 ANNUAL REPORT

The Judicial Council (JC) completed the 2012 Annual Report this past quarter following a policy now firmly in place which provides the public with information on judicial activities. An English translation of the Report will be ready for final editing in October.

### 1.2 CASSATION COURT'S JUDGMENT GAZETTE

ROLP and the Administrative Units (AU) continued to collect judgments and lay the foundation for future editions of the groundbreaking new periodic judgment gazette. This periodic publication facilitates access to the highest court decisions, develops a more sound and predictable appellate jurisprudence, and promotes public confidence in the judiciary system. Publication of the next edition is planned for later this year.

### 1.3 GRANT PROGRAM JUDICIAL COUNCIL AND COMMUNICATION MEDIA UNIT

**Grant Program / JC Media and Communications Office.** *This grant is managed by the Center for Defending the Freedom of Journalists (CDFJ).* The CDFJ completed its work under the grant and submitted all due deliverables to ROLP during September. Throughout the quarter, the CDFJ continued to provide the media unit staff with biweekly 3-4 hour-long onsite training sessions. The CDFJ also provided a Draft Media Protocol for consideration by the JC during October.

### 1.4 JUDICIAL INSPECTIONS UNIT

Strengthening the judiciary is the overall objective of the Judicial Inspections Unit (JIU), an important quality control and strengthening unit nominally within the JC. The JIU consists of judges assigned by the JC to evaluate and inspect the work of all judges, including public prosecutors and their assistants, from the Conciliation, First Instance, and Appellate Courts. In support of the JIU, ROLP continued to set up electronic data linkages between the JIU and the *Mizan* (automated case-file management system) database, providing judicial inspectors with access to the casework of the judges being monitored. The linkages project will be finalized in October. In response to a request from the Chief Judicial Inspector, ROLP finalized a supplemental furniture procurement in support of a new office to allow for staff expansion.

### 1.5 JUDICIAL INSTITUTE OF JORDAN –Material Support

ROLP provided the Judicial Institute of Jordan (JIJ) with equipment and furniture this quarter. The JIJ has also requested ROLP to support regional October trainings conducted by its court staff in the Irbid and Aqaba regions.

## OBJECTIVE 2: EXPAND ACCESS TO JUSTICE, RULE OF LAW, AND PUBLIC AWARENESS OF THE RULE OF LAW

Access to justice and a positive public perception of the courts are measures of progress. The viability of a justice system depends greatly on the public's trust and awareness of the integrity and effectiveness of the judiciary. ROLP's grant to the CDFJ, noted above, led to the creation of a media and communications office within the JC whose goal is to facilitate and improve public awareness and understanding of judicial activities and functions. In addition, ROLP commissioned an *Access to Justice* assessment to examine various aspects of the "as is" situation in Jordan, including the public's perception of Jordan's justice sector. The assessment provides an important step in obtaining feedback from justice sector stakeholders and the general public that can provide insight on how to best move forward to expand public confidence and access to justice and the rule of law.

### 2.1 ACCESS TO JUSTICE REPORT

Local consultant Ms. Hadeel Abdel Azziz, Executive Director of the *Justice Center*, completed an overall system-wide access to justice assessment in Jordan. The study examined public awareness of judicial functions and assessed public access to court services, information, and legal counsel. As part of the assessment, Ms. Azziz developed an overall framework and strategy to improve the public's access to justice in Jordan. The recommendations of this important study include:

- **Review all legislation regulating right of access to justice:**
  - Laws protecting the right to access justice are insufficient as they do not provide sufficient protection to the right. In practice, several laws are impeding this right or are not implemented.
  - *Recommendations:*
    - Amend the criminal procedure law to guarantee right to counsel starting from the moment of arrest.
    - Amend laws governing court fees.
    - Require representation by a lawyer in civil cases.
- **Improve the infrastructure of accessing justice:**
  - Although the location and geographical distribution of the courts is sufficient to guarantee accessibility, the infrastructure in many of the justice sector organizations, particularly the courthouses, are not equipped to cater to the needs of persons with physical disabilities. Also, many courtrooms are too small and do not meet the requirements of the large number of litigants.<sup>1</sup>
- **Improve capacity and communication within the Execution Department:**
  - *Recommendation:* Review all processes and mechanisms involved in the execution of court judgments, including enhancing communication channels and improving the capacity of staff at the execution departments.

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<sup>1</sup> Accordingly, the Ministry of Justice will need to address this issue consistent with budgeting priorities and perhaps donor support and prioritize the infrastructure changes.

- **Support Legal Awareness:**
  - *Recommendations:*
    - Support and enhance work on legal awareness in the local communities, and continue to support the role of media in strengthening legal awareness.
    - Educate people on their rights, in general, and the right of access to justice, in particular.
- **Reduce cost of litigation:**
  - The cost of litigation and attorney fees are a major impediment to justice. People who are most impacted and denied access to the legal system are the poor, despite the fact they need legal protection the most.
  - *Recommendations:*
    - Reduce legal fees and improve and expand mechanisms for waiving or postponing fees.
    - The Jordanian justice system should seek to enhance and expand use of Alternative Dispute Resolution Mechanisms to reduce costs.
- **Expand the right to defense to cover all criminal cases starting from the moment of arrest.**
- **Institutionalize the right to legal aid and promote a system of legal aid to enhance the poor's accessibility to quality legal aid services:**
  - The Jordanian government should adopt a legal aid system that provides services to the poor in a systematic and efficient manner. Laws must be amended to guarantee right to such services and regulate the management of such a system.
  - *Recommendation:* Establish a governing entity to coordinate efforts of civil society organizations and pro-bono lawyers.
- **Increase available resources and enhance the capacity of service providers in the justice system.**
- **Enhance quality control over the justice sector services including creating an efficient mechanism for judicial inspection and complaints against judicial performance.**

### OBJECTIVE 3: ENHANCE JUDICIAL PERFORMANCE TO REDUCE DELAYS AND INCREASE PUBLIC CONFIDENCE

ROLP continued to spearhead efforts to enhance judicial performance, reduce delays, and increase public confidence. This quarter, the ROLP completed procurements and support for the West Amman and Zarqa pilot project courts and other prosecution related offices. The entire Zarqa Court staff moved into the new Zarqa Palace of Justice with ROLP support. ROLP also completed the extension, construction, and renovation of the West Amman prosecution office and execution of judgments (EOJ) department. Staff and court users benefit from the newly installed queuing system and waiting area, both of which comprise only a fraction of the efforts taken to increase efficiency and enhance public confidence. ROLP also oversaw the completion and submission of an Amman Appeals

Court operations assessment report. The recommendations that emerged will, upon implementation, support improved functioning of the Court.

ROLP continued to expend considerable effort to support prosecution upgrades and development. Planned training was provided this quarter in the areas of corruption, human trafficking investigations, prosecutions, and basic investigative skills for prosecutors. In addition, work proceeded this quarter on developing a manual for crime scene management guidelines for prosecutors. This manual will be completed in October and published and distributed to prosecutors in November.

Automation efforts continued to proceed smoothly this quarter. Various enhancements to the *Mizan* system were finished. A ROLP sponsored IT assessment report was finalized and submitted showcasing recommendations on how to best move forward to address and meet the judiciary's long term IT needs.

### 3.1 OPERATIONS ASSESSMENT OF AMMAN APPEALS COURT

During the previous quarter, ROLP identified and retained local consultant Nancy Fasho to conduct an operations assessment of the Amman Appeals Court and to provide recommendations to improve productivity and efficiency. The activity, which was completed this quarter, aims to emulate the positive impact gained by ROLP's successful Y3-4 support of the creation of the Technical Office (TO) at the Cassation Court. The assessment addresses the current status of the Amman Appeals Court, its case load and procedures, defines its shortcomings, and develops recommendations to improve the efficiency and effectiveness of the Court. The report was submitted in September. ROLP also provided some needed material support to the Amman Appeals court including IT equipment and needed furniture. Included among the recommendations of this report are the following:

- Legislative reforms to the appellate process are necessary. Judicial leadership should conduct an in-depth analysis of needed and achievable legislative change.
- Review the entire organizational structure of the appeals court and clarify job descriptions and relationships between the departments.
- Review human resource needs, training programs, and incentive methods.
- Simplify and streamline work processes and promote further use of case management tools.
- Upgrade necessary equipment and furniture and develop software as needed.
- Commence the planning of a TO for the Amman Appeals Court along the lines of the successful operation in the Court of Appeals and then develop the necessary legislative and regulatory framework to support this.

### 3.2 EXECUTION OF JUDGMENTS - CIVIL AND CRIMINAL

With the goal of supporting the development of a more efficient and viable execution of judgments process, ROLP continued to provide solutions and support to Jordan's courts. During this quarter, ROLP completed the implementation of certain recommendations for improving the execution of judgments process in the pilot courts of West Amman and Zarqa. Specific steps taken included:

- **Material Support for Zarqa Court Relocation**

ROLP provided extensive support to the MOJ in supporting the move of the entire Zarqa court staff moved to its new premises at the Zarqa Palace of Justice. With this move, serious deficiencies in the infrastructure supporting both the civil and criminal execution units were alleviated.

- **Material Support for West Amman Civil Court**

Renovations and construction of the civil EOJ department were finalized in August. Smaller procurements for furniture and IT equipment were also completed and delivered. The new space includes a queuing system and a waiting area. The new additions will substantially increase efficiency and delivery of services and relieve any discomfort and pressure felt by court users and staff. (See also prosecution upgrades below).

- **Data Entry for Older Cases**

ROLP staff and the JC's AUs completed data entry for older civil execution of judgment cases into the *Mizan* system. They also entered 493 public prosecution cases in August. Over the course of the past year, this activity resulted in eliminating the backlog of civil and criminal execution cases in the pilot courts awaiting entry into the *Mizan* system.

- **Data Linkages**

ROLP assisted in assessing the electronic linkages to various public and governmental entities, the public prosecution offices, and the MOJ. *Omicron Solutions* was chosen as the subcontractor on this activity. The software was completed and delivered at the end of this quarter.

### 3.3 PROSECUTION FOCUSED ACTIVITIES

Prosecution-centered training continued to take place this quarter. Training focused on crime scene management, investigative skills for prosecutors, human trafficking, and public corruption investigations. In addition to the trainings, considerable material support was provided to selected prosecution offices. This included complete renovation and refurbishment to the Amman Attorney General's Office (which has oversight over

approximately 80% of the Kingdom's criminal cases) and as the adjacent Prosecutor General's Offices in the Amman Palace of Justice. In addition, ROLP supported extensive renovations to the West Amman prosecution offices and gave material support and upgrades to the Aqaba prosecution offices.

### **Public Corruption Training**

During September, ROLP's public corruption consultant and trainer Emery Adoradio conducted follow-up training and brainstorming sessions for forty prosecutors and judges. He also conducted individualized study tour assessment meetings with most of the study tour participants. During the training sessions, Rami al-Salah, an assistant attorney general from Amman, discussed the study tour from his perspective. Mr. Adoradio led a discussion on most effective investigative steps to take in a complex corruption case using a case scenario to provide a basis for the presentation.<sup>2</sup> Mr. Adoradio also led a discussion on possible ways to improve and strengthen Jordan's anti-corruption efforts, particularly those efforts involving prosecutors.

### **Human Trafficking Training**

In September, ROLP engaged federal prosecutor Demetri M. Jones from New York, to lead a prosecutors training session on human trafficking case investigation in September. The training was in response to a request by prosecutors for training in investigating these types of cases. Ms. Jones conducted 2 two-day training workshops attended by a total of 40 prosecutors and judges. The training format consisted of lectures, a power point presentation, case studies of United States prosecutions, written material, and group discussions. The written material contained the Jordanian anti-human trafficking law, the substance of the power point presentation and hypothetical fact patterns. The hypothetical fact patterns were designed to simulate conditions and issues that might be anticipated to exist in human trafficking cases in Jordan. Ms. Jones also met with the human rights unit from the MOJ to discuss issues pertaining to Jordan's human trafficking law.<sup>3</sup>

### **Basic Investigative Skills Training**

A one-day basic investigative skills training, conducted by the ROLP COP is planned for newly appointed prosecutors in October. This will cover material already presented by the COP to 45 other prosecutors during prior investigative skills trainings.

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### **Crime Scene Management Protocols**

ROLP's COP along with a committee of experienced Jordanian prosecutors and investigators are developing a manual on crime scene management guidelines for prosecutors. A brainstorming workshop led by the ROLP COP was held in early September and a follow up finalizing workshop is set for October. Once overall agreement is reached, a final written set of guidelines will be prepared. ROLP plans to support the design, print, and distribution of the guidelines to prosecutors throughout the

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<sup>2</sup> See Appendix - Post - Activity Report on Public Corruption Training Activity.

<sup>3</sup> See Appendix - Post - Activity Report - Human Trafficking Training Activity

Kingdom. Following the finalization of the guidelines, ROLP will sponsor 2-3 regional familiarization workshops for all prosecutors in November.

### 3.5 COMPUTERIZATION

#### ▪ ***Mizan* Enhancements**

Optimiza completed the *Mizan* database upgrades and enhancement project. In addition, upon MOJ's request, ROLP provided and finalized further system software enhancements to manage and control access to the *Mizan* system.

#### ▪ **Data Base Handover to MOJ**

As part of the hand-over to MOJ, training and equipment procurement as part of the hand-over was completed this quarter. One of the training courses is expected to be completed in October.

#### ▪ **IT Needs Assessment Report**

During the quarter, ROLP completed an assessment of the judiciary's overall IT and automation status and needs. The findings and recommendations of the final report will contribute to an improved understanding of the current IT capacities and long-term needs of the courts and of MOJ. Key observations and recommendations from the ROLP-led report are as follows:

- *Concern* - Anticipated over reliance by the MOJ on donors and external sources to maintain operations.
- *Need* - To properly budget for maintenance and future enhancements of the systems
- *Need* - To develop continuous training for the MOJ IT staff to keep abreast of developments and to be ready for future automation developments and upgrades.
- *Plan* - Further development of creating and enhancing links to external entities.
- *Plan* - Continue to improve archiving processes.
- *Plan* - Conduct annual detailed audits and reviews of the systems to identify needed upgrades and changes.

### 3.6 DONOR COORDINATION

At the request of USAID, ROLP organized and hosted another Justice Sector Sub-Group Meeting on September 25 at the ROLP offices. Fourteen individuals attended representing various groups working in the justice sector. The various projects and embassies represented reported on their respective activities and ideas for future coordinated efforts were discussed.<sup>4</sup>

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<sup>4</sup> See Appendix – Agenda and Minutes for September 25 Justice Sector Donors Subgroup Meeting.

#### 4. PLANNING AND REPORTING/ADMINISTRATION - CLOSEOUT

The following are various activities under consideration or planning that ROLP may support during October-November:

- **Cassation Court – TO-** Provide more staff, equipment and laptops.
- **West Amman Civil Court:** Complete miscellaneous finishing touches.
- **JIU:** Support expansion needs.
- **MOJ:** Support for possible 6-months maintenance *Mizan* contract.
- **JIJ :** Support for regional trainings of court staff in Aqaba and Irbid.
- **Chief Prosecutor general administrative offices:** Support expenditure to upgrade furnishings for 3 offices.
- **English Language training (3):** Provide support for 3 courses in October 22 through November 25 for 50 students and the Jordan University Law School center.
- **Royal Integrity Commission:** Provide logistics support for a final plenary conference. Provide leaflets, invitations, conference hall and projector. Approximately 2,500 people.
- **Closing Ceremony –** Participate with selected counterparts.
- **London Open Government conference for NGOs.** Provide logistics support only.
- **JIU:** Request for furniture some material support.
- **IT training for MOJ:** Two out of three classes finished last one will end in October.
- **Prosecutors:** Crime Scene Management finalization workshop – October 24 – evening dinner meeting session – 10 attendees – Bob/Lamees/Essa
  - November 5-12 – Crime scene management guidelines roll-out (3 regional workshops – Nabil/Essa/Lamees) – to be set.
- **American Bar Association:** Future Judges presentation – Tuesday October 29 – Bob
  - Logistic support for Wednesday and Thursday, October 29-30

The *Quarterly Performance Monitoring and Evaluation Report* for this quarter is complete and submitted concurrently with this Report.<sup>5</sup>

ROLP continued to plan for an orderly close-out while still continuing with some programming and technical activity. The closeout plan was approved by USAID in September and an inventory of ROLP's office equipment and property was prepared and recipients identified for delivery throughout November. Most of the property will be turned over to the Ministry of Social Development and the MOJ in November. Meanwhile, ROLP's staff continues to decrease. By the end of October ROLP's staff will be significantly reduced and over the course of November there will be a gradual phase-out with a small core staff remaining to the very end of November. ROLP Program Officer Jessica Akpan of Tetra Tech-DPK's home office will come to Amman to assist the ROLP staff in its close-out efforts during the last week of October and first week of November.

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<sup>5</sup> See Appendix – PME – Quarter 3.