

INTRODUCTION:

The primary role of the Judiciary is to ensure and protect people's freedom and rights while also supporting the state's path toward progressive development. His Majesty King Abdullah II has therefore given great attention and emphasis to enhancing the capabilities and independence of the Judiciary. In a Royal letter directed to the President of the Judicial Council, His Majesty's vision, regarding the Judiciary and its role in Jordan's reform process, was laid out. The letter highlighted the importance of executing judgments issued by the courts, stating that the execution of the judgments issued in disposed cases carries the same weight and importance as the actual issuance of judgments. The process of the execution of judgments is considered as a primary pillar in the rule of law and is imperative to ensuring swift justice.

This study is part of the implementation steps in the Judicial Authority Building Strategy 2012-2014, which aims to develop and modernize the criminal and civil execution of judgments departments. The strategic plan includes the objectives, programs and activities needed to ensure effective execution at all courts for all final judgments and to ensure swift criminal justice, in addition to developing the necessary legislative and institutional frameworks to overcome any challenges, delays and to reduce any backlogged cases. The judicial strategy also aims to: enhance the services provided to the public, reduce the number of procedures, and facilitate access to files. Enhanced staff efficiency and improved infrastructure are also highlighted in the strategy.

This study will therefore lay the foundation for the development and modernization of both the civil and criminal judgments' execution departments. Currently, the criminal execution of judgments department constitutes a section of the public prosecution departments located in the Kingdom's courts. A pilot program will be established in order to analyze the current situation and identify the challenges and bottlenecks in the execution of judgments departments in the First Instance Courts of West Amman and Zarqa. Accordingly, appropriate solutions will be developed in order to achieve the desired goals and objectives needed in to expedite the execution of both civil and criminal courts' judgments and roll out the successful model to all other courts in the kingdom.

This study was created as a result of a directive issued by the President of the Judicial Council. The participation and effective involvement of various staff members from the courts and the public prosecution departments was crucial in the development of the study. The execution of judgments departments of the West Amman and Zarqa First Instance Courts

were selected to serve as part of the pilot project so as to study and analyze the current status in both the criminal and civil execution of judgments departments in both courts and define the legislative and institutional challenges and problems faced by those departments, including work procedures, internal and external communication channels and infrastructure.

The study intends to achieve the following:

1. Define the gap between the current status of the execution of judgments departments with regards to the institutional and legislative frameworks, infrastructure and the development and modernization needs at such departments. This shall be done according to the objectives and indicators stipulated in the Judicial Authority Building Strategy for the next three years.
2. Comprehensively review the execution of judgments process - including applicable procedures, responsibilities, job descriptions and functions in order to expedite the execution of final judgments issued in relation to the disposed of cases and facilitate the procedures followed, while also reducing time and improving performance.
3. Define the work's internal and external communication channels, in order to achieve an effective relationship between the execution departments and the other departments and units within the courts, in addition to the other external public bodies and institutions. This will be achieved through an enhanced communication process and through the institutionalization of that process.
4. Bridge the gap related to the number of staff members in the execution of judgments departments, by increasing their efficiency and by defining needed training programs suited to their actual needs and according to the requirements of their functions and positions. This step will create specialization and division of labor.
5. Study the archiving, storing and file keeping procedures and methods and automate the procedures in order to ultimately provide the public with automated services and enhanced efficiency and effectiveness.

The findings of the report include, in sequence, the following:

- **Overview of the Execution of Judgments Departments:**

The overview focuses on the theoretical and practical frameworks related to the civil and criminal execution of judgments departments in both the West Amman and Zarqa First Instance Courts.

- **Study Methodology:**

The methods and tools used in drafting the study and analyzing the information obtained will be addressed.

- **Executive Summary:**

The study's findings and main recommendations will be summarized thereby enabling decision makers to learn about the content and key findings of the report.

- **The Study's Findings:**

The report presents an overview of the study's main findings within the various components. The report is therefore divided into two parts: the first part relates to the findings of the execution of civil judgments and the second relates to the execution of criminal judgments.

The report covers the following points:

1. The Legislative Framework, which covers the following:
 - a) Current situation.
 - b) Challenges.
 - c) Suggested solutions.
2. The Institutional Framework:
 - a) Current situation in both West Amman and Zarqa courts.
 - b) Challenges in both West Amman and Zarqa courts.
 - c) Suggested solutions in both West Amman and Zarqa courts.
3. Procedures and Regulations:
 - a) Current situation.
 - b) Challenges.
4. Communications:
 - a) Current status.
 - b) Challenges.
 - c) Suggested solutions.
5. The Infrastructure:
 - a) Current situation in both West Amman and Zarqa courts.
 - b) Challenges in both West Amman and Zarqa courts.
 - c) Suggested solutions in both West Amman and Zarqa courts.

Overview of the Execution of Judgments Departments:

The regular courts at the Hashemite Kingdom of Jordan have total jurisdiction over the settlement of disputes that can occur between individuals. The individual's right to resort to such courts, in order to settle disputes, is a right guaranteed by the constitution. Regular courts of all types and levels carry the function and responsibility of settling and deciding such disputes. Taking into consideration that disputes, which may arise between individuals, are diverse and complex, regular courts were divided into two main types:

- Civil Courts (courts which generally have the jurisdiction to issue judgments in relation to personal, property and financial-rights cases).
- Criminal Courts (courts which have the jurisdiction to try individuals who are accused of committing different crimes and to impose penalties and punishments).

The above separations demonstrate the differences between the execution of criminal judgments and the execution of civil ones. The first, deals with penalties that affect the lives and liberties of individuals and their properties, while the second, generally speaking, affects the financial standing of the related individuals. Accordingly, each execution type has its own procedures and rules that are defined by applicable laws.

The phase which follows the issuance of the decisions of the court, regardless of the level of the court, is the execution of decisions and judgments phase, whereby the prevailing party in case of the judgments issued by the civil courts, has to refer to the competent department known as the civil execution of judgments department, in order to take all the necessary execution of judgment measures - from the moment the execution case is filed, until the judgment is executed and the case is closed. As to the judgments issued by the criminal courts, the duty lies with the public prosecution departments located at the court that issued the actual judgment. In all cases, it would be pointless to issue judgments without enforcing them and without ensuring the rights of individuals who were wronged.

The functions of the civil execution of judgments departments are regulated through a special law called the Execution Law no. (25) from 2007. This law defines the legal path to be followed in relation to the establishment, organization, and working procedures of such departments. In areas of the country where there is no availability of a First Instance Court, then the conciliation judge assumes the functions of the execution of judgments judge. The civil judgments execution department has the authority to execute the various legal directives stated in the said law, which include:

Judgments issued by the civil, shari'a and religious courts in addition to judgments issued by the criminal courts (reference personal rights) and the judgments and decisions issued by any court or council or another competent authority, where the laws regulating such bodies state

that the civil judgments execution department will assume the execution of its decisions and judgments. The department is also given the authority to execute any foreign judgments that will be executed in accordance with the provisions of any agreement, in addition to executing all official directives and endorsable commercial notes.

As to the judgments issued in criminal cases, such judgments will be executed through the public prosecution department located within the geographical jurisdiction of the judgment issuing court, provided that such judgments are final. This process, and its consequences, are regulated through a legal framework, which is composed of various legal provisions stipulated in more than one legislation, where there is no special law which governs the execution process of the criminal judgments. These legislations are:

- The Criminal Procedures Law.
- The Conciliation Courts Law.
- The Penal Code.
- The Court's Fees Schedule.

The procedures applied in executing a criminal judgment starts from the court which issued such judgment, particularly at the criminal judgments notification section, which prepares the legal notifications necessary to notify the convicted person. The notification includes a summary of the related criminal judgment. The notification is sent to the notifying section and then to the person concerned, or if the convicted person can't be located, it's sent to the Ministry of Justice in order to notify the concerned person through a publication in the Official Gazette. After notifying the concerned person of the judgment and after the expiration of the legal period given to him in order to challenge the judgment, the summary of the judgment is sent to the criminal execution of judgments department at the appropriate public prosecution department, in order to register a criminal execution case and issue the summons against the convicted person. It's then sent to the judicial execution department in order to arrest the person. The execution of the criminal judgment can be done by paying the ordered fine or replacing the imprisonment sentence by paying a fine or by booking the convicted person at the designated prison facility, in order to serve the prison sentence issued against him/her or finally by dismissing the execution case in accordance with the rules stipulated in the law in case the convicted person dies or in the case of a general pardon.

If we tie the theoretical aspects with the practical ones in relation to the current situation at the execution departments, then we must point to the workload carried out by such departments – be it the criminal or civil ones. This can be done by shedding light on some of the statistical information and data issued by West Amman and Zarqa Court's civil and criminal execution departments and comparing them with the workloads of the rest of the

Kingdom's execution of judgment departments. This should be done in order to understand the size of the workload at both execution of judgments departments at the two courts and compare them with available resources at such departments. The comparison will take into consideration the number of staff, the size of the place, and the provided logistical support. The statistical data below shows the work of the execution of civil and criminal judgments departments and includes: any pending cases from previous years, 2011 cases received and cases which were processed and closed during the same year:

1. Civil Execution Cases:

- **All the execution of judgements departments in the Kingdom:** The civil execution of judgments departments in the Kingdom's courts executed around (62588) cases out of the (85040) cases it received in 2011. This constitutes (73%) of all the cases received during 2011. The number of pending cases at the civil execution of judgments department accumulated during prior years reached (147662). Accordingly, the percentage of the executed cases reached (26.9%) of the total number of pending and newly received cases.
- **Zarqa's Court of Civil Execution of Judgments Department:** The number of execution cases received by this department during 2011, reached (9309), while the number of pending cases accumulated from prior years reached (18380). The percentage of the cases received by this department reached (10.9%) of the total number of cases received by all civil execution of judgments departments in the Kingdom in 2011. The department was able to execute (2057) cases, which constituted (22.1%) of the total number received. This means that the department was not able to execute all the cases it received and thus the number of pending cases increased by (77.9%). The percentage of the executed or settled cases reached (7.4%) of the total number of newly received and pending cases.

2. Criminal Judgments Execution Cases:

- **All the criminal execution of judgments' departments in the Kingdom's Public Prosecution Departments:** The various criminal execution of judgments departments in the Kingdom executed around (143201) cases out of (68365) cases received during 2011, which constituted (209.5%) of the received cases. This means that the criminal execution of judgments departments in the Kingdom processed a number of cases almost equal to the number of cases received during 2011 and (109.5%) of the pending cases. The number of pending cases accumulated during the previous years reached (164003). Accordingly the percentage of the executed cases reached

(61.7%) of the total number of the pending and newly received cases.

- **The Criminal Execution of Judgments Department at the West Amman First Instance Court:** The number of the cases received by the department reached a total of (2550) cases during 2011 and the number of pending cases from previous years reached (2567). The percentage of the received cases was (3.7%) of the total number of cases received by all the criminal execution of judgments departments in the Kingdom during the same year. The aforementioned execution department executed (3192) cases, which constituted (125%) of the total number of the received cases. This means that the criminal execution of judgments department executed almost all the cases which were received in addition to (25.2%) of the pending cases accumulated from previous years. The percentage of the executed or disposed cases reached (62.3%).
- **Zarqa's First Instance Court Criminal Execution of Judgments Department:** The number of cases received by this execution department reached (10481) cases during 2011, and the number of pending cases from the previous year reached (23372). The percentage of the received cases was (12.3%) of the total number of received cases by the various criminal execution of judgments departments in the Kingdom. The court executed a total of (24332) cases, which constituted (232.2%) of the received cases. This means that the criminal execution department executed almost all the cases which were received in addition to (132.2%) of the pending cases accumulated from the previous years. The percentage of the executed, or disposed cases, reached (71.9%).

Study Methodology:

In addition to staff members from ROLP, all the staff members working at the civil and criminal execution of judgments departments in the West Amman and Zarqa First Instance Courts, from all professional levels and specializations participated in the preparation of the study. Several extensive meetings were held, in order to define the current situation at these departments and the challenges and problems they face while performing their duties and functions, in addition to their thoughts and ideas as related to the development and enhancement of their performance. The following parties participated in the work meetings:

1. West Amman First Instance Court:
 - Chief Judge of West Amman Court.
 - The Administrative Director of West Amman Court.
 - The Head of the Public Prosecution Department and the Chief Clerk.

- The Head of the Criminal Notification Section and the Section's staff members.
- Head of the Quality Control Section and its staff members.
- Head of Execution/Execution Judge.
- Execution Chief Clerk and Clerks.
- Head of the Criminal Judgments Execution Department and Clerks.

2. Zarqa's First Instance Court:

- Chief Judge of Zarqa's Amman Court.
- Chief Public Prosecutor.
- Head of *Diwan*.
- Head of Public Prosecution *Diwan*.
- The Data Entry Clerk.
- Criminal Notifications Section Clerks.
- Quality Control Clerk.
- Follow up Clerks and Accountants.
- Data Entry Clerks.

During the meetings, a set of general questions tailored to the positions and specializations of the respondents were prepared. The questions were aimed to define the current situation and the problems and challenges faced by the staff members during the performance of their work functions. The questions also aimed to consider their views and ideas as to the solutions they deemed appropriate based on their work experience. The questions focused on the following fields:

1. **The Legislative and Institutional Framework:** The questions aimed at defining the legislations that govern the work of the execution of judgments departments from the point of view of staff members, in addition to the strengths and weaknesses in such legislations and the staff's suggestions and recommendations related to the development and amendment of such legislations in order to enhance performance.
2. **The Institutional Framework:** The questions related to this field focused on the organizational structure of the execution of judgments departments and the functions and job descriptions.
3. **The Procedural Framework:** The questions aimed at defining the working procedures applied by the execution of judgments departments, in addition to the steps, responsibilities, tools and forms. It also aimed understanding the workload, problems, points of strength and weakness of such departments, in

addition to a possible comparison of the current situation and the required actions to be taken in order to reach the desired improvements and enhancements in relation to the applied procedures and workload reductions while maintaining the quality of the delivered services.

4. **Documentation and Retention of Documents:** These questions intended to define the details of the processes used in the registration, archiving and retention of execution cases, in addition to the manual and electronic methods used in documenting the records and the public's access to such files. Questions were also developed to understand the problems and challenges faced by the documentation and records keeping process, in addition to documenting the suggestions and recommendations directed towards limiting the effect of such problems according to the users of such files.
5. **Staff:** The questions in this section were targeted at gaining further knowledge of the specializations and expertise of staff and the nature of the work they perform and the skills required to perform them. It also focused on the training courses they took and their training needs and on other potentially beneficial skills from their point of view and that of their superiors.
6. **Communications:** Questions in this section aimed at defining and understanding the communications channels used to communicate with other related departments and units within the same court and within the entire court's system in addition to the communication channels used to communicate with external institutions. Questions also highlighted the mechanism through which information is communicated from top to bottom and vice versa, in addition to the types of reports and official correspondences between various stakeholders and the problems and challenges faced. A comparison was also raised between the current situation versus a more ideal one from the staff's point of view.
7. **Infrastructure:** Questions in this section were aimed at understanding the current status of the execution of judgments department's infrastructure and the working environment in such departments, in addition to the relation between the service seekers and staff members with the working environment in relation to space and if such space is sufficient to efficiently carry out the work. Questions also addressed the space allocated to file storage and the organization of those files. Questions also aimed at shedding some light on staff's working area (offices) and the processes and procedures followed to deliver the required services. Questions also highlighted equipment and furniture needs including: computers, photocopiers, practical furniture and access to phones and internet services.

8. **Information Systems:** This section tried to determine the situation in relation to the nature of the automated systems used in registering and archiving execution cases and the weaknesses and strengths such systems have and the problems the staff face while using the available systems in performing their daily functions. Staff suggestions and recommendations to increase efficiency and system updates were taken into account.

In addition to holding meetings with staff members from all levels, all relevant documents and studies, in particular statistical information related to the functions of the execution of judgments departments, were carefully reviewed. Below is a list of the documents used and reviewed:

1. The Annual Report - Activities of the Judicial Authority of 2011.
2. The Judicial Authority Building Strategy (2012-2014).
3. The Courts Training Needs Assessment Report, September 2011.
4. Expediting the Litigation Procedures' Workshop Report, January 2012.
5. The Execution Law number (25) of 2007.
6. Relevant laws and legislations that govern the functions of the execution departments.
7. Miscellaneous reports and documents issued by the West Amman and Zarqa First Instance Courts.

Analyzing the Data and Information and Drafting the Report:

The data and information used in drafting the Gap Study of the departments of execution of judgments of both the West Amman and Zarqa First Instance Courts is highly credible. Whether in relation to the methodology used in gathering information and data (obtained through meetings held with staff members from all functional levels), or in relation to supporting such information through the use of relevant official documents and sources, and onsite observations.

Participants in the study were informed and assured that the aim of the study is to bridge the gap between the current work status at the execution of judgments departments and the future work status through development and modernization. The study aims to find ways to reduce the staff's workload while also enhancing performance levels. Participants were also assured that the purpose of the study is not to evaluate their work and that all the provided information will serve as valuable inputs for improving and modernizing the departments of execution of judgments.

The study is divided into two main chapters: the civil execution of judgments departments and the criminal execution of judgments departments at both pilot courts. Each chapter is composed of six main sections or components. The current situation and challenges, in

addition to suggested solutions, will be presented in each section. Each section will also present a comparison between the challenges and the available opportunities including the activities and programs directed towards bridging the gap and solving the problems. Below is a list of the most important components:

1. The Legislative Framework.
2. The Institutional Framework.
3. Human Resources.
4. Systems and Procedures.
5. Communications and Correspondences.
6. Infrastructure.

For the sake of clarity, information in this study was presented in the form of a matrix, which included a description of the current status, the nature of the challenges, the work gap in both the civil and criminal execution of judgments departments at the West Amman and Zarqa First Instance Courts. The activities and measures needed to solve each challenge, and bridge the gaps, were also presented.

All the suggested actions and activities were organized through five key programs related to the Judicial Authority Building Strategy (2012-2014). The programs form an integral part of the Strategy's executive plan as related to the execution of judgments departments in all the Kingdom's courts. These programs are:

1. **The Legislations' Program:** Laws and legislations that govern the work of the execution of judgments departments in the Kingdom.
2. **The Institutional Capacity and Human Resources Building Program:** Includes the activities and actions needed in order to develop and modernize the execution of judgments department's infrastructure, equipment and tools including those related to information technology and communications, in addition to staff hiring procedures and rules.
3. **The Studies, Research and Planning Program:** Studies, research, and plans needed by the execution of judgments departments. Also includes follow-up on work plans, performance evaluation, studying applicable procedures, time management, job descriptions, titles and other related issues.
4. **Training and Qualification Program:** Continuing education programs targeting staff working at the execution of judgments departments and training programs, materials and courses targeting newly hired staff.
5. **The Communications' Program:** Activities related to enhancing, improving and activating communications between the various internal departments and sections, in

addition to institutionalizing the relation between the execution of judgments departments and other related official and nonofficial institutions. The program also focuses on developing the methodology used to prepare and draft regular reports and letters with internal and external counterparts.

Finally, the report presents the study's findings, in order to shed light on the challenges facing the criminal and civil execution of judgments departments and the creation of an executive plan for its development and improved performance. This study used the West Amman and Zarqa First Instance courts as model courts. The recommendations resulting from this study will be applied to all courts, taking into consideration the special circumstances of each court, and contingent on the approval of the executive plan by the Judicial Council and the other related parties.

Executive Summary

Due to the importance of the execution of all judicial judgments, (criminal and civil), in achieving justice for individuals and society, a study was developed to identify the most important challenges faced by the criminal and civil execution of judgments departments in the Kingdom's courts. The study provides a set of recommendations designed to solve the various types of challenges faced. Provision of a comprehensive and detailed work plan will also allow courts to achieve their goals. The study was conducted in the Zarqa and West Amman First Instance Courts as a model that reflects the situation and status of the remaining execution departments located in various other courts.

This part of the report provides a summary of the study's most important findings in addition to the main recommendations needed in order to strengthen the performance levels of the departments:

First: The Legislative and Organizational Framework:

In general, the judicial execution of judgments process is governed by a number of defined laws and legislations that stipulate the functions and powers of the execution of judgments departments and its applicable procedures, in addition to the controls necessary in order to carry out such functions accurately and efficiently. Some of these legislations will be thoroughly reviewed and developed in order to decrease the workload on the execution departments and provide citizens with prompt justice. The most important related legislations are:

- a) Execution Law number (25) of 2007, which needs a thorough review, in order to expedite the judicial judgments and execution of decisions. The review will focus on the articles and paragraphs related to the execution judge's decisions which are

subject to appeal, in order to limit the types and numbers of such appeals. The review will also focus on the articles related to the renewal of the abandoned execution of judgments cases in addition to tying the settlements between the parties involved to a defined period of time. The Judicial Council began reviewing this law by holding a number of workshops and meetings.

- b) The Criminal Procedures Law no. (9) from 1961 and the Conciliation Courts' Law no. (15) from 1952. These two laws will be subject to review, especially the sections related to the criminal judgments objections submitted *in absentia*. The conditions for appealing these judgments should be determined in order to limit the number of appeals that prolong the adjudication process. The review will also include the sections of the laws related to the notification of the criminal judgments and the notification of judgments through the official Gazette, in addition to granting more power and authority to the public prosecutor to dismiss the penalty and close the judgment's execution case.

Recommendations: (The Judgments Execution Department, pg. 28 and 29), (the Criminal Judgments Execution Clerks Office, pg. 79 and 84). Provide comprehensive and real developments to the legislations related to the execution of the court's judgments such as the Execution Law, the Criminal Procedures Law and the Conciliation Court's Law.

Second: The Institutional Framework:

- a) The Organizational Structure: Despite the presence of defined organizational structures for the execution departments and clerk offices, developed by the Minister of Justice, that shows the various existing job titles and posts in addition to the relations and channels of communications between such posts and the detailed job description for each post, it was noted that the organizational structures are not fully implemented. Furthermore, the job titles and the relationships between them differ from one court to another and the given job titles differ from those stated in the organizational structure and do not reflect the functions being carried out by the staff. All this leads to a lot of ambiguity and lack of clarity in the actual positions and responsibilities thereby resulting in some staff members carrying out duties and functions which do not fall within their position's job description.
- b) Human Resources: In addition to inaccuracies in the job descriptions being, it was evident that the appointment of staff members in the execution departments, was not based on any defined qualifications framework, or skill-set criteria. The existence of training programs based on a methodological evaluation of staff members needs were

also unavailable at the execution departments and clerks' offices. The absence of any incentives system, based on a true evaluation of staff performance and tied to a clear set of objectives, was also apparent.

Recommendations: The Execution Department, pg. 41, 40, 35, 34, the Criminal Judgments Execution Clerk Office, pg. 94, 95, 89.

- A. Reviewing the organizational structures, in addition to the job titles and descriptions in the execution departments and clerks' offices in a way that reflects the applied reality and allows the clarification of the functions, authorities and responsibilities of the staff members in such departments in addition to clarifying their technical and administrative supervisory authority.
- B. Implementing training programs to build staff capacities at both the execution of judgments departments and clerks' offices. The training program should focus on technical and administrative subjects in order to strengthen staff performance and enable them to efficiently carry out their duties. The training programs will include the following subjects:
 - Legislations governing the work of the execution of judgments departments and clerk offices.
 - Various administrative skills (time management, communication skills, customer service, etc).
 - The use of Mizan program.
- C. The development of adequate performance evaluation systems.

Third: The Procedural Framework:

- Work Procedures: The following was observed:
Lack of any work procedure documentation leads to procedural inconsistencies in general and to inconsistencies between the various courts and staff. This is due to:
Work at the execution of judgments departments is based on the Judgments Execution Law while other procedures aren't. while any other applied procedures are merely related to formalities such as the attendance of the person who is requesting the execution of the judgment and submitting his/her request , in addition to the submission of the execution decision to the execution judge by the execution clerk in order for the judge to issue his/her decision based on the Execution Law's provisions, where the execution clerk and staff members shall implement the decisions and orders issued by the

execution judge. All this leads to the conclusion that such procedures cannot be documented.

- The existence of gaps and weaknesses in some of the applied procedures, especially as related to the notification procedures, implies the need for a procedural review and re-design.
- The absence of any automated system and accurate work records due to a shortage in staff members.

Recommendations: (The Execution Department, pg. 46 - 48), (The Criminal Judgments Execution Clerk's Office, pg. 98-101):

- A. Developing and modernizing work procedures in the execution departments and clerks' offices, will lead to simplified and documented procedures. Equally important, is the creation of appropriate systems and record keeping, to allow staff members to follow up on the execution of judgments and the workflow inside the execution department.
- B. The development of a unified judgments execution procedures manual.
- C.** Increase the number of staff, especially data entry clerks.

a) Systems and tools which contain the following:

- Mizan Case Management Automated System. The following shortcomings were observed:
- The Mizan system does not allow staff from the execution of judgments departments and clerks' offices to electronically complete all the needed work procedures and processes. This forces staff members to complete the work manually thereby leading to substantial delays and lack of comprehensive data case entry.
- Many of the old cases have not been entered into the system.
- A lack of knowledge of the system's functions due to lack of training.

Recommendations (The Judgments' Execution Departments, pg. 51, 52), (the Judgments Execution Clerks' Office, pg.104)

- A. Handling Mizan's shortcomings and weaknesses.
- B. Files and Records:
 - Locating and retrieving the case files takes a lot of time due to the absence of a defined and clear case file numbering system.
 - The use of various types of case files with different colors.
 - There is no periodical file inventory in order to determine which files are no longer needed.
 - The absence of an effective and automated system to follow up on internal and external files and that prevent loss or tampering.

- The absence of a set of controls that govern the warehouse's security and the places where the files are kept, due to the lack of designated places and availability of space at the courts.
- The lack of appropriate shelves and cabinets for file keeping and storage.
Recommendations (the Judgments' Execution Departments, pg. 57, 58), (the Judgments Execution Clerks' Office, pg. 108-109)
 - A. The development and utilization of a comprehensive system in order to archive and classify the files and determine their movement. This system will facilitate the retrieval and usage of such files.
 - B. Increase the number of staff, especially data entry clerks.
 - C. Train the staff on case type classifications.

Fourth: Internal and External Communications:

- The execution of judgments departments and clerks' offices, lack the availability of clear systems and mechanisms needed to strengthen the internal communications and the exchange of information between the its staff, and the exchange of information and communication between other departments in the courts. This is due to lack of appropriate communication tools and the inability of the staff to use the existing ones.
- The execution of judgments departments and clerks' offices suffer from various difficulties in communicating with relevant external entities and parties and in obtaining needed information from entities such as the Civil Status Department, the Judicial Execution Department and the Rehabilitation and Correction Directorate. This is due to the absence of clear mechanisms and protocols that govern such relations.
- The inaccuracy of the indicators used in order to measure the performance of the execution of judgments departments and clerks' office and its lack of inclusiveness.

Recommendations: (the Judgments Execution Departments, pg. 62-64) (the Judgments Execution Clerks' Office, pg. 113-115)

- A. Training the staff on communication skills and customer service.
- B. The development and implementation of a communication system to facilitate communications with the various parties and entities related to the work of the execution of judgments departments and clerks' offices. Electronic linkages to relevant entities would translate to speedy and easy access to information.

Fifth: The Infrastructure:

The infrastructure of the execution of judgments departments and clerks' offices represents the greatest challenge and hindrance to the performance of those departments. In general all the issues related to the infrastructure are dealt with under the buildings and equipment components.

- a) Buildings: In general, the space occupied by the execution of judgments departments and clerks' offices affects the staff's work. Courts that reside in rented buildings were not designed to meet the needs and requirements of court work. It's very hard to make any amendments to those spaces. Challenges include:
- An absence of an allocated waiting room for the public for the execution of civil judgments.
 - An inadequate office space design as per effective workflow and procedures.
 - The lack of a queuing system and waiting area.
 - The absence of informative signage.
 - The inadequacy of the storage places designated for the storage of files.
 - The absence of a customer service area and customer service employee/service at the execution department.
- b) Equipment: The execution of judgments departments and clerks' office suffer from a significant lack of necessary equipment needed in order to carry out their functions. A large number of the existing equipment is old and not usable, which clearly affects work efficiency and delivery of effective services.

Recommendations (the Judgments Execution Departments, pg. 69,70 and 75) (the Judgments' Execution Clerks' Office, pg. 118, 119 and 123)

- A. The redesign of the spaces utilized by the execution of judgments departments and clerks' offices or the building of new spaces, would provide staff with sufficient work space. Other necessary changes include:
- Dividing the offices in a way that facilitates file management and efficiency.
 - The use of a queuing system.
 - The provision of waiting spaces.
 - The provision of directories and signage.
 - The provision of sufficient storage spaces.
- B. Providing the judgments execution departments and clerks' office with the needed equipment, including:
- Office equipment.
 - Computers and communication equipment.
 - Furniture.

Suggested Work Plan

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| <p>1- The Legislative and Organizational Framework
a) Civil Judgments Execution</p> |
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Objective: Modernize and develop the legislations pertaining to the work and functions of the civil execution of judgments departments.

Program	General Activities	Timeframe	Outputs
Legislation Program	1- Reviewing and amending the Execution Law	September -2012 – June 2013	Amended execution law
	2- Reviewing the legislations related to the civil judgments execution department (movable properties law, tenants and landlords law, court fee schedules, etc.)	Taking into consideration the Parliament session because the law needs more than one year to be passed/approved.	Recommendations related to the legislations which are related to the civil execution of judgments department

b) Criminal Judgments Execution

Objective: Modernize and develop legislations pertaining to the work and functions of the public prosecution's criminal execution of judgments departments.

Programs	General Activities	Timeframe	Outputs
Legislation Program	1- Reviewing and amending legislations that deal with the execution of criminal judgments (criminal procedures law, conciliation courts law, penal code, etc.)	September -2012 – June 2013	Recommendations related to the legislations governing the criminal execution of judgments.
Studies, Research and Plans Program	2- Developing the legal reference manual, which includes all the legislations related to the execution of criminal judgments.		A legal reference manual.

2- Institutional Framework

a) Civil Judgments Execution

Objective: Reviewing and developing the institutional framework of the civil execution of judgments departments.

Programs	General Activities	Timeframe	Outputs
Studies,	1- Review the organizational	September –	A new organizational

Research and Plans Program	structure, including the job titles and descriptions related to the staff of the civil execution of judgments departments. Apply the new OS.	December 2012	structure that reflects the needs of the civil execution of judgments departments.
Building the Institutional Capacities and Human Resources Program	2- Review the performance evaluation mechanisms and tie them to an incentives and staff performance system. The system will be compatible with the work and functions of the civil execution of judgments departments to enhance staff capabilities.	September – December 2012	- A unified mechanism for evaluating staff performance. - An incentives system tied with performance evaluation results.
The Training and Qualifications Enhancement Program	3- Develop training programs for the staff of the civil execution of judgments departments in relevant subjects so as to enhance their performance. The training programs will be developed on a training needs assessment.	September – December 2012	A comprehensive training plan for the staff of the civil execution of judgments departments.
Studies, Research and Plans Program	4- Conduct a survey to find out the human resource needs of the civil execution of judgments department.		A survey to pinpoint the human resource needs of the civil execution of judgments departments.

a) Criminal Judgments Execution

Objective: Reviewing and developing the institutional framework of the criminal execution of judgments departments.

Programs	General Activities	Timeframe	Outputs
Studies, Research and Plans Program	1. Review the organizational structure, including the job titles and descriptions of the staff of the criminal execution of judgments departments. Apply the new OS.	September – December 2012	A new organizational structure which reflects the needs of the criminal execution of judgments departments.
Building the Institutional	2. Review the performance evaluation mechanisms and	September – December	- A unified mechanism for

Capacities and Human Recourses Program	tie them to an incentives system based on staff achievement. The system will be compatible with the work and functions of the criminal execution of judgments departments staff so as to enhance their capabilities.	2012	evaluating staff performance. - An incentives system tied with performance evaluation results.
Studies, Research and Plans Program	3. Conduct a survey in order to shed light to the human resource needs of the criminal execution of judgments department.		A survey to pinpoint the human resources needs of the criminal execution of judgments department.
The Training and Qualifications' Enhancement Program	5- Develop training programs for the criminal execution of judgments department in relevant subjects so as to enhance their performance. Training programs will be developed based on a training needs assessment.	September – December 2012	A comprehensive training plan for the staff of the criminal judgments execution departments.

<p>3- The Procedural Framework a) Civil Judgments Execution</p> <p>Objective: Reviewing and developing the procedural framework of the civil execution of judgments departments.</p>			
Programs	General Activities	Timeframe	Outputs
Studies, Research and	1. Studying and analyzing the procedures applied	January- March 2013	- A comprehensive study related to the

Plans Program	in addition to accurately documenting the procedures so as to reengineer them for increased efficiency.		procedures applied at the civil judgments' execution departments - New work procedures that reflect the objective needs of the execution departments.
Studies, Research and Plans Program	2. Preparing a unified procedures manual for the execution departments.	April – May 2013	Unified procedures manual.
Building the Institutional Capacities and Human Resources Program	3. Develop the Mizan program for compatibility with work procedures.	September – December 2012	A developed and enhanced Mizan Program that meets the needs of the execution departments.
Studies, Research and Plans Program	4. Develop a comprehensive plan for the automation of all files during a set period of time.	July 2012- March 2013	Automating all files which have not been entered into the Mizan database.
The Communications Program	5. The creation of a new mechanisms that enhance and develop electronic linkages.		An efficient linkage system.
The Communications Program	6. Draft memorandums of understanding with relevant entities.		Various MoUs with relevant entities signed.
The Communications Program	7. Review the structure and content of statistical reports prepared by the execution departments.		A developed and enhanced statistical report structure that reflects the current status of the execution departments.

a) Criminal Judgments Execution

Objective: Reviewing and developing the procedural framework related to the criminal execution of judgments departments.

Programs	General Activities	Timeframe	Outputs
Studies, Research and Plans Program	8. Studying and analyzing the procedures applied in addition to accurately documenting the procedures so as to reengineer them for increased efficiency.	January- March 2013	- A comprehensive study related to the procedures applied at the criminal execution of judgments departments - New work procedures that reflect the objective needs of the execution departments.
Studies, Research and Plans Program	9. Preparing a unified procedures manual for the execution departments.	April – May 2013	Unified procedures manual.
Building the Institutional Capacities and Human Resources Program	10. Develop the Mizan program to become compatible with the work procedures.	September – December 2012	A developed and enhanced Mizan Program which meets the needs of the execution departments.
Studies, Research and Plans Program	11. Develop a comprehensive plan for the automation of all the files during a set period of time.	July 2012- March 2013	Automating all the files which have not be entered into the Mizan database.
The Communications Program	12. The creation of a new mechanism in order to enhance and develop electronic linkages.		An efficient electronic linkages system.
The Communications	13. Draft memorandums of understanding with other relevant parties.		Numerous MoUs with relevant parties, signed.

Program			
The Communications Program	14. Review the structure and content of the statistical reports prepared by the execution departments.		A developed and enhanced statistical reports structure that reflects the current situation at the execution departments.

<p>4- Infrastructure: a) Civil Judgments Execution Objective: Modernize the infrastructure of the civil execution of judgments department.</p>			
Programs	General Activities	Timeframe	Outputs
Building the Institutional Capacities and Human Resources Program	1. Installing an electronic queuing system.	September 2012 – June 2013	An appropriate work place
	2. The provision of appropriate waiting halls for court users.		
	3. The provision of information booths.		
	4. The provision of appropriate space for staff.		
	5. Installing signs.		
	6. Re design/engineer the offices for better work efficiency.		
	7. The provision of sufficient storage space.		
	1. Providing the execution departments with the necessary equipment and furniture.	September 2012 – June 2013	New and modern equipment and furniture.
<p>a) Criminal Judgments Execution Objective: Modernize the infrastructure of the criminal execution of judgments</p>			

department.			
Programs	General Activities	Timeframe	Outputs
Building the Institutional Capacities and Human Resources Program	1. Installing an electronic queuing system.	September 2012 – June 2013	An appropriate work place
	2. The provision of appropriate waiting halls for court users.		
	3. The provision of an information booth.		
	4. The provision of appropriate space for staff.		
	5. Installing signs.		
	6. Re design/engineer the offices for increased work efficiency.		
	7. The provision of sufficient storage space.		
	8. Providing the execution departments with the necessary equipment and furniture.	September 2012 – June 2013	New and modern furniture and equipment.

Study Findings

First Part: Civil Judgments Execution Departments

Second Part: Criminal Judgments Execution Departments

First Part: Civil Execution of Judgments Departments

First: The Organizational and Legislative Framework.

The legislative and organizational framework is composed of all the legislations (laws, regulations, directives and other references), that govern the work and functions of any institution, be it governmental or private. It defines the institution's authority, responsibilities and powers, and the general framework and basic rules governing the work mechanisms applied by that institution.

The legislative and organizational framework is important because it affects the work of the institution. In reference to the execution of judgments departments, the framework defines the main references for its work and functions. It also affects performance by defining the responsibilities and duties and how those duties are performed.

It's worth mentioning that there are a number of legislations which affect the work of the execution of judgments departments, due to the variety of its functions and the overlapping of those functions and activities with other functions from other departments and institutions, regardless of whether those departments are within the judicial authority structure, or not. This part of the report presents the most important findings of this study and sheds light on the key challenges faced by the execution of judgments departments:

❖ The Study's Findings:

In general, the Execution Law no. 25, 2007, represents the main framework of the execution of judgments department's functions. The law is composed of 117 articles and covers the following subjects:

- The execution administration, articles (2 and 3)
- Jurisdiction, articles (4 and 5)
- Executable notes, article (6)
- Detailed execution procedures, articles (7-21)
- Imprisonment of the debtor with a travel ban, articles (22-26)
- Execution against the debtor's property.

The law defines the jurisdiction of the judgments' execution departments in addition to the authorities and powers of its presidents and officers. It also divides the executable notes into two types according to what is stated in article (6) of the same law:

1.
 2.
- In addition article (18) of the law demonstrates the president's decision making in relation to the execution requests without notifying the disputants, provided that each

decision issued by the president is susceptible to challenge before the court of appeals. The law also defines the cases, where it is permissible to request the imprisonment of the debtor and impose a travel ban and/or freeze the debtor's assets or sell the debtor's property through a public auction followed by a distribution of the proceeds.

- In addition to the execution law, there are other laws related to the functions of the execution of judgments departments. These legislations are:
 1. The law of Placing Immovable Property as Debt security no. 46, 1953, which makes the guarantee bond placed on immovable property an executable note, which could be executed by the judgments' execution departments after it's executed by the Lands Department.
 2. The law of placing the Debtor's Movable Property as Debt security no. 1, 2012, which makes the note an executable instrument according to the provisions of the execution law.
 3. The new Tenants and Landlords Law considers the rent contract as an executable instrument in relation to overdue rent.
 4. The Civil Procedures Law no. 24, 1988, with its provisions, which relate to notifications drawn by the execution of judgments departments.

❖ **Challenges:**

The results indicate that the legislations governing the functions of the execution of judgments departments, do not cover all the necessary work needs. In addition there is no reference mechanism and activation of the lists and legislations compatible with new work developments. The following are the most serious challenges, vis-à-vis the legal framework:

1. The susceptibility of all the execution departments judge's decision to appeal:

All the decisions issued by the execution judge can be appealed, with no exception. This increases the pressure on the courts of appeals in general and in particular on the execution of judgments departments. It is worth mentioning that (70%) of the appealed decisions get rejected based on formal reasons. The reason to appeal decisions, lies with the debtor's desire to delay the execution of the judgment, issued against him/her. Appealing and re-appealing the decisions for many times results in delaying the execution of judgments.
2. Abandoned Cases:

The execution of judgments departments are greatly effected from abandoned cases, which are cases where no action is taken during a six months period. The renewal of such cases only requires the submission of a renewal request and the payment of a small minimal fee (2JDs). Despite the fact that there is no exact figure for abandoned cases (this by itself is one of the challenges that will be discussed later in the report), there is a consensus, by all the staff from the execution of judgments departments, that the number of such cases is significant and impacts workload and storage space.

3. There is also a need to re-classify cases which have been settled (either by a decision/judgment, or through reconciliation) and start executing them. When such cases are left to stagnate, they get classified as abandoned cases until the judgments issued in relation to them are executed.
4. Not tying settlements, which are made between the entities involved, to a limited period of time:
Cases tied to financial settlements may take longer to execute, because there are no minimum payment installments and because there is no defined timeframe to execute the cases.

❖ **Recommendations:**

- Review the execution law and amend it in order to reduce the workload, and define the jurisdiction of, the execution of judgments departments.

1. Amending article (20) of the law, which defines the decisions that can be appealed while ensuring that such decisions do not exceed the following:
 - Imprisonment decisions.
 - Attachment decisions.
 - Travel ban decisions.
 - The instrument is un-executable.
 - The notification procedure - the decision to delay or stop the proceedings in relation to the execution requests in case an execution delay request was submitted to the judge.
 - The attachment and sale through public auction decisions.
 - The final referral and preparation of the distribution list.

Other decisions will not be subject to appeal unless sensitive in nature.

2. Increasing the fees related to the renewal of abandoned cases. This amendment will prove the seriousness of the creditor and potentially decrease the number of abandoned cases.
3. Establishing a mechanism to define a minimum payment reference the first installment of a financial settlement. Establishing a maximum time limit during which such settlements are executed is also important.

Of noteworthy mention is the fact that work is underway to amend the execution law to ensure that the execution of cases get expedited. This effort is being carried out by a number of judges and experts, but it is still unknown what was so far achieved.

Civil Execution of Judgments Departments: The Legislative and Organizational Framework of West Amman and Zarqa First Instance Courts

Current Status Description	Challenges	Activities to Bridge the Gap	Programs
<p>1. The law which regulates and governs the execution of judgments process is, Execution Law no.25 from 2007. This law constitutes the key general framework for the work of the civil execution of judgments departments.</p> <ul style="list-style-type: none"> • The execution administration, articles (2 and 3). • Jurisdiction articles • Executable note article • Detailed execution procedures articles • Imprisonment of the debtor and travel ban articles <p>2. Execution against the debtor's property</p> <p>5. The law of placing the debtor's movable property as a debt security no.1 from 2012, which made such a bond an executable instrument according to the execution</p>	<p>1. The legislations do not cover all the work needs that would facilitate the functions of the execution of judgments departments.</p>	<p>1. Review the execution law and introduce amendments to it to reduce the execution of judgments department's workload. The amendments include: limiting the decisions that can be appealed to: imprisonment, travel bans, attachment of property, considering the case as being executed and closed, considering the case as being un-executable, canceling the attachment, final referral in public auctions.</p> <p>2. Ban the appeal of any other decisions. Limiting the appeals to the above and /or based on sensitivity of case.</p> <p>3. Increase the renewal fees for abounded case thereby leading to a reduction in cases.</p> <p>4. Create a mechanism to define the minimum payment of the first installment in a financial settlement and define the time that the settlement will be executed in.</p>	<p>Legislations Program</p>
	<p>2. The absence of a mechanism to review and activate the current lists and laws which regulate the execution of judgments departments.</p>		
	<p>3. The presence of a gap resulting from the fact that the execution judge's decisions are susceptible to appeal without any pre-conditions and that appeals can be made even if not supported by legal reasons leading to judicial bottlenecks increased case load.</p>		
	<p>Abandoned cases, inactive over a six-month period, and cases that occupy large spaces in the storage rooms/shelves, which obstruct workflow.</p> <p>4. Not tying settlements reached between entities to a limited period of time as cases may take longer to executed due to the lack of an established minimum</p>		

<p>law.</p> <p>6. The new tenants and landlords law considers the rent contract as an executable instrument in relation to overdue rent amounts.</p> <p>7. The civil procedures law no.24, 1988, relates to notifications done by the execution of judgments departments.</p> <p>3.</p>	<p>installment payment.</p>		
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Second: The Institutional Framework:

The Institutional Framework is composed of the two following components:

1. **The Organizational Structure Component:** This structure defines current job titles at the execution of judgments departments which were developed by the Ministry of Justice through the Capacity Building and Institutional Development Program. The organizational structure also defines the functional levels and the relations between the various posts and functions, in addition to the communication channels and the hierarchy within departments.
2. **The Human Resources Component:** This component covers the systems used to manage the staff working at such departments, including their numbers, qualifications, job titles and descriptions, the basis for appointments and promotions. It also deals with staff training programs.

This part of the report presents the study findings, which are related to these two components, in addition to the main challenges faced by the execution of judgments departments:

1. The Organizational Structure:

❖ The Study's Findings:

There is no clear and defined organizational structure specifically related to the execution of judgments departments. A general structure was developed by the Ministry of Justice and according to that organizational structure, the execution department's president is the senior official responsible for managing the department according to article (5) of the execution law. A number of execution judges report to the designated president. The president supervises all the activities and functions of those departments and supervises the staff. Staff differs to the president for their functions and instructions. The organizational structure, which appears in figure no.1, shows the existence of the following job titles within the civil execution of judgments department:

- **The Execution Judge:** In the case of the absence of the department president, the execution judge carries out all necessary duties. The execution judge assists the president in managing the work, and in courts where there is no execution department, the conciliation judge performs the duties of the execution judge.

- The Execution Officer: He/she performs all the activities related to execution of judgments and assists the department's president. The execution officer specializes in performing all the procedures needed to process executable notes and in implementing the department's president decisions.
- The Head of the First Instance and Conciliation Judgments Execution Clerk's Office: The person holding this position is responsible for organizing the office's daily work and activities by preparing the work schedule and distributing the execution cases to the clerks in an effective manner while providing them with procedural supervision. He/she also follows up on the transfer of files and letters to relevant entities and organizes responses to written and oral inquiries received at the office. Coordination with other clerks from different departments and general supervision are also part of the core duties.
- The Head of the Accounting Section: The person holding this position organizes and manages all the accounting procedures related to the execution department's functions and works, and participates in the preparation of the department's monthly and annual draft budget in cooperation with other administrative units. He/she also approves and audits the monthly reports and the department's final account statement, the financial records, in addition to supervising the records of all financial and accounting activities according to the applicable regulations, instructions and procedures. He/she also performs other various duties and functions.
- The Head of the Bank's Clerk Office: The person holding this position is in charge with organizing the daily work load at the clerks' office by preparing the work schedule and by distributing the cases in an effective manner. He/she also supervises the validity of the procedures applied by the clerks and follows up on notifying relevant parties on the execution decisions, in addition to sending letters and files. In a supervisory capacity the head of the office also provides work guidance to help enhance staff capabilities.
- The Head of the Promissory Notes Clerks Office: The person holding this position is in charge with following up on and ensuring the validity of the execution procedures applied in relation to the executable promissory notes and this is done by receiving the case files, reviewing them and by approving

all letters and notifications related to the office. He/she also defines the execution fees and makes sure that the notification fee is paid according to what is stated in the applicable legislations. He/she also performs additional duties and functions.

- The Head of the Treasury Execution Clerks Office: The person holding this position receives the treasury execution cases (first instance and conciliation cases), issued by the courts and the civil public attorney's office. Following defined procedures, the cases are distributed to the clerks after making sure that the procedures taken are valid and that the files contain all the needed documents. He/she also defines the fees to be paid according to the applicable legislations, receives the requests submitted by both parties of the execution case and approves all the official letters and notifications issued by his/her office and signs them. He/she also performs other functions.
- The Head of the Shari'a Cases Execution Clerks Office: The person holding this position, receives the shari'a execution cases issued by the shari'a courts and distributes the cases to the office clerks after making sure that the procedures taken are valid and that the files contain all the necessary documents to start the execution process. He/she also coordinates the work between the office's clerks and supervises the validity of the procedures they apply. He/she also performs other functions.
- The Follow Up Clerks from the Various Sections: They execute the decisions issued by the execution judge.
- The Execution Clerks from the Various Sections: They receive the requests submitted by the public and execute the decisions issued by the execution judge, in addition to any other functions that may be assigned to them by the execution president.
- The Accountant: The person holding this position is in charge of organizing and processing expenditures and revenues in addition to calculating various fees related to the execution cases such as, attorney fees, legal interest, and amounts paid. Other accounting duties include receiving checks and manually and electronically registering the transactions.

- Typists and Messengers: Despite the fact that such posts are listed in the organizational structure, the execution departments have yet to fill those positions due to a lack of availability of qualified people.

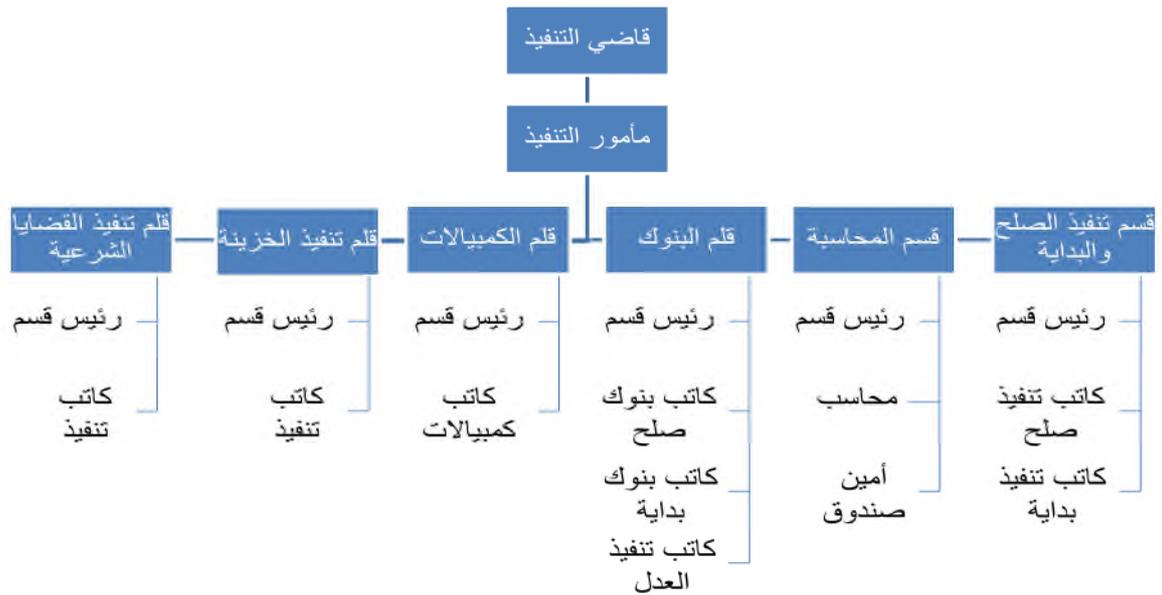


Figure number (1) – A hypothetical Organizational Structure of the Civil Execution of Judgments Department

The organizational structure is subject to the availability of appropriate staff. In most of the cases there is an execution judge, execution officer and a clerk for each section of the six sections (clerk offices) or one clerk who performs the functions of more than one section without being the section's head. This is due primarily to the unavailability of qualified personnel. Due to this predicament, some job titles are vacant at both the West Amman and Zarqa courts and the actual job titles for the staff at both courts varies greatly from what is officially stated in the organizational structure. Staff therefore, perform duties which are outside their authority or jurisdiction.

Figure no.1/a, shows the organizational structure that is currently used at the Zarqa Court according to the court's needs.

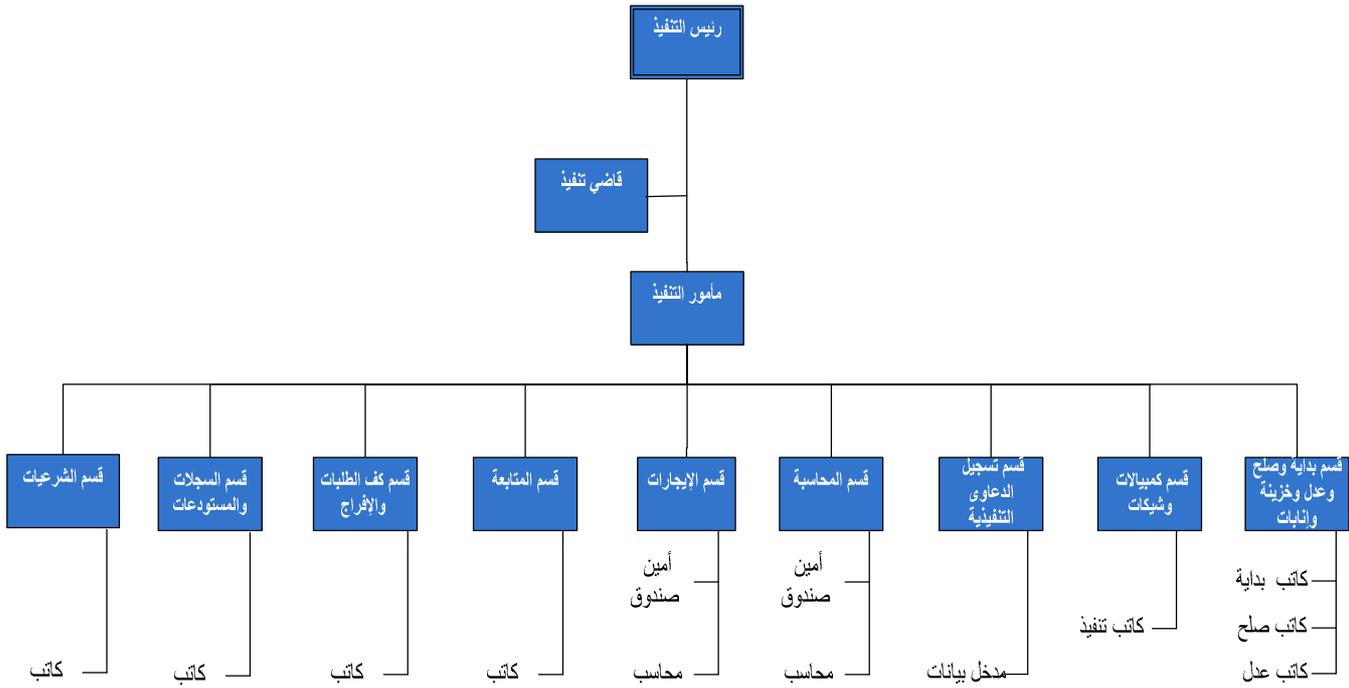


Figure no. 1/a: The Organizational Structure Being Used at Zarqa's Civil Execution of Judgments Department.

The study failed to identify a defined organizational structure for the West Amman Civil execution of judgments department.

Attachment no. 2/a shows the approved job descriptions at the civil execution of judgments department.

❖ **Challenges:**

Despite the fact that there are defined job descriptions for the staff members working at the execution departments, such job descriptions and titles are not the ones actually being used. This is due to the lack of staff and due to the fact that the requirements started for each post do not match the qualifications of the available staff in many aspects, in addition to a lack of necessary funds. The absence of precise job descriptions, that match reality, and the absence of a clear organizational structure, lead to ambiguity and work overlaps in the responsibilities and authorities. It also results in some staff members performing functions that do not fall within their job description and in very weak administrative supervision.

❖ **Recommendations:**

- It's importance to develop a clear and unified organizational structure for all the court's execution of judgments departments. The organizational structure should clarify the relation between staff and the communication channels used. The organizational structure should provide clarity on the main references and entities that are in charge of supervising staff performance and evaluation. Equally important is the need for the organizational structure to determine and define the functions and authorities assigned to each administrative unit of the execution of judgments departments, so as to prevent an overlap in responsibilities and functions within the department.
- Review job titles and descriptions of the execution of judgments department's staff, and confirm/compare those titles and descriptions with the actual applied ones. It is important that the amended job descriptions take into consideration appropriate staff requirements and to recruit qualified personnel while also enhancing the capabilities of the current staff. The new job descriptions should also define the responsibilities and duties assigned to each position in a manner that prevents overlapping.

Civil Execution of Judgments Departments at the West Amman and Zarqa Courts

Current Status Description	Challenges	Bridging the Gap Activities	Programs
<ol style="list-style-type: none"> 1. The organizational structure of the execution of judgments departments serves the job requirements and the provision of services to services seekers. 2. The execution president is the senior person responsible for managing the execution department according to article 	<ol style="list-style-type: none"> 1. The available job descriptions and titles are limited in number and do not meet the work requirements. There is a gap between the job titles and descriptions and the current status of the applied procedures. 	<ol style="list-style-type: none"> 1. Review the job titles and descriptions of the staff working at the execution departments and match them to the current work status. It is important that the amended job descriptions take into 	<ol style="list-style-type: none"> Build institutional capabilities and human resources.

<p>(5) of the execution law. He/she has the level of a judge and oversees all the department's functions while also supervising the staff.</p>		<p>consideration development requirements.</p>	
<p>3. The execution officers come second in line and oversee five clerk offices including: first instance and conciliation, accounting, banks, promissory notes, treasury, shari'a and the typists.</p>	<p>2. Lack of staff widens the gap between the job requirements and the actual needs, as staff perform many functions outside their official duties.</p>	<p>2. Increase number of staff and recruit staff with appropriate qualifications and enhance performance of current staff.</p>	<p>Build institutional capabilities and human resources.</p>
<p>4. Follow up clerks: Key duties pertain to the execution of the decisions issued by the execution judge and receiving the requests submitted by court users together with any other functions assigned to them by the execution president.</p> <p>5. Accountant: Regulates and processes procedures related to expenditures and revenues, in addition to facilitating accounting procedures related to execution cases.</p> <p>6. Cashier: Receives paid fees for transactions and refunds, in addition to performing all the functions related to depositing money into the bank.</p> <p>7. Typists and messengers.</p>	<p>3. A gap resulting from an overlap of work references and ambiguity in the responsibilities. This leads to ad hoc work decisions and duality in administrative supervision with some staff unsure of correct reporting hierarchy. This weakens the control process, directions and staff evaluations.</p>	<p>3. Create concise jobs descriptions and responsibilities so as to prevent an overlap in responsibilities.</p>	<p>Build institutional capabilities and human resources.</p>

Human Resources:

❖ Study's Findings:

- Zarqa's First Instance Court:

- There are two judges at Zarqa's civil execution of judgments department in addition to 32 staff members, who are administratively divided as follows:
 - Execution President (1): The person holding this position hears all the execution disputes and can either impose or cancel an attachment on the debtor's property and/or sell the debtor's property. The president can also appoint experts to the case or resort to imprisoning or imposing a travel ban on the debtor. Additionally, the president is in charge of supervising the department's staff and work.
 - Execution Officer (1): The officer is directly responsible for carrying out procedures related to the execution of executable notes and the execution of the president's decisions and orders. The officer is responsible for divvying up tasks in the department and for supervising staff performance and providing training and mentoring when needed.
 - Data Entry Clerk (2): The official job title is (clerk and notifier).
 - Execution Clerk (7): The person holding this position is in charge of receiving customer requests and applications in addition to executing the decisions issued by the execution judge, and/or any other issues assigned to them by the execution's president. In order to increase efficiency, execution clerks are divided in the court according to the following:
 - One clerk is responsible for the conciliation cases. The official job title, according to his/her appointment, is a clerk.
 - One clerk is responsible for the first instance cases. The official job title, according to his/her appointment, is a clerk
 - Two clerks are responsible for the promissory notes and checks. Their official job title, according to their appointment, is a clerk
 - One clerk is responsible for trader related cases. The official job title, according to his/her appointment, is a clerk.
 - One clerk is responsible for the shari'a cases. The official job title, according to his/her appointment, is a clerk.
 - One clerk is responsible for justice related cases. The official job title, according to his/her appointment, is a clerk.
 - A clerk responsible for appeals and imprisonment orders.
 - Follow up clerks (4): The clerks execute decisions issued by the execution judge and perform duties assigned to them by the execution officer. The official job titles according to their appointments are (second clerk, data entry

clerk, court's secretary, legal researcher).

- Accountant (7): Accountants are in charge of receiving official transactions and calculating all necessary fees and drafting refund and deduction orders. In addition to drafting and auditing checks and handing them over to the following:
 - One clerk at the receiving section, the official job title, according to his/her appointment, is a (cashier).
 - Two clerks at the expenditure section, their official job titles, according to their appointment, are (accountant and clerk).
 - One clerk at the refund section, his/her official job title according to his/her appointment is a (clerk).
 - One clerk at the accounts settlement section, his/her official job title, according to his/her appointment, is an (accountant).
 - One clerk at the accounts budget, his/her official job title, according to his/her appointment, is an (accountant).
- Accountants (3). They're in charge of due rents delivered to the court by tenants. Rent money is delivered to the execution of judgments department located in the same area the property of the tenant is located at. Their job titles, according to their appointment, is (cashier and accountant).
- Typists (2) Typists type the minutes of the hearings and assist the judge with his/her requests.
- Messenger (3) Messengers transfer files between different department sections and the judges' offices.

❖ The Study's Findings:

- West Amman First Instance Court:

- One execution judge in West Amman Court performs the duties of the execution president in addition to (14) staff members who are administratively divided according to the following:
 - President/Execution Judge (1)
 - Execution Officer (1)
 - Execution Clerks (5), Each clerk is responsible for one section. One of them is assigned to the first instance and conciliation section and the second to the banks' section, the third to the promissory notes section, the fourth to the treasury and shari'a section and the rest perform follow-up tasks. Two of the clerks work on the eviction and attachment cases after 12:00 pm. In addition to his/her official duties, one of the clerks assists the execution president by manually drafting the minutes from the execution hearings and by typing the

issued decisions.

- Execution Accounting (3) accountants.
 - Warehouse Officer (1) performs the duties of a follow-up clerk in addition to his official duties.
 - Messenger (1).
 - Legal Researcher (1) replaces the execution officer in case of his/her absence and carries out the functions of the companies and checks section.
 - Data entry and cases registration clerk (1).
 - Archive Clerk (1) performs the functions and duties of the execution clerk (follow-up clerk).
 - There is no typist to type the minutes of the hearings.
- In general, staff working at the execution departments, are subject to Civil Service provisions and regulations for their appointments, promotions, annual evaluations, etc.
 - There is a general sense of team cooperation between the staff members of the execution of judgments departments. Clerks perform duties of their absent colleagues and assist when there is need or an overload in work.
 - Attachment number (3/a) illustrates the staff's numbers, titles and qualifications at the Zarqa and West Amman civil execution of judgments departments.

❖ **The Challenges:**

- The civil execution of judgments departments at both courts face a number of common human resource challenges. These challenges can be summarized as follows:
 1. Heavy work load not commensurate with the number of available staff. This was noted through previously conducted field visits. It was noted that a large number of court users/customers were present at both departments during most of the daily working hours.
- Despite the lack of prior studies regarding the work volume, it was evident that there is huge work pressure on the staff during certain working hours (in the morning) or during certain days of the month (from the third to the fifth day of each month in addition to other undefined days).
- In addition, a considerable part of the work pressure results from staff spending time answering inquires and questions directed to them by the public-a task which is otherwise not officially part of their duties. This is due to the fact that both

courts lack customer information services or appropriate signage.

2. Jobs descriptions do not match reality. This is evident from the discrepancies between the applied jobs descriptions (the above listed ones), and the ones listed in the organizational structure prepared by the Ministry of Justice. This leads – as was previously mentioned - to ambiguity in the roles and responsibilities of the staff working at the execution of judgments departments, in addition to ambiguity and duality in the administrative references and an uneasy feeling between the staff.
3. Appointment of staff at the civil execution of judgments departments is not based on any objective standards or defined methodology such as academic qualifications, experience and skills of the appointee. Most of the current staff lack the knowledge and legal experience needed to perform their functions. This leads to many work mistakes that could be avoided by following a defined hiring process.
4. There are no trial periods or staff training programs. This is one of the departments biggest challenge. The staff receives only minimal training. It was also noted that some of the staff lack the necessary legal and administrative knowledge necessary to perform their responsibilities. The absence of suitable academic backgrounds results in weakened staff performance.
5. Absence of an incentives system based on the actual evaluation of staff performance and commensurate with clear and defined objectives. Staff are evaluated by individuals who are not in direct contact with them and work and by using an evaluation form which lacks objective evaluation tools in order to measure various performance indicators. The forms also do not take into account special types of work thereby putting in question the form's accuracy and credibility.

❖ **Recommendations:**

- It's important to conduct a thorough study that targets the current workload of the execution departments' staff and determine the numbers and qualifications and human resource needs. The study will include an analysis of the volume and types of execution cases, in addition to defining the human resource needs of the departments. According to the findings of the study, a gap analysis needs to be conducted to compare the current status with the study's results and work on bridging the gap through the following:
 - The requirement of qualified staff according to the study's findings.

- Building the capacities of the current staff and developing their skills through specialized training programs.
- The appointment of additional staff to work extra work shifts at the departments.

This study has to take into account the rest of the suggested initiatives related to organizing and streamlining the work by revising the applicable laws and the effect such initiatives might have on the staff's workload.

- Developing programs directed towards building staff capabilities in relation to the various aspects of their work. The programs will be based on a training needs assessment that accounts for staff's posts and their current qualifications. The training needs assessment will include all the execution staff and judges.
- It is worth mentioning that starting to develop, and implement, the capacity building programs should not be delayed until the completion of the needs assessment study. Training programs in the following areas can start immediately:
 - Execution law.
 - Legislations related to execution cases.
 - Time management.
 - Customer service.
 - Use of the Mizan program.
 - Typing skills.
 - Communication skills.

It is possible that some of the execution staff such as judges and public prosecutors prepare and conduct the training programs.

- Revising the execution staff's evaluation system, in cooperation with the Ministry of Justice and the Civil Service Bureau. It is possible to keep the current basis used in the evaluation, while also introducing some developments that are compatible with the work of the execution departments. This should be done in order to tie the evaluations with annually defined objectives and with an incentives system which is compatible with the departments' resources. Staff should also be encouraged to be highly productive.
- In the event that it proves to be impossible to create a unified evaluation system for the execution staff, an alternative is to create and use another evaluation form (in addition to the civil services' bureau form) that includes the subjects and indicators related to the execution departments. In all cases, the new evaluation system should address the following points:

- Review what was done for the job descriptions and the analysis of the position's standards and administrative organization.
- The workload for each staff member.
- Identify the skills and capabilities needed for each post and address the type of work and functions associated with each position.
- Define the level of performance for each staff member and what is expected from each staff member in terms of the volume and quality of work.
- Define the career path for each staff member by identifying the needs and by enhancing their abilities through training and capacity building.
- Work towards reviewing and analyzing the evaluations in addition to submitting a report with recommendations to relevant entities.
- Develop different evaluation forms to evaluate supervisory and specialized posts (computer, information technology, accounting, financial and others).

Systems and Tools

1.2 Mizan Program (2)

❖ Study Findings:

- Mizan versions (1 and 2) were developed in close cooperation and coordination with relevant officials and staff from the courts and the Ministry of Justice - including execution of judgments staff. In general the application of Mizan led to substantial and noticeable development in staff performance at the courts, including that of the execution staff. Work procedures became more rapid and it became easier to retrieve information. Data became more secure from destruction and loss.
- A lack of uniform skills set was noticed in relation to the use of the Mizan program. Some execution of judgments staff possessed strong skills and were able to efficiently utilize the program's functions, while others lacked the necessary skills. This is due to

fact that many of the staff members were not provided with the necessary training in the use of the program.

- In addition to the above, it was noticed that staff from the rents section use their own computerized lists (developed on excel sheets) to facilitate the work in the department. These lists are used separately outside the Mizan database.

❖ **Challenges:**

- The program suffers from a number of shortcomings and errors thereby preventing the execution staff from electronically completing all work procedures and having them resort to manually complete their work. This leads to a delay in work and to a lack of some information being entered in the database. It also results in some staff abandoning the use of the program to manually enter data.

- Many of the old cases are still not entered into the Mizan database:

In Zarqa's civil execution of judgments departments, the use of Mizan only started in the beginning of 2012. Four staff were allocated to enter old cases in the computerized system. To date, the percentage of entered cases do not exceed (1%) of the total pending cases.

- ❖ Staff knowledge of Mizan's various functions: A great majority of the staff's complaints related to the program are based on their lack of suitable knowledge and abilities of the program's various functions. This is due to the lack of staff training. This is demonstrated by the fact that the quality control unit usually corrects the errors after they happen. The quality control unit takes certain measures which the staff cannot apply. Attachment number (5), shows a full list of the program's shortcomings and errors gathered by relevant Ministry of Justice staff members and by execution of judgments staff.

❖ **Recommendations:**

- There are some shortcomings and errors in the Mizan (2) program, which are being addressed for remedy through the Rule of Law Program. The loop holes were identified with the cooperation of the courts and Ministry of Justice and will be rectified imminently. The Rule of Law Project intends to initiate a comprehensive improvement project targeting the Mizan program in order to deal with all the issues revealed at the courts. Priority will be given to the points identified by the execution of judgments staff.
- A training program to build the capacities related to the use of Mizan will be developed and applied. This will enable users from better utilizing the program and its functions. A train-the-trainers program will be developed to ensure that they possess the necessary skills to carry out such training program.
- Work towards entering the information and data related to all the cases which

have not yet entered the Mizan database. This should start as soon as possible. This should be prioritized especially at Zarqa's court, where the majority of cases have still not been entered in the system, thereby leading to complications in the work procedures. Such an effort needs the allocation of (2-4) staff members and a (6-9) month period. Four staff members from the Rule of Law Project were assigned at the beginning of 2012 in order to enter the cases into the system.

- It is of vital importance to develop and apply a unified automated financial system at the execution of judgments departments. This system should define the financial functions to be carried out (i.e. calculation of the amounts and interests, distribution of sale proceeds, issuance of checks and refunds, etc.). The system will take into account the separation between the various functions and will provide written rules and the basis for supervision and control in order to ensure the security of the financial processes.

Civil Execution of Judgments Departments: The Systems and Tools Component (Mizan 2 Program) at the West Amman and Zarqa First Instance Courts.

Current Status Description	Challenges	Bridging the Gap Activities	Programs
<p>1. Application of Mizan led to noticeable development in staff performance at the courts including those of the judgments' execution departments. Work procedures became more rapid and it became easier to retrieve information. Data became more secure from destruction and loss.</p> <p>2. Development of Mizan (1 and 2)</p>	<p>1. The program suffers from a number of shortcomings and errors which prevents execution staff from electronically completing all work procedures. Work is entered manually thereby leading to delays and incomplete data entry. It also results in some staff members abandoning the use of the program and manually entering data.</p> <p>2. Lack of uniformity in staff capabilities as related to Mizan. Some staff possess strong skills and can efficiently utilize its functions. Others lack the abilities and skills to use the program. This variance is due to fact that many of the staff were not provided with the sufficient and needed training in the use of the program and its various functions and services.</p>	<p>1. A training program in to build staff capacities in the use of Mizan will be developed and applied. This will enable users from correctly utilizing the program and its functions.</p> <p>2. A train-the-trainers program will be developed to ensure trainers have the necessary skills to carry out the training program.</p>	<p>The Training and Qualifications Program</p> <p>The Training and Qualifications Program</p>
<p>was done in close coordination with relevant staff from both the courts and the Ministry of Justice including the execution of judgments staff. This led to the inclusion of most of the needed functions.</p>	<p>- 3. A number of shortcomings and errors, prevent staff from electronically completing all the work procedures, this forces them to complete the work manually thereby leading to work delays and the lack of some information in the program's database. It also results in some staff members abandoning the use of the program so as to process information manually.</p>	<p>1. Conduct an assessment study related to Mizan in order to identify its efficiency and how data and information are entered and the gaps the program suffers from.</p> <p>2. Establish a follow up system to control the data entry and ensure data accuracy.</p>	<p>The Studies, Research and Planning Program</p>

	<p>- 4. Many of the old cases still did not enter Mizan: In Zarqa's civil execution of judgments departments, the use of Mizan started in the beginning of 2012. Four staff were allocated to enter old cases into the computerized system. To date, the percentage of entered cases does not exceed (1%) of the total pending cases.</p>	<p>3. Develop a work plan to enter the data of all the old cases which have still not entered into the system as soon as possible. Prioritizing this issue will greatly reduce Zarqa's work procedures. Allocate of (2-4) staff members in order to enter such data within a (6-9) months period.</p>	
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Other systems – Files

❖ Study's Findings:

The project conducted an assessment study of the movement and retention of files at the execution department in both courts. The study indicated lack of a file keeping system despite the existence of some applied procures such as file numbering and records that are stipulated in the applicable procedure laws. The following is a description of the current status in both courts:

1- Records:

Only one basic register (record) is used at the execution of judgments department. The moment the case is registered in the Mizan program it is given a sequential number and a code according to its type such as (12/2012- s).

2- Cases' Numbering:

a) West Amman Court:

Right now each case type is given a unique file color in addition to a file number and special code:

- First instance – green file – code/f

- Conciliation – blue file – code/c
- Promissory notes and executable notes – yellow file- code/p
- Justice – red file – code/j
- Sharia'a
- Companies and banks.

b) Zarqa's Court:

Three mechanisms are used for file keeping and retention at the execution department. This makes file retrieval hard and the possibility of file loss greater. There are cases from 2003 and before, which are kept separately according to their case number. As for cases from 2004 and after, (before Mizan and its use in case registration) they're kept separately according to the case type – first instance, conciliation, promissory notes, etc. There are also other cases that are entered into Mizan program database, which are also separately kept according to their number and regardless of the applied case type.

3- Case File

a) West Amman Court / Civil Execution:

The case files at the execution department are inadequate and need to be modernized to take in more data. The files are made of carton, makes it easy for tears to occur and some are too big to store and/or take up much space on shelves. Use of smaller plastic ones would be more effective.

b) Zarqa's Court / Civil Execution:

The case files at the execution department are inadequate and need to be modernized to take in more data. Allocating certain colors for each case type would help. Currently, there are colors which have no reference, and the files sizes and types vary due to the fact that the Minister of Justice provides the execution departments with the files without taking into consideration organizational and storage needs.

4- Information on the File's Cover:

As to the files related to the execution of judgments, currently the execution departments do not use label that contain all the information related to the case. The cover of the file contains the following information:

- Court's name.
- Relevant judgments execution department
- Case number

- Date received
- Court which issued the judgment
- Prevailing party
- The losing party
- The due amount

As to the files related to the execution of notes, the file's cover contains the following information:

- Case number
- Date received
- Executable note's types
- Executable note's number
- Executable note's date
- Person requesting the note's execution / debtor
- Person to be the subject of the execution / creditor.
- Amount of debt

5- Way Papers are Kept in the Case File:

The execution file contains the following:

At the left side of the file:

1. The judgment or executable note.
2. A copy of the debtor's ID, which contains his/her national number or a copy of his/her passport if he/she is a foreigner.
3. The power of attorney if such attorney is representing one of the case's parties or a copy of the power of attorney provided that the due fees are paid. If the creditor is a company then a copy of the commercial register will be in the file.
4. The paid legal fees.
5. The minutes, requests and the decisions issued by the execution department.

On the right side of the file:

- 1- The execution notification.
- 2- The debtor's power of attorney.
- 3- The notifications sent after attaching the property.
- 4- The invoices related to the amounts paid by the debtor.
- 5- The attachment letter sent to the banks.

6. Storing the Case Files:
 - Storage rooms (warehouses)

a) West Amman Court:

The storage room is not fit for usage. The room has water leaks, mold and no ventilation and no more space to further accommodate additional files. Most of the stored case files are civil monetary requests that take a long time to expire and/or old requests submitted by the Audit Bureau that can't be destroyed.

b) Zarqa's Court:

The most serious problems related to documentation, records and file keeping, is the issue of abandoned and executed cases. Such cases have to be stored in the storage room and not on the execution department's shelves along with pending cases. The number of such cases is in the thousands. This issue stems from the lack of space at the execution department's storage room. Accordingly, and in order to solve the problem, old case files should be destroyed to provide room for the newly abandoned or executed cases. Currently most of the files are kept on the storage room's floor because there is no place on the shelves.

- **Cabinets**

a) West Amman Court:

The current cabinets are metal and have insufficient space to accommodate the large numbers of case files. Many cabinets are broken due to the weight of the numerous files in them and easy access to them can lead to possible tampering.

- A description of the current status of the infrastructure.
- There is no privacy at the execution department-offices are very crowded.
- Lack of space due to the large numbers of attorneys and people seeking the department's services in addition to the presence of prisoners and police officers.
- There is no space to add new cabinets.
- The files used are very big in size and occupy a large space when stored. Such files could be replaced with smaller ones made of plastic.
- The computers used in the department are very old and slow, even the Mizan program is slow and inefficient in certain functions. There are only two computers at the department.
- There is a need for furniture.

- **Destruction of Old Files:**

Currently the execution department does not conduct inventories in order to pinpoint files that can be legally destroyed despite the existence of regulations that govern the

destruction of files. According to the provisions of this regulation any case file more than 15 years old can be destroyed.

❖ **Recommendations:**

1- Numbering of Shelves:

Standardizing the numbering mechanism applied in numbering the shelves and dividing the shelves according to the case files types, the year and the serial number. Case files should also be distributed on the cabinets according to the case type.

2- Developing and Enhancing File Movement:

Documenting the case file movement in a common database and reducing the physical movement of the files. Measures should also be provided to prevent file tampering. Additionally, the activation of an appropriate mechanism to supervise and follow the file movement is required.

3- Developing Storage Rooms and Places for File Keeping:

Developing appropriate measures and standards to ensure the safe environment of warehouses and storage rooms.

4- Systematic Destruction of Files:

Conducting regular inventories to identify the files to be destroyed. Carry out file destructions on a regular basis. The process of destroying files, should be applied by all courts in a standardized manner. The process should take into consideration the confidentiality of the information contained in the files and be environmentally friendly.

5- Infrastructure:

Reconsidering the infrastructure of the courts and making every effort possible to develop them according to work needs.

6- Cabinets:

Providing secure cabinets to be used in keeping and storing the case files in addition to replacing the current used shelves with specially designed cabinets.

7- Labels:

Providing labels to number the files. Labels should be fixed to the files according to the colors of the files, with each color representing a certain case type.

8- Bar-Coding Technology to Track the Movement of the Case Files:

Documenting all case file movements inside the court.

Civil Execution of Judgments Departments: Other Systems (Files) Components in the West Amman and Zarqa First Instance Courts

Current Status Description	Challenges	Bridging the Gap Activities	Programs
<p>Absence of an approved case files keeping system, despite the existence of some applied procedures such as file numbering and record registration as stated in the relevant applicable procedures law.</p> <p>1. Case numbering: In the West Amman court each case type is given a distinct file color and a serial number. In Zarqa's court, three separate file keeping systems exist-there is no one unified system.</p> <p>3. Case File: Large carton files are used in West Amman court. In the Zarqa court various file colors with no indications and the size of the files varies depending on the stock provided by the Ministry of Justice.</p>	<p><u>West Amman Court:</u></p> <ol style="list-style-type: none"> 1. Case files are not suitable and are made of carton and easily torn. Some files are big in size and cannot fit in the cabinets or occupy a large space. 2. The files storage room is in bad conditions. There are water leaks, mold and no ventilation. Further files cannot be accommodated due to the large number of files it already contains. 3. The cabinets in use now are made of metal and are impractical and not big enough. 4. There is no privacy at the execution departments. The offices are very close to each other and open to the public. The department is always crowded due to the large numbers of service seekers and attorneys. 5. There is no space to add new cabinets. 6. Computers in the execution departments are few and very old. Even the Mizan program is very slow and ineffective. 7. The furniture is very old and broken. <p><u>Zarqa Court:</u></p> <ol style="list-style-type: none"> 1. The files used by the department are not suitable and come in three different numbers with no indications. 2. There are three different mechanisms used to keep files in the department, leading to difficulties in 	<ol style="list-style-type: none"> 1. Provide practical files that can hold more documents. The files should be big enough and made from plastic. 2. Number the files shelves: Standardizing the numbering mechanism used in numbering the shelves and dividing the shelves according to: the case file type, year, and serial number. Distribute the case files in the cabinets according to the case type. 3. Develop and enhance the file movement by documenting the case file movement in one database. Reduce the physical movement of the file and enforce certain measures to reduce the chances of file content tampering. This should be done along with the activation of an appropriate mechanism for supervising and following up on the file movement. 4. Develop storage rooms/places for file keeping. Develop appropriate measures and standards in order to secure the safety of the warehouses and storage rooms. 5. Systematic destruction of files: Conduct regular inventories to identify the files which may be destroyed and carry out the destruction of those files on a regular basis. The process of files destruction should be standardized by all courts. The process should take into consideration the confidentiality of the information contained in the files and be in 	<p>Institutional Capacity and Human Resources Program</p>

<p>4. The information provided on the cover the files varies at both courts. The cabinets used to store the files differ in size and shape from one court to the other.</p>	<p>reaching and retrieving the files.</p> <p>3. Abandoned and executed files are left on the shelves with the pending cases. The number of those cases is in the thousands. This is due to the lack of space at the execution department's storage room.</p>	<p>environmentally friendly.</p> <p>6. The infrastructure: Reconsider the court's infrastructure and make every effort possible to develop it according to work needs.</p> <p>7. Cabinets: Provide safe cabinets to keep and store the case files. Replace the current shelves with specially designed cabinets.</p> <p>8. The labels: Provide labels to number the files. The labels should be stuck to the files according to the colors of the file - each color represents a certain case type.</p> <p>9. Use barcoding technology to track the movement of the case files: This should be done to document all case file movements inside the court.</p>	
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Fourth: Internal and External Communications:

Effective and open communication with external stakeholders is vital to the success of any entity. The execution of judgments departments, rely heavily on effective external communications to get accurate information in a timely manner and to provide information to external institutions.

Internal communications between the various administrative units is an important element too, especially when it comes to the issuance of periodical statistical reports that reflect the performance efficiency and give decision makers necessary and accurate information to help them reach targeted decisions. The input received can lead to a better read on work efficacies and weaknesses.

Following are the most important results and challenges related to communicating with external and internal stakeholders together with the key reports and indicators produced and used by the execution departments.

❖ **Study Findings:**

- The functions of the execution departments overlap with the functions of other departments within the judiciary, including the notification departments and the

offices of the clerks. There's an overlap of functions and operations with other external departments such as: the public security department, the center for rehabilitation directorate, company controller's office, vehicle registration department, land registration department and the civil status directorate in addition to all the ministries which have judicial policing powers such as the ministry of agriculture, ministry of trade and industry and ministry of health, etc.

- Communication with the abovementioned departments is done through written correspondence. This takes time and entails no standard form or regulation on the exchange of information with other entities. Only the civil status department provides a CD with the required information for this department. Communications is done through phone calls, fax and emails, but it is still not considered as a legal and official means of communication.
- Internally, supervisors communicate with their staff members verbally and by using other communication means. Official communications however are done through written memos.
- The execution of judgments departments, issue internal monthly reports illustrating their achievements. Information includes the following:
 - o The number of incoming cases by month.
 - o The number of disposed cases by month.
 - o The number of pending cases.
 - o The total number of cases.

Attachment number (6/a) shows the number of older cases of various types at the judgments execution departments at both the Zarqa and West Amman Courts (civil and criminal). It also gives a general analysis of these numbers.

❖ **Challenges:**

a) There is no clear classification for pending cases according to year or type. This means that nobody can determine the period and time lapsed of the abandoned cases. The absence of such information makes it impossible to determine the case's disposition rate.

- Appealed cases appear within the pending cases – this leads to an inaccurate description of the case's type. This problem is more apparent in West Amman Court, due to the large number of appealed cases in the court. It also does not show the cases that were disposed through settlements between entities, but rather shows as still being pending. The absence of such details and classifications leads to false impressions and inaccurate inputs being given to the decision makers in relation to the workload of the courts.

b) The monthly disposition rate (measuring performance) is calculated inaccurately. This rate is calculated by dividing the number of disposed cases during a month with the number of incoming cases during the same month (number of disposed cases / number of incoming cases during the same month). This method dismisses the number of pending cases from other months and does not indicate if the great majority of the disposed of cases are newly registered ones or not.

b) When both courts reports were reviewed, there was a clear fluctuation in the rate of disposition of cases. The reasons for such fluctuation is due to the fact that the execution departments review the execution cases once every six months in order to define the abandoned ones. Cases that are found not to have any action taken regarding them in the past six months are considered to be abandoned cases, despite the fact that abandoned cases become active after being renewed by the concerned parties and retain the same original number, they are still considered to be disposed of when preparing the statistical reports. Such disposition is a factious one and should not be considered as such.

c) Besides disposed cases, the published reports and tables lack other performance indicators such as the time from registration to disposition, the case's period rate, the hearings productivity and public and/or staff satisfaction.

The numbers provided therefore, lack sufficient information or indicators that could give a more accurate picture on the functions and workload of the execution of judgments departments, or on their strengths and weaknesses.

d) In addition to the above stated challenges, the execution departments suffer from many difficulties in obtaining needed information from other relevant external institutions, such as the civil status directorate which provides information related to the litigants names and their national numbers. The civil status directorate has a CD containing information however much of that info is outdated or incomplete.

e) In addition to the parties stated in the above subparagraph, the judgments execution departments needs to communicate on a regular daily basis with other governmental institutions in order to expedite the execution process. The following are the key external institutions:

- Judicial police department.
- Vehicles registration and drivers licensing department.
- Company controller office.
- Corrections and rehabilitation directorate.
- Other ministries with judicial police powers (trade and industry, health, labor, agriculture, etc.)
- Boarder crossing points.
- Land registration department.

❖ **Recommendations:**

- Internal Communications.

- One of the most important steps to be taken, in relation to internal communications, is the review of the structure and information of the reports prepared by the execution of judgments departments. The reports need to reflect a more concise picture of the work and performance of the departments. In order to do so it is suggested that the case classifications include the following indicators:
 - Pending cases:
 - Abandoned cases: Cases where no action is taken towards them in six months.
 - Appealed cases.
 - Under execution cases: Cases disposed through a financial settlement or through a judgment.
- Disposed of cases.

This classification will better represent the status of the execution cases in addition to the workload of each execution department. For instance, the number of appealed, and under-execution cases, increases the total number of the pending cases. Disposed of cases still count as pending cases.

Figure number (3) shows the suggested new structure for the monthly reports generated by the execution of judgments departments.

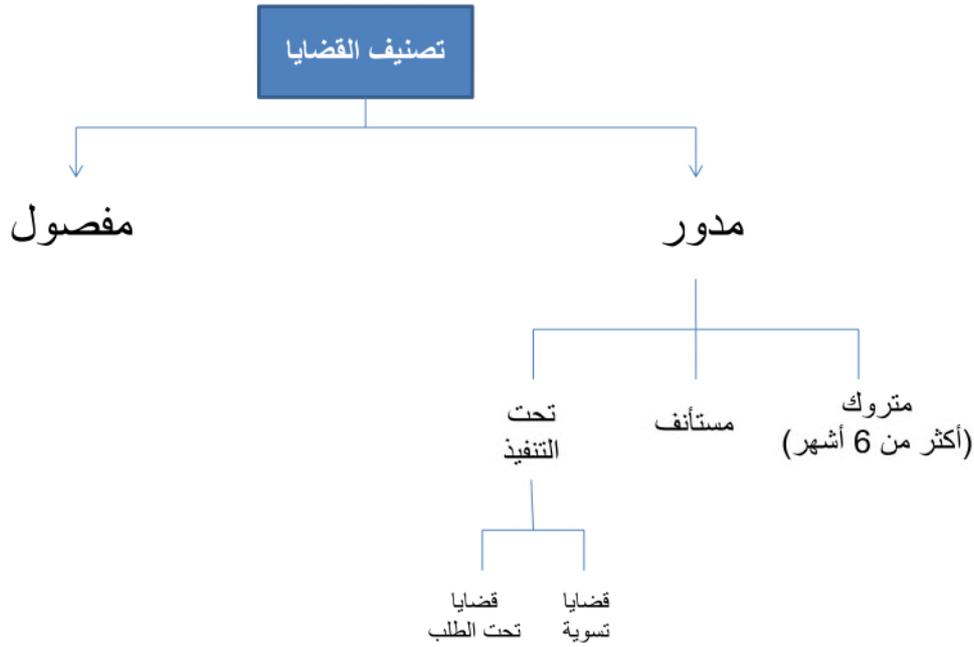


Figure number (3): Suggested structure of the monthly statistical reports – civil cases

- Change the method used in calculating the disposition rate and include the pending cases in addition to the newly registered ones. The rate will be calculated according to the following:
 - o The disposition rate = the disposed of cases during the month and the newly registered cases during the same month + the pending cases from previous months.
- Additionally, numbers appearing in the monthly reports, according to the above stated classifications, do not present sufficient indicators related to the judgments execution departments. Only quantitative indicators are provided, whereas information regarding the quality of the services provided or customer satisfaction is missing. It is therefore suggested to use other indicators in addition to the existing ones in order to correctly and more accurately measure the performance of the judgments execution departments, such as:
 - o The time rate for disposing cases: This indicator can be measured by measuring the rate of the time periods needed in order to dispose of the cases during one month.
 - o The pending cases period rate: This indicator measures the period between the time the case was registered until the report date during a specified time period (0- 3 months, 3- 6 months, 6-12 months or more than 12 months). Percentages related to total number of cases, need to be calculated too.

- The degree of staff and customer satisfaction.

-External Communications:

It is crucial to electronically link the execution of judgments departments to various other relevant departments to obtain necessary and updated information. Memorandums of understanding with relevant institutions should be prepared. The institutions are:

- Judicial police directorate.
- Drivers and vehicles registration department.
- Border crossing points.
- Land registration departments.
- Governmental ministries and institutions.

Civil Judgments Execution Departments: Internal and External Communication Components in Zarqa and West Amman First Instance Courts

Current Status Description	Challenges	Bridging the Gap Activities	Programs
<p>1. The functions of the execution of judgments departments overlap with the functions of other departments within the judiciary such as the notification department and the offices of the clerks. There are also overlaps with the functions and operations of other external departments such as the public security department, the center of rehabilitation directorate, the company controller's office, the vehicle registration department, the land registration department and the civil status directorate in addition to all the ministries which have judicial policing powers such as the ministry of</p>	<p>1. Internal communication methods used are inefficient and time consuming due to a lack of a standardized or defined information exchange system. The only information the judgments execution department receives, is a CD from the civil status department containing incomplete and outdated information.</p> <p>2. Some company representatives provide unclear and vague information and this is only obtained from the companies' controller office through a lengthy process of written communications.</p>	<p>1. An internal communication mechanism has to be developed to improve and provide electronic communication through the use of intranet. The mechanism needs to be officially approved and legally recognized to communicate information and generate reports at all levels.</p> <p>2. Memorandums of understanding must be signed with all relevant external stakeholders and institutions including the companies' controller office at the ministry of trade and industry. This external communication mechanism will enable the judgments execution departments to obtain all the information needed accurately and without any delays.</p> <p>3. Define the types of necessary external information by developing special forms that capture that information. Document it through the use of the appropriate stamps and signatures.</p>	<p>Institutional Capacity and Human Resources Program</p>
	<p>3. The absence of a clear case calcification for pending and disposed-of cases according to the year of the cases.</p> <p>4. The distribution of judges on the courts is not commensurate with the judge's actual</p>	<p>4. Review the structure and content of the statistical reports prepared by the judgments execution department so that the reports provide a more detailed and accurate picture of the performance and achievements of the departments. To do so, the following case classification should be introduced:</p> <ul style="list-style-type: none"> • Pending cases. • Abandoned cases, which include cases where no action was taken during a period exceeding six 	<p>The Studies, Research and Plans Program</p>

<p>agriculture, ministry of trade and industry and ministry of health, etc.)</p> <p>2. Communications are done through officially written letters and correspondences.</p> <p>3. Communications with stakeholders are done through phone, fax, e-mails. These channels are not considered as official correspondences.</p> <p>4. Internal communications are usually done verbally between the supervisors and their staff members or by using other official correspondence.</p> <p>5. The judgments execution departments issue internal monthly reports that capture achievements. The reports include the following information:</p> <ul style="list-style-type: none"> - Number of registered new cases per month. - Number of disposed cases per 	<p>workload (the total number of cases/ number of judges). This indicates a lack of an accurate distribution of cases to judges.</p> <p>5. The execution of judgments departments face difficulties in accessing needed information from external institutions such as the civil status department and the land registration department.</p>	<p>months.</p> <ul style="list-style-type: none"> • Appealed cases. • Cases under execution-Cases where financial settlements were given or a judgment was issued in relation to the case. • Disposed of cases. <p>5. The use of other indicators in addition to the ones already used to measure the performance of the judgments execution departments by measuring the time needed to dispose of cases within each month and the average time rate of the pending cases.</p>	
		<p>The execution of judgments departments needs to communicate on a daily basis with other governmental institutions to expedite the execution process. The following are the most important external institutions:</p> <ul style="list-style-type: none"> - Judicial police department. -Vehicles registration and drivers licensing department. - Company controller office. - Corrections and rehabilitation directorate. 	<p>Institutional Capacity and Human Resources Program</p>

month.

- Number of pending cases per month.

-Total number of cases.

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Fifth: Infrastructure:

The infrastructure is a determining factor in the work efficiency at the execution of judgments departments, especially in relation to building. The report covers the study findings and the most important infrastructure challenges identified. The infrastructure status is covered by the following components:

- Buildings: Division of the space and suitability to the work requirements of the execution departments.
- Equipment and machines currently used at the execution departments, including communication tools, typing, furniture, and computers.
- Buildings:

❖ Study Findings:

- Zarqa First Instance Court:
 1. The civil execution of judgments department occupies most of the space in the basement floor of the court's building. A large hall serves court users. The hall contains various counters that host the staff who deal directly with the public to provide various execution of judgment services including: checks, promissory notes, conciliation, companies. The hall at the back also contains offices of the other staff and open shelves where the case files are kept. The basement floor also contains the storage room for old and abandoned case files. Staff offices occupy the largest part of the hall whereas the remaining space is designated for the public to line up and or sit and wait on plastic chairs. The hall is divided into a number of service windows with each one designated for certain types of cases which include:
 - Conciliation and first instance cases.
 - Promissory notes and checks cases (including merchant cases).
 - Accounting cases.
 - Rents.
 - Follow-up.
 - Releases from custody.
 - Sharia'a cases.
 2. It was noted that a large number of people seek services at the rent counter, despite the fact that the service was moved out of the courts since the beginning of the year, following a decision issued by the Minister of Justice after the new Tenants and Landlords' Law came into force.
 3. The department's president, and judges offices, occupy part of the first floor of the court's building.

❖ **Study's Findings:**

- West Amman Court:

1. The civil execution of judgments department is located on the ground floor of the court's building. The customer service hall occupies most of the department's space. The hall contains counters with glass windows through which staff engage with, and, provide customer service. The services include the various types of cases according to the following:
 - First instance and conciliation cases.
 - Promissory notes.
 - Justice.
 - Companies and banks.
2. Part of the hall was separated and given to the banks and companies section with special staff being allocated to this division - this reduced work pressure inside the hall.
3. The department also contains the execution judge's office in addition to the storage rooms where all the closed cases are stored. It is worth mentioning that the West Amman court's building is a rented property.

❖ **The Challenges:**

In general the location of the civil execution of judgments departments in both courts is considered as a major challenge - be it the space or its design. The problem is worse at the west Amman court due to the fact that the available space is very limited and the court's building is a rented one, which makes it impossible to introduce major infrastructure changes. The following are the key challenges faced by both courts in relation to the place allocated to the judgments execution departments:

- Lack of a queuing system leads to disorder and chaos in the service halls.
- Absence of any signage to direct court users to the various divisions and units. This issue, in addition to the absence of a customer service office, increases the disorder because court users don't know where to go and who to approach in order to be serviced. In several cases, a person will wait for a while to talk to a staff member only to discover that he/she is not the right person.
- The design and division of the offices does not suit the workflow and applied procedures. The file, and the person have to move from one office to another, to complete the related process.

- Both departments are overcrowded. The waiting areas designated for the public are small and are not being used. Court users are obliged to line up by the service windows due to a lack of a queuing system. In both departments, the offices of the execution judges are located outside the main hall (at Zarqa's court the judge's office is located in another floor). This requires the allocation of a messenger to move and transfer files to and from the judges' offices. It also leads to difficulties in communication between the judge and the related staff.
- The storage rooms at the West Amman court are considered to be in a very bad shape. They're not organized, and one of the rooms is located in a closed balcony full of files, making it very hard to locate and retrieve needed files. The files there are very vulnerable and lack security and can be tampered with or stolen. In addition it the room lacks fire sprinklers or extinguishers.

It is worth mentioning that the Zarqa court is about to move to a new location- the study team visited the new location and found the space to be more modernly designed and organized. The new location has sufficient space for the execution department. It is very important to design the new space in a way that matches the department's workflow.

❖ **Recommendations:**

1. The location of both the West Amman and Zarqa civil execution of judgments departments adversely affect functions and services to the public. Both courts are considering taking major steps in to deal with the problem. The Zarqa court is moving to a new building with a modern design. It is very important to divide the new space in accordance with the workflow and classifications of cases with a special section being allocated to each case type. The study's team visited the new location and found that the space allocated is sufficient to host both the criminal and civil judgments execution departments. There are some remarks that should be taken into consideration before the move. It is anticipated that the court will relocate to the new building during July 2012.
2. As for the West Amman court, there is a plan to expand the first floor where the judgments' execution department is located by adding a 160m extension to the current space. The extension will provide the department with the space it needs for the upcoming few years. In addition to the expansion plans, it is very important to consider the following points when moving to the new location or even if the departments will remain in their current locations. Such points (measures) will help to enhance work efficiency, increase production, and increase the level of satisfaction of both the public and the staff. These measures can be summarized as follows:

- a) Installation and use of an electronic queuing system: This system will give each person a ticket with a serial number according to the service type he/she is seeking. This will allow court users to remain in the waiting area till their turn comes. Certain windows can be allocated to service certain people (especially lawyers) who visit the department for more than one case. Additionally, certain hours, or certain days, can be allocated to process those services.
- b) The allocation of a big enough waiting hall for court users.
- c) Placing the offices of the judge and the public prosecutor in the execution of judgments department own space or in a nearby location.
- d) Establishing an information office as part of the customer service, to respond to public inquires and provide them with the needed information and forms. This office will reduce work pressure on department staff.
- e) Providing signage containing information regarding the services provided by the execution of judgments departments and the needed documents to receive such services. Other signs will also be installed that clearly show the location of the offices and the various services provided. It is advisable to have electronic information boards, which makes changing and updating the information contained in the boards easier.
- f) Creating sufficient space and shelves for the storage of case files and records.
- g) In all events, sufficient space will be provided for the use of the staff who provide financial services and who need more privacy to focus on their work functions.

Civil Execution of Judgments Departments: Buildings Component at Zarqa and West Amman First Instance Courts

Current Status Description	Challenges	Bridging the Gap Activities	Programs
<p><u>First: Buildings – Zarqa</u></p> <p>1. The execution department occupies most of the basement level of the court’s building. The hall hosts a space for court users and storage for abandoned and old cases.</p> <p>2. In addition to the basement, the department occupies a large part of the first floor. Located there is: the public prosecutor’s offices, the offices of the execution judges, and the offices of the criminal judgments clerks.</p> <p>3. The court users hall contains windows allocated to a service type such as: conciliation, first</p>	<p><u>Infrastructure gap in both courts:</u></p> <p>1. Space and disorder are the biggest challenges. The challenge faced by the West Amman court is more serious due to the lack of space and due to the fact that the court’s building is a rented one, which makes it hard to do any improvements.</p> <p>2. The lack of space allocated for civil judgments execution court users. The large number of court users makes both departments overcrowded especially in the morning hours. The situation is more serious at the West Amman court due to the very limited space the department occupies.</p>	<p>1. Both courts are planning to take key steps to deal with this problem. The Zarqa court is planning to move to a new building designed to modern standards.</p> <p>2. For West Amman court, there are plans to extend the ground floor which hosts the judgments execution department. The plan is to add 160m to the current space to accommodate the department’s needs for the next coming few years.</p>	<p>Institutional Capacity and Human Resources Program</p>
	<p>3. The absence of a queuing system leads to issues between court users and the staff.</p>	<p>3. Installing an electronic queuing system and allocating special service windows (especially for lawyers) for people who seek services for more than one case with the possibility of allocating certain days or hours to serve them.</p>	<p>Institutional Capacity and Human Resources Program</p>
	<p>4. The customer’s waiting hall in West Amman court lacks appropriate ventilation and air conditioning systems.</p>	<p>4. The provisions of a large waiting hall.</p>	<p>Institutional Capacity and Human Resources Program</p>
	<p>5. Lack of privacy for staff due to the limited space. This also prevents</p>	<p>5. The provision of an information office, which</p>	

<p>instance, promissory notes, commercial (banks and checks).</p> <p>4. Beginning last year, the rents section was added to the execution department. This led to more work for the department</p>	<p>them from efficiently carrying out their functions. This is especially true for the accounting section staff who need more privacy.</p>	<p>should be part of the public service office, in order to answer the public's questions and provide them with the needed forms. This it will reduce the work pressure on the staff.</p>	
<p>First: Buildings – West Amman:</p>	<p>6. Due to limited space, the case files at the West Amman court are very close to court users, making files vulnerable to tampering and theft.</p>	<p>6. Allocation of enough space and privacy for staff - especially those who provide financial services in order for them to concentrate and focus on their duties.</p>	<p>Institutional Capacity and Human Resources Program</p>
<p>1. The judgments execution department occupies most of the court's first floor space, including the waiting area for court users, the execution judge's office, the public prosecutor's office, and the files storage area and waiting area.</p>	<p>7. The absence of any signage to help direct court users to the location of the various sections and offices. Absence of a customer service office increases chaos and tension.</p>	<p>7. Provision of signs in appropriate areas with information about the services/and or required documents pertaining to the judgments execution departments. Also provide direction signs for court users to increase efficiency and decrease tension.</p>	
<p>2. Part of the hall (banks and companies) is allocated to the execution of</p>	<p>8. Distribution of the offices is not adequate in both courts. A messenger is needed to move files between the various offices and sections thereby making communication between the judge and the prosecutor and their staff, much harder.</p>	<p>8. Place the judges and prosecutor offices in an appropriate location inside the execution hall or nearby.</p>	
	<p>9. The files storage areas in the West Amman court are unsuitable. The closed and abandoned files are kept in the building's basement- no ventilation and water damage. The rest of the files are unorganized and are kept in the criminal cases</p>	<p>9. The provision of sufficient space for the storage of files.</p>	

<p>civil cases. There is a special door and its own staff in order to reduce work pressure.</p> <p>3. Staff, and special windows, are allocated to certain services such as: first instance, conciliation, promissory notes, commercial, banks.</p> <p>4. The West Amman court building is a rental and is not designed to serve as a court house.</p>	<p>storage area located in a closed balcony. This makes it very hard to locate a certain files.</p> <p>10. In the Zarqa court, the large number of case files has led to: unorganized and overcrowded storage spaces. The abandoned cases are kept in the same place as the active cases are due to insufficient space.</p>		
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Tools and Equipment:

❖ Study Findings:

- In both courts there are numerous tools and equipment used to carry out work. Equipment and tools can be classified as follows:

1. Telecommunication equipment (phones and faxes).
2. Various computer machines.
3. Printers, scanners and photocopying machines.
4. Furniture such as: tables, chairs and cabinets.
5. Stationary such as: files, papers and pens.

❖ Challenges:

- Zarqa First Instance Court:

With regards to tools and equipment, the judgments execution department faces the following challenges:

- 1- Current equipment is old and used, especially the computers.
- 2- Extreme shortage in the telecommunications equipment such as phones, faxes and photocopying machines. There is only one fax machine in the office of the senior public prosecutor and one photocopying machine for each department. The department also suffers from lack of scanning machines and printers.
- 3- Furniture is very old and insufficient.
- 4- General lack of stationary and supplies – they are not provided to the department on a regular basis.

- **West Amman Court:**

- 1- Computers are old and insufficient.
- 2- Lack of photocopying machines. Only one machine was recently supplied to the court.
- 3- Lack of sufficient filing cabinets. The furniture is very old and consumed.
- 4- The judgments execution departments in West Amman Court are deprived of certain furniture including chairs for the staff. Staff are forced to stand while working.

The following table shows a list of the equipment and tools in both courts, in addition to an estimation of actual needs. The list has to be carefully studied and reviewed:

A. West Amman Court			
Type	Current Number	Needed	Shortage

		Number	
Computers	5	9	4
Printers	3	4	1
Scanning Machines	1	2	1
Photo Copying Machines	2	2	0
Fax Machines	1	2	1
Phones	1	2	1
Discs	2 (out of use)	2	2 - Space cannot accommodate any additional desks.
Tables	NA	-	Space cannot accommodate any additional tables.
Chairs	5 old chairs.	5	5- Space cannot accommodate any additional chairs.
Air Conditioning	NA	2	2
Vans	3	4	1
Cabinets	NA	2	2
Drawer Chests	2 out of use	2	2

B. Zarqa Court:

Type	Current Number	Needed Number	Shortage
Computers	17	24	7
Printers	3	5	2
Scan Machines	4	8	4
Photo Copying Machines	NA	2	2

Fax Machines	Na	2	2
Phones	1	1	0
Desks and Tables	21	29	8
Chairs	25	30	5
Air Conditioning	5	-	0
Fans	2	-	0
Cabinets	9	8	0
Drawer Chests	NA	8	8
Money Counting Machines	NA	2	2

❖ **Recommendations:**

Efforts should be made to provide the execution of judgments departments with the necessary equipment, tools and supplies as soon as possible. The Zarqa court should be supplied with scanning machines and printers so as to increase efficiency.

Civil Execution Departments: the Tools and Equipment Component at the West Amman and Zarqa Courts

Current Status Description	Challenges	Bridging the Gap Activities	Current Status Description
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<p>Second: Tools and Equipment – West Amman and Zarqa</p> <p>Both courts have some tools and equipment to carry out their functions. The equipment and tools can be classified as follows:</p> <ol style="list-style-type: none"> 1. Telecommunications machines: telephones, faxes. 2. Various computer machines. 3. Scanners, printers and photocopiers. 4. Furniture: chairs, desks and cabinets. 5. Stationary and supplies: files, papers, pens. 	<p>First: Equipment and Tools at the Zarqa Court</p>		
	<ol style="list-style-type: none"> 1. The equipment used is old - especially the computers. 	<ol style="list-style-type: none"> 1. Provide more advanced computers in relation to memory and programs according to the functions of each office. 	<p>Institutional Capacity and Human Resources Program</p>
	<ol style="list-style-type: none"> 2. There is a severe shortage in the telecommunication machines such as phones, faxes and photocopiers. There is only one fax machine located at the public prosecutor's office and one photocopier for each department. There is also a shortage of scanners. 	<ol style="list-style-type: none"> 2. Develop a list that includes the tools and equipment needs of the judgments execution departments. Provide them as soon as possible. The two courts should be supplied with the following items ASAP due to their great need and their effect on the departments work: <ul style="list-style-type: none"> • West Amman: photocopier, computer machines, filing cabinets. • Zarqa: scanners, printers, photocopiers, phones and faxes. • 	<p>Institutional Capacity and Human Resources Program</p>
	<ol style="list-style-type: none"> 3. There is sufficient furniture but it is old. 		
	<ol style="list-style-type: none"> 4. There is a permanent shortage in supplies and stationary. Paper, printing paper, pens and files, are not always available. 		
	<p>Second: Tools and Equipment – West Amman Court:</p>		
	<ol style="list-style-type: none"> 1. The computer machines are old and their number is not enough. 		
	<ol style="list-style-type: none"> 2. There is a severe shortage in photocopiers. Only one photocopier works. 		
	<ol style="list-style-type: none"> 3. There is a shortage in filing cabinets and the furniture is very old. 		

First: The legislative and regulatory framework

1. Study Findings:

This part of the study sheds light into the execution of the judgments issued by the criminal courts, however before the judgment's execution phase there should be a criminal judgment phase issued by a criminal court. A penalty ranging from a simple fine to possible death may be issued by the court. Criminal courts are divided into the following:

- Conciliation criminal court.
- First instance criminal court – misdemeanors
- First instance criminal court – felonies
- Grand felonies court

In order to achieve the highest degree of justice, the legislator enables a convicted person to object to his/her conviction before a higher court. This has to be done during certain time frames stated by the law. A criminal judgment can be objected against through the following legal procedures:

- Appeal.
- Cassation.
- Retrial.
- Cassation through a written order.
- Objection against in absentia judgments.

When a criminal judgment is issued by one of the abovementioned courts, and becomes final, it gets executed through the public prosecution department of the court which issued such judgment. This execution process is governed by a legal framework composed of various legal articles and rules, stated in more than one legislation where there is no one single law or legislation that governs the execution of criminal judgments. These legislations are:

- The criminal procedures law.
- The conciliation courts law.
- The penal code.
- The courts' fees schedules.

The schedule (No.1) stated below shows the names of the legislations and the articles related to the execution of criminal judgments. Attachment (No.1) includes the full text of those articles:

Legislation's name	Number of legal articles	Subject
Criminal procedures law number 9 of 1961	(355) (354) (353) (16)	The public prosecutors powers related to the execution of judgments.
	(361 -357)	Execution of the death penalty.
	(363)	Execution of disputes.
	(346 – 341)	Expiration of the penalty due to the statute of limitations.
	(336)	Expiration of the penalty due to death.
	(260) (256) (192 – 191)	Appealing execution of judgments decisions.
	(189 – 184)	Objections against misdemeanor issued decisions.
	(212)	Objections against felonies issued decisions.
	(254)	Re-trying fugitive convicts.
Conciliation court law number 15 of 1952	(12)	Objections against infractions and minor misdemeanors issued decisions.
	(17) (10)	Appealing conciliation court judgments and decisions.
Penal code number 16 of 1960	(22)	Converting fines to imprisonment.
	(27)	Converting imprisonment to fines.
	(47)	Expiration of criminal judgments.
	(49)	Expiration of the penalty due

		to the death of the defendant.
	(50)	Expiration of the penalty due to the issuance of a general pardon.
	(51)	Expiration of the penalty due to the issuance of a special pardon.
	(52)	Forgiveness provided by the injured party.
	(54)	Expiration of the penalty due to the expiry of the statute of limitations.
The courts' fees schedule	(38 – 29)	Fees paid when converting imprisonment to fines and vice versa.

Schedule (No.1) – Legislations related to the execution of criminal judgments

2. Challenges and recommendations:

There are a number of challenges related to the legal and legislative framework affecting the execution of criminal judgments. These challenges are manifested in many of the legal procedures and cause many delays.

Challenges include:

1- Objecting against in absentia criminal judgments:

Articles 184-189 of the criminal procedures law in addition to article 12 of the conciliation courts law deals with the procedures which govern the objection against criminal judgments and the legal timeframe during which such objections can be submitted in addition to the procedures to be followed when trying the criminal case by the related court.

Articles (184-189) of the criminal procedures law:

Article 184 :

Article 185 :

Article 186:

Article 187:

Article 188:

Article 189:

Article 212/2:

Article 12 of the conciliation courts' law:

Decisions that can be objected against are the in absentia decisions issued by the criminal courts regardless of the issuing court's type. According to the latest amendments that were introduced to the conciliation courts law, it became mandatory to object against in absentia judgments issued by the conciliation criminal courts (article 12/2). The amendment also introduced to article (212) of the criminal procedures law, shows how to object against the in absentia judgments issued by the first instance courts in its criminal capacity if the accused appears before the investigative authorities and not appear before the court during the trial. In addition, the court's decisions which are issued after the court's decides on the objection, can be appealed according to article (189) of the criminal procedures law and article (12/5) of the conciliation courts law. This means that the legislator gives the defendant, who was convicted in absentia, the opportunity to submit an objection against the judgment against him/her and then appeal the decision issued regarding such an objection. This process takes a lot of time and causes case delays due to the fact that the court of appeals usually vacates the judgment which is appealed for the first time and sends it back to trial court to allow the convicted person to present any evidence he/she alleges was deprived from presenting.

Recommendations:

- Reconsider article (12/3) of the conciliation courts law and article (189) of the criminal procedures law and consider the presence of the legal representative of the defendant who submitted the objection as sufficient, and to formally accept the objection by adding the work his/her representative after the objector in article (12/3) and the defendant in article (186) of the criminal procedures law.
- Activate the text of article (12/1) of the conciliation courts law which states ()

-Add a phrase to the articles, which deal with the objection, indicating the mandatory need to schedule a first hearing to look into the objection on the same day the objection is presented to the court to compel the objector, or his/her legal representative, to attend and thus save time.

- 2- Activate the application of article (12/1) of the cancellation courts law which states ()
Article (12/1) of the conciliation courts law allows the defendant's representative to attend the verdict's hearings except the hearing stated in article (168) of the criminal procedures law. This means that the decisions issued in the presence of the legal representative are considered as judgments issued in the presence of the convicted person. The period to appeal such decisions therefore starts on the day after the issuance. This means there is no need to issue a summary of the judgment and notify the defendant in person through the court's notification department or by publishing the summary in the official gazette because these procedures are time consuming and cause delays in the litigation process and delay the execution of the judgment.

Its important to note that criminal courts do not apply this rule and notify the defendant to attend the hearing sessions without the presence of a lawyer. This practice is also applied in notifying the lawyer of the hearing sessions dates in case the judgment is vacated by the court of appeals and is returned to the trial court, where the case is registered under a new registration number and a new summons has to be issued to all parties. Accordingly, re-enacting the previously stated article would result in making the notification of the legal representative who submitted the appeal related to the decision issued in relation to the objection, or the one who represented the defendant before the trial court, a legal and valid notification. This would reduce time and effort and the number of appeals submitted for the second time due to the fact that the defendant or his/her lawyer cannot claim that they have a just reason for not attending the hearing sessions.

- 3- Repeated appeals related to criminal decisions aimed at delaying and prolonging the litigation process:
The conditions governing the right to appeal should take into consideration the interests of both the defendant and the plaintiff. This will result in a sufficient reduction in the number of appeals and objections aimed at delaying the litigation process. This can be achieved by imposing a payment of a bond or a monetary amount on the appealing or objecting party.
- 4- Notification of the criminal decision (criminal and personal rights claim)
The notification of the criminal part of the judgment, is carried out by the criminal notifications office. This process does not include the notification of the personal claim part of the judgment, this gives the defendant the right to object to the in absentia

judgment in the conciliation cases and to appeal the criminal part in the first instance cases without appealing the personal claim part, due to the fact that he/she was not notified. Usually the defendant will wait until he/she receives the result of his appeal or objection to the criminal part and after this he/she appeals the personal claim part of the judgment - leading to delays in the process.

Recommendation:

- Amending article (12/5) of the conciliation court's law by adding a phrase which makes it mandatory to appeal the personal claim part of the judgment with the criminal part so that the court of appeals can decide both issues at the same time.
- Limit the number of appeals by following up the judgments' summaries submitted to the notifications office to ensure that the office notified all the summaries.

- 5- The considerable process delays involved in notifying criminal judgments through publication in the official gazette. This method is lengthy and takes an estimated four to six months.

Recommendation:

Reconsider the notification of the criminal judgments' summaries by publishing them in the official gazette. Develop more efficient procedures while granting the relevant party in the case the opportunity to notify the summary of the judgment on his own expense by publishing it in one of the local newspapers.

- 6- Inactivation of the public prosecutor's powers in relation to the execution of judgments (cassation court's decision).

The public prosecutor has the power to dismiss the penalty and close the judgment's execution case if all the conditions related to the expiration of the penalty, stated in the law, are fulfilled. The current practice requires the related person to submit a request to the execution department, which in turn refers the request to the court, which issued the judgment, in order to make a decision.

- 7- Insufficient staff members at the public prosecution departments to effectively deal with the number of incoming execution cases. This leads to prolonged delays.

Recommendation:

Appoint a specialized public prosecutor to execute the criminal judgments by adding a new legal provision to govern this issue.

Criminal Execution of Judgments Departments: The Legislative and Regulatory Framework in both Amman and Zarqa First Instance Courts

Description of the Current Status	Challenges	Activities to Bridge the Gap	Programs
<p>When a criminal judgment is issued by one of the abovementioned courts, and is finalized, it's executed through the public prosecution department of the issuing court. The execution process is governed by a legal framework composed of various legal articles and rules. There is no one single law or legislation that governs the execution of criminal judgments.</p>	<p>1. Objections against in absentia criminal judgments.</p>	<p>1. Reconsider article (12/3) of the conciliation courts law and article (189) of the criminal procedures law and consider the presence of the defendant's lawyer who submitted the objection, as sufficient to formally accept the objection by adding 'defendant's lawyer' after the article (12/3) and the defendant in article (186) of the criminal procedures law.</p> <p>2. Add a phrase to the articles, which deal with the objection, that makes it mandatory to schedule an initial hearing to look into the objection on the same day the objection is presented to the court and compel the defendant, or the defendant's lawyer, to attend, thereby saving time.</p>	<p>برنامج التشريع</p>
<p>Legislations are:</p> <ul style="list-style-type: none"> - Criminal procedures law. - Conciliation courts law. 	<p>2. Inactivation of the text of article (12/1) of the conciliation courts law.</p>	<p>3. Activate the application of article (12/1) of the cancelation courts law which states (a)</p>	<p>برنامج التشريع</p>
<ul style="list-style-type: none"> - Penal code. - Court fees schedules. 	<p>3. Repeated criminal judgments appeals, which aim to delay and prolong the process.</p>	<p>4. The conditions governing the right to appeal should factor in the interests of both the defendant and the plaintiff. This will result in a sufficient reduction in the number of appeals and objections. This can be achieved by imposing a payment of a bond or a monetary amount on the appealing or objecting party.</p>	

	4. Notification of the criminal judgments (both the criminal and civil portions of the judgments).	5. Amend article (12/5) of the conciliation court's law by adding a phrase which makes it mandatory to appeal the personal claim part of the judgment with the criminal part, allowing the court of appeals to decide both issues at the same time.	
	5. Considerable delays in notifying the criminal judgments summaries by publishing them in the official gazette.	6. Reconsider the notification process related to the criminal judgments' summaries, which calls to have them published in the official gazette. Develop a more efficient and less time consuming procedure and grant the relevant parties the opportunity to publish/notify the summary of the judgment at their own expense in one of the local newspapers.	
	6. Lack of public prosecutors specialized in the execution of judgments and the inactivation of their present powers.	7. Give the public prosecutor the power to dismiss the penalty and close the judgment's execution case in the event that the case meets all the conditions related to the expiration of the penalty as stated by the law. 8. Appoint a specialized public prosecutor to execute the criminal judgments by adding a new legal provision to govern this issue.	برنامج التشريع

Second: Institutional Framework

The institutional framework is composed of two main components

- 1- The organizational structure, illustrates the existing job titles in the execution of judgment departments developed by the Ministry of Justice as part of the capacity and institutional development program. The organizational structure also illustrates the job levels and the deferent relations between the various jobs in addition to the channels of communications and the institutional hierarchy.
- 2- Human Resources, covers the regulations applied to manage and monitor the staff of the criminal judgments' execution departments. This includes: the number of staff, their qualifications, job titles and descriptions, the basis for their hiring, their evaluations, and the training programs they received.

This part of the report includes the study findings related to the two above stated components in addition to the main challenges faced by the execution of judgments departments.

The Organizational Structure

3. The Study Findings:

Despite the fact that the Ministry of Justice developed a new organizational structure for the public prosecution offices showcasing defined job descriptions, there is no one defined and applied organizational structure for the criminal execution of judgments departments. It is worth noting that the work of the criminal execution of judgments departments clearly overlaps with the functions of the criminal notifications office, which is considered as a part of the organizational structure of the court which issued the judgments, and not the organizational structure of the public prosecution departments.

The Criminal Execution of Judgments Department:

- The criminal execution of judgments department is considered part of the public prosecution department as shown in figure number (4). This means that the Chief public prosecutor is responsible for the office's functions, and he/she, is assisted by several staff. The following are the job titles for the head of the public prosecution department's Diwan and the staff members of the execution of judgments department. The job titles and descriptions are developed according to the organizational structure suggested by the Ministry of Justice:
 - o Head of Diwan: Despite the fact that this job is not part of the structure of the criminal execution of judgments department, it significantly affects the work of the department because the Head of Diwan acts as a liaison officer between the public prosecutor and the department.
The duties of the Head of Diwan includes the supervision and follow up of the functions and activities of the public prosecution department, to make sure that the work is running according to applicable laws, regulations, and instructions.
 - o Head of the Execution of Judgments Department: His/her duties and functions focus on organizing the daily work at the department through the development of a work schedule which ensures the best utilization of the available human resources and existing specializations. He/she also supervises and follows up on the procedures applied by the staff for incoming cases including: registration, fees estimation procedures, and computerized data entry. He/she also assists in carrying out the daily functions of the department according to the actual needs.
 - o Legal Researcher: The person holding this position prepares the criminal judgments summaries notification documents for the defendant. This position holder is also responsible for publishing the notifications in the official gazette. He/she also prepares: the summons to be served to the defendants and witnesses, and the imprisonment summons. The legal researcher is under the direct supervision of the Head of the criminal execution of judgments department.
 - o Follow up Clerk: He/she carries out almost the same duties given to the legal researcher.

- Data Entry Clerk/Typist: His/her duties include typing documents, correspondence, reports, and any other documents related to the department's work.

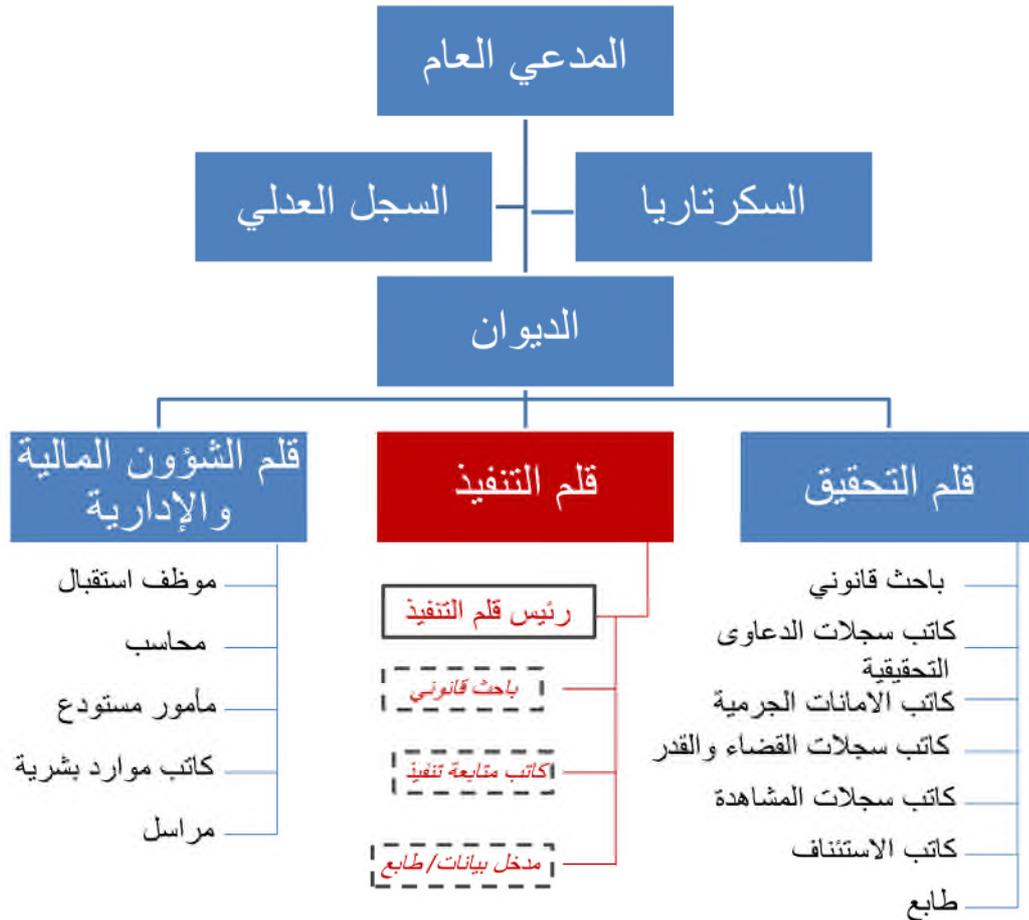


Figure number (4) – the Public Prosecution's Organizational Structure

It is worth stating that the criminal execution of judgments department at the West Amman First Instance Court includes the following job descriptions:

Three data-entry employees that work as execution clerks.

A legal researcher, who works as an execution clerk.

Criminal Judgments Notifications Office:

This office can be found in the criminal court which issued the related criminal judgment (conciliation or first instance). This office includes the following titles:

- Head of Office: The duties of the Head of office focus on executing the criminal judgments summaries notifications procedures and notifying such summaries. He/she supervises the electronic documentation of such procedures and notifies the related parties of its content. He/she also coordinates the work with other offices at the public prosecution department and supervises the staff members reporting to him/her.

- Judgments Execution Clerk: This position holder organizes and facilitates the procedures related to the various criminal cases according to the applicable legislations. The clerk publishes the judgments and makes sure that the parties concerned were notified. The clerk is also in charge of sending the judgments to the concerned institutions for execution.

Figure number (4/a) shows the organizational structure of the criminal notifications office as suggested by the Ministry of Justice.

Attachment (2/b) illustrates the job descriptions of the various staff members working at the criminal execution of judgments departments and the criminal judgments notification departments.

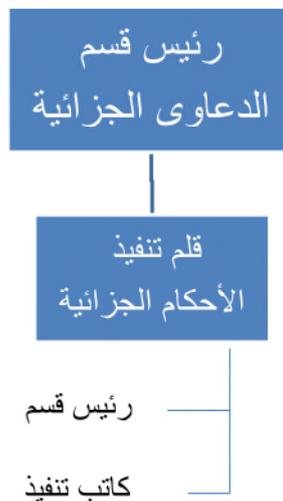


Figure number (4/a). The organizational structure of the criminal judgments notifications office

❖ The Challenges:

- 1- Despite the fact that there are defined job descriptions for the staff working at the criminal execution of judgments departments, the job descriptions and job titles do not accurately reflect the situation on ground. This is due to an insufficient number of staff and to discrepancies in staff qualifications and actual needed expertise. There is also a lack of financial resources. The absence of an accurate and detailed organizational structure leads to ambiguity and overlapping in the powers and responsibilities. Additionally, and in some courts, some staff members carry out certain functions which don't not fall within their job descriptions leading to weak administrative supervision.
- 2- Some functions, which should be carried by execution of judgments department staff, are actually carried out by non-related staff in the court.

❖ Recommendations:

- Develop a clear and standardized organizational structure for all the execution of judgments departments in the courts. The structure would provide clarity on the relations between the staff and the communication channels used. It would also help define: who are the decision makers and their responsibilities, and who's in charge of supervising who and who evaluates whom.
- Review and reconsider the job titles and descriptions of the execution of criminal judgments staff. The amended job descriptions should take into consideration the development needs of the execution departments and encourage the current staff to develop their performance. Equally important is the need to hire qualified staff members. Responsibilities and authorities for all job titles within the departments should be defined clearly so as to prevent any present or future overlapping between the staff and their functions.

**The Criminal Execution of Judgments Department: The Organizational Structure
for the West Amman and Zarqa First Instance Courts**

Description of the Current Status	Challenges (gap analysis)	Activities to Bridge the Gap	Programs
<p>1. The Ministry of Justice prepared an organizational structure for the execution of criminal judgments departments in the courts in addition to defined job descriptions.</p> <p>2. The departments of the criminal execution of judgments are considered as an integral part of the public prosecution department. The senior prosecutor from these departments is responsible for supervising the work of the department (with the assistance of other staff). Additionally, the functions of the execution of judgments department, directly overlaps with the functions of the notification of criminal judgments department of the issuing court.</p>	<p>1. Absence of a clear and defined organizational structure for the execution of criminal judgments departments.</p>	<p>1. Develop a clear and unified organizational structure for the execution of judgment departments. Responsibilities and the relations between the staff and the channels of communications should be clearly defined.</p>	<p>The institutional capacity and human resources building program.</p>
<p>3. The job titles and descriptions of the departments are:</p> <p>Criminal execution of judgments department:</p> <ul style="list-style-type: none"> ○ Head of the Diwan: Although this job is not a part of the criminal execution of judgments department structure, it significantly affects its work because the holder of this title acts as a liaison officer between the public prosecutor and the department. The duties of the head of the Diwan include: supervising and following up on the functions and activities of the public prosecution department and making sure that the work is running according to the stipulated laws, regulations and instructions. ○ Head of the Execution of Judgments Department: Duties and functions include: organizing the daily work at the department through a work schedule to ensure the best utilization 	<p>2. Lack of defined and clear job descriptions for the various jobs at the execution departments.</p>	<p>2. Review and reconsider the job titles and descriptions of the staff of the execution departments and compare with actual ones.</p>	<p>The institutional capacity and human resources building program.</p>
	<p>3. Ambiguity and overlapping between decision makers and people in charge which leads to an overlap in responsibilities and weak administrative supervision.</p>	<p>3. Define the various authorities and responsibilities for each post within the departments.</p>	<p>The institutional capacity and human resources building program.</p>

<p>of available human resources and existing specializations. The department Head also supervises and follows up on the procedures applied by the staff with regards to incoming cases including: registration, estimation of fees and data entry. The Head also assists in other department tasks as needed.</p> <ul style="list-style-type: none"> ○ Legal Researcher: Duties include: preparation of the criminal judgments notification summary documents for the defendants, carrying out the notifications which need to be published in the official gazette, preparing the summons to be served to the defendant and witnesses and preparing the imprisonment summons. The Researcher also assists with other department tasks as needed and reports to the Head of the execution of criminal judgments department. ○ Follow up Clerk: Duties performed are almost the same as those of the legal researcher. ○ Data Entry Clerk/Typist: Duties include: typing documents, taking care of any correspondence, reports and any other work related to the department. <p>Criminal Judgments Notifications Department:</p> <ul style="list-style-type: none"> ○ Head of Office: Duties include: executing and notifying the criminal judgments summary notifications. Supervising the electronic documentation of such procedures and notifying related parties of the content. Coordinating any work with other offices at the public prosecution department and supervision of the staff under this position. ○ Execution of Judgments Clerk: Organizing and facilitating the 			
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<p>procedures related to the various criminal cases according to stipulated legislations. Publishing the judgments and making sure that they concerned parties were notified. Sending the judgments to the relevant institutions in order to execute them.</p>			
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Human Resources

❖ Study Findings:

- Zarqa First Instance Court:
- The number of staff working at the Zarqa First Instance Court’s Execution of Criminal Judgments Departments is (6) in addition to the (5) staff that work at the criminal judgments notifications departments. The staff is divided as follows:
 1. The Criminal Judgments Execution Department:
 - o Head of Department (1)
 - o Clerk (3)
 - o Data entry (2)
 2. Criminal Judgments Notifications Department:
 - o Acting Head of Department (1)
 - o Clerk (4). One of them specializes in First Instance Court cases while the rest work on Conciliation Court cases.

❖ Study Findings

- West Amman First Instance Court:
- Two staff members were working at the criminal execution of judgments department. During the preparation of this study one of them was transferred to another location. Three staff members work at the criminal judgments notification department. The staff members in both departments carry out the following tasks:
 1. Criminal execution of judgments department:
 - o Data entry staff member/ acting head of criminal execution of judgments department.
 - o Legal researcher who works as an execution clerk.
 2. Criminal judgments notifications department:
 - o Head of the criminal judgments notifications department (1).
 - o Clerk (2)

- The staff working at the criminal execution of judgments department are subject to civil service regulations with regards to their hiring, levels, promotions, annual evaluations and various other aspects.
- Staff members working at the criminal execution of judgments department cooperated with each other and helped carry out their colleagues duties when the workload became heavy.
- Attachment (3/b) shows the number of staff working at the department in addition to their job titles, descriptions and qualifications.

❖ Challenges:

- Challenges related to human resources at the West Amman and Zarqa Execution of Criminal Judgments departments can be summarized as follows:
 - 1- Staff complained from the huge workload and the lack of sufficient staff needed carry out such a workload. The complaints centered more on the execution of civil judgments because of a significant drop in the number of criminal judgments due to a general amnesty that was issued last year. This situation was also evident during the field visits to the execution of judgments departments.
 - Large part of the workload stems from the fact that the staff answer the questions and inquires of court users, due to the lack of the availability of an information office.
 - 2- Discrepancies between the job descriptions and the actual work carried by the staff. This is evident when comparing the job titles and descriptions stated in the organizational structure and those applicable in real life. As it was stated above this situation leads to ambiguity in the roles and responsibilities and leads to overlapping of duties and to a lack of proper supervision.
 - 3- The hiring of staff at the criminal execution of judgments departments is not based on any standardized procedure and doesn't take into consideration their: qualifications, experience, or skills. This resulted in a situation where most of the department's staff lack the legal knowledge and expertise needed to carry out their functions and duties. Mistakes are then caused at work but could be prevented by establishing defined and clear hiring requirements and procedures.
 - 4- The absence of staff training plans for the criminal judgments execution departments. Staff members don't get the training they need and as a result the staff suffer from a great lack of the knowledge needed to efficiently and productively carry out their work.
 - 5- The criminal execution of judgments departments lack the presence of any adequate incentives system, which is based on the realistic evaluation of the staff and on

defined and agreed upon goals. The staff is evaluated through the use of an evaluation form which lacks any objective evaluation tools that capture staff performance. In addition, the forms do not take into account the nature of the services provided by the criminal execution departments thereby affecting the accuracy and effectiveness of the form used.

- 6- Staff who work at the criminal execution of judgments departments face the possibility of making mistakes due to their lack of proper training which in turn puts them at risk of being counseled or reprimanded by the public prosecution. This generates feelings of insecurity and fear of taking decisions.
- 7- The random and continuing transfer of staff after they acquire the needed knowledge and skills to perform their duties.

❖ Recommendations:

- Conduct an in depth study to know the actual workload compared to the number and qualifications of the current staff who work at the criminal execution of judgments departments. The study will help determine the human resources needs of such departments. The study should include an analysis of the number and types of cases and define the departments' human resources needs. Accordingly, a gap analysis should be developed by comparing the current status with the study's findings and ultimately bridging the gaps through the following:
 - Recruit qualified personnel.
 - Build the capacities of the current staff through training and capacity building programs.

The study should take into consideration the rest of the suggested initiatives directed towards organizing the work of the departments such as the review of the current applicable laws and legislations and completing the automation of the applied procedures together with the impact such initiatives might have on the workload.

- Develop training programs to build staff capacities and enhance their skills. The programs should be based on the training needs assessment and should take into account the current job descriptions and qualifications of the staff. The needs assessment should target all the current staff of the criminal judgments execution departments.

It is worth mentioning that the development and application of such training programs not be delayed until the completion of the training needs assessment. It is desirable to start offering some training programs in the following areas:

- Legal rules stated in the criminal procedures law and other related legislations which govern the work of the criminal execution of judgments departments.

- Time management.
- How to deal with court users.
- The use of the Mizan program.
- Work organization.

In addition to any other needed programs. It is possible that these training programs be developed and conducted by judges and prosecutors who work at the judgments' execution departments.

- Review and reconsider the criminal execution of judgments departments staff evaluation system. This should be done in cooperation with the Ministry of Justice and the Civil Service Bureau. It is possible to keep the current elements that are used in the evaluation and introduce some changes and amendments to them to make them commensurate with the nature of the work at the departments. The evaluation should be linked to annually defined objectives and to an incentives system.
- In case it was impossible to develop a special unified evaluation system for the staff at the criminal judgments execution departments, a suggested alternative is to design and apply an additional evaluation form (in addition to the one used by the civil service bureau), which includes the subjects and indicators related to the exact work of the departments. In any event, the new evaluation system should address the following points:
 - Review what has been achieved based on the job description and the administrative structure.
 - Identify the skills and capacities needed for each job and the types of functions which can be assigned to each job.
 - Identify the work's environment for each staff member and work towards improving it.
 - Define the performance level expected from each staff member.
 - Define the staff's career path by identifying their needs and developing their capabilities through training.
 - Work towards reviewing and analyzing the evaluations and submit the recommendations to the relevant entities.
 - Develop different evaluation forms for the specialized and supervisory posts (IT, accounting).
- Reduce the random transfers of staff working at the criminal execution of judgments departments.
- Follow the procedures stated in the civil service regulation in relation to any mistakes committed by the staff while performing their work duties.

Criminal Execution of Judgments Departments: Human Resources Component

Description of the Current Status	Challenges (gap analysis)	Activities to Bridge the Gap	Programs
<p>First: Zarqa First Instance Court.</p> <p>The number of staff working at the judgments execution department is (6), while another (5) work at the notifications department. The staff members are divided as follows:</p> <p>Judgments execution department:</p> <ul style="list-style-type: none"> • Head of Department (1) • Clerk (3) • Data entry (2) <p><u>Criminal Notifications Department:</u></p> <ul style="list-style-type: none"> • Acting head of department (1) • Clerk (4), one of them works on first instance cases and the rest work on conciliation cases. <p>Second: West Amman First Instance Court:</p> <p>Two staff members</p>	<p>1. Significant workload compared to the number of staff.</p>	<p>1. Conduct an in depth study to know the actual workload compared to the number and qualifications of the current staff members who work at the criminal execution of judgments departments. The study will define the human resources needs of those departments.</p>	<p>Studies and research program</p>
	<p>2. Discrepancies in the job descriptions and what is applicable (the discrepancies between the applied job descriptions and those stated in the organizational structure)</p>	<p>3. Review and revise the job titles and descriptions for those who work at the criminal judgments' execution departments.</p>	<p>Institutional capacity building and human resources program</p>
	<p>2. Ambiguity in the roles and responsibilities of the staff and a lack of administrative supervision.</p>	<p>4. Clearly define the responsibilities and authorities related to each post of the execution departments' posts.</p>	
	<p>3. Hiring staff that are not based on objective considerations and that don't give due weight to academic qualifications and years of experience or personal skills.</p>	<p>5. Establish an objective hiring basis based on a field study that reflects the qualifications and skills set needed by each staff. Use this for more effective hiring practices.</p>	<p>Institutional capacity building and human resources program</p>
<p>4. Most of the staff at the execution of judgments departments lack the needed legal knowledge,</p>	<p>6. Conduct training programs on the rules of the criminal procedures law and other related laws and regulations</p>	<p>Training and qualification program.</p>	

<p>work at the criminal execution of judgments department. One of them was transferred during the preparation of this study. Three staff members work at the notifications department. The staff members are divided as follows:</p> <p>Judgments execution department:</p>	<p>which results in them committing many work mistakes.</p>		
<ul style="list-style-type: none"> • Data entry /acting head of department. • Legal researcher who works as an execution clerk. <p><u>Criminal notifications department:</u></p>	<p>5. Lack of training programs targeting the execution departments' staff members.</p>	<p>7. Develop training programs to build staff capacities and enhance their skills. The programs should be based on the training needs assessment and take into account the current job descriptions and qualifications of the staff. The needs assessment should target all the current staff members of the criminal execution of judgments departments.</p>	<p>Training and qualification program.</p>
<ul style="list-style-type: none"> • Head of department (1) • Clerks (2). 	<p>6. Lack of a suitable incentives system that is based on objective performance evaluation. Staff evaluations are usually performed by individuals who don't personally know the staff. It is also done through the use of generic evaluation forms which lack any objective evaluation measurements.</p>	<p>- 8. For the criminal execution of judgment staff, a suggested alternatives is to design and apply an additional evaluation form (in addition to the one used by the civil service bureau), which includes the subjects and indicators related to the exaction departments work. In any event the new evaluation system should address the following points:</p> <ul style="list-style-type: none"> ▪ Review what has been achieved based on the job description and the administrative structure. ▪ Identify the skills and capacities needed for each job and the types of functions which can be assigned to each job. ▪ Identify the work environment for each staff and work to improve it. ▪ Define the performance level expected from each staff. 	<p>Institutional capacity building and human resources program</p> <p>برنامج الدراسات والبحوث والخطط</p> <p>Training and qualification program</p>

		<ul style="list-style-type: none">▪ Define the career path of each staff by identifying their needs and developing their capabilities through training.▪ Work towards reviewing and analyzing the evaluations in addition to submitting the recommendations to the relevant parties.▪ Develop different evaluation forms for the specialized and supervisory posts (IT, accounting).	
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Third: The Procedural Framework

This part of the study covers the following:

- 1- Work procedures applied at the execution of criminal judgments. The procedures were documented showing methods and their connection to each other. The documentation of the work procedures shows the following elements in relation to each procedure:
 - i- Work steps.
 - ii- Person responsible for applying the related procedure.
 - iii- Related documents and attachments.
 - iv- Applied tools and systems.
 - v- Remarks.

Work procedures provide details on how duties and functions are carried out.

- a. Tools and systems used in applying the procedures. This includes any automated programs or systems used to carry out work procedures together with any forms or files used for the same purpose. This part of the study covers the following components:
 - i- The Mizan automated system, developed by the Rule of Law Project, to manage the work within the Jordanian courts. This system became an integral and essential part of the work environment of all courts, including the execution departments.
 - ii- The archiving systems. Files used and how they're being kept and stored. This part includes the most important findings and challenges of the study.

1- Work Procedures

❖ Study findings:

The work process applied at the criminal execution of judgments departments is composed of the following procedures:

- 1- Procedures followed by the court that issued the related judgment or decision (the criminal notifications department).
- 2- The procedures followed by the criminal judgments execution department.

Attachment number (4/b) includes a detailed description of the work procedures used in the execution of criminal judgments.

❖ The Challenges:

- 1- Lack of standardized documented work procedures, illustrating work steps, responsible entities for the execution of each step, and a lack of standardized forms and tools.
- Despite the fact that procedures are followed quite similarly in both courts, the

application is mostly dependent on the expertise of the staff who apply these procedures. This means that if any of these staff members were to be absent for any reason, the work at the department will be affected negatively and might also result in a change in the applied procedures because there is no clear documentation.

- At the West Amman Court, the lack of documentation resulted in disputes between the staff members of the various departments of the courts. In addition, the absence of a reliable system that documents the movement of the files makes it hard to hold anyone responsible in the event that a file is lost or damaged.
- 2- Because of the many steps involved, many of the work procedures take longer to execute. Various procedures and steps can be reduced without affecting the end result.
- Absence of an appointed person assigned to help court users. In many instances the court users has to ask more than one staff member to get the needed service. This frustrates the court users and affects staff performance.
 - The below examples show some of the weaknesses that are affecting the many procedures:
 - i- The execution department takes inquires from the public regarding their cases, which in turn increases the workload on the staff. This is happening despite the fact that there is a customer service office at the court, however the services and answers provided by this office are unsatisfactory. This was seen at the criminal execution judgments departments of the West Amman First Instance Court.
 - ii- The court does not categorize the cases before they are sent to the criminal judgments notification department, which means that the notification department has to spend more time and effort categorizing them and may even do them incorrectly.
 - iii- Important information is missing from the criminal judgments' summaries when they are sent to the notifications department including the names of the defendants and their addresses. This problem is a very serious one in both courts and affects their performance.
 - iv- Judgments issued in the presence of the defendant are not marked as such (as being executed by the trial judge), which means that such judgments are considered as still pending execution.
 - v- Lack of information on the accused affects the notification process.
 - vi- No available method that enables the court to know the exact number of the notifications issued by the criminal judgments notification department, be it

manually or, through the use of an automated system. This makes it difficult to follow up on the judgments that were notified, and results in the accumulation of cases and judgments.

vii- Not all the notified criminal judgment summaries are being returned back by the notifiers to the notifications' department and thus the summaries are not attached to case files when referred to the court of appeals. In turn, the court of appeals accepts the appeal despite the expiration of the appeal period.

viii- Lack of jurisdiction over the notification department. This results in the delay of the execution of judgments due to failure to serve the notes to the related entities.

ix- Absence of a monthly or annual internal inventory or review of the notifications departments. A review would allow the sorting out of the notified and executed judgments and those which were not notified or executed.

In general the notification of the judgments is the area where most of the work procedures suffer from. This is due to the fact that all the notifiers report to the court and not to the execution of judgments department.

3- Absence of reliable and automated work records. The work related records vary from one court to another and most of these records are manual ones which makes it hard to retrieve the needed information in a timely manner.

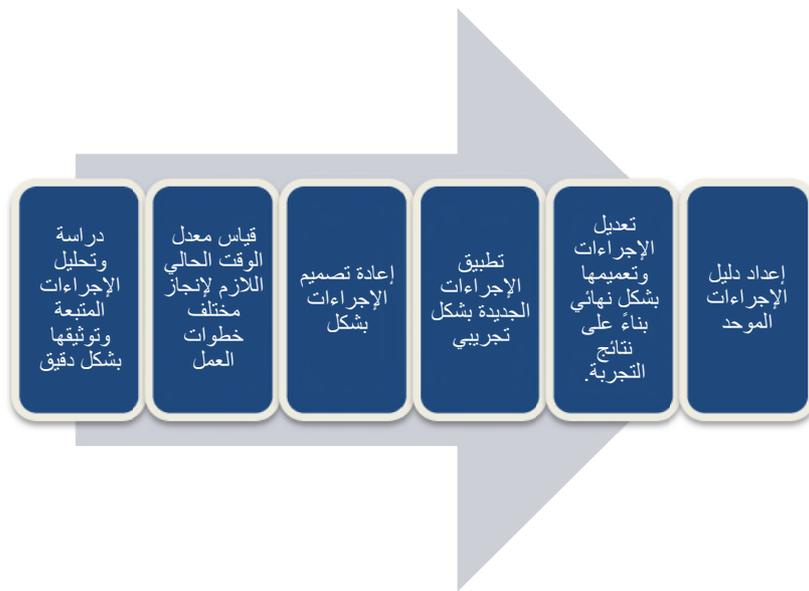
❖ Recommendations:

As it was stated before, despite the fact that the work procedures are governed by the laws and regulations which regulate the execution of judgments, it is important to revisit such procedures in order to simplify them and expedite the execution process. In order to do so the execution of judgments departments should engage in redesigning their work procedures to overcome existing bottle necks. This should be accompanied by a delegation of authority and power to the execution of judgments officers and staff to enable them to take the decisions that do not contradict the applicable legal rules. In order to achieve this the study proposes the following methodology:

- Study, analyze and document the current applicable procedures and measure the time needed to carry out and complete each work procedure. This analysis should include all the procedures applicable at the judgments' execution departments and those related to the services provided to the public.
- Redesign the applicable procedures in a way that would enable the judgments' execution departments to carry out and dispose of the cases in a speedy manner according to preapproved time standards and, provided that such developments do not contradict any applicable laws or regulations and takes into consideration the time periods stated in such applicable laws. The redesign of the procedures should take into consideration the possibility of completely automating such procedures in order to facilitate and expedite the work.

- Test the newly designed procedures by applying them for a period of time that does not exceed thirty days, and after amending them, the improved procedures should become final and applied at all execution of judgments departments.
- Develop a unified manual contains the applicable procedures and make that the manual is made available to all the related execution departments.

Figure number (5) shows the suggested general framework to be used in reviewing and developing the work procedures applicable at the execution of judgments departments



Despite the need to review and develop the procedures as discussed above, there are still many other quick developments which can be introduced immediately without the need to wait for the completion of the above illustrated program. The following are some such suggestions:

- Using special stamps to mark the case files to show that the case files were executed. This should replace the handwriting currently being used and should clearly differentiate between the executed cases from those which are still awaiting execution. Another stamp should also be used on the file cover of the case to indicate that a criminal judgment's summary was drafted and the day this was done in order to avoid redrafting the same judgment more than once. This would facilitate sending the judgment's summary to the related party if the objection or appeal is done within the stated timeframe.
- Documenting the payment of the fines by the court's typist which issued the judgment.

- The criminal judgments' notification department should be notified when an objection is submitted to the court which issued the judgment or when the appeal is registered at the court of appeals in order to send the criminal judgment's summary.
- It is important to make sure that all the information related to the convicted person is available including the full person's name and national number. In order to achieve this the judge can request a copy of the defendant's ID and make sure that the copy is kept in the case file. The same is applicable to cases where the defendant is a legal person (company) and a copy of the company's registration certificate should be kept in the file. In case that there is no copy of such certificate, the information can be provided orally and documented.
- Developing a mechanism that would allow a calculation of all the judgment summaries issued and notified by the criminal judgments notification department in order to follow up with the notification department and help with oversight on the department's work.

- Documenting the movements of case files between the various departments by using a file tracking system currently in use at the North Amman Court.
- Developing a workplan for each department that includes defined timeframes for jobs. For example, a time period can be set for returning back judgments summary from the notification department.
- The procedural manual should include a section related to the supervisory powers given to the head of the department.
- Despite the fact that the notification of criminal judgments does not fall within the authority of the public prosecution departments, because it is under the direct authority of the issuing court, the notification process needs to be reviewed (to include the timelines) and amended. The notification process is one of the major weaknesses affecting the execution of criminal judgments.

2- *Systems and Tools*

Mizan (2):

❖ Study Findings:

- Mizan (1 + 2) were developed in close cooperation and coordination with the related staff members at the courts and Ministry of Justice, including staff working at the execution of judgments departments. This cooperation resulted in a comprehensive automated system reflecting most of the necessary functions related to the courts work. In general the application and use of Mizan led to great enhancement in the courts' performance including the judgments' execution departments. Providing services became easier as was information retrieval and its protection from loss or damage.

It was noted that there are some differences in the staff's ability to use the Mizan program. Some staff members have great skills and are very efficient in using the system and others are less efficient in it's use and in utilizing its various functions. This is due to the fact that many staff members did not receive the needed Mizan training.

❖ Challenges:

- Mizan still suffers from some deficiencies and faults. This prevents the execution of judgments departments staff from completing the whole judgments execution process using only the system and forces them to complete some parts of the process manually, thereby leading to delays.
- The staff's lack of familiarity regarding Mizan functions. It was noted that the vast majority of complaints the staff members have concerning Mizan stem from a lack of comprehensive knowledge of the program and its functions. As stated above this is due to the lack of training on how to use the system. The quality control section corrects the mistakes after they occur and carries out the functions that the regular staff members cannot perform through the system. Attachment number (5) includes a detailed list of the system's faults and shortcomings.
- Old cases which are not yet entered into the system in the West Amman Court. There is a number of criminal cases at the West Amman First Instance Court that were disposed of before the use of the Mizan system and thus still not entered into the system. This has resulted in a considerable backlog in the court.

❖ Recommendations:

- There are some gaps in the Mizan 2 system that are being currently addressed through the Rule of Law Project. The gaps were determined through the cooperation between the

courts and the Ministry of Justice. The Rule of Law Project intends to start a comprehensive development project to address all the shortcomings affecting the Mizan system.

- Allocating full time staff for a certain period of time to enter all the old cases into the Mizan database.
- Developing a comprehensive capacity building program targeting all the department's staff to enable them to use Mizan efficiently and effectively.

3- *Other Systems – Files*

❖ Study Findings

The project conducted an assessment study on file keeping practices and file movement at the criminal execution of judgments departments at both the Zarqa and West Amman Courts. The study showed that there is no unified applied system, even though there are some common procedures such as file numbering and records provided for in the applicable procedural laws. The following are the observations that were noticed in both the Zarqa and West Amman First Instance Courts:

1- The Record:

The staff in charge, register the execution case in the Mizan system by retrieving the original case data and giving it a number, known as the execution case number.

Then, the information related to the execution case is documented on a hard copy register which is called the judgments' execution register, which includes the following information:

- The number of the execution case.
- The date the judgment summary was received (which is not the real date but rather the date the staff member conducts the documentation).
- The original case number.
- The date the judgment was issued.
- The type of criminal activity.
- The name of the convicted person.
- The imprisonment period.
- The value of the fine and fees.
- The date of detention.
- The date of arrest and imprisonment.

2- File numbering:

- The execution cases are registered in Mizan and then documented on the register by giving each case a number that includes a serial number and the related year. This number is marked on the case file cover.

3- The case file:

Currently the execution of judgments departments use files which vary in color and size and are not suitable for the actual type and size of the documents used.

4- The information on the case file cover:

The file cover contains the following information:

- Name of the convicted person.
- The case serial number.

- Summary of the criminal judgment.

5- The way the documents are kept inside the case file:

The execution case file contains the following:

1. The summons signed by the public prosecutor. Each summons is kept on a special record and is stamped. A copy of the summon has to be kept in the record until it is received by the judicial execution police representative. The second copy of the summon has to be kept in the file.
2. Memos sent by the judicial execution police representative and received by the staff at the judgments execution department and then kept in the related execution case file.
3. Memos related to the imposed sentence (imprisonment and fines) or the judge's decision which allows the replacement of imprisonment with a fine.
4. Release memos signed by the related public prosecutor and stamped by the related staff member.

6- Storage of case files:

- Storage places

a) West Amman Court:

- The balcony is being used as a place to randomly store the executed files.
- The pending files are stored in three or four cabinets at the department and files accumulate inside and on top of such cabinets.
- There aren't any safety systems such as fire detectors and distinguishers.

b) Zarqa Court:

The public prosecution's storage place is located on the ground floor away from the related departments. This storage place is being used to keep all kinds of case files - not only execution files. The storage place contains the following files:

- The investigation case files.
- The execution case files.
- Supplies (new files, stationary).
- Old papers, records and registers.
- After a judgment is issued in the case and the case file is sent to the storage, the files are sorted as follows:
 1. If the case was concluded due to the payment of a fine it's sorted alone. The file should contain the word receipt.
 2. If the case was concluded due to a general amnesty the file should contain the word amnesty.
 3. If the case was concluded due to the arrest of the convicted person, the file should contain the word imprisonment.

The case files should be kept in piles according to the above stated categories, where each pile contains up to 50 files. The files should then be kept according to the date they were

concluded and the file serial number. At the face of each pile there should be a sheet which states the month and year the case was finalized.

- Cabinets

- West Amman Court

The current cabinets are very old and shaky due to the large number of files in it. The files can also be reached by anyone. There is no room to add any new cabinets.

- Zarqa Court

There are no file cabinets at this court. The files are kept on open shelves. This arrangement may be fine for the old files but not the new large ones.

- Files destruction:

An inventory of the old files (files to be destroyed) should be done on a regular basis. The last time files were destroyed was in 2009.

**Execution of Judgment Departments: Systems and tools (files) component, in the
First Instance courts of West Amman and Zarqa**

Current status	Gap in systems and other tools	Activities to fill in the gaps, other systems	Programs
<p>An assessment of the movement and storing of the files was conducted at the First Instance courts of Zarqa and West Amman. There were some procedures like numbering and records as stated in the procedural laws being used. Following is a description of the findings at the two courts:</p> <p>West Amman Court:</p> <ol style="list-style-type: none"> The employee registers a judgment execution case in the Mizan system by pulling the original case. It is then given a serial number “execution number” the same as the “circular notice number”. The case data is recorded on a special paper/ record at the “Execution Register” department. The execution file includes: subpoenas and letters sent by the judgment execution employee, notices with duration of judgment, halting judgment execution and release memos. Files are stored on a balcony which was converted into a storage room. Files are piled on the metal cabinets. <p>Zarqa Court:</p> <ol style="list-style-type: none"> Judgment execution cases are recorded on the main paper/ record after entering it in Mizan. The judgment execution case is recorded and given a serial number, a subpoena is issued and the file is kept on the special shelves (Dixon shelves) in the 	<ol style="list-style-type: none"> The files used at the judgment execution department are very large and take a huge space in storage. There is no mechanism to classify and mark files. The files are labeled manually on the cover and showcase the parties involved, type of case, the penalty/ judgment, status (pending or disposed)... etc. 	<ol style="list-style-type: none"> Provide practical files suitable for case files, made of plastic with appropriate size and forms. Provide colored coding labels to distinguish files; colors used define the type of the case and facilitate identification of file numbers when stored. 	<p>Institutional and human resources capacity building program</p>
	<ol style="list-style-type: none"> No filing or file tracking system is used. 	<ol style="list-style-type: none"> Number the files shelves. Standardize the files shelves numbering mechanism in all courts and classify shelves according to case type and serial numbers. Distribute cabinets based on case type. Develop and enhance file movement. Document the movement of files by creating a tracking system and barcoding. 	<p>Institutional and human resources capacity building program</p>
	<ol style="list-style-type: none"> Judgment execution file documents are not scanned. 	<ol style="list-style-type: none"> Provide the public prosecution departments with special tools to scan documents and start electronic filing of the case files. This will help prevent the files from getting lost or damaged. 	<p>Institutional and human resources capacity building program</p>
	<ol style="list-style-type: none"> There is no storage dedicated to closed files at the public prosecution office at the West Amman court. Inappropriate space was allocated to store the files (in the balcony) The storage space is unsuitable. There is no ventilation and no fire alarm/control systems. 	<ol style="list-style-type: none"> Infrastructure: Assess the infrastructure of the courthouse and find a proper space for case files storage purposes. Develop control and safety protocols for the storage rooms and other file-keeping locations. 	<p>Institutional and human resources capacity building program</p>
	<ol style="list-style-type: none"> Current cabinets are made of metal and are unsuitable as the files they contain could fall anytime. There is no space to add new cabinets. 	<ol style="list-style-type: none"> Cabinets: Provide secure cabinets for file storage. Replace current cabinets with filing cabinets. 	<p>Institutional and human resources capacity building program</p>

<p>registrar itself. The archiving and filing system is based on the serial numbers.</p> <p>3. Disposed/closed cases are organized in the storage room in packs of 40-50 cases according to their end date and serial numbers. Each pack is labeled with the month and the year of closing, in addition to the above mentioned classification.</p> <p>4. The special storage of the public prosecution is at the ground floor far from the investigation, execution, Diwan, and public prosecutors. This storage is dedicated to all public prosecution cases and is not limited to the judgment execution files only.</p>	<p>8. Old and disposed case are backlogged and occupying a large storage space at the judgment execution department, despite the limited space available at the courts and the fact that the two courts dispose the closed judgment execution cases.</p>	<p>8. Dispose files efficiently: Maintain regular and ongoing inventory and revision of case files and disposal of files. Unifying the disposal mechanism within all courts, ensures that the disposal process provides security of file documents. Ensure that the disposal process is echo-friendly.</p>	<p>Institutional and human resources capacity building program</p>
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Fourth: internal and External Communication

Effective and open communication with stakeholders is one of the most important factors for the success of an organization. This is key at the judgment execution department, because of the interconnected nature of their work with many other organizations and the need to gain timely access to accurate data and/or vice versa.

Effective communication impacts the various activities of the department and provides employees with the necessary information to efficiently do their work. Proper communication leads to better coordination and productivity. Internal communication is also key to the issuance of statistical and periodic reports that reflect staff performance and efficiency. It also provides decision makers with appropriate and accurate information to help them make the right decisions and address ways to enhance work efficiency and weaknesses.

This report shows the main results and most pressing challenges related to communicating with the external stakeholders of the judgment execution department. It also demonstrates the most important reports and internal indicators that are used.

❖ Assessment findings

A- Internal Communication

- The work of the judgment execution department at the public prosecution office overlaps with the work of other departments within the judicial sector such as with the courts that issue judgments and the related departments (i.e. registration, appeal, notification, warehouse), notification department, and other court departments. Communication with the heads of these departments and their employees is mostly verbal or over the phone.
- The judgment execution departments issue monthly internal reports showing achievements, these reports contain the following information:
 - a) Number of incoming cases per month
 - b) Number of cases disposed per month
 - c) Number of pending cases per month
 - d) Total number of cases

B- External communication

- The work of the judgment execution department at the public prosecution office externally overlaps with the work of other departments such as the public security administration, correctional and rehabilitation centers (prisons) administration, companies and commercial registration, judicial enforcement, civil affairs department, borders and residency administration, and other ministries related to judicial procedures (Ministry of Trade and Industry, Health, Labor, Agriculture, etc).
- Communication is written and official letters are used when communicating with these departments. This communication method is long and difficult. There is no system for information exchange with other parties - except for a compact disk from the civil affairs department that contains data that is not usually updated. Some of the parties are contacted by other means of communication such as phones, faxes, and e-mail, but those are not considered effective means of communication. Annex (6-b) shows the number of the cases of different types at the judgment execution department in West Amman court over the last years. It also shows a general analysis of those numbers.

❖ Challenges:

- Lack of communication tools, i.e. telephones, faxes, e-mails.
- Staff's inability to utilize available communication tools, because of lack of training on their use.
- There is no clear classification for pending files based on their receipt date. There is nothing to clarify the time intervals in which the case was under execution for, nor the average time for closing the cases.
- Inaccuracy of the used indicators. The main indicator used for execution of judgment departments is the percentage of the monthly disposition rate. This is calculated by dividing the number of the monthly disposed cases with the number of incoming cases (number of monthly disposed cases ÷ monthly incoming cases). This formula neglects the number of cases pending from previous months, and doesn't clarify if the closed cases are from the new incoming cases or from the old pending ones.
- Tables don't reflect other performance indicators - only the number of disposed cases. Missing is the average disposal period, average life of pending cases, or client and employee satisfaction.
- Difficulty in obtaining information from related external parties, like the civil affairs department from which the execution departments need information on convicted names and/ or national numbers. The civil affairs department provides information on the names and national numbers of the citizens in the form of a compact disk (CD) that is updated every six months, but some information is old or incomplete.
- For increased efficiency, these departments need to communicate with other governmental departments, including:
 - Judicial enforcement/ execution department
 - Companies control department
 - Correction and rehabilitation centers administration
 - All ministries related to judicial procedures (Ministries of Trade and Industry, Health, Labor, Agriculture, etc.)
 - Ministry of Trade and Industry- Commercial registry
 - Border centers

❖ Recommendation

Internal communication

- 1- Develop a modern mechanism for the exchange of information within the court department to document any correspondence between employees and to enable heads of departments to better identify weaknesses, gaps and delays in work procedures.
- 2- Revise the structure and content of statistical reports prepared by the judgment execution departments and create a clearer and more realistic view of the performance and accomplishments. To do so it is proposed that the classification of cases include the following indicators:
 - Ongoing cases: Cases that were circulated and the convicted is not arrested, or were processed but are not completed, including incoming cases for the current year, and pending cases from previous years and they are as follows:
 - Incoming cases for the current year. The cases received from the civil notification department that were recorded in the current year after notification in person or by publication to the judgment execution department for execution.
 - Pending cases, that are pending for one reason or another and are carried from previous years, and are not currently calculated in the disposition rate and are added to a number of previous years. These cases should be classified according to the date they were received at the judgment execution department and that they should be counted for when the disposition rate is calculated.

- Disposed judgment execution cases: Cases that are closed when the defendant pays a fee, or when the detaining penalty is altered by a fee, or if the convicted is imprisoned at a correction and rehabilitation center to serve the sentence, or if the execution case is dropped as stated in the law (e.g. death, general amnesty...) or any other procedure that may halt the execution (objection, appeal, retrial).
This classification gives a better reflection of the status of cases and the size of completed and pending work at the department.

Figure (5) shows the proposed structure of the judgment execution department's monthly reports.

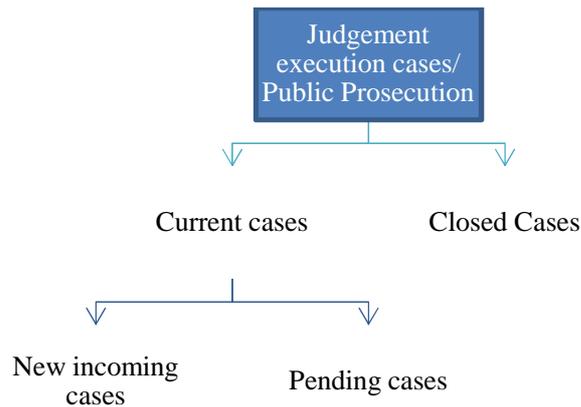


Figure (5): Proposed classification of monthly statistics - civil cases

- 1) Modify the formula for calculating the disposition rate to include the pending files in addition to the incoming cases, as follows:
Disposition Rate= monthly disposed cases/ (monthly incoming cases + pending cases)
- 2) Numbers in the monthly reports in the abovementioned classifications don't give enough indications on the performance of the departments; they only provide quantitative indications without any reflection on the quality of service and court user satisfaction. Other indicators, in addition to the aforementioned should be therefore used to measure and monitor the performance of the judgment execution departments, such as:
 - Average case disposition time: This indicator can be measured by calculating the average time interval of the monthly disposed cases.
 - Average age of indisposed cases: This indicator shows the period from the start of execution of the case to report date within specific time intervals (from 0-3 months, 3-6 months, 6-12 months, more than 12 months), in addition to the percentage of the number of cases in each of the categories to the total number of cases.
 - Level of employees and court user satisfaction by exploring and surveying their opinions and attitudes.

External Communication

- 1- Connect the judgment execution department with other related entities to facilitate access to updated information. Sign a special memoranda of understanding for this specific subject, entities involved are:
 - a. Judicial enforcement/ execution department
 - b. Companies control department
 - c. Correction and rehabilitation centers administration
 - d. All ministries related to judicial procedures (Ministry of trade and industry, Health, labor, agriculture, etc.)
 - e. Ministry of Trade and Industry- Commercial registry
 - f. Border centers

**Judgment Execution Departments: Internal and External Communication Component -
First Instance Courts of West Amman and Zarqa**

Current Status	Gap Description	Activities to Fill in the Gaps	Programs
<p>1. The work of the judgment execution department at the public prosecution office overlaps with the work of other justice sector departments, including: appeal, notification, and other courts. There is an external overlap with the judicial enforcement, civil affairs department, correctional and rehabilitation centers, companies control administration, borders and residency administration, and ministries such as the Ministry of Trade and Industry, Health, Labor, Agriculture...</p> <p>2. Communication with these departments is written and through formal letters</p> <p>3. Some departments are contacted by other means of communications, telephone, fax, e-mail but these are not considered formal.</p>	<p>1. Both internal and external communication methods used are time consuming. There is no established system for the exchange of information with other entities, except for the CD from the civil affairs which usually contains outdated information.</p>	<p>1. Develop an internal communication mechanism to enhance and develop communication via the e-mail using the Intra net. Approve it as an official means of communication for the exchange of data and reports on all levels.</p> <p>2. Sign MoUs with relevant entities for better external communication, including the companies' controller under the Ministry of Trade and Industry. Agree on the communication mechanism and the nature of the required information (quantitative and qualitative) including electronic communication and the designation of contact people with these organizations. Electronically connect the judgment execution departments at the public prosecution offices with all the following:</p> <ul style="list-style-type: none"> ▪ Civil affairs department ▪ Companies controller department ▪ Correction and rehabilitation centers administration ▪ Judicial enforcement administration ▪ Borders administration ▪ Commercial register at the ministry of trade and industry. ▪ All concerned ministries such as trade and industry, health, labor... <p>• Identify the nature of the required information by developing special forms to reflect this data and to ensure they are appropriately endorsed and signed.</p>	<p>Institutional and human resources capacity building program</p>
<p>4. Internal communication is verbal (or by other means of communication) except in cases of official correspondence when formal letters are used.</p> <p>5. The judgment</p>	<p>2. Use of inaccurate indicators. The main performance indicator for the judgment execution departments neglects the number of cases pending from previous months and doesn't reflect if the closed cases are mainly from new incoming cases or from old pending ones.</p> <p>3. Tables don't show other performance indicators except for the</p>	<p>3. Revise the structure and the content of the statistical reports prepared by the departments at the public prosecution offices to reflect clearer and more realistic performance and accomplishments. To do this, it is proposed to include the following classifications:</p> <p>1. Ongoing cases as follows:</p> <ul style="list-style-type: none"> • Incoming cases for the current year. The cases received from the civil notifications department that were recorded in the current year. • Pending cases, that are pending for one reason or another and were carried over 	<p>Research, studies and planning program</p>

<p>execution departments issue monthly internal reports showing achievements, these reports contain the following information:</p> <p>A. Number of incoming cases per month</p> <p>B. Number of cases disposed per month</p> <p>C. Number of pending cases per month</p> <p>D. Total number of cases</p>	<p>number of disposed cases, for example they don't show the average disposition period, average age of ongoing cases, accuracy of dates of trials and disposals, or the employee and court user satisfaction.</p>	<p>from previous years. These are not currently calculated in the disposition rate.</p> <p>2. Disposed judgment execution cases: Cases that are closed when the defendant pays the sentenced fee, or when the detaining penalty is altered by a fee, or if the defendant is imprisoned at a correction and rehabilitation center to serve the sentence, or if the execution case is dropped as stated in the law (e.g. death, general amnesty...) or any other procedure that may halt the execution (objection, appeal, retrial).</p> <ul style="list-style-type: none"> • The need to use other indicators in addition to the above mentioned to measure and monitor the departments performance, such as: <ul style="list-style-type: none"> ○ Average case disposition time: this indicator can be measured by calculating the average time interval needed to dispose cases every month. ○ Average age of indisposed cases: this indicator shows the period from the start of the execution of the case to report the date within specific time intervals (from 0-3 months, 3-6 months, 6-12 months, more than 12 months), in addition to the percentage of the number of cases in each of the categories to the total number of cases. ○ Level of employee and court user satisfaction through feedback and surveys. 	
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Fifth: Infrastructure

Infrastructure (especially buildings) is key to the level of efficiency at the judgment execution departments. This report covers the assessment findings, and the most pressing challenges related to infrastructure matters, including:

- Buildings: Division, space, suitability, and if they meet the work requirements of the departments.
- Used equipment and tools: Communication and photocopying equipment and supplies in addition to computers and furniture. This report addresses their suitability and covers both quantity and quality issues.

1. Buildings

❖ Assessment findings

Zarqa First Instance Court

- The public prosecution at the Zarqa First Instance Court occupies a large part of the ground floor and hosts the public prosecutors offices, the civil execution of judgment department, investigation department and the Diwan.
- The execution department occupies a large open hall that includes employee offices, metal shelves for the case files. The size of the hall is appropriate and well organized.

❖ Assessment findings

- West Amman
- The public prosecution office at the West Amman Court occupies a part of the ground floor; it includes the judgment execution department in addition to the investigation department, counters with glass windows, closed cabinets and drawers for files. It also includes: the Diwan, the attorney general office, a small storage to keep files, and some criminal evidence/ items.
- The public prosecution execution department at the West Amman Court also includes a storage room to keep closed cases files on one of the ground floor balconies and a waiting room.

❖ Challenges

In general, the space occupied by the execution department of the public prosecution in the two courts is considered as a major challenge. The size and design are an issue. The bigger challenge is at the West Amman Court because there is limited space available and the space is leased out making it more difficult to make any major changes. Following are some of the most important challenges facing the two courts buildings:

- 1- Limited and tight space at the execution department at the West Amman Court. This leads sometimes to a hall crowded with court users due, employee distraction and lack of privacy for the staff. In addition the hall lacks proper ventilation and air conditioning

systems.

- 2- There is no queuing system (as mentioned above) causing chaos in the reception area and unorganized work.
- 3- There are no informational signboards for court users indicating the locations of the halls or different departments. This, in addition to the absence of the role of a information service desk, leads to increased chaos because court users are unable to pinpoint who should handle their cases. Many times a client will spend a long time waiting for an employee to eventually discover they were waiting for the wrong employee.
- 4- The design of the offices doesn't suit the workflow and/or procedures. The files and the clients need to move around a lot to complete their case file requirements.
- 5- The filing storage rooms at the West Amman Court lack any secure measures. The storage room can be easily accessed and the content can be tampered with. Whereas at the Zarqa Court the storage room is full of piles of files on the floor which may cause their destruction. There is also not enough space to take in new files.

It is worth mentioning that the Zarqa First Instance Court is about to move to a new location that is under construction. We have visited the new location and it appears to be modern, well designed and more organized. It also has better offices and waiting areas for the public prosecution departments. It is however important to organize the offices based on the procedures. The general workflow will be detailed later in this report.

❖ Recommendations:

1. The buildings constitute key challenges facing the execution departments at both courts of West Amman and Zarqa because it is affecting their work and their ability to provide proper services. The two courts plan to take serious measures to address this problem. The Zarqa court intends to move into a new modern building. The new location was visited and appears to have the proper location and size for both of the execution departments; civil and criminal. We recommend considering the above stated notes before the official move to the new building expected in **July 2012**.
2. As for West Amman Court, there are plans to extend the ground floor by adding a space of 160m² to the existing building. The space will accommodate the department's needs in the coming years.
3. In addition to the expansion plans it is necessary to take the following points into consideration when moving to the new locations or even if they didn't move. The points will help enhance the work efficiency and increase the achievements. It will also contribute to raising the level of court user and employee satisfaction.
4. Develop an electronic queuing system that generates serial numbered tickets for court users and allows them to sit in the waiting area for their turn.
5. Allocate a good sized waiting hall for court users.

6. Allocate an information service desk office. This office should respond to all general inquiries of the public. This office will help ease staff work pressure.
7. Install signboards in open locations with information and instructions on services provided by the execution department and the documents needed to complete the forms. User friendly and easy to read service location signboards should also be installed. These signboards should be electronic (preferable) so that they're easier to change and update when needed.
8. Provide proper space for file storage and suitable cabinets to keep the files.
9. Allocate adequate space for employees and guarantee any privacy needed to perform their duties.
10. Provide air conditioning equipment
11. Install fire alarms and control systems

**Judgment Execution Departments: Buildings Component-First Instance Courts of
West Amman and Zarqa**

Current Status	Gap Description	Activities to Fill in the Gaps	Programs
<p><u>Zarqa First Instance court:</u></p> <ol style="list-style-type: none"> The public prosecution at the Zarqa First Instance Court occupies a large part of the ground floor that hosts the public prosecutors offices, the civil judgment execution department, investigations department and the Diwan. The execution department occupies a large open hall that includes employee offices, metal shelves for the case files. The size of the hall is appropriate and well organized. 	<p><u>The infrastructure gaps in the two courts:</u></p> <ol style="list-style-type: none"> Space (size and/or organization) in both courts is an issue. The challenge is bigger at the West Amman Court due to the limited space available and because the building is leased, making it hard to implement any major changes. 	<ol style="list-style-type: none"> The Zarqa court intends to move into a new and modern building. The new location was visited and appears to have the proper location and sizes for both of the execution department; civil and criminal. We recommend considering the above stated notes before the official move to the new building expected in July 2012. As for West Amman court, there are plans to extend the ground floor by adding a space of 160m² to the existing building to accommodate the department's needs in the coming years. 	<p>Institutional and human resources capacity building program</p>
<p><u>Second: West Amman First instance court</u></p> <ol style="list-style-type: none"> The public prosecution office at the West Amman 	<ol style="list-style-type: none"> Limited space at the execution department at the West Amman court. This sometimes leads to overcrowding and to a loss of staff privacy and staff distraction. In addition the hall lack proper ventilation and air conditioning systems. There is no queuing system which causes chaos in the waiting halls and inefficiency. 	<ol style="list-style-type: none"> Allocate a good-sized waiting area for court users. Develop an electronic queuing system that generates serial numbered tickets for court users which allows them to sit in the waiting area and wait for their turn. Allocate an office for information services to assist and respond to all general public inquiries. This will relieve staff pressure. 	<p>Institutional and human resources capacity building program</p>

<p>Court occupies a part of the ground floor; it includes the judgment execution department in addition to the investigation department, counters with glass windows, closed cabinets and drawers for files. It also includes the Diwan, the attorney general's office, a small storage to keep files and some criminal evidence/ items.</p>	<p>3. There are no informational signboards to help court users determine the locations they need to go to. This, in addition to the absence of an information service desk, leads to increased chaos because court users don't know where to go.</p>	<p>1. Install signboards in open areas with information and instructions on the documents needed and services provided by the execution department. Clear and easy to read signboards with service locations should also be installed. It is preferable that these signboards be electronic for ease of change and updating.</p>	<p>Institutional and human resources capacity building program</p>
<p>2. The public prosecution execution department at the West Amman Court also includes a storage room to keep closed cases files on one of the ground floor balconies, in addition to a waiting hall.</p>	<p>4. The design of the offices doesn't suit the workflow procedures. The files and the clients have to move a lot to complete their case file requirements.</p>	<p>1. Establish the Attorney General's office in a special space inside, or close to, the execution hall.</p>	<p>Institutional and human resources capacity building program</p>
	<p>5. Filing storage rooms at the West Amman Court lack security measures. The storage room can be easily accessed and the content can be compromised. Whereas at Zarqa the storage room is full of piles of files on the ground which may cause their destruction. There is not enough space to take in new files.</p>	<p>1. Provide proper space to store files and suitable cabinets to keep the files in.</p>	<p>Institutional and human resources capacity building program</p>

2. Equipment and supplies

❖ Assessment findings

A number of equipment and supplies are used at both courts to perform work functions. They can be categorized as follows:

- Communication equipment (telephones, fax machines)
- Computers (various)
- Printers, scanners and photocopiers
- Variety of furniture (desks, chairs, cabinets ... etc)

- Supplies and stationery (files, folders, papers, pens ...etc)

❖ Challenges

- Zarqa First Instance court

The judgment execution department at the Zarqa is faced by the following equipment and supplies challenges:

- 1- Current equipment is used and outdated, especially the computers.
- 2- There is a shortage in communication equipment such as telephones, faxes and photocopiers. There is one fax machine at the **chief public prosecutor** and one photocopier for the whole department. The department also suffers a shortage of scanners and printers.
- 3- Furniture is old.
- 4- There is an overall shortage in stationery (pre-printed papers, papers, pens, files and folders).

- West Amman First Instance court

- 1- Computers are old and insufficient.
- 2- There is a shortage in photocopiers. There is one photocopier that is not dedicated for the execution department and it's not working.
- 3- There is also a shortage in filing cabinets. The furniture is mostly old, outdated and insufficient.
- 4- There are no offices dedicated to the execution department employees. There is one counter shared between the execution department and the other departments. This doesn't provide the privacy needed to perform the judgment execution duties.
- 5- There is one fax for the whole public prosecution office.
- 6- There is one telephone for the use of all the departments at the public prosecution office.
- 7- There are no scanners.
- 8- There is one very old printer.
- 9- There is a shortage in stationery supplies.

The following table shows a list of equipment and supplies currently in the two courts and the estimated actual needs of each type.

1.1 West Amman Court				
Item	Current Quantity	Needed Quantity	Shortage	Notes
Computers	2	4	4	The two computers are very old. There should be 3 employees at the execution office.
Printers	1	1	1	Very old.
Scanners	0	1	1	
Photocopiers	1	1	1	There is no copier for the

				execution department and only one for the whole public prosecution office with all of its departments. It is under maintenance most of the time.
Fax Machines	1	1	1	There is no fax for the judgment execution department. There is one fax machine for all of the public prosecution departments
Telephones	1	2	2	There is one telephone for all of the departments of the public prosecution.
Office desks	Counter	2	2	There is no desk specialized for the employee, the desk is a counter shared with other departments.
Tables	0	0	0	
Chairs	2	2	2	Broken
Air Conditioners	0	1	1	
Fans	2	2	2	Broken
Cabinets	4	7	3	Modern cabinets
Drawers	2	2	2	The existing drawers are not enough, and the papers are piling on the counter.
1.1.1. Zarqa Court				
Item	Current Quantity	Needed Quantity	Shortage	Notes
Computers	2	6	4	
Printers	3	6	3	
Scanners	0	2	2	
Photocopiers	1	2	1	
Fax Machines	1	3	2	
Telephones	2	2	0	
Office desks	0	0	0	
Tables	2	6	4	
Chairs	4	5	1	
Air Conditions	0	2	2	

Fans	5	5	0	
Cabinets	3	4	1	
Drawers	0	0	0	0

❖ Recommendation:

- Work should be done to provide the needed equipment and furniture to the judgment execution departments as soon as possible.

Judgment Execution Departments: Equipment and Supplies Component - First Instance Courts of West Amman and Zarqa

Current status	Gap description	Activities to fill in the gaps	Programs
<p>Equipment and supplies- West Amman and Zarqa. There is a number of equipment and supplies at both courts used to perform work functions. They can be categorized as follows:</p> <ol style="list-style-type: none"> 1. Communication equipment (telephones, fax machines) 2. Computers (various) 3. Printers, scanners and photocopiers 4. Variety of furniture (desks, chairs, cabinets ...etc) 5. Supplies and stationery (files, folders, papers, pens ...etc) 	<p>First: Equipment and supplies- Zarqa Court</p>	<p>1. Provide newer computers (memory size, programs) according to the duties of each employee.</p>	<p>Institutional and human resources capacity building program</p>
	<p>1. Current equipment is used and outdated, especially the computers.</p>		
	<p>2. There is a shortage in communication equipment such as telephones, faxes and the photocopiers. There is one fax at the chief public prosecutor and one photocopier for the whole department. The department also suffers a shortage of scanners and printers.</p>	<p>A list of all equipment needs for the execution departments should be prepared and addressed as soon as possible. Taking into consideration the importance of a quick provision of the following equipment and supplies to the two courts because it's are affecting the workflow: West Amman Court: photocopier, computers, filing cabinets Zarqa court: scanners, printers, photocopiers, telephones, and faxes.</p>	<p>Institutional and human resources capacity building program</p>
	<p>3. Furniture is sufficient but old</p>		
	<p>4. There is an overall shortage in the stationery (pre-printed papers, papers, pens, files and folders) and the department is not constantly provided with stationery.</p>		
	<p>Second: Equipment and supplies (West Amman Court)</p>		
	<p>5. Computers are old and insufficient.</p>		
	<p>6. There is a shortage in photocopiers. There is one copier but it is not working.</p>		
<p>7. There is also a shortage in filing cabinets, the furniture is mostly old, outdated and insufficient.</p>			

