



NETHAM نظام
Rule of Law Program - Justice and Enforcement

West Bank and Gaza

NETHAM

Rule of Law Program

Justice and Enforcement

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REPORT ON THE 2008 CASELOAD STUDY

IN PALESTINIAN COURTS (West Bank)

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I. EXECUTIVE SUMMARY

In coordination with the Palestine Supreme Judicial Council (SJC), Netham completed a caseload study in West Bank Conciliation and First Instance Courts. The purpose of the study was to assist the SJC in improving case management in West Bank courts by analyzing the current state of judicial filings and identifying reasons for case backlogs and delay. The study aimed to identify specific challenges to efficient and effective case management and provide ideas for improvement.

MAJOR FINDINGS OF THE STUDY INDICATE:

1. ***West Bank Courts have achieved remarkable results*** despite great political obstacles. Case filings and dispositions increased in all courts between 2007 and 2008, especially in areas controlled by Palestinian security. Case filings overall increased by 35% and dispositions increased 89% with an overall increase case clearance rate, or efficiency, of 40%. This result highlights the positive effects of the international-backed security operations that returned several areas to Palestinian control and normalcy in the West Bank and demonstrates the ability of the courts to function.
2. ***Large backlogs and sometimes extreme case delays exist in all courts*** with both internal and external reasons for delay. At present processing rates, without considering new cases, courts would take over four years to dispose the current case backlog. By all international standards, case processing delays are extreme with over 53% of cases over two years old and 15% of cases over five years old. While courts are currently able to function and dispose of some cases relatively quickly, other cases are languishing indefinitely suggesting that judges and courts have only limited control over the pace of litigation and prosecutions.
3. ***Number of Hearings per case is excessive*** in all courts, greatly exceeding all internationally-recognized standards. The average number of hearings in pending cases as of October 2008 is 17 in Civil Conciliation and Criminal First Instance courts with Criminal conciliation and Civil First Instance averaging 10 and 14 per case. Over 65% of reasons for hearing postponement involved absent parties to the case, non-notifications, and lack of readiness by attorneys and prosecutors. Courts must control hearing postponements to enable timely case processing.
4. ***Lack of Accountability and Court Performance Monitoring*** underlie court inefficiencies and the large backlog problem. Lack of performance goals, standards and targets prevent courts from being able to control the number of hearings, monitor and evaluate performance and identify problems on regular basis. Data entry errors and other administrative mistakes leave courts vulnerable to corruption and render current reporting of little value.

RECOMMENDATIONS FOR INTERVENTION INCLUDE:

1. *Improve accountability in the courts by improving case management practices aimed at reducing case delay and ensuring timely disposition including:*

- **Adopt case timeliness and court performance goals and standards.** This entails defining goals, standards, measures and targets across all courts; producing regular, high-quality reports and distributing to all courts and supervisors; requiring court responses to measures outside targets; and providing feedback to high and low producers
- **Adopt uniform hearing procedures in all courts.** This entails the judiciary adopting uniform criteria and standards for limiting and rescheduling hearings and working with justice sector partners to adhere to standards.
- **Establish Differentiated Case Processing** in all courts to increase case processing efficiency. This entails defining categories of cases based on case complexity and other criteria, developing the procedures for processing each category of case, designing a differentiated calendaring system to efficiently deal with different types of cases, and developing a monitoring system to evaluate progress and identify and solve problems.

2. *Reduce Pending Case Backlog* by appointing a task force empowered to develop and implement a targeted effort in addition to normal court daily effort aimed at immediately and substantially reducing court pending case backloads. The backload could be substantially reduced with a concerted effort by justice sector partners.

3. *Enact appropriate legislation* needed for timely and effective case disposition. The strengthening of laws in several areas is necessary to increase timely and effective case management in the courts. Some legislation that could help improve the functioning of courts include adopting a one-judge system in First Instance Courts, improving the court notification program, and strengthening laws governing hearing absences, evidence and amnesty laws to settle old cases.

4. *Elicit support of and coordinate with justice sector partners* to effectively process cases: Judiciary, Ministry of Justice, Public Prosecution, Police, and Bar Association.

The Justice Sector Strategy for 2008-2010 includes over-all plans that when implemented, will also help improve many of the problems identified above.

II. INTRODUCTION AND PURPOSE

The May, 2008 *Justice Sector Strategy* states:

“Achieving justice in a reasonable time and without delay is considered to be a fundamental objective that each judicial system seeks to achieve to enhance citizens’ confidence in their national judicial system and pursuant to the principle that ‘delayed justice is a denial of justice.’

Toward this objective, the Supreme Judicial Council (SJC) in the *Justice Sector Strategy* stated that they would work to reduce a reportedly very large backlog of civil and criminal cases in the Palestinian courts. As a first step, the SJC asked Netham to conduct a study of criminal and civil cases to ascertain

1. The current state of judicial filings,
2. The size and causes for case backlog and case delay and
3. Specific areas where modifications in court practices might be most productive.

The study of Conciliation and First Instance criminal and civil case filings and processing in the Palestinian Courts was conducted by the NETHAM Project from October to December 2008. This summary provides some findings from the study and offers recommendations for development of improvements in the case management system.

BACKGROUND

A USAID-funded Rule of Law project conducted a previous closed and pending case survey of civil cases in the West Bank and Gaza in 2000. Objectives of the survey included determining how long it was taking cases to be resolved and the extent of case backlog. The study found that in 1999, the year from which the sample was taken, contrary to popular belief, cases were resolved in a comparatively timely manner and there was no appreciable backlog of cases. Also at that time, the number of reported cases closed matched the number of cases closed in the register verifying the “representative” nature of their sampling techniques. No studies of criminal cases previous to this time have been reported.

Since 1999, the West Bank has experienced two periods of conflict and ongoing political instability. War and strikes closed courts or severely impeded work for months. Between 1999 and 2002 Palestinians travelled freely between cities, but since March, 2002, travel has been severely restricted. Over 600 physical road blocks and checkpoints now exist, and walls have been built across many miles of Palestinian land further limiting travel and access to courts. The current lack of physical access alone means judges, lawyers, police, litigants, defendants, and witnesses, may be unable to reach the courthouse to file cases or attend hearings and trials; the court may be unable to notify parties; Palestine police may not be able to bring defendants to court or testify; and cases are thus delayed. Other problems recently developed court system, lack of adherence to procedures; inefficient court processes, and lack of coordination between justice sectors. There are many diverse challenges faced by the SJC in attempting to alleviate case backlogs and reduce case delay.

STUDY METHODOLOGY

The study began in the fourth quarter of 2008 with a criminal and civil caseload survey designed by an international consultant to provide an overview of current, closed and pending case filings in Conciliation and First Instance Courts. Conciliation Courts include criminal cases with prison sentences under three years and civil cases with monetary fines under 10,000 Jordanian Dinars (JD) and traffic cases. First Instance Courts include criminal cases with prison sentences over three years and civil cases with monetary fines over 10,000 (JD) and is the appeals court for Conciliation cases. Along with the caseload survey conducted in courts, consultants analyzed information from the West Bank-wide caseload data information system, Al Mizan, as well as from Annual Justice Sector reports, UN statistics, and other court data to answer the following questions:

1. What is the pace of litigation in the pilot courts?
2. What case factors are closely related to the pace of litigation?
3. What is the current nature and state of the backlog of cases in the pilot courts?

Court System-wide Case Analysis

Data was gathered from certified individual court monthly reports to the SJC for the first 10 months of 2007 and the first 10 months of 2008. The data was used to quantify current court workload and efficiency, size of backlog and changes in court workload and work output. The number of cases filed, disposed and pending from January, 2007 through October, 2007 for Conciliation and First Instance Criminal and Civil Courts was compared to the numbers for the same courts and months in 2008.

Pending and Closed Case Survey

The 2008 Caseload Survey drew information both from the analysis of actual case files in three court locations (Ramallah, Nablus and Jenin). Netham staff, consultant and interns working in the courts conducted an open and closed case survey in the three selected courts. The case surveys extracted information about the types of cases that were being processed and the attributes of cases that may have a bearing on how quickly cases can be disposed. Teams examined open and closed case files and obtained information on case types, hearings, judgments, defendants, and outcomes in both civil and criminal cases. From the data elements gathered in the survey instruments, other characteristics and information regarding the Palestinian criminal justice process could be calculated or derived. For example, the measure of time to disposition by type of charge and type of disposition and the number of times a case must be set for hearing before being heard or completed were calculated. This information can help to explain the causes and reasons for delay and assist the court in designing specific strategies to resolve the problems identified. The survey was also aimed at measuring the age of pending cases and the age of cases when closed.

The general approach in identifying which cases were to be included in the survey was to extract at least a 10% sample of pending cases and a 10% sample of total volume of cases disposed in a single year. Case disposals registered in 2007 and pending caseloads as at the end of 2007, as shown in the annual report of the Supreme Judicial Council for that year (AR2007), were used as benchmarks in determining the percentage of cases that would be included in the survey sample. The final totals were 4,087 cases surveyed, comprising 1,329 closed cases and 2,758 pending cases.

Closed Cases

The survey methodology for closed cases was to select a range of cases that had been opened most recently and had already been given a judgment. This was done by searching case registers in reverse chronological order from the latest date until cases were found that had a judgment entered. Each case found in this way was included in the sample until the target number of cases was selected, i.e. approximately 10% of the number of cases disposed during 2007. Cases were oversampled to be able to give a better picture of the workings of the court because of the small number of First Instance Court disposed cases reported, and because Civil and Criminal Conciliation Court case numbers were combined in the AR2007 reports so the numbers for each were unknown. Further study following the survey found that the number of cases recorded as “disposed” in the register did not match and were much lower than the number reported in the SJC Annual Report and the monthly reports from courts. The effect of this sample selection methodology, specifically selecting from registers that were proven to have unreliable numbers, is that the sample is not a representative sample of all cases disposed in 2008 or any time period, so conclusions can only be made about the cases specifically surveyed. This sample, although not statistically representative, gives a snapshot of some of the work of the courts and types of cases closed in 2008 in Conciliation Courts and from 2000 to 2008 in First Instance Courts.

Table 1 lists the number of closed cases reported in the SJC AR2007, the number of cases recorded as disposed in the court case registers, the % of the AR2007 reported cases in the sample from each court, and the percentage of cases in the sample disposed in 2008. As shown, the survey sample represents cases disposed totally or mostly in 2008 in all courts except First Instance Criminal Courts.

Table 1. Closed Cases Survey Sample

SAMPLE OF CLOSED CASES – 2008 CASELOAD SURVEY					
Court	SJC Annual Report #Closed during 2007	Recorded as Disposed in Registers for 2008 Total	# Sample cases	Sample/ AR2007 disposals	% of Sample disposed in 2008
<i>First Instance</i>					
Jenin Criminal	26	19	37	142%	50%
Nablus Criminal	53	5	106	200%	5%
Ramallah Criminal	50	15	101	202%	15%
Jenin Civil	250	50	50	20%	100%
Nablus Civil	905	106	171	19%	72%
Ramallah Civil	726	80	149	21%	64%
<i>Conciliation*</i>					
Ramallah Criminal	1781	327 (Civ + Crim 2008 total)	182	20%	98%
Ramallah Civil			179		83%
Nablus Criminal	905	*	96	21%	100%
Nablus Civil			91		100%
Jenin Criminal	850	**	83	20%	100%
Jenin Civil			84		100%
Total in survey sample:			1329		

• official statistics in 2007 for conciliation courts combined civil and criminal figures, only separating traffic counts

*Sample includes all cases recorded as disposed from 1/26/08 – 9/22/08: Civ; 1/20/08 – 10/7/08: Crim

**Sample includes all cases recorded as disposed from 1/30/08 – 10/05/08: Civ; 4/29/08 – 10/11/08: Crim

Pending Cases

The pending cases examined in the survey were chosen from cases pending at the end of September, 2008. Every tenth case was selected from case files arranged on shelves in individual courts until a 10% sample was chosen from each court. Before the survey began, Chief Clerks returned all files to shelves before file selection to help guarantee that a representative sample could be chosen. Each case file chosen was examined and a range of information was collected about different events in the life of a case, including date filed, case types, number of hearing sessions (adjournment rates), number of defendants, charges and witnesses used per case, case outcomes and the dates when various court hearings occurred. As Table 2 shows, according to the SJC 2007 Annual Report, an 8% to 10% sample of cases was extracted from pending case files. The sample was extracted to ensure that it represents a proportionate profile of pending cases so conclusions made from the sample could be generalized to the entire population of pending cases.

Table 2. Pending Cases Survey Sample

SAMPLE OF PENDING CASES – 2008 CASELOAD SURVEY			
Court	Pending at end of 2007 (AR2007)*	Sample cases	sample/ AR2007 pending
<i>First Instance</i>			
Ramallah Criminal	669	68	10%
Ramallah Civil	1283	131	10%
Nablus Criminal	806	77	10%
Nablus Civil	1369	135	10%
Jenin Criminal	515	51	10%
Jenin Civil	360	38	11%
<i>Conciliation</i>			
Ramallah Criminal	6117	397	12%
Ramallah Civil	-	309	
Nablus Criminal	12757	621	8%
Nablus Civil	-	390	
Jenin Criminal	6906	350	8%
Jenin Civil	-	191	
Total in survey sample:		2758	

*AR2007 is the Third Annual Report of the Supreme Judicial Council 2007

III. RESULTS

INCREASE IN FILINGS

Netham consultants gathered statistics for all West Bank Conciliation and First Instance courts from the SJC Al-Mizan database for the months January through September for both 2007 and 2008 to examine and compare the work of the courts. Consultants specifically examined the number of cases filed, disposed, and pending during these times to determine the current incoming work of courts, the work being accomplished, and the efficiency of the courts. As shown in Table 3, there was an overall increase in the number of new cases between the first ten months of 2007 and the first 10 months of 2008 for all courts except First Instance Criminal Courts. Conciliation Courts grew faster than First Instance Courts and had a combined increase in cases filed of 37.5% compared to a combined increase of just over 12.7% for First Instance Cases. Also as shown, Conciliation Courts receive almost 90% of the new cases of the combined Conciliation and First Instance courts, not counting traffic cases. Several factors can affect the number of filings such as changes in population, access, public trust and confidence, the political situation and laws. In this case, there was a major change in the political situation. U.S. and International-backed security initiatives enabled Palestinian security forces to again control of areas of the West Bank previously controlled by Israel. The increase in filings that resulted reflect an increase in access and public trust and confidence in the courts as Palestinians regained control over their own security and people returned to the courts to settle disputes.

INCREASE IN DISPOSITIONS

Court statistics in Table 3 also show an increase in the number of dispositions in all courts between the first ten months of 2007 compared to the same time in 2008. An increase in dispositions can be caused by changes outside the court such as changes in the political situation and legislation as well as internal changes such as an increase in judges and improved case management. However, in the Palestinian context at this time, just as with the increase in filings, the political situation changed and influenced the increase in dispositions, while other factors such as legislation, number of judges, and case management techniques did not change. US and International-backed security campaigns that restored Palestinian control increased access to courts for judges, staff, attorneys, witnesses, and others involved in disposing cases. Also, court days and hours increased as judges and court employees began to receive salaries again after many months with no or little pay. Up to the middle of June, 2007, during the Hamas-led government times, little donor money and no tax funds were transferred to the Palestinian government resulting in strikes and court closures.

Table 3. 2007 and 2008 Case Filings, Dispositions and Pending Cases: First Instance (FI) and Conciliation (CC) Courts.

Court Totals	New cases 2007	New cases 2008	% Change #New Cases	Disposed 2007	Disposed 2008	% Change in #Disposed Cases	Pending 2007	Pending 2008	% Change in # Pending Cases
FI Civil	1425	1731	21%	1226	1626	33%	4324	4354	0.7%
FI Criminal	519	460	-11%	229	230	0.4%	4090	4092	0.05%
CC Criminal	11274	15223	35%	5867	12322	110%	34540	38308	11%
CC Civil	2795	4123	48%	2303	4002	74%	10306	10400	1%
TOTAL	16013	21537	35%	9625	18180	89%	53260	57154	7%

EFFECT OF INCREASED PALESTINIAN CONTROL ON COURTS

Further detail in Table 4 and Table 5 highlights the work of individual courts in the West Bank and the effect of increased Palestinian Security and control. Areas with italicized courts in red experienced major US and International-backed security initiatives beginning in the last quarter of 2007 that returned control of these areas to Palestinian Security Forces. Areas in bold blue represent areas where Palestinian Police were able to return to normal duty levels. As shown, these areas generally had substantial increases in new cases and dispositions which reflect an increase in political stability, physical access to the courts, and public trust and confidence.

Table 4. Courts in areas with increased Palestinian Security: Conciliation Courts

COURT	CONCILIATION CIVIL: % Change 2007-2008			CONCILIATION CRIMINAL: % Change 2007-2008		
	# NEW CASES	# DISPOSED CASES	# PENDING CASES	# NEW CASES	# DISPOSED CASES	# PENDING CASES
Bethlehem	10%	47%	-0.82%	67%	136%	13.81%
Dura	-9%	14%	-21.02%	-9%	19%	13.31%
Halhoul	-12%	61%	-17.41%	1%	18%	-1.45%
Hebron	53%	127%	-13.88%	5%	102%	-15.17%
<i>Jenin</i>	<i>143%</i>	<i>206%</i>	<i>1.40%</i>	<i>-3%</i>	<i>314%</i>	<i>4.69%</i>
Jericho	48%	108%	-3.51%	91%	297%	6.27%
<i>Nablus</i>	<i>100%</i>	<i>87%</i>	<i>11.20%</i>	<i>110%</i>	<i>446%</i>	<i>9.01%</i>
Qalqilia	11%	36%	2.60%	15%	36%	4.39%
Ramallah	16%	18%	-9.01%	25%	105%	25.92%
Salfeet	78%	174%	13.41%	14%	46%	-20.91%
<i>Tubas</i>	<i>119%</i>	<i>43%</i>	<i>39.27%</i>	<i>106%</i>	<i>101%</i>	<i>51.14%</i>
Tulkarem	32%	108%	7.76%	13%	77%	30.21%
Conciliation Court Totals	48%	74%	0.91%	35%	110%	10.91%

Table 5. Courts in areas with increased Palestinian Security: First Instance Courts

COURT	FIRST INSTANCE CIVIL: % Change 2007-2008			FIRST INSTANCE CRIMINAL: % Change 2007-2008		
	# NEW CASES	# DISPOSED CASES	# PENDING CASES	# NEW CASES	# DISPOSED CASES	# PENDING CASES
Bethlehem	-22%	50%	-9.71%	-43%	314%	-27.09%
Hebron	38%	15%	6.76%	-5%	244%	11.82%
Jenin	77%	61%	6.82%	-12%	158%	6.82%
Jericho	71%	79%	31.94%	29%	-26%	14.08%
Nablus	42%	58%	0.00%	6%	26%	5.02%
Qalqilia	-34%	-29%	7.41%	-24%	9%	7.41%
Ramallah	4%	16%	-3.26%	27%	-3%	-3.26%
Tulkarem	27%	78%	1.83%	-50%	-81%	4.94%
Totals	21%	33%	0.69%	-11%	0.4%	0.05%

NUMBER OF PENDING CASES: BACKLOG

Tables 3, 4 and 5 also illustrate the high and rising number of pending cases in most all courts with extreme numbers in Conciliation Criminal Courts. During most of the period during 2006-2007 no Judges or court employees received salaries and there were several periods when employees were on strike and courts were closed. One reason for the high numbers may be the way pending cases are defined. Further study may determine that many cases may be able to be legally disposed or designated as “inactive” and taken off the active pending list. Another reason for a rising pending case load may be problems with court efficiency. One measure of court efficiency is the court “Clearance Rate”.

COURT EFFICIENCY: CLEARANCE RATE

The “Clearance Rate” is a measure of court efficiency and is calculated as the number of disposed cases as a percentage of new cases. It measures whether the court is keeping up with its incoming caseload or not. If the court is not keeping up with its incoming cases, the pending cases, or backlog will increase. If the court has a “Clearance Rate” of at least 100%, the court is keeping up with its incoming cases. If not, this is an indication of problems that need to be pinpointed and dealt with.

Table 6 below shows overall clearance rates for Conciliation and First Instance Civil and Criminal Courts for the first 10 months of 2007 and 2008. All courts improved court efficiency between 2007 and 2008 with Conciliation Criminal courts improving the most, however, none of the courts are operating at the 100% “Clearance Rate” indicating that they are not keeping up with their incoming caseload. First Instance Criminal Courts especially, and to a lesser extent, Conciliation Criminal Courts are falling behind and increasing backlogs.

Table 6. Court Clearance Rates

Court	New cases 2007	New cases 2008	Disposed 2007	Disposed 2008	Clearance Rate 2007	Clearance Rate 2008	% Change Clearance Rate
Conciliation Civil	2795	4123	2303	4002	82%	97%	17.80%
Conciliation Criminal	11274	15223	5867	12322	52%	80%	55.54%
FI Civil	1425	1731	1226	1626	86%	94%	9.18%
FI Criminal	519	460	229	230	44%	50%	13.32%
ALL COURTS	16013	21537	9625	18180	60%	85%	40%

CONGESTION IN THE COURTS: TIME IT WOULD TAKE TO CLEAR ALL CASES

Another measure of court efficiency is the “Congestion Rate” which measures how long it would take the court to get rid of the pending case load, assuming judges would continue to dispose of cases at the same rate and incoming cases per judge would continue at the same rate. The rate is measured by dividing the pending and yearly new cases per judge by the number of cases disposed per judge in a year. A rate of 100% means the court should be able to dispose of both new and pending cases in one year while a rate of 500% means the court has a backlog of five years worth of cases to dispose. Table 7 below shows “Congestion Rates” for First Instance and Conciliation Courts in the West Bank. Except for Salfeet Conciliation Court, all court congestion rates indicate they have several years’ worth of cases to dispose.

Table 7. Congestion Rate

Court	First Instance Courts			Conciliation Courts		
	2008 Cases/ Judge	Disposed Cases /Judge FI 2008	FI Congestion Rate	2008 Cases / Judge	Disposed Cases /Judge CC 2008	CC Congestion Rate
Bethlehem	265	57	467%	1766	459	385%
Dura				2117	477	444%
Halhoul				1466	846	173%
Hebron	313	54	578%	1186	561	211%
Jericho	303	75	406%	2322	979	237%
Jenin	85	16	529%	3735	836	447%
Nablus	366	65	567%	3314	514	645%
Qalqilia	110	23	473%	5421	1305	415%
Ramallah	384	53	730%	2012	447	450%
Salfeet				903	916	99%
Tubas				2036	580	351%
Tulkarem	337	51	661%	3321	606	548%
TOTALS	295	52	573%	2443	605	404%

NUMBER OF JUDGES

The number of judges can also affect the rate at which cases are disposed in the court although the ideal number of cases per judge is difficult to determine and varies from country to country and court to court. The complexity of the case, the legal system, and court management practices as well as the experience of the judge all affects the “ideal” number of cases per judge. Although new judges were appointed in 2008 in both First Instance and Conciliation Courts in the West Bank, they did not start work until after September, 2008 and had no impact on workload during the time of this study. The increase in efficiency that occurred in the courts between 2007 and 2008 did so with the same number of judges in 2007 as in 2008.

TIMELINESS OF CASE PROCESSING

Three key measures that are commonly used to evaluate the timeliness of case processing in a trial court are: Time to Disposition, Age of Pending Cases, and Hearing or Trial Certainty. Time to Disposition is defined as the time between the filing of a case filing and case disposition or date of judgment; Age of Pending Cases can be defined as the number and percent of open active cases that are older than a particular standard; and Hearing (or trial) Certainty is defined as the number of times a case is set for a disposition hearing or trial before it is disposed.

Together, these measures signify different facets or features of the effectiveness of a case processing system and all are needed to adequately measure the court’s performance. For example, the court may be found to be able to quickly dispose cases but this may be done by disposing simple cases while the backlog of more complex cases grows. The court must measure both the time to disposition and the age of pending cases to get a realistic picture of the court’s work.

At present, there are no routine measures for effective court performance in Palestinian courts, no formal time standards for case processing, and no generally accepted definition of a backlog time standard for criminal or civil cases. Pending cases are noted as being in “backlog” whether they are one day or fifteen years old.

TIME TO DISPOSITION

“Time to Disposition” measures the time from initial filing until case disposition in the courts. Table 8 below shows the results of the time from case filing to judgment date for cases surveyed in the Closed Case Survey. The “Standard Example” below is a very general standard and is taken from the ABA case processing standards.¹ For Civil Cases, Table 8 shows that 98% of Civil First Instance cases were processed within the two year standard and while only 39% of the Civil Conciliation cases were within the 75 day standard, 95% were processed within one year. For criminal cases, only 49% of First Instance criminal cases were disposed within the one year time standard but 83% of the Criminal Conciliation cases were disposed within the 90-day standard and 88% were disposed within one year. As shown below, the cases examined in the closed case survey were processed relatively quickly. Also, the information below indicates that courts generally processed new cases while old cases may have been left to continue to age. As discussed previously,

¹ Standard Examples” are adopted from the American Bar Association Case Processing Standards where the standard for Felonies is used for Criminal First Instance, Misdemeanors is used for Criminal Conciliation, Small Claims is used for Civil Conciliation and Civil General for Civil First Instance.

results from the closed case survey describe the particular cases selected and cannot be generalized to include all closed cases or closed cases from any particular time period.

Table 8. Time to Disposition— Closed Case Survey: Ramallah, Nablus, Jenin

COURT	Performance Measure	Standard Example	% of Cases	% of Cases By Age*		
			Age Within Standard	1 Year	2 - 5 Years	Over 5 Years
CIVIL Conciliation	Time to Disposition	100% Disposed in 75 Days	39%	95%	5%	0%
CIVIL First Instance		100% Disposed in 24 Months	98%	83%	17%	0%
CRIMINAL Conciliation		100% Disposed in 90 Days	83%	88%	10%	2%
CRIMINAL First Instance		100 % Disposed within 1 year	49%	49%	46%	5%

*1 year means<=12 months, 2-5 years means>12 mo<60 mo, 5 years means>=60

AGE OF PENDING CASES

The “Age of Pending Cases” is another measure used to evaluate the timeliness of case processing and delay. While “Time to Disposition” measures how quickly the court disposed of closed cases, the “Age of Pending Cases” give information about the age of cases that the court has not yet closed. Table 9 gives information about the “Age of Pending Cases” for the three courts sampled in the Pending Case Survey in the West Bank. As shown, pending cases are much older than the sample from the closed case survey in the same courts. Only 13% and 64% of Civil Conciliation and First Instance cases were within the standard example in the Pending Case Survey compared to 39% and 98% in the respective courts in the Closed Case survey and only 8% and 14% of Criminal Conciliation and First Instance cases in the Pending Survey were within the standard example compared to 83% and 49% respectively in the Closed Case survey. The standard used is a rough example; the contrast clearly suggests there is a severe problem with the age of pending cases in these West Bank courts. Also, because the closed case sample contains much younger cases overall compared to the pending case survey sample, and even though the Closed Case survey may not be a representative sample of closed cases in the three courts, it appears that courts may have chosen to dispose mainly young cases during 2008 while the backlog of cases continued to age and grow.

Table 9. Age of Pending Cases— Pending Case Survey: Ramallah, Nablus, Jenin

WEST BANK COURTS	Performance Measure	Standard Example	% of Cases	% of Cases by Age			
			Age Within Standard	<=1 Year	1-2 yrs	Over 2 yrs	Over 5 Years
CIVIL Conciliation	Case Backlog	100% Disposed in 75 Days	13%	37%	10%	53%	22%
CIVIL First Instance		100% Disposed in 24 Months	64%	49%	15%	36%	14%
CRIMINAL Conciliation		100% Disposed in 90 Days	8%	29%	19%	52%	16%
CRIMINAL First Instance		100 % Disposed within 1 year	14%	14%	9%	75%	28%

*1 year means<=12 months, 1-5 years means>12 mo<60 mo, 5 years means>=60

ADJUDICATION HEARING (OR TRIAL) CERTAINTY

“Adjudication Hearing (or trial) Certainty” gives information about the effectiveness of the court’s scheduling system and ability to prevent hearing delays. Laws and court policies usually dictate how adjudication hearings are scheduled, how many times they can be reset and for what reasons. If laws and policies regarding continuances are firm and consistently applied, all will know they must come to hearings prepared, and case delay will be minimized.

As shown in Table 10, the average number of hearings from sample cases from the Closed Case Survey ranged from eight for Criminal First Instance Courts to three for both Civil and Criminal Conciliation courts. The Median number, the number where half the cases have more hearings and half have less, was only one for Criminal Conciliation Courts and two for Civil Conciliation Courts indicating that these cases were disposed quickly. The median number of hearings for Civil and Criminal First Instance Courts was six and four respectively with 51% and 54% of cases with over 5 hearings. As stated previously, the survey selection process for the closed case survey may be biased toward simple cases that were quickly disposed.

In comparison, cases in the Pending case survey as shown in Table 11 had an average of two to 5 times more hearings up to the date collected than the closed case sample. Over half of Civil Conciliation had more than 11 hearings and over half of Criminal First Instance cases had over 15 hearings. While the closed case sample showed that 10% and 51% of Civil Conciliation and First Instance Courts and 11% and 46% of Criminal Conciliation and First Instance Courts contained cases with over 5 hearings each, the same courts from the Pending Case Survey showed that 68%, 64%, 64% and 89% of cases contained over 5 hearings. While all the hearings counted may not be adjudication hearings, the numbers indicate a large problem with hearing certainty.

Table 10. Hearing Certainty: CLOSED Case Survey: Ramallah, Nablus, Jenin

Court Type	Performance Measure	Average	Median	% of cases with #Hearings		
				<=1	<=2	<=5
CIVIL Conciliation	Hearing Certainty	3	2	40%	61%	90%
CIVIL First Instance		6	6	6%	15%	49%
CRIMINAL Conciliation		3	1	56%	72%	89%
CRIMINAL First Instance		8	4	18%	36%	54%

Table 11. Hearing Certainty: PENDING Case Survey: Ramallah, Nablus, Jenin

Court Type	Performance Measure	Average	Median	% of cases with #Hearings less than			
				<=1	<=2	<=5	<=10
CIVIL Conciliation	Hearing Certainty	17	11	13%	20%	32%	46%
CIVIL First Instance		14	9	9%	19%	36%	59%
CRIMINAL Conciliation		10	7	9%	16%	36%	66%
CRIMINAL First Instance		17	15	4%	6%	11%	28%

REASONS FOR HEARING POSTPONEMENT

Table 12 below lists the major reasons for hearing postponements in Ramallah Criminal and Civil Conciliation and Civil First Instance Courts for pending cases as of December 15, 2008.² As shown, the most prevalent reason for hearing postponements was the absence of a previously notified party or witness followed by requests for postponement due to lack of hearing readiness. More research needs to be done to determine why so many postponements occur because of non-preparation and the absence of notified parties and witnesses.³ These two reasons are usually areas that can be controlled through firm, consistently enforced hearing postponement policies. Other areas including judge absence, administrative postponement, and court closures also need more clarification. These areas are usually remedied through improved scheduling procedures.

Table 12. Reasons for Hearing Postponement: Ramallah Courts, Pending Cases

Reasons for Hearing Postponement*	Criminal Conciliation: 8260 Hearings	Civil Conciliation: 17189 Hearings	Civil First Instance: 6898 Hearings
More time needed to gather evidence	25%	19%	7%
Party or witness notified but absent	55%	38%	59%
Party or witness not notified	6%	8%	1%
Judge Absent / Lack of Quorum	3%	11%	5%
Administrative Postponement	4%	8%	2%
Eid, holiday, strike	5%	10%	12%
Total	93%	94%	86%

*Data gathered through a query of Al-Mizan, the court's database software program.

CASE COMPLEXITY AND DIFFERENTIATED CASE MANAGEMENT

An examination of case complexity can also provide information about case flow and case backlogs and inform decisions about how to make improvements. Simple cases can be closed more quickly than complex cases and complex cases may need more structure and active supervision of case progress to reach disposition in a timely manner. Factors such as type of case, number of parties, number of witnesses, and type of charge are all indicators of delay and can be used to examine how the court has been operating. Early classification of cases using knowledge of these factors and implementation of differentiated case management would enable cases to move more efficiently through the system.

² The Netham Project interns completed the entering of missing hearing data into the court database in three courts in Ramallah as of 12/15/08. Hearing data from other courts and districts was not available at this time but should be complete by 9/1/09.

³ The Netham Project started implementation of a Notification Department Pilot project in Ramallah and Jenin in January, 2009 which will provide new software for better tracking and new procedures to improve effectiveness and efficiency.

As already discussed, results from the Closed and Pending Case Surveys indicated that the courts surveyed tended to dispose younger, probably simpler cases while the pending caseload continued to grow and age. An attempt was made to further analyze case complexity but no definitive conclusions could be made about closed cases due to bias and incomplete data in the closed case survey sample. Although not definitive, the sample of closed cases showed that criminal cases tended to have a single charge, a single defendant and one witness or less. Categories available for type of case were too broad to adequately differentiate cases. Of the case types presented, cases tended to fall into one of two dominant categories: cases against persons and cases against money.

An analysis of outcomes in civil closed cases was made and suggests that between a quarter and a third of the cases surveyed may have been suitable for diversion to case settlement processes such as mediation programs. Outcomes in the sample of closed criminal cases showed high conviction rates in both courts which is consistent with cases that can be disposed quickly because the defendant can be induced to admit guilt to the court. Information on number of charges, defendants, and witnesses, types of cases, outcomes and other analysis information including penalties imposed, detention rates, age and gender of defendants are included in Appendix 1. Although not definitive because of sampling methodology, incomplete information, and lack of information on case types, the case complexity analysis presents information about real cases exiting and pending in the courts of Ramallah, Nablus and Jenin.

IV. CONCLUSION

COURTS FUNCTIONING AND IMPROVING

Comparing the first ten months of 2007 with the first ten months of 2008, the study found that despite major political, access, and efficiency problems, courts are functioning and have improved in several ways. The number of case filings in 2008 increased by 35% overall compared to the same time in 2007 with Conciliation Civil Courts increasing the most with 48%. This appears to have been caused by political changes in the West Bank in which several areas were returned to Palestinian control through US and International-backed security campaigns. The return to Palestinian security control resulted in increased security in the areas involved and an increase in physical access to the courts. The fact that filings increased so dramatically also suggests an increase in public trust and confidence in the courts as a result of the political changes.

Along with the increase in filings, the results of the study also showed that courts increased the number of dispositions by 89% over all in the first ten months of 2008 compared to 2007 with Conciliation Criminal Courts increasing the most with 110% and First Instance Criminal the least by less than 1%. At the same time, all courts in total increased efficiency, as measured by the clearance rate which is equal to the number of disposed cases divided by the number of opened cases. The clearance rate increased 40% over all with Conciliation Criminal Courts having the largest increase from 52% to 81%. This increase in efficiency can also be attributed to political changes. With the return of areas to Palestinian control, increase in physical access, and resuming of salaries to staff and judges, courts were open for business more in 2008 than in 2007 with fewer court closures due to strikes and security concerns.

CASE PROCESSING INEFFICIENT

In spite of the increase in clearance rates as discussed above, courts are not operating efficiently enough to be able to dispose enough cases to keep up with the number of cases filed. First Instance Criminal Courts were the least efficient and were able to dispose only 50% of the number of cases filed in the first ten months of 2008. Other courts had higher clearance rates than First Instance Criminal courts but all rates indicated an increasing backlog of pending cases. Because of problems with incomplete data and survey methodology, no definitive conclusions can be made concerning the Time to Disposition measures from the Closed Case Survey sample. Overall study information indicates, though, that further study may show that courts are processing many cases, especially simple ones, in a timely manner, but other, more complex cases are not being processed timely. This and the presence of a large pending case backlog indicate a crucial need to define and implement differentiated case processing methods for West Bank Courts.

SERIOUSLY HIGH LEVEL OF PENDING CASES

Although courts were able to function and even increase their ability to handle the increased number of new cases, the study found that a very large number of pending cases exists, especially in Conciliation Criminal Courts and that with the courts' current level of case processing; these backlogs will continue to grow. As of October 31, 2008, there were over 57,000 pending cases in West Bank courts and this number is growing every month. The age of these pending cases greatly exceeds all normal standards for Age of Pending Cases with 92% and 86% of cases in Criminal Conciliation and First Instance courts exceeding standards and 87% and 46% of Civil Conciliation and Civil First Instance Courts exceeding standards. As it is, courts are not able to keep up with the

incoming number of cases and the study results suggest that courts may be processing simpler cases and not adequately dealing with more complex cases.

The reasons for this very large backload include both external and internal reasons. The unstable political situation and lack of access have prevented normal operation of the courts. Court processing deficiencies and inefficiencies also exist that seem to favor case processing of simple cases over others, allow unrestricted hearing continuances and provide an inadequate calendaring system that routinely sends people home from scheduled hearings because the judge doesn't have time and schedules hearings on holidays and during judge's vacations. At the current rate of processing, if no new cases were filed, it would take over four years to process all the West Bank court pending cases. There is clearly a critical pending case problem that is crippling the court and must be dealt with as soon as possible.

WEAKNESS IN ACCOUNTABILITY AND COURT PERFORMANCE MONITORING

Behind these reasons for a large and growing backlog of cases lies weakness in accountability and court performance monitoring systems. The court does not have established timely case processing standards such as "Clearance Rate" standards, "Time to Disposition" standards, "Age of Pending Cases" standards, and "Adjudication Hearing Certainty" standards that hold courts accountable for the work and efficiency of the courts. With standards, courts can evaluate how they are functioning and can measure progress. Problems can also be identified so they can be addressed in a timely manner.

The Supreme Judicial Council has a central computerized case information database and reporting system that is connected to all courts but the study found that data is not routinely and consistently entered in the system. Reports are produced but if the data in the computer system is not correct, the reports are not correct. The system also contains a calendaring function but it is not used effectively. The combination of established standards, good data, and regular reporting is essential to increase the accountability of courts and improve case processing.

V. RECOMMENDATIONS

The study looked at the current state of judicial filings, the size and causes for case backlog and case delay and has the following recommendations where modifications in court practices might be most productive:

INCREASE ACCOUNTABILITY IN THE COURTS FOR CASE PROCESSING AND COURT PERFORMANCE

As is often said, “What gets measured gets done.” But numbers alone are not useful tools to improve performance. You have to first decide exactly what is it you want to get done, decide how you will measure that it is getting done, decide on targets to determine if progress is being made, and define how you will know when it is done. Toward this end, the following is recommended:

1. Define Case Processing and Court Performance Goals
This would include defining overall goals for case processing and court performance, many of which are already included in the 2008 Justice Sector Strategy. Some examples include reducing case backlogs, processing cases in a timely manner according to standards, and controlling the pace of litigation through judicial control of and adherence to hearing continuance standards.
2. Establish case processing standards. Some examples include:
 - a) Age of Pending Cases
 - b) Time to Disposition
 - c) Adjudication Hearing Certainty
Survey results for number of hearings per case greatly exceeded normal standards. To be able to process cases in a timely manner it is necessary to establish and adhere to hearing continuance standards. Judges are primarily responsible for controlling the adherence to hearing continuance standards.
 - d) Clearance Rate
 - e) Data Entry Quality: This could be defined many ways such as discrepancies between number of reported case filings and number in the computer, number of cases with negative time between case file date and first hearing date (date entered wrong), etc.
 - f) Judge Case Disposal Rate and Judge Age of Pending Case Rate
3. Develop a system to gather and analyze the data necessary for measuring the case processing standards adopted.
4. Set common targets and goals for each measure across all courts.
For example, one target might be to reduce case backloads by a certain percentage every year until a particular goal is reached.
5. Produce regular reports on progress towards reaching goals and distribute to all judges, courts and supervisors.
6. Require court responses to measures outside targets
7. Provide recognition to high performing courts and help to low performing courts.

REDUCE PENDING CASE BACKLOG

There is a critical need to reduce the large and growing backlog of court cases in all courts. At the current time there is over four years worth of cases to process without considering any new cases, so a targeted effort outside the normal court daily effort is needed to accomplish this task. The following steps are recommended as examples to tackle this challenge:

Appoint a task force empowered to work with all courts and obtain donor funding and help if needed to:

1. Define categories for cases in line with timely goals for disposition, laws governing case disposition, and court policies and procedures.
2. Identify, separate, and categorize all pending cases according to set criteria
3. Appoint a judge in each court to review and dispose legally eligible cases
4. Design a special calendar to deal with old cases
 - Option: Designate a set day and time each week to handle old cases
 - Option: Designate a special day or days to handle a group of particular kinds of cases in coordination with attorneys, prosecutors, police, etc. This works well to dispose of many minor cases when money owed can be waived
5. Notify parties and set hearings for cases
 - Option: Temporarily second Appellate and High Court judges to help dispose FI and CC pending cases
6. Define goals, measures for monitoring and targets; produce regular reports and distribute to all judges, courts and supervisors; require court responses to measures outside targets; acknowledge high producers and assist in upgrading the capacities of low producers.

ESTABLISH DIFFERENTIATED CASE PROCESSING

Differentiated case processing increases case processing efficiency. Simple cases may require limited court time and some could be handled out of court through mediation programs where more complex cases may need substantial court supervision and control. If simple cases are handled the same as complex cases, court time is wasted. If complex cases are handled like simple cases with no court supervision, they may remain pending and not be settled in a timely manner. The process for establishing differentiated case processing could be defined as follows:

1. Define categories for cases in line with timely goals for disposition, laws governing case disposition, and court policies and procedures.
2. Develop steps for processing each category of case
3. Design a calendar to efficiently deal with all types of cases
 - Option: Designate a set day and time each week to handle simple cases, types of hearings, trials
 - Option: Designate trial days and trial judges on a rotating basis to facilitate trials needing multiple days
 - Option: Use one or more judge or court panels at each court station to administer case preparation hearings. A case preparation court may be used to classify cases in order of complexity and readiness for trial and to then adjudicate or refer cases to other judges or to alternative dispute resolution processes when they are ready for trial.
 - Option: Develop formalized court-annexed mediation programs to accelerate present tendencies of litigants to consider settling civil disputes. Cases may

be referred to mediation early when it is likely they will remain in court backlogs.

4. Define goals, measures for monitoring and targets; produce regular reports and distribute to all courts and supervisors; require court responses to measures outside targets; acknowledge high producers and assist low producers.

ENACT CASE MANAGEMENT-PROMOTING LEGISLATION

Legislative reforms are needed to enable judges and courts to handle cases effectively and in a timely manner. Laws are the basis for effective and efficient court procedures and lack of appropriate laws results in case delays and large backlogs. Some legislation that could help improve the functioning of courts could be aimed at:

1. Adopting a one-judge system in First Instance Courts. Replacing the three-judge panel system with a one-judge system would effectively triple judge-time available to dispose cases.
2. Improving the court notification program. Notification problems greatly affect the caseload process in courts and many areas of legislation could improve the notification system such as enacting an address and mail system, privatizing the notification system, and requiring lawyers to notify clients.
3. Increasing the ability of judges to manage cases through legislation such as strengthening laws governing hearing absences, presentation of evidence and an amnesty law to settle old cases

IMPROVE COORDINATION BETWEEN JUSTICE SECTOR PARTNERS

Timely and effective case management requires close coordination between justice sector partners to effectively process cases: Judiciary, Ministry of Justice, Public Prosecution, Public Defense, Police, and Bar Association among others. One of the 2008 Justice Sector Strategy key strategies is to “Organize and Develop Complementary Relationships among Various Justice Sector Institutions.” Moving forward on this key justice issue would greatly facilitate the improvement of timely and effective case management in the courts.

VI. APPENDIX 1

Appendix 1 provides case analysis details for individual courts surveyed in the closed and pending surveys. As discussed, results for the closed case survey represent information for the cases surveyed only and cannot be generalized to include all closed cases or closed cases from any particular time period.

Civil pending cases. Table 13 indicates that 51% of civil first instance cases were over 12 months old and 36% are over 2 years old. 14% were older than 5 years old. Civil case delays in conciliation courts were slightly worse than the first instance courts. An average of 37% of cases were under 12 months old, only 47% were under 2 years and 22% were older than 5 years.

Table 13
Delay in Pending Civil Cases (based on 2008 Caseload Survey)

	1 year*	2 years	3 years	4 years	5 years	over 5 years	Totals**
<i>First Instance Courts</i>							
Ramallah	51 39%	21 16%	14 11%	15 11%	6 5%	24 18%	131 100%
Nablus	73 54%	22 16%	8 6%	9 7%	3 2%	19 14%	134 100%
Jenin	23 68%	2 6%	4 12%	4 12%	1 3%	0 0%	34 100%
Totals	147 49%	45 15%	26 9%	28 9%	10 3%	43 14%	299 100%
<i>Conciliation Courts</i>							
Ramallah	100 33%	40 13%	54 18%	33 11%	19 6%	60 20%	306 100%
Nablus	127 33%	23 6%	43 11%	40 10%	31 8%	122 32%	386 100%
Jenin	94 50%	28 15%	35 19%	8 4%	10 5%	12 6%	187 100%
Totals	321 37%	91 10%	132 15%	81 9%	60 7%	194 22%	879 100%

* 1 year means <= 12 months, 2 years means >12 months<=24 months, and so on

** totals in some cases are slightly less than total sample sizes, as some cases of uncertain reliability were excluded

Criminal first instance court pending cases. Table 14 shows that only 14% of pending criminal first instance court cases were under 12 months old and 28% were older than 5 years old. It also shows that 29% of pending conciliation court criminal pending cases were under 12 months old. 16% were older than 5 years old.

Table 14
Delay in Pending Criminal Cases (based on 2008 Caseload Survey)

	1 year*	2 years	3 years	4 years	5 years	over 5 years	Totals**
<i>First Instance Courts</i>							
Ramallah	11 17%	6 9%	6 9%	8 12%	14 21%	21 32%	66 100%
Nablus	8 11%	6 8%	13 17%	13 17%	6 8%	29 39%	75 100%
Jenin	8 16%	5 10%	19 37%	14 27%	2 4%	3 6%	51 100%
Totals	27 14%	17 9%	38 20%	35 18%	22 11%	53 28%	192 100%
<i>Conciliation Courts</i>							
Ramallah	129 33%	99 25%	84 21%	37 9%	21 5%	24 6%	394 100%
Nablus	177 29%	84 14%	69 11%	98 16%	37 6%	151 25%	616 100%
Jenin	91 27%	69 20%	87 25%	25 7%	25 7%	46 13%	343 100%
Totals	397 29%	252 19%	240 18%	160 12%	83 6%	221 16%	1353 100%

* 1 year means <= 12 months; 2 years means >12 months<=24 months; 3 years means >2 years <=36 months and so on

** totals in some cases are slightly less than total sample sizes, as some cases of uncertain reliability were excluded

Age of closed civil cases. The closed case survey results suggest that in some circumstances first instance and conciliation courts are able to process cases relatively quickly, despite there being large volumes of backlogged cases that are much older. For civil cases,

Table 15 shows that 83% were disposed within 12 months in first instance courts and 95% in conciliation courts. While a significant proportion of closed cases were dismissed or transferred to other courts (see Table below), many of the cases disposed went to judgment, indicating that all levels of courts have the capacity to dispose of cases relatively quickly.

Table 15**Delay in Closed Civil Cases (based on 2008 Caseload Survey)**

	1 year*	2 years	3 years	4 years	5 years	over 5 years	Totals**
<i>First Instance Courts</i>							
Ramallah	115 77%	29 19%	3 2%	1 1%	0 0%	1 1%	149 100%
Nablus	137 82%	26 16%	4 2%	0 0%	0 0%	0 0%	167 100%
Jenin	50 100%	0 0%	0 0%	0 0%	0 0%	0 0%	50 100%
Totals	302 83%	55 15%	7 2%	1 0%	0 0%	1 0%	366 100%
<i>Conciliation Courts</i>							
Ramallah	158 91%	15 9%	0 0%	1 1%	0 0%	0 0%	174 100%
Nablus	90 99%	1 1%	0 0%	0 0%	0 0%	0 0%	91 100%
Jenin	84 100%	0 0%	0 0%	0 0%	0 0%	0 0%	84 100%
Totals	332 95%	16 5%	0 0%	1 0%	0 0%	0 0%	349 100%

* 1 year means <= 12 months, 2 years means >12 months<=24 months, and so on

** totals in some cases are slightly less than total sample sizes, as some cases of uncertain reliability were excluded

Age of closed criminal cases. Table 16 shows that in first instance courts, 49% of criminal case disposals occurred within 12 months of the beginning of proceedings. 18% of the sample cases took longer than 3 years before being disposed. 88% of conciliation court criminal disposals occurred within 12 months and 9% took more than two years.

Table 16

Delay in Closed Criminal Cases (based on 2008 Caseload Survey)

	1 year*	2 years	3 years	4 years	5 years	over 5 years	Totals**
First Instance Courts							
Ramallah	25 26%	27 28%	11 11%	8 8%	16 17%	9 9%	96 100%
Nablus	77 73%	19 18%	2 2%	3 3%	2 2%	3 3%	106 100%
Jenin	15 41%	6 16%	16 43%	0 0%	0 0%	0 0%	37 100%
Totals	117 49%	52 22%	29 12%	11 5%	18 8%	12 5%	239 100%
Conciliation Courts							
Ramallah	181 99%	1 1%	0 0%	0 0%	0 0%	0 0%	182 100%
Nablus	50 54%	10 11%	11 12%	14 15%	1 1%	7 8%	93 100%
Jenin	83 100%	0 0%	0 0%	0 0%	0 0%	0 0%	83 100%
Totals	314 88%	11 3%	11 3%	14 4%	1 0%	7 2%	358 100%

* 1 year means <= 12 months; 2 years means >12 months<=24 months; 3 years means >2 years <=36 months and so on

** totals in some cases are slightly less than total sample sizes, as some cases of uncertain reliability were excluded

Civil case types. Table 17 shows that in first instance courts 65% of pending civil claims are for compensation and other monetary claims, followed by land and property cases at 8%. Civil pending cases in conciliation courts reflect similar proportions. Generally these two categories account for a total of around three quarters of all pending civil disputes.

Table 17**Pending Civil Cases by Case Type (based on 2008 Caseload Survey)**

	Ramallah	Nablus	Jenin	Totals*	
	SURVEY SAMPLE				
<i>First Instance Courts</i>					
A. Land and property cases	3	17	3	23	8%
B. Compensations and claims cases	108	72	18	198	65%
C. Labour cases	2	12	2	16	5%
D. Eviction and tenancy cases	0	0	1	1	
E. Commercial cases					
F. Challenges and objections	0	9	0	9	3%
G. Intellectual property					
H. Contractual cases	13	9		22	7%
I. Disputes about the accuracy of official documents	5	11	10	26	9%
J. Cases under the Enforcement Law					
K. Other		5	4	9	3%
Totals	131	135	38	304	100%

	Ramallah	Nablus	Jenin	Totals*	
	SURVEY SAMPLE				
<i>Conciliation Courts</i>					
A. Land and property cases	50	78	16	144	16%
B. Compensations and claims cases	187	217	138	542	62%
C. Labour cases	27	23	3	53	6%
D. Eviction and tenancy cases	28	33	19	80	9%
E. Commercial cases	1			1	<1%
F. Challenges and objections	4	5	2	11	1%
G. Intellectual property					
H. Contractual cases	3	18	8	29	3%
I. Disputes about the accuracy of official documents	4	7	4	15	2%
J. Cases under the Enforcement Law					
K. Other		3	1	4	<1%
Totals	304	384	191	879	100%

** totals in some cases are slightly less than total sample sizes, as some cases of uncertain reliability were excluded

Criminal case types. Pending criminal case types tend also to fall into one of two dominant categories: cases against persons and cases against money.

Table 118 shows that in first instance courts these types account for 78% of pending criminal cases. In conciliation courts they account for 73%.

Table 18**Pending Criminal Cases by Case Type (based on 2008 Caseload Survey)**

	Ramallah	Nablus	Jenin	Totals*	
				SURVEY SAMPLE	
<i>First Instance Courts</i>					
A. against security of the state	4	6	5	15	8%
B. against public safety					
C. against public administration					
D. against judicial administration					
E. Against public confidence		9	4	13	7%
F. against public decency & morality	3	1	2	6	3%
G. against persons	17	32	15	64	33%
H. public comprehensive danger (fire)	1	1		2	1%
I. assault on roads, transportation and industrial business					
J. Against religion & family					
K. begging, alcohol & gambling	4		3	7	4%
L. against money	37	28	22	87	45%
M. against the water system					
N. protection of roads, shops & people properties					
O. deliverance of criminals					
P. restitution					
Q. violations					
R. traffic & motor vehicle infringements					
S. licensing & business regulation infringements					
T. building, planning, local government law infringements					
U. Other					
Totals	66	77	51	194	100%
<i>Conciliation Courts</i>					
				SURVEY SAMPLE	
A. against security of the state	4	3	6	13	1%
B. against public safety	5	6	7	18	1%
C. against public administration	11	13	7	31	2%
D. against judicial administration	6	9	4	19	1%
E. Against public confidence	2	35	14	51	4%
F. against public decency & morality	11	8	9	28	2%
G. against persons	165	238	183	586	43%
H. public comprehensive danger (fire)	1	4	1	6	0%
I. assault on roads, transportation and industrial business	1	32	3	36	3%
J. Against religion & family	1	2	1	4	0%

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K. begging, alcohol & gambling	11	7	4	22	2%
L. against money	157	169	82	408	30%
M. against the water system					
N. protection of roads, shops & people properties		8	4	12	1%
O. deliverance of criminals					
P. restitution					
Q. violations					
R. traffic & motor vehicle infringements	12	74	4	90	7%
S. licensing & business regulation infringements	2	11	9	22	2%
T. building, planning, local government law infringements	8	1	1	10	1%
U. Other		1	4	5	0%
Totals	397	621	343	1361	100%

Case Outcomes by Court: 2008 Closed Case Survey

As shown in Table 20, on average nearly half of conciliation court civil disposals resulted in the case being dismissed or transferred to another court. The rate in first instance civil cases was 16%. This large margin of dismissed cases is likely to be due to the sample selection methodology which was effectively biased toward the selection of cases that were disposed quickly.

Settlement rates. An attempt was made in the survey to ascertain the extent of case settlement. This was done by distinguishing cases where it appeared from the court judgment that there had been some agreement between the parties at the time judgment was given. 23% of first instance civil cases (Table 19) and 20% of conciliation court civil (Table 20) cases fell in to this category. This suggests that between a quarter and a third of cases may be suitable for diversion to case settlement processes, such as mediation programs, in the expectation that they may settle early.

Table 19

Outcomes in Civil Cases - First Instance Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample	%						
Outcome type								
E. Civil - judgment given by court after hearing evidence	86	58%	96	56%	43	86%	225	61%
F. Civil - judgment by court after parties reach agreement	52	35%	32	19%	0	0%	84	23%
G. Civil - Case was dismissed or withdrawn or transferred to another court	11	7%	43	25%	7	14%	61	16%
Totals	149	100%	171	100%	50	100%	370	100%

Table 20

Outcomes in Civil Cases - Conciliation Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample	%						
Outcome type								
E. Civil - judgment given by court after hearing evidence	61	35%	27	30%	26	31%	114	33%
F. Civil - judgment by court after parties reach agreement	32	18%	13	14%	26	31%	71	20%
G. Civil - Case was dismissed or withdrawn or transferred to another court	82	47%	51	56%	31	37%	164	47%
Totals	175	100%	91	100%	83	100%	349	100%

Plea or no contest rates. In criminal cases Table 21 and Table 22 show an effective conviction rate of 89% in first instance courts and 82% in conciliation courts (disregarding cases that were dismissed, withdrawn or transferred to another court). In 42% of first instance convictions and 28% of conciliation court convictions the defendant admitted to guilt in court. This is consistent with the sampling methodology, which was more likely to select cases that had been disposed of quickly. It is probable that in older cases that rates of conviction and plea or no contest rates would be lower. Nonetheless the figures in the sample show the correlation between early disposal where a defendant can be induced to admit guilt to the court.

Table 21

Outcomes In Criminal Cases - First Instance Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample	%						
A. Prosecution - Defendant convicted - found guilty	79	78%	18	17%	15	42%	112	46%
B. Prosecution - Defendant convicted - after admitting guilt to court	5	5%	70	66%	6	17%	81	33%
C. Prosecution - Defendant acquitted/ found not guilty	7	7%	10	9%	6	17%	23	9%
D. Prosecution – case dismissed, withdrawn or transferred to another court	10	10%	8	8%	9	25%	27	11%
Totals	101	100%	106	100%	36	100%	243	100%

Table 22

Outcomes In Criminal Cases - Conciliation Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample	%						
Outcome type								
A. Prosecution - Defendant convicted - found guilty	113	62%	39	41%	19	23%	171	48%
B. Prosecution - Defendant convicted - after admitting guilt to court	10	6%	19	20%	38	46%	67	19%
C. Prosecution - Defendant acquitted/ found not guilty	18	10%	22	23%	12	15%	52	14%
D. Prosecution – case dismissed, withdrawn or transferred to another court	40	22%	16	17%	13	16%	69	19%
Totals	181	100%	96	100%	82	100%	359	100%

Criminal penalties. Table 23 indicates the penalties imposed in the sample criminal cases where the outcome was a conviction. It shows that prison sentences were the dominant form of punishment imposed in first instance convictions, whereas the dominant penalty in conciliation courts is a fine or compensation order (see Table 24).

Table 23

Penalties Imposed in Criminal Cases - First Instance Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample	%						
Penalty type								
A. Imprisonment	62	74%	55	52%	9	32%	126	58%
B. Money fine/ compensation order	7	8%	30	29%	1	4%	38	18%
C. Imprisonment AND money fine/ compensation order	6	7%	0	0%	0	0%	6	3%
D. Other type of penalty	3	4%	1	1%	2	7%	6	3%
E. No penalty imposed	6	7%	19	18%	16	57%	41	19%
Totals	84	100%	105	100%	28	100%	217	100%

Table 24

Penalties Imposed in Criminal Cases - Conciliation Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample	%						
A. Imprisonment	26	21%	5	5%	9	16%	40	14%
B. Money fine/ compensation order	75	60%	51	53%	35	61%	161	58%
C. Imprisonment AND money fine/ compensation order	3	2%	1	1%	2	4%	6	2%
D. Other type of penalty	3	2%					3	1%
E. No penalty imposed	17	14%	39	41%	11	19%	67	24%
Totals	124	100%	96	100%	57	100%	277	100%

Offences resulting in imprisonment. Table 25 and Table 26 describe the case types in those cases where the defendant was convicted and sentenced to imprisonment. In both first instance and conciliation courts the dominant offence categories are those involving offences against persons, against money and in relation to begging, alcohol and gambling. More detail could not be drawn from the survey conclusions because of the broad categories of case types used.

Table 25

Imprisonment Orders by Case Type - First Instance Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample	%						
A. against security of the state	8	13%	0	0%	0	0%	8	6%
B. against public safety	2	3%	0	0%	4	44%	6	5%
C. against public administration	1	2%	0	0%	0	0%	1	1%
E. Against public confidence	2	3%	0	0%	0	0%	2	2%
F. against public decency & morality	3	5%	1	2%	0	0%	4	3%
G. against persons	16	25%	6	11%	4	44%	26	20%
H. Public Comprehensive Danger (Fire)	0	0%	1	2%	0	0%	1	1%
K. begging, alcohol & gambling	9	14%	43	78%	1	11%	53	41%
L. against money	23	36%	4	7%	0	0%	27	21%
Totals	64	100%	55	100%	9	100%	128	100%

Table 26

Imprisonment Orders by Case Type - Conciliation Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample		no. of cases in sample		no. of cases in sample		no. of cases in sample	
		%		%		%		%
A. against security of the state	2	7%	0	0%	0	0%	2	4%
B. against public safety	1	3%	1	17%	0	0%	2	4%
E. Against public confidence	0	0%	0	0%	3	27%	3	7%
F. against public decency & morality	2	7%	1	17%	1	9%	4	9%
G. against persons	1	3%	0	0%	4	36%	5	11%
I. assault on roads, transportation and industrial business	0	0%	0	0%	1	9%	1	2%
J. Against religion & family	1	3%	0	0%	0	0%	1	2%
K. begging, alcohol & gambling	10	34%	0	0%	0	0%	10	22%
L. against money	10	34%	3	50%	2	18%	15	33%
N. Protection of Roads, Shops & Housing	0	0%	1	17%	0	0%	1	2%
Q. violations	1	3%	0	0%	0	0%	1	2%
R. traffic & motor vehicle infringements	1	3%	0	0%	0	0%	1	2%
Totals	29	100%	6	100%	11	100%	46	100%

Durations of imprisonment sentences. Table 27 and Table 28 show the duration of prison sentences in cases in the sample. The dominant category of imprisonment durations in both first instance and conciliation courts is between a month and six months.

Table 27

Durations of Imprisonment Orders - First Instance Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample		no. of cases in sample		no. of cases in sample		no. of cases in sample	
		%		%		%		%
Duration range								
A. Up to 15 days	2	3%	1	2%	0	0%	3	2%
B. 16 to 30 days	1	1%	0	0%	0	0%	1	1%
C. 31 days to under 6 months	11	16%	42	75%	5	56%	58	44%
D. 6 months to 1 year	11	16%	5	9%	1	11%	17	13%
E. over 1 year to under 3 years	15	22%	4	7%	1	11%	20	15%
F. over 3 years to under 5 years	16	24%	1	2%	1	11%	18	14%
G. over 5 years	12	18%	3	5%	1	11%	16	12%
Totals	68	100%	56	100%	9	100%	133	100%

Table 28

Durations of Imprisonment Orders - Conciliation Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample	%						
A. Up to 15 days	1	4%	0	0%	0	0%	1	2%
B. 16 to 30 days	5	19%	3	50%	5	50%	13	30%
C. 31 days to under 6 months	21	78%	2	33%	5	50%	28	65%
D. 6 months to 1 year	0		1	17%	0	0%	1	2%
Totals	27	100%	6	100%	10	100%	43	100%

1. **Monetary penalties.** Table 29 and Table 30

Table shows the quantum of fines or compensation orders imposed in sample closed cases where there has been a conviction. In 96% of first instance courts and 98% of conciliation courts the monetary orders are below the equivalent of 500 Jordanian dinars (approximately USD710).

Table 29

Fine or Compensation Penalties Imposed - First Instance Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample	%						
Money range								
A. Up to 100 JOD (approx USD145)	8	62%	22	71%	0	0%	30	67%
B. 101 to 500 JOD (USD710)	3	23%	9	29%	1	100%	13	29%
C. 501 to 1,000 JOD (USD1,420)	0	0%	0	0%	0	0%	0	0%
D. 1,001 to 5,000 JOD (USD7,100)	0	0%	0	0%	0	0%	0	0%
E. 5,001 to 10,000 JOD (USD14,200)	0	0%	0	0%	0	0%	0	0%
F. More than 10,000 JOD	2	15%	0	0%	0	0%	2	4%
Totals	13	100%	31	100%	1	100%	45	100%

Table 30

Fine or Compensation Penalties Imposed - Conciliation Courts	Ramallah		Nablus		Jenin		All courts	
	no. of cases in sample	%						
Money range								
A. Up to 100 JOD (approx USD145)	50	65%	42	84%	35	95%	127	77%
B. 101 to 500 JOD (USD710)	25	32%	8	16%	1	3%	34	21%
C. 501 to 1,000 JOD (USD1,420)	2	3%	0	0%	1	3%	3	2%
Totals	77	100%	50	100%	37	100%	164	100%

Case Characteristics by Court: 2008 Closed Case Survey

Table 31 summarizes some attributes of closed cases by examining features which may impact on the complexity or duration of case adjudication hearings. The summary figures offered suggest that criminal cases tend to entail a single charge and a single defendant. The median number of witnesses called per case is generally low at, for most courts, a median of one witness per case. The number of hearing sessions per case, however, is high for first instance courts, considering that the sample used in the survey are from among cases that have been generally processed more quickly. This reinforces the conclusion that cases which are relatively simple in nature can generally be processed more quickly, especially when, as shown above, a significant proportion involve high settlement and plea rates.

Table 31

Characteristics of Closed Cases				
	Median no. of hearing sessions per case	Median no. of witnesses called to give evidence per case	Median no. of defendants per case	Median no. of charges or offences per case
First Instance				
Ramallah Criminal	10	3	1	1
Nablus Criminal	2	2	1	1
Jenin Criminal	10	2	1	1
Ramallah Civil	6	1		
Nablus Civil	5	1		
Jenin Civil	5	1		
Conciliation*				
Ramallah Criminal	1	1	1	1
Nablus Criminal	5	1	1	1
Jenin Criminal	1	1	1	1
Ramallah Civil	3	1		
Nablus Civil	2	0		
Jenin Civil	1	1		

Detention Rates by Court: 2008 Closed and Pending Case Surveys

The survey collected information about whether each criminal defendant was held in detention either at the time of the first court hearing or at the time of most recent court hearing. Table 32 and Table 33 provide the results for pending cases in both first instance and conciliation courts. In each case over 90% of defendants were on bail at both stages of the court process. Only 4% of first instance case defendants and 1% of conciliation court defendants were in detention at both stage of the court process. This suggests that in Palestine the phenomenon of many defendants being held in detention awaiting trial seems not to be a significant problem.

In closed cases the proportion held in detention is higher than for pending cases. Table 34 and Table 35 show that the proportions on bail at both stages were 74% for first instance courts and 70% for conciliation courts. The proportions held in detention at both stages was higher, at 15% and 29% respectively. But given that the sample of closed cases tended to involve cases disposed more quickly, and cases where there were substantial rates of admissions of guilt, conviction and imprisonment orders, those margins do not seem irregular.

Table 32

Defendants in Detention in Pending Cases - First Instance Courts									
	Ramallah		Nablus		Jenin		All courts		
	no. of		no. of		no. of		no. of		
	cases		cases		cases		cases		
	in		in	in		in	in		
	sample	%	sample	%	sample	%	sample	%	
On bail at first hearing & last hearing	51	84%	72	95%	48	94%	171		91%
On bail at first hearing & in detention at last hearing	3	5%			1	2%	4		2%
In detention at first hearing and on bail at last hearing	5	8%					5		3%
In detention at both first & last hearings	2	3%	4	5%	2	4%	8		4%
Totals	61	100%	76	100%	51	100%	188		100%

Table 33

Defendants in Detention in Pending Cases - Conciliation Courts									
	Ramallah		Nablus		Jenin		All courts		
	no. of		no. of		no. of		no. of		
	cases	%	cases	%	cases	%	cases	%	
	in		in	in		in	in		
	sample	%	sample	%	sample	%	sample	%	
On bail at first hearing & last hearing	329	83%	599	97%	334	97%	1262		93%
On bail at first hearing & in detention at last hearing	9	2%	1	0%			10		1%
In detention at first hearing and on bail at last hearing	36	9%	14	2%	10	3%	60		4%
In detention at both first & last hearings	13	3%	1	0%	1	0%	15		1%
Totals	395	100%	615	100%	345		1355		100%

Table 34

Defendants in Detention in Closed Cases - First Instance Courts									
	Ramallah		Nablus		Jenin		All courts		
	no. of		no. of		no. of		no. of		
	cases	%	cases	%	cases	%	cases	%	
	in		in	in		in	in		
	sample	%	sample	%	sample	%	sample	%	
On bail at first hearing and last hearing	64	63%	92	88%	20	61%	176		74%
On bail at first hearing & in detention at last hearing	2	2%	3	3%			5		2%
In detention at first hearing and on bail at last hearing	8	8%	4	4%	9	27%	21		9%
In detention at both first & last hearings	27	27%	5	5%	4	12%	36		15%
Totals	101	100%	104	100%	33	100%	238		100%

Table 35

Defendants in Detention in Closed Cases - Conciliation Courts									
	Ramallah		Nablus		Jenin		All courts		
	no. of		no. of		no. of		no. of		
	cases	%	cases	%	cases	%	cases	%	
	in		in	in		in	in		
	sample	%	sample	%	sample	%	sample	%	
On bail at first hearing and last hearing	78	43%	90	97%	83	100%	251		70%
On bail at first hearing & in detention at last hearing	2	1%					2		1%
In detention at first hearing and on bail at last hearing	2	1%					2		1%
In detention at both first & last hearings	100	55%	3	3%			103		29%
Totals	182	100%	93	89%	83	100%	358		100%

Women in Criminal Courts by Court: 2008 Closed Court Survey

Table 36 shows that there are low proportions of women who are prosecuted in sample cases. The rate is typically between 2% and 4% of closed cases. For pending cases the range is between 0% and 8%.

Table 36

	Proportion of cases where at least one defendant is female			
	Pending cases		Closed cases	
	no. of cases in sample	% female	no. of cases in sample	% female
First Instance Courts				
Ramallah	66	8%	182	4%
Nablus	77	4%	96	2%
Jenin	0	0%	83	2%
Conciliation Court				
Ramallah	397	7%	182	4%
Nablus	614	4%	96	2%
Jenin	350	3%	83	2%

Age of Defendants by Court: 2008 Closed and Pending Court Surveys

Table 37 and Table 38 shows the age range of defendants in survey sample closed and pending criminal cases. The proportions suggest no particular problem of youth crime.

Table 37

Age of Criminal Defendants in Closed Cases	Under 15 years		15 to 19 years		20 to 29 years		30 years or older		Totals total	
	no. in sample	%	no. in sample	%	no. in sample	%	no. in sample	%	no. in sample	%
First Instance Courts										
Ramallah	6	6%	17	18%	33	35%	39	41%	95	100%
Nablus	8	8%	28	27%	19	18%	50	48%	105	100%
Jenin	1	3%	8	23%	9	26%	17	49%	35	100%
Conciliation Court										
Ramallah	1	1%	21	12%	63	35%	94	53%	179	100%
Nablus					31	35%	58	65%	89	100%
Jenin	3	4%	3	4%	26	35%	43	57%	75	100%
	19	3%	77	13%	181	31%	301	52%	578	100%

Table 38

Age of Criminal Defendants in Pending Cases	Under 15 years		15 to 19 years		20 to 29 years		30 years or older		Totals total	
	no. in sample	%	no. in sample	%	no. in sample	%	no. in sample	%	no. in sample	%
First Instance Courts										
Ramallah		0%	9	14%	36	55%	20	31%	65	100%
Nablus		0%	8	11%	35	47%	31	42%	74	100%
Jenin	1	2%	6	12%	16	31%	28	55%	51	100%
Conciliation Court										
Ramallah	10	3%	31	9%	102	30%	197	58%	340	100%
Nablus	10	2%	17	3%	93	19%	372	76%	492	100%
Jenin	8	3%	20	7%	64	21%	210	70%	302	100%
Totals	29	2%	91	7%	346	26%	858	65%	1324	100%

VII. ATTACHMENT A: SURVEY DATA SHEET

Name of survey worker:

1. Date this sheet was completed:	2. Case year:	3. Case file number:
4. Court type <input type="checkbox"/> First instance <input type="checkbox"/> Conciliation Court	5. Court location <input type="checkbox"/> Ramallah <input type="checkbox"/> Nablus <input type="checkbox"/> Jenin	6. Date case opened

Hearings & judgment

	7. Date of first hearing session	8. How many hearing sessions have there been?
9. Date of last hearing session	10. How many witnesses gave evidence in court?	11. Date of judgment

12. **Court judgment result:** - tick one box only

<input type="checkbox"/> A. Prosecution - Defendant convicted - found guilty	<input type="checkbox"/> E. Civil - judgment given by court after hearing evidence
<input type="checkbox"/> B. Prosecution - Defendant convicted - after admitting guilt to court	<input type="checkbox"/> F. Civil - judgment by court after parties reach agreement
<input type="checkbox"/> C. Prosecution - Defendant acquitted/ found not guilty	<input type="checkbox"/> G. Civil - Case was dismissed or withdrawn
<input type="checkbox"/> D. Prosecution – Case dismissed, withdrawn or transferred to another court	

Case type – tick one box only

13. Is it a CIVIL case? <input type="checkbox"/> Yes <input type="checkbox"/> no	14. Is it a CRIMINAL case? <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>13. CIVIL – SELECT ONE ONLY</p> <p><input type="checkbox"/> A. Land and property cases</p> <p><input type="checkbox"/> B. Compensations and claims cases</p> <p><input type="checkbox"/> C. Labor cases</p> <p><input type="checkbox"/> D. Eviction and tenancy cases</p> <p><input type="checkbox"/> E. Commercial cases</p> <p><input type="checkbox"/> F. Challenges and objections</p> <p><input type="checkbox"/> G. Intellectual property</p> <p><input type="checkbox"/> H. Contractual cases</p> <p><input type="checkbox"/> I Cases for disputing the accuracy of official documents</p> <p><input type="checkbox"/> J. Cases under the Enforcement Law</p> <p><input type="checkbox"/> K. Other</p>	<p>14. CRIMINAL – SELECT ONE ONLY</p> <p><input type="checkbox"/> A. against security of the state</p> <p><input type="checkbox"/> B. against public safety</p> <p><input type="checkbox"/> C. against public administration</p> <p><input type="checkbox"/> D. against judicial administration</p> <p><input type="checkbox"/> E. Against public confidence</p> <p><input type="checkbox"/> F. against public decency & morality</p> <p><input type="checkbox"/> G. against persons</p> <p><input type="checkbox"/> H. public comprehensive danger (fire)</p> <p><input type="checkbox"/> I. assault on roads, transportation and industrial business</p> <p><input type="checkbox"/> J. Against religion & family</p> <p><input type="checkbox"/> K. begging, alcohol & gambling</p> <p><input type="checkbox"/> L. against money</p> <p><input type="checkbox"/> M. against the water system</p> <p><input type="checkbox"/> N. protection of roads, shops & people properties</p> <p><input type="checkbox"/> O. deliverance of criminals</p> <p><input type="checkbox"/> P. restitution</p> <p><input type="checkbox"/> Q. violations</p> <p><input type="checkbox"/> R. traffic & motor vehicle infringements</p> <p><input type="checkbox"/> S. licensing & business regulation infringements</p> <p><input type="checkbox"/> T. building, planning, local government law infringements</p> <p><input type="checkbox"/> U. Other</p>

Criminal Offences

15. Number of offences	16. Date of offence:
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Criminal defendants

17. How many defendants?	18. Are any defendants female? <input type="checkbox"/> yes <input type="checkbox"/> no	19. Age of defendant (or oldest defendant at time of offence)
20. On the first hearing session date, was the defendant in detention? <input type="checkbox"/> yes <input type="checkbox"/> no	21. On the LAST hearing session date, was the defendant in detention? <input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> A. Under 15 years <input type="checkbox"/> B. 15 to 19 yrs <input type="checkbox"/> C. 20 to 29 yrs <input type="checkbox"/> D. 30 years or older

Criminal penalties

22. Type of penalty – tick one box only <input type="checkbox"/> A. Imprisonment <input type="checkbox"/> B. Money fine/ compensation order <input type="checkbox"/> C. Imprisonment AND money fine/ compensation order <input type="checkbox"/> D. Other type of penalty <input type="checkbox"/> E. No penalty imposed	23. Duration of imprisonment order – tick one box only <input type="checkbox"/> A. Up to 15 days <input type="checkbox"/> B. 16 to 30 days <input type="checkbox"/> C. 31 days to under 6 months <input type="checkbox"/> D. 6 months to 1 year <input type="checkbox"/> E. over 1 year to under 3 years <input type="checkbox"/> F. over 3 years to under 5 years <input type="checkbox"/> G. over 5 years <input type="checkbox"/> H. no imprisonment order	24. Amount of any fine / compensation penalty imposed – tick one box only <input type="checkbox"/> A. Up to 100 JOD <input type="checkbox"/> B. 101 to 500 JOD <input type="checkbox"/> C. 501 to 1,000 JOD <input type="checkbox"/> D. 1,001 to 5,000 JOD <input type="checkbox"/> E. 5,001 to 10,000 JOD <input type="checkbox"/> F. More than 10,000 JOD <input type="checkbox"/> G. no fine imposed
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