

Follow-Up Report by Anti-Corruption Consultant  
JORDAN ROLP  
October 2013

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### Summary of Work

The consultant returned to Amman, Jordan in September 2013 as a follow-up to his work of March-April 2013 with ROLP. Specifically, the writer conducted additional anti-corruption training of public prosecutors and judges over the course of two days. As described more fully below, this training built upon investigation and prosecution skills covered in his previous trip. The training was attended by a number of public prosecutors and judges who participated in the earlier training as well as new attendees.

In addition to the anti-corruption training, the consultant presented a series of recommendations drawn from his earlier assessment of the Kingdom's anti-corruption efforts. A participant of the June study-tour of corruption prosecution offices in the US, Assistant Attorney General, Amman, Rami Salah, also presented an overview of the study-tour and key observations from his perspective.

Finally, as further follow-up to the study-tour, the consultant and Chief of Party Robert Dean interviewed a number of public prosecutors and judges who participated in the study-tour. The purpose of these interviews was to obtain feedback and to gather key "take-aways" from the perspective of the members of the delegation. In this regard, the consultant and Chief of Party were keenly interested in what participants identified about US corruption prosecution practices that has greatest potential for adoption and application in Jordan. A summary of these interviews is discussed in detail below.

### Follow-up Interviews with Members of Study-Tour Delegation

Robert Dean and the consultant, along with ROLP staff Lamees Alehou and Essa Maymoun, met with several members of the study-tour delegation. These included public prosecutors from Amman, Karak and Irbid, two judges from Amman, and an Assistant Attorney General from Amman (Rami Salah). The meetings and discussions were lively and productive and provided a positive opportunity to obtain feedback about the study-tour and to hear from members their perspectives on the value of the study-tour for their work as anti-corruption prosecutors and judges in Jordan.

The consultant and Robert Dean posed a number of questions to each of the interviewees:

- What aspects of corruption prosecution in the US are most valuable for adoption and application in Jordan and why?
- What barriers would you anticipate in adopting and applying US corruption prosecution techniques in Jordan?
- Do you think that Jordan's laws need to be amended to facilitate the adoption of US corruption prosecution practices?
- Did anything surprise you with respect to what you saw/learned of US corruption prosecution offices?

These questions and others generated some interesting comments and observations by the study-tour participants. Overall, those interviewed noted that the study-tour was successful and productive and provided the Jordanians valuable exposure to US anti-corruption practices. Apart from general comments and observations, several common themes and responses emerged from these interviews. These included:

*The important role of the relationship between public prosecutors and police/investigators in the US for building effective corruption cases.*

Nearly all of the interviewees made mention of the close working relationship of prosecutors and police in the US. They contrasted this with Jordan where the relationship between prosecutors and police is much weaker. A number of the interviewees expressed frustration in learning of a corruption allegation from police after much time has passed, as well as about the inability to direct the police to obtain necessary evidence from the outset of a case.

Responses were mixed when interviewees were asked whether Jordan's laws need amendment to address this issue. Several interviewees noted that rather than amend the law policies should be refined and the administrative will to strengthen the prosecutor-police relationship developed. A few interviewees, on the other hand, expressed the view that Jordanian laws need amendment to address a number of issues that hinder more effective anti-corruption work, including the relationship between prosecutors and the police.

*A number of the interviewees expressed surprise and admiration at and for the level of security in US prosecution offices and courthouses.*

Most of the interviewees commented on how surprised they were by the high level of security provided in US prosecution offices and courthouses. Their comments focused not only on the importance of security for witness and court personnel safety, but also on the salutary effect such security has in raising respect for the rule of law. An enhancement in respect for the rule of law would assist in the cooperation of witnesses in corruption cases, as well as criminal cases generally, noted several interviewees.

*The critical role cooperating witnesses/defendants play in US corruption cases.*

Several interviewees commented on the critical role cooperating witnesses/defendants play in US corruption cases, as they learned in meetings with US prosecutors during the study-tour. This practice, they noted, contrasts with Jordanian prosecutions that disfavor (or even according to some, prohibit) the use of accomplices to prove criminal charges. The use of cooperators in corruption cases was also discussed during the training and has been a source of comments and discussion throughout the consultant's work with Jordanian prosecutors.

This time spent interviewing members of the study-tour added value to the project by providing perspectives and feedback from the vantage point of participants. The consultant was pleased to hear that overall the members thought highly of the study-tour and took-away practical lessons for their anti-corruption work in Jordan.

#### Follow-up Training and Discussion of Recommendations

As noted, the follow-up training built upon the consultant's work completed during his previous trip to Amman. The training was conducted for two separate groups and took place over two days. As was the approach during those training sessions, a corruption case scenario was distributed to participants to build corruption investigation, prosecution and adjudication skills. The scenario involved corrupt public officials engaged in a bribery scheme in a government contracting business. The scenario was handed out in stages, each adding more facts. This method encouraged critical analysis, participation, and discussion among the attendees.

The discussions and participation were very productive and lively. The consultant and Chief of Party were very impressed by the comments of participants and their ability to problem-solve various investigative and prosecution issues presented in the case scenario. The Chief of Party asked several questions challenging the participants in their approach to the case.

In addition to the training, a member of the study-tour delegation, Assistant Attorney General Rami Salah, presented his impressions of US

prosecution offices. Judge Salah provided an overview of the study-tour, cataloging the offices visited, and offered his general impressions about US corruption prosecution practices.

As did a number of delegation members interviewed, Judge Salah cited the strong prosecutor/police relationship in US offices and its importance in building effective corruption investigations and cases. Judge Salah made additional comments on the important role of circumstantial evidence in US cases, confidentiality in requests for bank records, and prosecutorial discretion. In the area of specialization, Judge Salah mentioned units dedicated to asset tracing and recovery in US prosecution offices. Such specialization, he stressed, would be highly valuable to Jordanian anti-corruption work. Interestingly, when asked by Robert Dean which US office visited would be best suited to Jordan, Judge Salah cited the state-wide Office of the Special Prosecutor in Maryland, the smallest of the many US offices visited.

Finally, at the closing of the daylong trainings, the consultant presented his findings made as part of a broad assessment of Jordan's anti-corruption efforts.<sup>1</sup> The presentation led to some very lively and heated discussions. A majority of the participants felt strongly that the creation of a new, national anti-corruption "strike force" was unnecessary – best to build upon current agencies and offices such as the Anti-Corruption Commission (ACC) rather than create new ones. Regarding the ACC, several participants expressed the view that the ACC is well equipped to investigate corruption cases but that moving this function into public prosecution offices would be a better arrangement. If this were done, prevention and public outreach efforts could and should remain with the ACC. In addition to these comments, participants offered their views on whether Jordan's anti-corruption laws are in need of amendment, or whether effective laws exist but enforcement is weak.

## Conclusion

The consultant's time in Jordan provided a valuable opportunity to bring closure to the study-tour by seeking input and feedback from a representative sample of delegation members. Secondly, the additional training built upon and expanded the investigation skills developed during the prior sessions. And finally, receiving direct feedback from public prosecutors and judges about Jordan's anti-corruption efforts provides value for future work in this area.

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<sup>1</sup> These findings are contained in the consultant's "Anti-Corruption Assessment Report" dated May 2013.

## AGENDA

Anti-Corruption Follow-Up Program  
Amman, Jordan  
September 18,19 2013

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- 9:00-9:30 Registration & Welcome
- 9:30-9:40 Welcoming speech by Robert Dean - Chief of Party
- 9:40-9:55 Emery Adoradio - Anti-Corruption Prosecutor - Overview of Program
- 9:55-10:45 Review of Anti-Corruption-Themed Study Tour to US.
- 10:45 - 11:00 BREAK
- 11:00 - 1:00 Case Scenario Exercise - Mr. Adoradio
- 1:00 - 1:15 BREAK
- 1:15 - 2:30 Presentation and Group Discussion on Recommendations for Future Action
- 2:45 Lunch

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### *Recommendations for Improving the ACC*

In order to make the ACC a more effective anti-corruption agency, the following is recommended:

- ❖ Enhancing the ACC's investigative competencies through training and hiring qualified personnel with financial and forensic expertise.
- ❖ Developing formal procedures for investigators and prosecutors to meet and discuss an investigative/prosecution strategy when complaints are referred by the ACC Commissioners.

- ❖ Developing procedures for regular interaction between ACC investigators and prosecutors and the police so that investigative strategies are considered, including the value and viability of undercover and covert investigations.
- ❖ Amending the criminal procedure law so that ACC investigators may obtain bank records and take sworn statements from witnesses and suspects.
- ❖ Assessing the value of a statute that would make it a criminal offense for any civil servant or public official to accept gifts, loans or discounts unless they are strictly for private reasons.
- ❖ Enhancing the ACC's prevention work by creating corruption prevention guides for various government and business sectors. These would provide tips for closing corruption loopholes and best practices for preventing corruption. ACC staff would offer advice and practical help to enable government agencies, companies and organizations to introduce systems and procedures that are resistant to corruption.
- ❖ Expanding the ACC's prevention role by developing and implementing an integrity-testing program. Testing would have both a deterrent and detection function and would be used strategically in government and business sectors.
- ❖ Enhancing the ACC's corruption awareness role through public messaging.
- ❖ Developing and implementing a strategy for the ACC to take the lead in creating effective partnerships and coordination between anti-corruption stakeholders. As part of this strategy the ACC would chair regular meetings of stakeholders in which each would report on their anti-corruption work.
- ❖ Amending the ACC's enabling law to address accountability and transparency concerns. Several amendments should be considered, including shifting its line of reporting away from Parliament to someone chosen from outside of government. This "untouchable" would be accountable to the King, minimizing the current state of diffused accountability.
- ❖ Leveraging and coordinating resources with other donor organizations that are committed to strengthening the ACC.

### *Recommendations for the Establishment of a Strike Force*

- ❖ Establish a national anti-corruption coordinating committee or strike force comprised of anti-corruption stakeholders. The committee's director would be drawn from outside of government, "untouchable", and as described above be accountable to the King not Parliament.
- ❖ Committee members would include representatives from the panoply of anti-corruption stakeholders: ACC, Audit Bureau, Controller of Companies, Jordan Stock Exchange, Ombudsman Bureau, Financial Disclosure Department, General Security Directorate, Income and Sales Tax Department<sup>2</sup>, Anti-Money Laundering Unit, Government Procurement Department, Attorney General, Judicial Council, and other representatives, including from civil society, as appropriate.
- ❖ The strike force would have dedicated investigative and prosecution teams who would report to an operations director. The ACC would continue to handle corruption prevention and citizen awareness responsibilities but its investigative and public prosecutor staff would move to the strike force or to a specialized corruption unit within the Public Prosecutors Office.
- ❖ Alternatively, the strike force would focus strictly on coordination between stakeholders and investigative responsibilities would remain with the ACC.
- ❖ The committee or strike force would assist the prevention role of the ACC by communicating identified "corruption hazards" discussed by stakeholders.

In addition to these recommendations, the future implementation of an anti-corruption program should include:

- Providing support to the government so that assets disclosed in financial statements are verified and amending the Financial Disclosure Law so that consistent with legitimate privacy concerns prosecutors would have greater access to reports.
- Bringing police corruption cases into the jurisdiction of public prosecutors so that corruption cases involving law enforcement are heard in civil not police courts, consistent with best international practices.

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<sup>2</sup> It is reported that approximately 800 million JD (1.1 billion US dollars) in tax revenue remains uncollected annually.

### *Prosecution Function*

- Work toward the creation of a specialized corruption unit within the Public Prosecutors Office. Prosecutors assigned to the unit would serve for a minimum number of years so that experience and expertise are developed. Career enhancements, such as a Court of Cassation appointment, might be offered as part of the assignment.
- Consider the appointment of special prosecutors outside of the Ministry of Justice. These independent prosecutors would serve a five-year term.
- Increase training in several areas including gathering and analysis of financial records, debriefing of witnesses, interrogation techniques, securities fraud, and tracing and recovery of assets.
- Develop formal procedures for prosecutors and investigators/police to meet and discuss an investigative/prosecution strategy when complaints are received.
- Develop a formal mechanism for interaction between the security police and prosecutors so that undercover and covert investigations are considered and employed where feasible and productive.

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