

JORDAN

Security measures violate human rights

TABLE OF CONTENTS

Introduction	1
Laws introduced following 11 September attacks in the USA	2
(a) New definition of “terrorism” and harsher penalties	2
(b) New offences against the state and expansion of the death penalty	3
(c) Restrictions on freedom of expression and assembly	3
The case of Fahd al-Rimawi	4
Restrictions on freedom of assembly before 11 September	5
Arrests and incommunicado detention	6
Arrests and incommunicado detention following demonstrations	6
The case of Ahmad Hikmat Shakir	8
The case of Ghassan Dahduli	8
The case of Ra'ed Muhammad Hijazi following the events of 11 September	9
Recommendations to the Government of the Hashemite Kingdom of Jordan	9

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Introduction

Following the 11 September 2001 attacks in the United States (US) in which at least 3,000 people were killed, Jordan, like many other states, made changes to its legislation in order to take steps against the perpetrators of such acts. The new laws on “terrorism” and the limitations to the freedom of expression, promulgated after the 11 September attacks without passing through the Jordanian parliament, were part of an already worrying trend in Jordan. Already in August 2001 laws had been promulgated limiting rights of assembly and the right of access to legal counsel to political opponents. Amnesty International is concerned that provisions in the August and the post-11 September laws criminalize peaceful activities unrelated to politically motivated violence.

In addition to its concerns over the new laws limiting rights, this report also raises Amnesty International’s concern at Jordan’s continuing use of prolonged incommunicado detention. During the two months following the 11 September attacks, the Jordanian authorities arrested and held in incommunicado detention a number of people who had been involved in demonstrations, including demonstrations opposing the bombing of Afghanistan. Dozens of others, most of them suspected of links with Islamist groups, were also arrested and held in incommunicado detention. The pre-trial incommunicado detention of political detainees in Jordan is not a new concern. Amnesty International has frequently raised this with the Jordanian authorities and in public reports¹.

Jordan is a State Party to international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 1976. In 1991 Jordan acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Amnesty International is concerned that the new laws mentioned in this report and Jordan’s continued use of incommunicado detention, where torture or other ill-treatment have been known to occur, breach these international standards.

On 7 May 1999 the Arab Convention for the Suppression of Terrorism entered into force after seven member states of the Arab League ratified the Convention. Amnesty International has serious concerns with it, in particular with its extremely broad definition of “terrorism” and its failure to prohibit arbitrary detention or prohibit torture or even to insist that detainees are brought promptly before a judge. Amnesty International has called for the amendment of the Convention to ensure that it is consistent with international human rights and humanitarian law². It is important that the need to act against those who might perpetrate

¹ See *Jordan: An absence of safeguards* (November 1998, AI Index: MDE 16/11/98).

² See *The Arab Convention for the Suppression of Terrorism: A serious threat to human rights* (January 2002, AI Index: IOR 51/001/2002).

“terrorist” attacks should not be used to give legitimacy to practices which are a serious breach of international human rights standards.

Laws introduced following the 11 September attacks in US

Two weeks after attacks on the US, the Jordanian authorities introduced changes to the Penal Code expanding the definition of "terrorism", introducing numerous loosely-defined offences, restricting freedom of expression and the press, and expanding the scope of offences punishable by the death penalty and life imprisonment. The new Law entitled Law Amending the Penal Code (Provisional Law No. 54, 2001) which was hastily promulgated through a provisional royal decree in the absence of Parliament, became effective on 2 October 2001, immediately after approval by King 'Abdallah bin Hussein of Jordan.

(a) New definition for "terrorism" and harsher penalties

"Terrorism" was originally defined in Article 147 of the Penal Code as "any acts which aim to create a state of fear and are committed by means of explosive devices, inflammable, poisonous and incendiary material, using epidemics or germs, which can cause a public danger". This definition was replaced by a new and broader one under the Law Amending the Penal Code (Article 147-1) so that "terrorism" becomes the "use or the threat to use violence" as an individual or collective act with the purposes of undermining public order or endangering social peace and security in a way that may cause fear and terror and endanger the safety and lives of people. This Law also expands the scope of "terrorism" to include acts which cause damage to the environment, public facilities, public and private property, and endangering national resources, obstructing the application of the Constitution and laws, and damage to, seizure, or occupation of diplomatic missions. The text is vague and its loose wording leaves it open to different interpretations.

This very much wider definition parallels in many respects the definition of “terrorism” in Article 2 of the Arab Convention for the Suppression of Terrorism which also describes “terrorism” as “any act or threat of violence”. Amnesty International is concerned that, by the use of the word “threat”, people who are not accused of committing violent acts could be accused of “terrorism” for instance because of their alleged affiliation to opposition groups which use violence. In addition, the phrase “acts which cause damage to the environment” is extremely vague and could be read as encompassing minor damage caused by peaceful demonstrations, while the “seizure or occupation of diplomatic missions”, in the absence of any clear definition of what degree constitutes “terrorism”, might be used against people who demonstrate in front of an embassy. This would pose a threat to freedom of association and expression.

Furthermore, under the new Law, Article 147- 2 defines, as acts of "terrorism", banking transactions, particularly depositing money in any bank or any financial institution or transferring money “when it is clear that the money is of a suspicious nature and is connected with any terrorist activity”. Anyone who commits such an offence can be sentenced to up to 15 years’ imprisonment with hard labour under Article 147-2c; the bank official who knowingly carries out such a transaction can be punished with imprisonment and the monies frozen and confiscated. Amnesty International is concerned that the support of

peaceful activities could be deemed to fall under the new definition of “terrorism” thus becoming criminalized.

The Law also expands "terrorist" offences that are punishable with life imprisonment and the death penalty. While Article 148 of the amended Penal Code allowed for the death penalty for acts of "terrorism" leading to the loss of life only, Article 148-4c also provides the death penalty for any acts of "terrorism" involving the use of “explosive, poisonous, incendiary material or using epidemics or germs or chemicals or radioactive material or similar substances” whether or not such acts cause death. Among the new offences punishable with life imprisonment are disabling or hacking computer systems and networks (Article 148-3b).

(b) New offences against the state and expansion of the death penalty

Major changes have also been made to Article 149 including the introduction of new political offences against the state. The new Article 149-1 states, among other things, that,

“Anyone engaged in any activity in order to destroy the political system of the kingdom or encouraging resistance and anyone engaged in any individual or collective action with intent to change the economic or social nature of the state or basic conditions of the society shall be punished with hard labour for a fixed period of time.”

Taking hostages with the intent of, among other things, blackmailing an official or private body is punishable by life imprisonment with hard labour, if such acts result in the injury of any person, and with the death penalty if such acts lead to the death of any person. The new Law abrogated Article 149-3 of the Penal Code effectively removing the right of the judge to consider extenuating factors when passing sentences related to political offences against the state.

(c) Restrictions on freedom of expression and assembly

Under Law 54, Article 150 of the Penal Code was expanded with further restrictions on freedom of expression. A number of new vaguely defined offences were introduced, including: harming national unity; harming the prestige, integrity and reputation of the state; inciting disturbances, sit-downs and unauthorized public meetings; causing harm to the dignity, reputation or personal freedom of individuals; destabilizing society through the promotion of deviance and immorality; and dissemination of false information and rumours. Such offences are punishable by imprisonment of not less than three months and not more than six months, or a fine of not more than 5,000 Jordanian dinars; or both punishments. They can also lead to the closure of newspaper offices deemed to have published offending materials.

In a further serious attack on the right to freedom of expression, offences committed under Law 54, including the amended Article 150 of the Penal Code, fall under the jurisdiction of the State Security Court. Amnesty International has frequently voiced its concern that the State Security Court, which almost invariably uses military judges and a military prosecutor, does not provide the same guarantees of independence and impartiality provided by the ordinary courts. The organization is even more concerned that, under Law

54, the State Security Court will now have an even wider jurisdiction over many who may be prisoners of conscience, brought to trial for the expression of non-violent conscientiously-held opinions. The Human Rights Committee, commenting on Jordan's implementation of the ICCPR in 1994, expressed concern that "the State Security Court continues to exercise special jurisdiction" and recommended that consideration be given to its abolition.

- 1. Everyone shall have the right to hold opinions without interference.*
- 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
- 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public),

The Case of Fahd al-Rimawi

The first known victim of the amendment to Article 150, was Fahd al-Rimawi, the editor-in-chief of the weekly political newspaper *al-Majd*, who was detained solely for exercising his right to freedom of expression. Amnesty International considers Fahd al-Rimawi to have been a prisoner of conscience. He was questioned for four hours at the General Intelligence Department (GID) and then detained for three days at Jweideh Prison from 13 to 16 January 2002. He was charged under Article 150 of the Penal Code with "writing and publishing false information and rumours that may harm the prestige and reputation of the state and slander the integrity and reputation of its members " following the publication on 7 January of an opinion piece in *al-Majd* which was critical of the Jordanian government. The article accused the Jordanian government of muzzling press freedoms, repressing political opposition and spreading a "culture of fear" in society. In his article he called for the resignation of the government citing an opinion poll conducted by the Centre for Strategic Studies at Jordan University which showed a decline in the popularity of the government. Fahd al-Rimawi was released on bail of 5000 Jordanian dinars (\$7,100) pending his referral to the State Security Court.

Fahd al-Rimawi, 2000 © *al-Majd*

Restrictions on freedom of assembly before 11 September

"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others." (Article 21 of ICCPR)

In August 2001, King ‘Abdallah bin Hussein decreed a law on public meetings entitled Public Assemblies Law (Provisional Law No 45, 2001) replacing Public Assembly Law, No 60, 1953. The new Law bans the organization or holding of any rally or public meeting without the prior written approval of the administrative governor (Article 3-A) and gives the governor the authority to terminate or disperse the meeting or rally by force if the meeting or rally contravenes the objectives for which it is held (Article 7). Anyone infringing the provision of the Public Assemblies’ Law is liable to punishment of between one and six months’ imprisonment; or a fine of not less than 500 Jordanian dinars and not more than 3000 dinars; or both punishments. According to these regulations the organizers of such meetings or rallies are not permitted to publicize them before obtaining the approval of the governor for them. Additional regulations of meetings and rallies issued by the Minister of Interior shortly after the promulgation of the Public Assemblies’ Law prohibits "the use of slogans, expressions, chants, sketches, or photos that harm the sovereignty of state, national unity, security and public order".

Amnesty International is concerned about the lack of precision and the breadth of the new laws. It creates uncertainty about which sorts of conduct are prohibited, may criminalize peaceful activities and infringe unduly upon rights to freedom of expression and assembly.

Arrests and incommunicado detention

Dozens of people were arrested following 11 September, many in connection with demonstrations protesting the killings of Palestinians during the current *intifada* and against the bombing of Afghanistan and, in some cases, in relation to connections with Islamist groups.

Arrests and incommunicado detention following demonstrations

In August 2001 the Public Assemblies’ Law was introduced stipulating that official approval from the administrative governor must be granted for the holding of any public events, rallies or marches.

During September and October 2001 arrests were made in connection with three demonstrations held in Amman and Zarqa. Those arrested were held in incommunicado detention, which was prolonged in some cases. Dozens may have been prisoners of conscience held for their political beliefs without having used or advocated violence.

Prolonged incommunicado detention violates international human rights standards ratified by Jordan. The Human Rights Committee, commenting on Jordan’s implementation of the ICCPR in 1994

“Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.”
(ICCPR, Article 9 (4)).

recommended that “the detention premises controlled by the Central [i.e. General] Intelligence Department be placed under close supervision of the judicial authorities” and that “measures of administrative detention [detention without charge or trial] and incommunicado detention be restricted to very limited and exceptional cases.”

Political detainees are visited by the International Committee of the Red Cross (ICRC) in the GID detention centre but have irregular access (usually only after the first 15 days) to their families and no access to a lawyer. Until recently, allegations of torture were made by only a small minority of

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...” (Article 7, ICCPR).

those who are arrested by the GID. Amnesty International is concerned that incommunicado detention creates the circumstances where torture and other ill-treatment may be practised and also serves to conceal the evidence of torture. The UN Special Rapporteur on torture has called for a total ban on incommunicado detention, stating that, “[t]orture is most frequently practised during incommunicado detention. Incommunicado detention should be made illegal and persons held incommunicado should be released without delay. Legal provisions should ensure that detainees be given access to legal counsel within 24 hours of detention”. (UN doc. E MED MED MED MED MED/CN.4/1995/434, para 926 (d)).

Dozens of detainees arrested after the demonstrations were held for periods ranging from days to weeks before being released without charge. Three were held for nine weeks. Some detainees alleged that, during their incommunicado detention, they were tortured and otherwise ill-treated. All detainees were held in the GID’s Wadi Sir Detention Centre in Amman in solitary confinement.

“Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged” (Principle 7 of the Basic Principles for the Treatment of Prisoners adopted by the UN General Assembly in resolution 45/111 of 14

On 28 September 2001 a demonstration marking the anniversary of the current Palestinian *intifada* and protesting against the killings of Palestinians in the Occupied Territories took place in the Palestinian refugee camp, al-Baq’a, on the outskirts of Amman. The demonstration was apparently organized by a variety of political groups and individuals including leftists and Islamist activists. On 29 September dozens of people were arrested from their homes in al-Baq’a by police and GID officers during the night. Some of them reported that they were beaten by arresting officers and on interrogation.

Three of those arrested stated that they were held for up to 60 days incommunicado. They stated that they were punched, slapped and kicked during interrogation by police and GID officers. ‘Ali ‘Abdallah and ‘Abd al-Karim al-Hasanat were reportedly deprived of sleep for a number of days. All three were held in solitary confinement until their release without charge on 26 November 2001. On release they were made to sign a guarantee to pay a fine if found participating in future demonstrations. In two cases the sum was 5,000 Jordanian dinars.

On 8 October a demonstration was held inside Jordan University protesting against the killings of Palestinians in the Occupied Territories and the bombing by the US of Afghanistan. Subsequently four students, including Muhammad Abu Mallouh, who had attended the demonstration, were arrested by the GID. Muhammad Abu Mallouh was arrested around midnight on 8 October from his home in Amman by about 15 GID and police officers. He was taken to the Wadi Sir Detention Centre where he stated he was slapped. He was interrogated for several days and asked to provide information about those responsible for organizing the demonstration. He provided no information and he said that after some days GID officers began to beat and slap him about his body. He said he was deprived of sleep for some five days. Officers watched over him throughout his detention to ensure he did not sleep, by making loud noises. He said that officers also threatened they would torture him with electric shocks and rape him, his mother and sister. For the remainder of his detention he was questioned twice daily and kicked and slapped around his body for short periods of times. After 44 days incommunicado detention, Muhammad Abu Mallouh was released without charge after signing an agreement to pay a fine of 5,000 dinars if found participating in demonstrations and other political opposition activity.

At least three students, Muhammad al-Jamal, Ahmed Sabuba and 'Abd al-Rahman al-Daqqah, were arrested from their homes in Zarqa, a city close to Amman, at the end of October. Their arrests followed their attendance at a demonstration in Zarqa University, a few days before, protesting the US bombing of Afghanistan. 'Abd al-Rahman al-Daqqah was arrested by police officers and taken to Zarqa Central Police Station where he was kept for some hours and then transferred to the Central Police Station of Amman in al-'Abdali. From there he was taken to the Wadi Sir Detention Centre. 'Abd al-Rahman al-Daqqah stated that during his interrogation, he was on occasion slapped and kicked. He was held incommunicado for up to 14 days until he was released without charge.

The case of Ahmad Hikmat Shakir

Ahmad Hikmat Shakir, an Iraqi citizen aged 37 years, was arrested at Amman Airport on 21 October 2001 during a transit-stop on his way from Qatar to Iraq. Ahmad Hikmat Shakir, an employee of the Qatari Ministry of Awqaf, was arrested on 17 September by the Qatar authorities and reportedly ill-treated while being interrogated. He was not charged with any offence and was released from detention. He left Doha for Iraq via Jordan on 21 October and was arrested on the same day by the Jordanian security forces. It appears that his arrest may have been in connection with suspicions on the part of the Jordanian authorities relating to visits he had made to Pakistan, Yemen and Malaysia. Amnesty International wrote to the Minister of Interior in November seeking assurances that Ahmad Hikmat Shakir was being humanely treated and not subjected to any kind of ill-treatment or torture as well as seeking information about his whereabouts, the reasons for his arrest, and whether any charges had been brought against him. By the end of January 2002 no reply had been received. Ahmad Hikmat Shakir was held in incommunicado detention for several weeks before being allowed access to a lawyer. Following his release on bail on 28 January, Amnesty International was not able to obtain information from him about his experiences during his detention in Jordan or about the charges which had been brought against him. However, according to reports received by Amnesty International, he had lost weight during his detention and appeared to be traumatized.

The case of Ghassan Dahduli

At the end of November, Ghassan Dahduli, a Jordanian residing in the US for the last 20 years, was deported to Jordan apparently in relation to an immigration offence. Reportedly, Ghassan Dahduli had been threatened with deportation from the US since September 2000 in relation to obtaining, by fraud, a work visa. He was finally arrested from his home around 15 September 2001 and held in solitary confinement for some 65 days. Reportedly Ghassan Dahduli's name had been discovered shortly before his arrest in the US in an address book belonging to Wadih al-Hage who was sentenced to life imprisonment in the US for his role in the 1998 bombings of the US embassies in Africa. Ghassan Dahduli had been a local officer for the Islamic Association for Palestine in Chicago. He was arrested in Jordan, following his deportation, on arrival at the airport in Amman and was detained for 13 days in solitary confinement by the GID. For 10 days he was held incommunicado. He was otherwise well-treated during his detention in Jordan. On his release he was informed that charges of "terrorism" made against him would be dropped.

Amnesty International wrote to the Jordanian authorities in December 2001 raising concerns about arbitrary arrests, incommunicado detention, and torture and other ill-treatment in Jordan after the 11 September attacks. By the end of January 2002 the organization had not received a response.

The case of Ra'ed Muhammad Hijazi following the events of 11 September

Ra'ed Muhammad Hijazi, of dual Jordanian and US nationality, was arrested in October 2000 after being extradited to Jordan from Syria in relation to alleged membership of *al-Qa'ida* and conspiracy to carry out "terrorist" attacks. He was held incommunicado by the GID for up to three weeks during which time he alleges his life was threatened and he was beaten with sticks and cables. He said that he signed "confessions" under duress. The US consul had previously visited him, apparently as a result of reports that he had been tortured. When Ra'ed Muhammad Hijazi's trial recommenced in November, his lawyers subpoenaed the consul to testify about the alleged torture. However, the US government exercised diplomatic immunity to prevent the consul's attendance. The trial continues. Amnesty International is concerned at reports that Ra'ed Muhammad Hijazi was tortured during interrogation and that he may not receive a fair trial before the State Security Court.

Recommendations to the Government of the Hashemite Kingdom of Jordan

Amnesty International urges the authorities to implement the following steps without delay. These measures would bring Jordanian law and practice closer to the letter and spirit of the international human rights treaties to which Jordan is a State Party.

- 1) **Incommunicado detention should be ended and all detainees should be ensured immediate access to family, lawyers and independent doctors.**
- 2) **Detainees should be brought before an independent judicial authority independent of the security forces promptly after arrest; if no recognizably criminal charges are brought against them they should be released.**

- 3) **All prisoners of conscience should be immediately released.**
- 4) **All allegations of torture should be promptly, effectively, independently, impartially and thoroughly investigated by an independent body which will make public its findings.**
- 5) **If evidence is found that any member of the security services and other law enforcement officials have ordered or used torture or ill-treatment against detainees, the authorities should bring perpetrators to justice in accordance with internationally recognized principles of fair trial. All victims of torture or other cruel, inhuman and degrading treatment should be compensated.**
- 6) **Legislation should be brought in line with**
 - **Article 19 of the ICCPR guaranteeing the right to hold opinions and express them without interference;**
 - and**
 - **Article 21 of the ICCPR guaranteeing the right to freedom of assembly.**
- 7) **The Jordanian authorities should establish a moratorium on executions pending total abolition of the death penalty.**
- 8) **The government should press for the Arab Convention for the Suppression of Terrorism to amend its definition of “terrorism” to ensure the right to freedom of expression and for the Convention to include clear provisions that guarantee rights for those in detention according to international standards, including access to the outside world.**
- 9) **The government should press for provisions of the Arab Convention for the Suppression of Terrorism to be amended so that they are in line with international standards. The government should reiterate its firm commitment to human rights in its legislation, policies and action, including those that relate to combatting acts that are being classified as “acts of terrorism”. All use of provisions of the Arab Convention for the Suppression of Terrorism should be made public.**