

PUBLIC

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Death penalty/Torture/
Unfair trial

13 February 2002

JORDAN Ra'ed Muhammad Hijazi (m), aged 33

On 11 February, Ra'ed Muhammad Hijazi, of dual Jordanian and US nationality, was sentenced to death by the State Security Court on charges of plotting to carry out terrorist activities and illegal production and possession of explosive materials. He confessed to the crime after allegedly being tortured and was convicted following an unfair trial. His death sentence has to be approved by the Court of Cassation and King 'Abdallah bin Hussein.

Ra'ed Muhammad Hijazi was tortured in both Jordan and Syria, from where he was extradited in October 2000. He was extradited for allegedly being a member of *Al-Qa'ida*, the network headed by Osama bin Laden and for conspiracy to carry out "terrorist attacks". He was held in incommunicado detention by the Jordanian General Intelligence Department (GID) for three weeks in October 2001 during which time he was reportedly tortured using various methods including by being beaten with sticks and cables. Ra'ed Muhammad Hijazi withdrew his confessions in his trial stating that he had made them under duress.

The State Security Court has acquitted Ra'ed Muhammad Hijazi on some charges including membership of an illegal organisation (*Al-Qa'ida*). 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 Human Rights Committee expressed concern in 1994 that "the State Security Court continues to exercise special jurisdiction" and recommended that consideration be given to its abolition.

BACKGROUND INFORMATION

Amnesty International is gravely concerned at reports that Ra'ed Muhammad Hijazi has been condemned to death after confessions apparently made under duress and following an unfair trial.

Amnesty International does not in any way condone violent crime, but opposes the death penalty in all cases as the ultimate form of cruel, inhuman or degrading treatment or punishment. Capital punishment has never been shown to have a unique deterrent effect and a death sentence is irrevocable.

The Human Rights Committee, in its General Comment 6 on the right to life, stressed that, in states which have not abolished the death penalty, it must be "a quite exceptional measure". The comments emphasise that the procedural guarantees inherent in the International Covenant on Civil and Political Rights must be observed "including the right to a fair hearing by an independent tribunal, the presumption of innocence, the minimum guarantees for the defence, and the right to review by a higher tribunal. These rights are applicable in addition to the particular right to seek pardon or commutation of the sentence."

Five people were executed in Jordan on 6 and 7 February by hanging. Three of the executions followed unfair trials.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, English or your own language:

- urging the King to commute the death sentence passed against Ra'ed Muhammad Hijazi, if upheld by the Court of Cassation;
- calling for Ra'ed Muhammad Hijazi to be re-tried according to international standards for fair trials;
- reminding the Jordanian authorities that confessions made under duress are inadmissible;
- noting that governments have not only a right but also an obligation to bring those who plan or perpetrate violent crimes to justice, but that this should be done in accordance with international standards for fair trials;
- calling for an immediate and independent investigation into the torture allegations;
- expressing concern at the recent executions in Jordan and urging that no more executions be carried out and that the Government work towards abolishing the death penalty.

APPEALS TO:

His Majesty King 'Abdallah bin Hussein
Office of H.M. the King
Royal Palace
Amman
The Hashemite Kingdom of Jordan
Telegrams:King 'Abdallah bin Hussein, Amman, Jordan
Faxes:+ 962 6 462 7421
Salutation:Your Majesty

Faris Nabulsi
Minister of Justice
PO Box 6040
Amman
The Hashemite Kingdom of Jordan
Telegrams:Justice Minister, Amman, Jordan
Fax: + 962 6 568 0238
Salutation: Your Excellency

Dr Fayez Tarawneh
Chief of the Royal Court
PO Box 80
Amman
The Hashemite Kingdom of Jordan
Telegrams:Chief of the Royal Court, Amman, Jordan
Fax: + 962 6 463 1452
Salutation:Dear Dr Tarawneh

COPIES TO:

Her Majesty Queen Rania
President of the Royal Commission on Human Rights
Office of her Majesty the Queen
Royal Palace
Amman
The Hashemite Kingdom of Jordan
Salutation:Your Majesty

and to diplomatic representatives of Jordan accredited to your country.
PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 March 2002.