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**SUMMARY OF AMNESTY INTERNATIONAL'S
CONCERNS IN JORDAN**

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Introduction

Despite promised reforms Amnesty International has not noted significant changes in the human rights situation in Jordan with regard to its main concerns, which were detailed in the report: Jordan: Human Rights Protection After the State of Emergency, published in June 1990. In that report, Amnesty International expressed concern that under state of emergency provisions in force in Jordan over the years violations had occurred of certain non-derogable rights, including the right not to be subjected to torture or ill-treatment, and that Jordan had not complied with other requirements of the International Covenant on Civil and Political Rights. Amnesty International also expressed concern that certain Jordanian laws severely restrict political and trade union activities and can lead to the imprisonment of prisoners of conscience; that administrative detention without charge or trial, together with other forms of administrative restriction such as town arrest, have been widely used over the years as a means to suppress peaceful and other political activities; that the procedures of certain courts in Jordan lack internationally recognized guarantees for fair trial, such as the right to appeal to a higher tribunal; and that the death penalty has been used, including after unfair trials.

Amnesty International remains concerned that the executive authorities in Jordan still exercise the sweeping powers of arrest and detention without trial granted to them under emergency provisions, about continued reports of torture and the continued use of the death penalty, including after trials by special courts lacking fair trial guarantees.

The state of emergency

The state of emergency remains in force. Martial law, declared in June 1967, has not yet been lifted, despite a government pledge to do so by June 1990, though it has been officially "frozen" since December 1989. The Defence Law, in force since 1939, has not been abrogated even though a draft new Defence Law was presented by the government to Parliament for consideration at its extraordinary session starting in June 1990. According to the text of this draft law, as published in a national newspaper shortly before the commencement of that session, if enacted, the law would apparently provide for the imposition of limits on personal freedoms, including the arrest and indefinite administrative detention without charge or trial of people suspected of endangering security, the confiscation or appropriation of land and property, and censorship of the post, the press, publications and other sources of information. Violations of this law would be punishable by up to three years' imprisonment, or a fine not exceeding 3,000 JD, or both. The law would also provide a right of appeal to the High Court every 30 days by security suspects held in administrative detention (unlike the Defence Law currently in force which makes no provision for judicial review of administrative detention). The draft has been approved by the Lower House of Parliament and is now before the Upper House of Parliament. Amnesty International does not know what amendments, if any, have been made to the draft law by the Lower House.

Review of other legislation

Several laws whose provisions have been of concern to Amnesty International, and which were due to be repealed or reviewed, still remain in force. They include the Law on Resistance to Communism No.91 of 1953, which makes punishable, by three to 15 years' imprisonment, offences such as membership of communist organizations, advocacy of communism, possession of communist literature and sheltering communists or "helping them by any other means". A proposal for the repeal of this law was presented to Parliament by the government in January 1990, but it remains under consideration by the Lower House of Parliament. The law has not been used in practice since early 1990, but there is some concern that as long as it remains on the statute books it could be used again leading to the imprisonment of prisoners of conscience

Administrative detention

Under emergency provisions provided for in both the Defence Law and martial law, political suspects continue to be held in administrative detention, without charge, trial or judicial review, mostly in the General Intelligence Department (GID) headquarters in Amman.

During 1991 several members of Islamic groups and of a communist group have been so detained. Detainees have no access to lawyers while held by the GID, often for weeks or sometimes months at a time. Visits by relatives are allowed occasionally, entirely at the discretion of the GID. However, the International Committee of the Red Cross (ICRC) is allowed to visit security detainees every two weeks.

Torture and ill-treatment of detainees

Allegations of torture and ill-treatment of detainees continue to be received by Amnesty International. They relate mostly to detainees held by the GID or the Military Intelligence Department. The periods of prolonged incommunicado detention in which such detainees are normally held clearly facilitate the use of torture and ill-treatment.

Trials by special courts

The Martial Law Court, expected to be abolished once martial law is lifted, continues to try cases involving civilians. However, some political cases, which until recently would have been brought before the Martial Law Court, have been heard before the ordinary civilian courts, as in the case of several members of Islamic groups tried recently for alleged membership of illegal organizations. However, while it exists the Martial Law Court retains jurisdiction over political offences. It also continues to try drug-related offences which may incur the death penalty. Those convicted and sentenced by the Martial Law Court have no right of appeal to a higher tribunal under Jordanian law. Moreover, other aspects of the proceedings of the Martial Law Court have been of concern to Amnesty International. They relate mainly to guarantees for adequate defence, including practical difficulties faced by defence lawyers as well as the use as evidence of confessions made by defendants and statements by witnesses, allegedly extracted under torture or other forms of coercion.

All other special courts referred to in the Amnesty International report of June 1990 (the Court for the Prevention of Land Sales to the Enemy and the internal tribunals of the armed forces and the GID) are believed to be still in operation, retaining jurisdiction over certain capital offences. They lack fundamental safeguards for a fair trial such as the right of appeal to a higher tribunal.

The death penalty

Six executions have been carried out since the beginning of 1991. Four of those executed had been convicted of murder, three of them by the Martial Law Court. The other two had been convicted of treason by the Martial Law Court. One of the executions was the first known to have been carried out under the 1988 Law on Drugs and Stimulants, which provides for a mandatory death penalty for an assault of an official entrusted with the enforcement of the law leading to his or her death (Article 21). As outlined above, Amnesty International is concerned that trials conducted by the Martial Law Court are unfair, particularly as there is no right of appeal to a higher tribunal.

Release of prisoners

Seven prisoners convicted by the Martial Law Court in previous years for violent political offences were pardoned by the King and released in March 1991. They include two men, 'Abdullah and Muhammad al-Darduk, who were under sentence of death.

The National Charter

The "National Charter" drafted by a royal commission over the previous months was adopted at a special conference in June attended by 2,000 prominent Jordanians and signed by the King. There has been discussion in the country about the relation between this charter, which sets out general principles relating to political, economic and social life, and the existing constitution. The authorities maintain that it is a complementary document, not intended to supplant the constitution. It is expected that the charter will be submitted to a popular referendum for approval.

The text of the charter, as published in the press in December 1990, includes a commitment to the protection of human rights, as set out in the Universal Declaration of Human Rights and all other human rights instruments issued by the United Nations. However, the charter does not spell out these rights in detail and the charter apparently may not be invoked in court as a legally binding obligation on officials. Another important function of the charter is to set a framework for the operation of political parties, which at present are still technically illegal.

List of enclosures

1. Jordan: Human Rights Protection After the State of Emergency,
AI Index: MDE 16/02/90, published June 1990
(this report is available in English, Arabic, French and Spanish)
2. Law of Resistance to Communism No. 91 of 1953
(text in English and Arabic)
3. Draft Defence Law (as published in Arabic by the daily al-Rai
on 8 May 1990)
4. The National Charter (as published in Arabic by the daily al-Rai
on 31 December 1990)