

EXTERNAL (for general distribution)

AI Index: MDE 16/09/91  
Distr: UA/SC

UA 411/91 Death Penalty / Unfair Trial

25 November 1991

JORDAN: Fu'ad Sulayman Fu'ad Da'na  
Jawad Muhammad Sulayman al-Faqih  
Habes 'Isa 'Abd al-Hafez Sanduqah al-Qaisi  
Nabil Yusuf Muhammad Ahmad Abu Harthiyyah  
~~Muhammad Tal'at Muhammad al-Dajani~~  
Ziyad Yunes Talal Kashur  
Isma'il Subhi 'Ubayd (*in absentia*)  
Jamal Shaker 'Id Abu Jama' (*in absentia*)

The State Security Court concluded this morning the trial of 20 men, two of whom were tried *in absentia*, accused of belonging to an organization called *Jaysh Muhammad* (the Army of the Prophet Muhammad). Eight defendants, including the two tried *in absentia*, have been sentenced to death. Three others were sentenced to life imprisonment and those remaining received sentences of between four and 15 years' imprisonment.

The prisoners were convicted on charges including possession of explosives and automatic weapons, attempted murder, acts of terrorism and membership of an illegal violent organization. These charges were brought under the 1960 Penal Code, the 1953 Law on Explosives and the 1952 Law on Firearms and Ammunition. The prisoners were accused of having been involved in bomb attacks, including one against a security officer, and other violent acts including arson in a bank and a night club.

The six defendants sentenced to death and currently in prison were arrested in July 1991, except for Nabil Abu Harthiyyah who was arrested in March 1991. All were detained in prolonged incommunicado detention and interrogated by the General Intelligence Department (GID) in Amman. Lawyers were not allowed to see them until the end of September, and even then only for a short visit. Their trial started on 7 October 1991.

The primary evidence against the defendants was their confessions as well as weapons said to have been found in the homes of some of them. However, defendants alleged in court to have confessed under torture. A medical examination by a forensic doctor indicated that some of them had sustained injuries including fractures to their fingers and toes "as a result of being hit by a blunt object like a stick". The report concluded that such injuries indicated that those who had suffered them "were subjected to some form of physical abuse, in some instances of a severe nature". The time these injuries were inflicted could be estimated "in weeks or months, but probably does not exceed six months". The report also pointed out that although some defendants did not show marks of injuries, "this does not exclude the possibility that injuries may have occurred". The court reportedly found such medical evidence insufficient to substantiate the allegations of torture. Amnesty International finds the medical evidence consistent with methods of torture that have been practised by the GID in recent years such as *falaga* (beatings with sticks on the soles of the feet).

The State Security Court was formed in order to try these defendants, on the basis of a 1959 law. The court, composed of three military officers, lacks fundamental safeguards for fair trial such as the right of appeal to a higher tribunal. A new State Security Court law introducing the right of appeal has apparently been approved by Parliament but has not yet been promulgated.

King Hussein bin Talal takes all final decisions with regard to death sentences following advice by the Council of Ministers. The King may confirm or commute the sentences, or grant a special pardon.

During a visit to Jordan in August 1991 and in subsequent communications Amnesty International raised serious concerns with the Jordanian Government about the prolonged incommunicado detention of these detainees and the unsuitability of the State Security Court to provide them with a fair trial.

Amnesty International also stressed the importance of introducing safeguards against torture or ill-treatment, such as prompt visits by lawyers and regular medical examinations of detainees. The GID Director General told Amnesty International he would take into consideration the introduction of such medical examinations. In October 1991, an Amnesty International delegate observed the opening sessions of this trial before the State Security Court.

Since the beginning of the year Amnesty International has recorded five executions carried out on people sentenced to death after unfair trials. Five death sentences passed in March 1991 after an unfair trial were commuted in August.

Amnesty International recognizes that governments are entitled to bring to justice people accused of violent offences. However, it opposes torture, unfair trials and the death penalty without reservation.

Amnesty International is calling for all the defendants convicted by the State Security Court to be granted the right to appeal to a higher tribunal against their conviction and sentence. It is also appealing for these and all other death sentences in Jordan to be commuted.

**RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:**

- expressing serious concern about the eight death sentences, particularly in light of the allegations of torture and the lack of the right to appeal;
- stressing that AI recognizes that governments are entitled to bring to justice people accused of violent offences, but opposes torture, unfair trials and the death penalty as a matter of principle;
- calling for the 20 defendants to be given the right to appeal against their conviction and sentence;
- appealing for clemency with regard to the eight defendants sentenced to death and asking for their death sentences and all other death sentences in Jordan to be commuted.

**APPEALS TO:**

His Majesty King Hussein bin Talal  
The Royal Palace  
Amman, Jordan

**Your Majesty**

**Telegrams: His Majesty King Hussein**

**Telex: 21332 RYL PLC JO or  
21333 RYL PLC JO**

**Fax: 962 6 634755**

His Excellency Sharif Zeid Ben Shaker  
Prime Minister and Minister of Defence  
Office of the Prime Minister  
PO Box 80  
Amman, Jordan

**Your Excellency**

**Telegrams: Prime Minister, Amman, Jordan**

**Telex: 21444 pm jo**

**Fax: 962 6 642520**

His Excellency Yusuf al-Mubayyidin  
Minister of Justice  
Ministry of Justice  
PO Box 6040  
Amman, Jordan

**Your Excellency**

**Telegrams: Justice Minister, Amman, Jordan**

**COPIES TO:**

His Royal Highness Crown Prince Hassan bin Talal  
The Royal Palace, Amman, Jordan

Jordanian Bar Association  
PO Box 588, Amman, Jordan

and to diplomatic representatives of Jordan in your country.

**PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,  
or your section office, if sending appeals after 6 January 1991.**