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JORDAN: STATE SECURITY COURT TRIAL ENDS WITH DEATH SENTENCES

On 16 January 1994 the trial before the State Security Court of five military cadets and five others (including two who were tried in absentia) ended with all defendants being convicted. They were all found guilty of having plotted to kill King Hussein bin Talal during a graduation ceremony at Mu'tah University in June 1993. Four were also found guilty of membership of the Illegal Liberation Party in Jordan (LPJ).

Isma'il Wahwah, a businessman, was sentenced to death, as were the two defendants who were tried in absentia. Hilal al-Shammut, a mosque imam, Muhammad 'Askar al-Sarhid, a lieutenant in the Royal Guards, and Husayn al-Jidi, one of the cadets, were also sentenced to death but their sentences were reduced by the court to life imprisonment for extenuating circumstances. The court also reduced the death sentences it imposed on the other four cadets to 15 years' imprisonment. Amnesty International regrets the death sentences and is concerned about certain important aspects of this trial, which began in September 1993.

The State Security Court is a three-judge special military tribunal set up by the Prime Minister. According to an amendment to the Law on the State Security Court introduced in May 1993, prisoners are now allowed to appeal to the Court of Cassation against their conviction and sentence.

The eight defendants in custody were arrested between April and June 1993. They were all held incommunicado by the General Intelligence Department (GID) in Amman, without access to lawyers, judges or independent doctors until early August, when they were moved to Zarqa military prison.

The evidence against the defendants included their confessions, which they all retracted in court alleging that they had been extracted under torture while held incommunicado by the by GID. The described methods included falaga (beatings on the soles of the feet) and threats of sexual assault. Husayn al-Jidi sustained an injury over his left eyebrow requiring sutures which he said was caused by beatings during his interrogation, while the prosecutor suggested it was the result of an attempt at suicide by banging his head in his cell.

Other evidence against the defendants included testimonies from two main witnesses. The defence maintained that the witnesses had privately admitted that their testimonies were not truthful. The prosecutor and the witnesses themselves complained that lawyers and relatives of the defendants had tried to intimidate these witnesses.

During the trial two leaders of the Liberation Party in Jordan (LPJ), testified in court that the LPJ seeks the establishment of an Islamic state encompassing Jordan, but does not advocate violence in pursuit of its aims. The two LPJ leaders were arrested in May 1993 and held in GID custody without access to lawyers or judges. They were accused of conspiring to change the constitution by illegal means, but were then released uncharged in November 1993. The Jordanian authorities have often maintained that the LPJ is a violent organization, but so far they have not produced evidence to back this claim.

The trial was public, with journalists and foreign observers in regular attendance. With exceptions, relatives of the defendants were also allowed to attend. Throughout the trial, however, journalists were under instructions not to publish records of the proceedings. Two journalists were banned from attending further sessions, one after writing that the court was delaying the medical examination of the defendants and another after reporting the allegations of torture of four defendants.

In October 1993 an Amnesty International observer attended two sessions of the trial and met the judges of the State Security Court, the

military prosecutor at the trial and GID officers. The observer also met lawyers and relatives of the defendants. Amnesty International continued to follow the trial and is now waiting to receive the full verdict of the court in order to finalize its assessment.

Although the defence lawyers and the defendants, as well as the prosecutor, appear to have been allowed to speak freely during the court proceedings, Amnesty International is concerned by certain important aspects of the trial. These include the prolonged pre-trial incommunicado detention of the defendants, with the related allegations of torture, and the defendants' lack of access to physicians of their own choice even after their interrogation had ended.

Amnesty International is seriously concerned about the continued practice of prolonged incommunicado detention in Jordan, as it facilitates torture and ill-treatment and compromises the right to a fair trial.

Prompt access by lawyers, independent doctors and judges, while helping to protect detainees against ill-treatment, would also help to protect the authorities against any false accusations of ill-treatment.

"The lack of fundamental safeguards during pre-trial detention must cast doubt on the validity of any statement given in those circumstances, and is all the more serious when detainees are being charged with capital offences, as their lives are at risk", Amnesty International said. "If the authorities have nothing to hide, it would be in their interest to introduce such basic and long-overdue safeguards."

The Jordanian authorities have told Amnesty International that the GID detention centre is subject to supervision by the prosecution. However, such supervision, including supervision of detainees' treatment, is carried out by GID officers in their capacity as public prosecutors. Amnesty International believes that credible supervision of any state agency cannot be carried out exclusively by members of the same agency. Furthermore, the responsibilities of interrogation and custody of detainees should be separated, to afford additional protection.

Amnesty International is also concerned about the decision by the State Security Court in this case not to allow doctors chosen by the defence to examine the defendants, who allegedly still bore marks of torture when transferred to Zarqa military prison in early August. Four such defendants were eventually examined by doctors of the Ministry of Health at the end of September. The resulting reports note injuries "less than six month old" found on all four defendants examined.

Amnesty International will continue to follow this case closely in its next stage before the Court of Cassation. In the meantime, it calls on the Jordanian Government and the new Parliament to take the necessary steps to comply further with relevant international human rights standards and ensure in particular, as a matter of urgency, prompt and regular access for all detainees to lawyers and doctors of their choice and to judges empowered to assess their treatment as well as the legality and necessity of their detention.

Amnesty International, which opposes the death penalty without reservation, also calls on the Jordanian Government to recommend commutation of these three death sentences, and on King Hussein to accept such recommendation, should they be confirmed by the Court of Cassation.

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