

PUBLIC

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UA 369/02

Death penalty/torture/unfair trial

19 December 2002

JORDAN

Jamal Darwish Fatayer (m)

Jamal Darwish Fatayer, a Palestinian born in Iraq, was sentenced to death by the State Security Court on 17 December, in connection with the 1994 killing in Beirut of Jordanian diplomat, Na'ib 'Umran al-Ma'aytah. An appeal against his conviction has been lodged to the Court of Cassation (appeal court). He is expected to be moved to Swaqa Prison, where his execution could be carried out.

He was convicted of "plotting terrorist acts that led to the death of a human being" and membership of an "illegal organization". The Jordanian authorities claim Jamal Darwish Fatayer is a member of the *Fatah* Revolutionary Council, a splinter group of the Palestinian faction *Fatah*. Jamal Darwish Fatayer says he ceased to be a member of this party when he left Lebanon in 1993.

Jamal Darwish Fatayer was arrested by the Libyan authorities at the end of October 2001 and deported to Jordan on 27 December 2001. He was informed that he had been sentenced to death by the State Security Court, Jordan *in absentia* a few months before, following an unfair trial.

He was held in incommunicado detention by the General Intelligence Department (GID) for about one month before being transferred to Jweideh Prison, in the capital Amman. He claims to have made a confession as a result of being tortured and interrogated for four days by the GID. He also claims that threats were made against his family.

At the time of the killing, Jamal Darwish Fatayer alleges that he was in Sudan. Amnesty International also received reports that the State Security Court failed to take into account this and other defence evidence. His lawyers have argued that the State Security Court do not have the jurisdiction to hear his case since the killing was carried out in Lebanon and he was arrested in Libya before being taken to Jordan to stand trial.

On 4 December 2002, Yaser Muhammad Ahmad Salamah Abu Shannar was executed at Swaqa Prison on the same charges as Jamal Darwish Fatayer (see UA 272/02, MDE 16/011/2002, 30 August 2002, and

follow up MDE 16/017/2002, 12 December 2002). According to reports Yaser Abu Shannar had given evidence in his trial saying that he had never met Jamal Darwish Fatayer.

BACKGROUND INFORMATION

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~~ the State Security Court continues to exercise special jurisdiction⁶ and recommended that consideration be given to its abolition.

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.

At least 13 people have been executed since the beginning of the year in Jordan, of which at least three were executed following unfair trials.

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

- urging that Jamal Darwish Fatayer's death sentence be commuted;
- calling for Jamal Darwish Fatayer 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 number of 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

Fax: + 962 6 462 7421

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Salutation: Your Excellency

Dr Fayez Tarawneh
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PO Box 80
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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 30 January 2003.