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Jordan

Submission to the UN Universal Periodic Review

**Fourth session of the UPR Working Group of the
Human Rights Council**

February 2009



Executive summary

In this submission, Amnesty International provides information under sections C and D as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*:¹

- Section C highlights Amnesty International's concerns in relation to torture and other ill-treatment in detention; prolonged detention without trial; honour crimes and discriminatory legislation and practice; women migrant domestic workers; NGOs and freedom of expression and association.
- In section D, Amnesty International makes a number of recommendations for action by the government to address these areas of concern.

¹ Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I adopted 27 September 2007.

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Third session of the UPR Working Group, December 2008

C. Promotion and protection of human rights on the ground

Torture and other ill-treatment in detention

Torture and other ill-treatment of political detainees is a longstanding human rights concern in Jordan.² Despite the mounting evidence and the government's obligations under international human rights treaties, it has consistently failed to take effective action to prevent torture and ill-treatment and to punish those responsible. On the contrary, the authorities continue to be complicit in torture: they maintain a system of *incommunicado* detention which facilitates torture and other ill-treatment of detainees and a special security court the judgments of which regularly appear to be based on "confessions" which defendants allege were extracted under torture or other duress.

In a report published in July 2006, Amnesty International described the cases of dozens of individuals subjected to torture and other ill-treatment in Jordan, 10 of who appear to be victims of the US-led "rendition programme".³ Common methods of torture and other ill-treatment suffered by detainees include *falaqa*, whereby the soles of the victim's feet are repeatedly beaten with a stick; beatings with sticks, cables, plastic pipes, ropes or whips; and *shabeh* (phantom), whereby the victim is suspended for up to several hours by their handcuffed wrists and then beaten.

The General Intelligence Department (GID), a military security agency directly linked to the prime minister, is the primary instrument of abuse of political detainees.⁴ Officers in the GID have extensive powers and benefit from near total impunity. Detainees are generally held *incommunicado* and their whereabouts are not disclosed. Detentions may be prolonged for weeks or months at a time. However, successive Jordanian governments have failed to address the human rights violations allegedly committed by the GID. At the close of his visit to Jordan in June 2006, the UN Special Rapporteur on torture stated that "torture is systematically

² Amnesty International has documented human rights violations in Jordan for over 20 years -- see, for example, *Jordan: Short-term detention without charge of political prisoners* (Index: MDE 16/01/86), January 1986; *Jordan: Continued detention without charge of political prisoners by the General Intelligence Department* (Index: MDE 16/03/87), May 1987; *Jordan: Detention without trial and torture by the General Intelligence Department* (Index: MDE 16/13/88), November 1988; *Jordan: Human rights protection after the State of Emergency* (Index: MDE 16/02/90), June 1990; *Jordan: Incommunicado detention of political prisoners* (Index: MDE 16/01/93), June 1993; *Jordan: Human rights reforms: Achievements and obstacles* (Index: MDE 16/02/94), March 1994; *Jordan: An absence of safeguards* (Index: MDE 16/11/98), November 1998; and *Jordan: Security measures violate human rights* (Index: MDE 16/001/2002), February 2002.

³ *Jordan: "Your confessions are ready for you to sign": Detention and torture of political suspects* (Index: MDE 16/005/2006)

⁴ The law establishing the GID was enacted in 1964. Concerns about the GID's role in detaining political suspects have been well documented by Amnesty International and other organizations. In the mid-1990s it was commented on by the UN Human Rights Committee and the UN Committee against Torture. After considering Jordan's Third Periodic Report in 1994, the UN Human Rights Committee recommended that "the detention premises controlled by the Central [i.e. General] Intelligence Department be placed under close supervision of the judicial authorities" and that "measures of administrative detention and *incommunicado* detention be restricted to very limited and exceptional cases." Similarly, in 1995 the UN Committee against Torture stated that it "regrets that the headquarters of the General Intelligence Department has been recognized as an official prison, that the armed forces officers are granted the capacity of public prosecutors, that they have the capacity of detaining suspects *incommunicado*, whether military persons or civilians, until the end of their interrogation for periods of up to six months, and that detainees are deprived of access to judges, lawyers or doctors."

practiced” at the GID,⁵ and urged the government to initiate criminal investigations against at least eight identified officials. However, Amnesty International is not aware of any such investigations having been initiated.

On 1 December 2007, the government amended Article 208 of the Penal Code to prohibit torture and adopt a definition of torture identical to that contained in the UN Convention against Torture. However, the amendment did not stipulate that penalties for perpetrators of torture should be in line with the Convention.

Interrogations by the GID are regularly aimed at obtaining the “confessions” to be used as evidence in prosecutions before the State Security Court (SSC), which has sole jurisdiction over cases involving security issues and whose judges include serving military officers. The SSC frequently fails to order an in-depth investigation into allegations and to ensure that defendants’ right to a fair trial are upheld. Over the last 10 years, over 100 defendants have alleged before the SSC that they were tortured to make them “confess”. Disturbingly, the SSC has imposed death sentences in a number of such cases -- some of which have already been carried out.⁶ In 1994 the UN Human Rights Committee recommended that the authorities consider the abolition of the SSC.

Since September 2001, Jordan has assumed particular importance to the USA in its “war on terror”. Information has emerged over the past few years which indicates that Jordan has played a major role in assisting with the secret transfer between countries of suspects and in the detention and interrogation of such suspects.⁷ Several of those subjected to such renditions allege that they were detained in Jordan by the GID and tortured or otherwise ill-treated. Others allege that they were transferred from Jordan, with the acquiescence of Jordanian security officials, to other countries where they were subjected to torture or other ill-treatment, in breach of Jordan’s obligation to respect the right to *non-refoulement*. The Jordanian authorities have not acknowledged detaining these individuals.

In recent years, the authorities have taken steps which appear to be aimed at improving the situation of detainees in the country. They have introduced various complaint mechanisms and have established a national human rights institution, the National Centre for Human Rights (NCHR), to promote human rights awareness and investigate complaints, including complaints of torture. In addition to agreeing to ongoing visits by the International Committee of the Red Cross, the authorities have permitted the NCHR, as well as representatives of Jordanian professional associations and the international human rights organization, Human Rights Watch, to visit places of detention.

On at least two occasions in recent years, the authorities have conducted investigations into reports of torture and other ill-treatment in prison. In one case, the authorities prosecuted 10 officers in connection with the death of an inmate at Jweideh prison, apparently due to “torture and maltreatment”. Amnesty International has received reports that they were sentenced to prison terms in March 2005. In another case, in Swaqa prison on 21 August 2007, most of the more than 2,100 detainees were reportedly beaten and had their beards and heads forcibly shaved. One of the detainees, ‘Ala’ Abu Utair, died on 22 August, reportedly from

⁵ See UN press release *Special Rapporteur Ends Mission to Jordan*, 29 June 2006.

⁶ Salem Sa’ad Bin Sweid and Yasser Fathi Ibrahim Freihat were hanged at Swaqa prison on 11 March 2006 having been sentenced to death by the SSC in 2004 for involvement in the killing of US diplomat Laurence Foley.

⁷ Jordan’s role as a rendition hub was highlighted in the report of the Council of Europe into the role of Council of Europe members in the international network of secret detention centres and unlawful inter-state transfers. In the report, Amman is described as one of the “Detainee transfer / Drop-off points” (places visited often, where flights tend to stop for just short periods, mostly far off the obvious route – either their location is close to a site of a known detention facility or a prima facie case can be made to indicate a detention facility in their vicinity). See Council of Europe, Committee on Legal Affairs and Human Rights *Alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states*, June 2006. For case details see *Jordan: “Your confessions are ready for you to sign”: Detention and torture of political suspects* (Index: MDE 16/005/2006), pp33-44.

injuries caused by beatings. The prison director was subsequently dismissed and the authorities established an investigation into the events. Amnesty International is not aware, however, of the outcome of this investigation.

The Court of Cassation has at times overturned SSC judgments that appeared unsound, as well as explicitly on account of alleged torture and other ill-treatment. In May 2007, citing a conflict of interest in the trial, the Court overturned the death sentences handed down by the SSC to four men convicted of planning a chemical attack in Amman. The men claimed that they had “confessed” under torture. In a similar case in the first half of 2007, the Court of Cassation overturned the conviction by the SSC of three men for undermining Jordan’s security and relations with a foreign country, stating that there was not enough evidence. The three men also claimed that they had “confessed” under torture. In a retrial in July 2007 they were acquitted. Amnesty International is not aware of any investigations into the allegations of torture in the two cases.

On 29 July 2007, the King commuted the death sentences of seven people allegedly involved in violent events in Ma’an in 2002. The sentences were reduced to terms of 15 years’ imprisonment. A number of the defendants said they had been tortured to secure their “confessions”.

Prolonged detention without trial

Individuals apparently suspected of having committed security offences have in recent years been detained for prolonged periods without being brought to trial. ‘Isam al-‘Utaibi, also known as Sheikh Abu Muhammad al-Maqdisi, was arrested on 6 July 2005 and held for almost three years in solitary confinement in GID detention. The director of the GID stated in December 2006 that he was charged with “conspiracy to commit terrorist acts”, although an earlier government statement indicated that he was accused of a different offence. He was denied regular access to a lawyer. On 8 January 2008 the UN Working Group on arbitrary detention found that his detention was arbitrary. He was released on 12 March 2008. He had previously been held in what appeared to be arbitrary detention for seven months, and was released only a week before his arrest on 6 July 2005.

Samer Helmi al-Barq was detained without charge following his transfer to Jordan on 26 October 2003 until his release on bail in January 2008. He was arrested in Pakistan on 15 July 2003, detained for two weeks, then handed over to the US authorities and kept for three months in a secret prison outside Pakistan, before being transferred to Jordan.

Honour crimes and discriminatory legislation and practice

Women in Jordan continue to be victims of “honour killings”. In 2007, 17 women were reported to have died in this way. The perpetrators of such crimes generally receive only reduced sentences. In April 2008, Amnesty International expressed its concern to the authorities at what appeared to be disproportionately lenient sentences imposed in March 2008 on two men convicted of killing close female relatives. The men had been sentenced to six months’ and three months’ imprisonment, respectively, by the Criminal Court which accepted that they had killed their female relatives in “a fit of fury” and in the name of family honour. With reference to Article 98 of the Penal Code, the Court ruled in each case that the crime should be considered a “misdemeanour” and so merit a much reduced sentence compared to the penalty for murder, which is 15 years’ imprisonment. In the first case, according to court documents, the man choked his 27-year-old wife to death after discovering that she had been alone in their house with someone with whom she was previously alleged to have committed adultery. In the second case, the man shot dead his 29-year-old married sister because of what he considered her “immoral behaviour”, which included leaving home without her husband’s consent and speaking to other men on her mobile phone.

Women migrant domestic workers

During a visit to Jordan in March-April 2008 to research violence and discrimination against women, Amnesty International found that abuse of women migrant domestic workers is widespread, particularly in the context

of economic exploitation. Many are paid only part of their meagre wages or not at all, sometimes for years. One woman told Amnesty International that she was owed nearly four years' pay. Many women migrant domestic workers face a demanding work regime: they often work a 16-19 hour day, seven days a week and without holidays.⁸ Many domestic workers are forced to work at least the first three months without pay, supposedly to cover the recruitment agency's costs, although this is banned under Jordanian law.

Physical, psychological and sexual abuse is common. Women migrant domestic workers described being slapped, kicked, beaten, spat at and threatened with violence, usually by members of the household. One young woman said she had been sexually abused and raped.⁹ An embassy official told Amnesty International that the embassy had dealt with 12 cases of rape in 2007. According to lawyers and embassy staff, representatives of some recruitment agencies routinely beat domestic workers shortly after their arrival in Jordan, apparently to frighten the women and discourage them from making complaints about their employers or from running away. Many people told Amnesty International that recruitment agencies, both in the sending countries and in Jordan, are inadequately regulated and monitored, so abuses may be committed with impunity.

Many factors put women migrant domestic workers at risk of abuse. They are women and foreign, often young and poorly educated, always far from home, and in low-status jobs in isolated and unregulated workplaces. Although illegal in Jordanian and international law, it is common practice for the employer to confiscate the worker's passport, further diminishing her independence and her ability to leave an abusive or exploitative family.

At the end of their employment, many women migrant domestic workers are unable to leave the country because they lack up-to-date residency and work permits. Such permits are issued initially for one year, after which they must be renewed or an over-stay fine of 1.5 Jordanian dinar (around US\$3) a day is incurred. The (former) employee is often arrested or otherwise prevented from leaving the country until the fine is paid, even though it is the employer's responsibility to maintain the permits. Around 14,000 migrant domestic workers are said to be stuck in Jordan due to such over-stay fines

Until July 2008, Jordan's Labour Code, in Article 3, explicitly excluded domestic workers from the protections offered to other workers, such as minimum wage provisions, regulation of working hours, holiday entitlement, sick leave and access to labour dispute mechanisms. In 2007, the UN Committee on the Elimination of Discrimination against Women called on Jordan to "ensure that the employment of domestic workers is covered by the Labour Code". Amendments to the Labour Code passed in July 2008 include a reference to stipulate that provisions to govern domestic workers, among others, "will be determined by a by-law [*nizam*] to be issued for this purpose". This "by-law" is to cover "work contracts, working hours, rest periods, inspection and any other issue related to their employment". Amnesty International is seeking further information on the status, substance and issuing authority of the new provisions.

Jordan has ratified a number of international human rights treaties that protect the human rights of migrant workers, including the International Covenant on Economic, Social and Cultural Rights, which guarantees "just and favourable conditions of work" for all; the International Covenant on Civil and Political Rights, which guarantees the right to freedom of movement; and the Convention on the Elimination of All Forms of Discrimination against Women, which guarantees all women the right to protection of health and safety in working conditions. Amnesty International's research indicates, however, that the authorities not only fail to

⁸ According to a survey conducted in 2005 by the UN Development Fund for Women (UNIFEM), three out of four migrant domestic workers in Jordan work "beyond their physical capability".

⁹ The UNIFEM survey found that one in nine domestic workers in Jordan had been sexually abused.

fulfil these obligations, but in some instances violate those very rights.

NGOs and freedom of expression and association

Since 2000 the Jordanian authorities have placed increasing restrictions on NGOs in the country. In a recent development, the Senate passed the Societies Law in July 2008. Unless amended by the King, the law will require NGOs to seek governmental approval to receive donations and will allow the authorities to demand to see NGOs' work plans, to shut down an NGO for minor infractions, and to appoint a state employee to serve as temporary president of the NGO in question.

On 9 October 2007, the SSC sentenced former member of Parliament Ahmad al-'Abadi to two years' imprisonment for "undermining the prestige and reputation of the state" and "for belonging to an illegal movement", namely the US-based Jordan National Movement. He had allegedly written a letter to a US senator citing corruption and human rights abuse in Jordan.

The authorities have also rejected requests from NGOs and political parties to organize peaceful events in recent years. On 26 October 2007, for example, the governor of Amman reportedly denied for the fourth time in two months a request from the NGO, New Jordan, to host a workshop on civil society monitoring of elections.

D. Recommendations for action by the State under review

Amnesty International calls on the government to:

Torture and ill-treatment in detention

- Officially and publicly condemn all acts of torture and other ill-treatment, and to declare that any official committing, ordering, instigating, consenting or acquiescing to such acts will be brought to justice;
- Establish a system of regular, unannounced and unrestricted visits by independent national bodies to all places of detention and their facilities in order to monitor the treatment of detainees and their conditions of detention;
- Make public the names of individuals transferred into Jordanian custody from US custody, or via the assistance of US or other intelligence and security services, and vice versa. The dates and locations of the individuals' detention in Jordan should be provided, as well as the legal basis for their detention.

Violence and discrimination against women

- Amend Article 98 of the Penal Code and to modify or repeal other discriminatory provisions of the Personal Status Act, Penal Code and Nationality Act;
- Amend the Labour Code so that it clearly covers domestic work and guarantees labour rights to migrant domestic workers;
- Improve monitoring of recruitment agencies and working conditions, and to ensure that employment contracts are enforced;
- Ensure that employers and representatives of recruitment agencies who abuse migrant domestic workers are brought to justice.

Appendix: Amnesty International documents for further reference¹⁰

Lenient sentences for perpetrators of “honour killings” a step backwards for protection of women in Jordan, (Index: MDE 16/001/2008), 24 April 2008

“Your confessions are ready for you to sign”: *Detention and torture of political suspects* (Index: MDE 16/005/2006), July 2006

¹⁰ All of these documents are available on Amnesty International's website:
<http://www.amnesty.org/en/region/middle-east-and-north-africa/east-mediterranean/jordan>