

JORDAN

CAT A/50/44 (1995)

A. Introduction

159. The Committee considered the initial report of Jordan (CAT/C/16/Add.5) at its 218th and 219th meetings, held on 1 May 1995 (CAT/C/SR.218 and 219), and has adopted the following conclusions and recommendations.

160. The Committee thanks the Government of Jordan for its report, which was due in 1992, for the core document (HRI/CORE/1/Add.18/Rev.1) providing general information on the State party and for the comprehensive explanations presented by the delegation.

161. It notes that the report is not in full conformity with the guidelines established by the Committee (CAT/C/4/Rev.2). It also notes that the report does not contain sufficient information on the effective implementation of the provisions of the Convention.

162. However, the presence of a high-level delegation which provided additional information enabled the Committee to obtain a better understanding of the situation in Jordan with regard to the application of the Convention on its territory.

B. Positive aspects

163. The Committee welcomes the positive steps undertaken by the Government of Jordan towards the application of the Convention, especially the lifting of the state of emergency and the abolition of martial law in April 1992, the release of political prisoners and the institution of the right to appeal fully against awards and decisions of the State Security Court in questions of both fact and law.

164. The Committee notes also with satisfaction the new Political Parties Act of October 1992, the new law on press and publications, the ratification by Jordan of the Convention on the Rights of the Child, the creation of a national commission for human rights and the establishment in Jordan of sections of the Arab Organization for Human Rights and Amnesty International, which illustrate the positive steps and trend towards the promotion of human rights in general and towards the implementation of the Convention against Torture, in particular.

C. Subjects of concern

165. The Committee notes that the Jordanian Constitution does not contain specific provisions as to the relationship between international conventions and domestic laws. Accordingly, there is a need to incorporate the Convention in the legal system of Jordan to ensure its correct and prompt application.

166. The Committee is concerned that the definition of the act of torture as specified by article 1 of the Convention is not incorporated in Jordanian legislation. Current Jordanian criminal law does not cover all cases of torture and ill treatment, as provided for in the Convention.

167. The Committee is deeply concerned that a number of allegations of torture have been made since Jordan acceded to the Convention. Such allegations appear to be rarely subjected to independent and partial investigations. The Committee is further concerned that during 1993 and 1994 political detainees were sentenced to death or imprisonment in trials before the State Security Court on the basis of confessions allegedly extracted after torture.

168. The Committee 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.

169. The Committee expresses concern about the continuing application of the death penalty, as well as corporal punishment, which could constitute in itself a violation in terms of the Convention.

170. The Committee is also concerned that there are allegations that individuals have been expelled from Jordan to countries where there are substantial grounds for believing that they would be in danger of being subjected to torture in contravention of article 3 of the Convention.

171. The Committee notes that there does not seem to be in the State party any comprehensive programme of education for members of the police and security forces, dealing with Jordan's obligations under the Convention. Similarly, no specific educational programmes for medical personnel appears to be in place. These programmes would be useful, in particular given the fact that so many refugees from other countries are located in Jordan.

D. Recommendations

172. The Committee recommends that the State party review its position concerning articles 21 and 22 of the Convention.

173. The Committee expects the State party to undertake the necessary legal measures to ensure the incorporation of the Convention in national legislation and to ensure its prompt and effective application.

174. The Committee urges the State party to consider making torture a specific criminal offence. In addition, it suggests that the State party further strengthen measures to protect the rights of detainees, especially their access to judges, lawyers and doctors of their choice. It also recommends that the State party promptly investigate allegations of torture and ill treatment and ensure that appropriate penalties are applied whenever such offences are committed; prevent the commission of such acts through efforts to ensure the stricter observance of regulations relating to the treatment of detainees and offenders; and reduce the length of preventive detention, taking into account its principle of presumption of innocence and the complexity of investigation.

175. The Committee expects the Jordanian authorities to consider abolishing exceptional courts such as the State security courts and allow the ordinary judiciary to recover full criminal jurisdiction in the country.

176. The Committee expects that the detention and interrogation functions will be separated and that the supervision of any detention centre will be effectively carried out by officials rather than those who are in charge of the detention centres.

177. The Committee expects Jordan to review its policy relating to corporal punishment.

178. The authorities should follow procedures which would effectively ensure that no one is expelled to a country where there are substantial grounds for believing that he would be in danger of being subjected to torture.

179. The Committee expects also that educational programmes will be started as a matter of urgency for law enforcement and medical personnel, focusing on the obligations laid down in the Convention and on how evidence of torture may be recognized. In the case of medical personnel, such educational programmes should include methods for the rehabilitation of victims of torture.

180. The Committee stresses that further measures should be taken to ensure that the provisions of the Convention are made more widely known to the public.

181. The Committee recommends that the Jordanian authorities ensure that the report submitted by the State party and the comments of the Committee are disseminated as widely as possible in order to encourage the involvement of all sectors of society concerned in the implementation of human rights.

182. The Committee would appreciate receiving in the next report information on these matters, as well as replies to the questions raised by the Committee which have remained unanswered.