



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.
GENERAL

CAT/C/JOR/Q/2
11 December 2009

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Forty-fourth session

26 April - 14 May 2010

**List of issues to be considered during the examination of
the second periodic report of JORDAN (CAT/C/JOR/2)**

Articles 1 and 4

1. According to paragraph 16 of the State party report, article 208 of the Jordanian Criminal Code has been amended to classify the practice of torture as a specific criminal offence in conformity with the Convention against Torture. However, please comment on reports that torture is not treated as a specific crime but rather a misdemeanor, and is not subject to penalties appropriate to its gravity.
2. Please provide detailed information on current criminal provisions concerning offences such as attempted acts of torture, instigation or consent of torture or the order to commit torture by a person in authority and the exact penalties imposed for any of these offences. Please provide information on the number and nature of cases, including the geographical location of the offences prosecuted, in which those legal provisions were applied, as well as on the penalties imposed or the reasons for acquittal.

Article 2

3. According to paragraph 10 of the State party report, “lawyers’ rooms” are made available in all reform and rehabilitation centres to enable prisoners to talk to their legal representatives on their own, as a legal guarantee afforded at all stages of proceedings. Please describe further how the basic legal safeguards for detained persons (including prompt access to defence counsel, a medical examination and the right to inform a relative), are implemented in the State party from the outset of their detention, including police custody and pretrial detention. Please provide information on any restrictions that may be imposed on these rights, including in the context of the fight against terrorism, as well as administrative detention. Please inform the Committee if it is possible to prolong police custody beyond the 24-hour limit and comment on reports that police and governors use administrative detention under the Crime Prevention Law of 1954 to circumvent the obligation under the criminal law to refer a suspect to the prosecutor within 24 hours for charging.

4. The State party report states that a circular has been issued to administrative court judges instructing them to end the practice of administrative detention and that a large number of persons in administrative detention have subsequently been released (para. 45). Please inform the Committee if the practice of administrative detention is still being applied and if so, for what offences? Please provide the Committee with statistical data on the number of persons held in administrative detention, disaggregated by age, gender, ethnicity, and location. In this respect, please comment on reports of an increase in the use of administrative detention over recent years and that over 12,000 people are held under the Law on Crime Prevention of 1954 which empowers provincial governors to authorize the detention without charge or trial of anyone suspected of committing a crime or “deemed to be a danger to society”. Please comment on the use of “protective” custody, a form of administrative detention, for women and girls threatened with domestic violence or at risk of an “honour killing”. Please provide information on how many women and girls are being held in such detention, and information on any plans to move these women and girls to specific victim shelters where they will be at liberty but still enjoy safe conditions. Please also provide information on rehabilitation for women and girls held in “protective” custody who have been victims of domestic violence.

5. Please comment on reports of a continuing practice of arbitrary detention, including secret and incommunicado detention, including information that the General Intelligence Directorate (GID) commonly holds individuals, apparently suspected of having committed security offences, incommunicado and even without charge for interrogation for periods ranging from one week to two months, and in some cases even longer. According to information before the Committee, such detainees rarely have contact with their lawyers, effectively denying them the right to legal counsel. What steps are being taken to remedy this situation and guarantee that all detainees have prompt and effective access to defence counsel from the outset of their detention? What mechanisms are in place by which detainees may challenge their detention by the GID, and are detainees of the GID brought before a judge to determine the legality of their detention? If so, what are the laws in place guiding such a determination? Please provide information on any oversight mechanisms in place to independently monitor the legality of GID detention and conditions of such detention.

6. According to paragraph 21 of the State party report, article 124 of the Constitution states that if a situation calling for the defence of the nation should arise, “the Defence Act” may be passed vesting the person designated in the Act with powers that include suspending the ordinary laws of the State in order to guarantee the defence of the State. However, in paragraph 22 it is also stated that the Defence Act which allows for the declaration of a state of emergency gives only limited powers to the Prime Minister and thus contains nothing which detracts in any way from the general rights of citizens. Please comment on this contradiction and inform the Committee of measures taken to ensure that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture (article 2, paragraph 2 of the Convention).

7. Please provide more information on the activities and achievements of the National Centre for Human Rights (NCHR) established in 2003. According to paragraph 2 of the State party report, the NCHR carries out numerous activities, including receiving and processing complaints from the public. Please provide statistics on the number and types of complaints received by the NCHR, as well as the outcome of any complaints of torture and ill-treatment. Furthermore, please provide a copy of the Act establishing the Centre as well as information

about the human and financial resources allocated for its effective functioning. Has the monitoring mandate of the NCHR been expanded to include all agencies of the Government, including the police and the military, as recommended by the Committee on the Rights of the Child (CRC/C/JOR/CO/3, para. 20)?

8. Paragraph 5 of the State party report refers to the establishment by the Public Security Department of its own human rights department to receive complaints about any violations committed by members of the public security services. In addition, an Ombudsman's Office has been established by law as an independent monitoring authority tasked with following up on citizens' complaints about government institutions in accordance with the relevant international standards. Please provide statistics on the number and types of complaints received by both the human rights department of the Public Security Department and the Ombudsman's Office, as well as the outcome of any complaints of torture and ill-treatment. In addition, please elaborate on the respective mandates of these mechanisms, as well as the NCHR, and describe how they coordinate their activities to avoid overlaps and how their mandates are clarified vis-à-vis complainants. Please also provide information on the complaints mechanisms in place for the NCHR, the human rights department of the Public Security Department, and the Ombudsman's Office. How accessible are these mechanisms to individuals in detention, including those in GID custody, and what measures have been taken to ensure that detainees and civilians are aware of the existence of these oversight bodies?

9. Please provide information on measures in place to fully ensure the independence of the judiciary in the performance of their duties in conformity with international standards, notably the Basic Principles on the Independence of the Judiciary. Please provide details on the procedure for the appointment of judges, the duration of their mandate, the constitutional or legislative rules governing their irremovability and the way in which they may be dismissed from office. Please provide information on the number of female judges and prosecutors and explain if female judges can serve and address the same jurisdiction as male judges.

10. Please comment on reports that the 2006 Prevention of Terrorism Act (PTA) includes an overly broad and vague definition of "terrorist activities" and does not make reference to existing international conventions and protocols relating to terrorism; enhances the already excessive powers of the security officers, i.e. the GID, to arrest and detain people they suspect may be involved in terrorism; and does not afford sufficient certainty about applicable punishments and is thus inconsistent with the principle of legality. Please provide detailed statistical information on all cases of violations of this Act, including information on the alleged perpetrator (age, gender, ethnicity, etc) and the alleged offence.

11. Please inform the Committee whether legislation prohibiting torture and cruel, inhuman and degrading treatment contains specific provisions regarding gender-based breaches of the Convention, including sexual violence. Please also describe all, if any, effective measures taken to monitor the occurrence of and to prevent such acts, and please provide data, disaggregated by sex, age and ethnicity of the victims, and information on investigation, prosecution and punishment of perpetrators.

12. Please provide information on the steps taken by the State party to address the serious concerns expressed by the Committee on the Rights of the Child (CRC/C/JOR/CO/3, paras. 38 and 39) and the Committee on the Elimination of Discrimination against Women

(CEDAW/C/JOR/CO/4, paras. 23 and 24) at reported cases of crimes committed against girls in the name of “honour”, that perpetrators of such crimes get lenient sentences under amended article 340 of the Penal Code as well as articles 98 and 99 and that “honour” crimes continue to be treated differently from other violent crimes in terms of investigation and prosecution, as well as prevention efforts. Please inform the Committee if rapists may be exempt from punishment by marrying their victims and if it is still possible to further reduce the sentence if the victim’s family “waives” its right to file a complaint of the crime.

13. Please provide information on the content and implementation of the new Protection from Family Violence Law approved by the parliament in January 2009 and comment on information before the Committee that the new law fails to explicitly criminalize domestic violence or provide adequately for the prosecution of those who perpetrate it. Please also provide information about other measures undertaken to prevent domestic violence. Please provide statistical data on complaints, prosecutions and sentences in matters of domestic violence and indicate which measures have been adopted to sensitize and train law enforcement personnel and other relevant staff to recognize domestic violence and to ensure that they take preventive measures, as appropriate, and prosecute those responsible.

Article 3

14. Paragraph 23 of the State party report states that “Our laws take due account of the provisions of this article (article 3 of the Convention) on freedom of movement. Hence, the Constitution, in article 9, stipulates that no Jordanian may be expelled from Jordan or forced to live in a particular part of the country, except under the circumstances specified by law”. Please elaborate on this statement and clarify what is covered by the “circumstances specified by law”.

15. Please inform the Committee of any provision in the State party’s legislation to implement article 3 of the Convention in domestic law, i.e. that no State Party shall expel, return (*refouler*) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. In this respect, please inform the Committee of the competent authorities, existing legal safeguards and the procedures for appeal, including whether these have suspensive effect, regarding the expulsion, return and extradition of persons to another State. Please provide detailed information on all decisions taken in this respect and other return cases relevant to article 3 of the Convention, as well as on the criteria for such decisions, including the number of cases, the countries to which persons were returned, and whether there were any cases where return/extradition was refused because of a risk of torture, and if so, to which countries. This information should include decisions in respect of Iraqi religious and ethnic minorities who have taken refuge in Jordan and have subsequently been returned to Iraq. Please also inform the Committee of any instances in which the State party has offered or accepted diplomatic assurances or the equivalent thereof, and the procedures for verifying and following up on such assurances.

16. Please comment on reports that the cooperation of the Jordanian Government with other governments in undertaking counter-terrorism activities, including the “war on terror”, has resulted in additional human rights violations, including secret detentions and renditions of terrorism suspects, even to countries where the person is at risk of torture and other ill-treatment, or other serious human rights violations, in breach of the principle of non-refoulement. Please include in your answer information as to whether any investigation on this issue has taken place

by branches of the Government or State agencies and provide information on measures taken by the State party to ensure that these foreign nationals did not run a real risk of being subjected to torture or inhuman or degrading treatment or punishment in the country of destination, or that they would not subsequently be deported to any other country where they might run a real risk of being subjected to such torture or ill-treatment. Please include in your response relevant comments on the cases of Mohamed Farag Bashamilah and Salah Naser Salem Ali Darwish. Please also inform the Committee of any follow-up measures taken by the State party in respect of these cases, as well as information on any investigations, prosecutions and punishments of the perpetrators. Are there pending cases on this issue? If so, please provide details.

17. The Committee notes that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment discussed the case of Maher Arar with officials during his visit to Jordan in June 2006 and concluded that it was “astonishing that high-level intelligence officers provided him an account which is clearly contradicted by the well-substantiated and partly proven allegations, as well as the evidence obtained so far and made public in this well-known case” (A/HRC/4/33/Add.3, para. 45). Please provide a detailed account of this case, including any follow-up measures taken.

Articles 5, 7, 8 and 9

18. Please indicate any legislative or other measures taken to implement each provision of article 5 of the Convention. Under the legislation in force, are acts of torture considered universal crimes under national law, wherever they occur and whatever the nationality of the perpetrator or victim? Please provide relevant examples of any such prosecutions.

19. Please inform the Committee of any extradition treaties concluded with other States parties and whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties.

20. Please clarify to the Committee what mutual judicial assistance treaties or agreements Jordan has entered into with others, such as countries, international tribunals or international institutions, and whether this has included in practice the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

Article 10

21. According to paragraph 34 of the State party report, a media-based awareness campaign was designed as a confidence-building measure to bridge the gap between the police and citizens and involve the public in the task of maintaining law and order in Jordan. Please provide more information on the rationale behind this campaign and explain how citizens could assist in maintaining security in Jordan.

22. The report includes some information on training for law enforcement and other public officials at pages 7 - 8, including training on human rights and the prohibition of torture and ill-treatment. Please inform the Committee if such training is also provided to military and security personnel and inform the Committee of any steps taken to implement the recommendation of the Special Rapporteur on the question of torture (A/HRC/4/33/Add.3, para. 72 (v)) that security personnel should undergo extensive and thorough training using a curriculum that incorporates

human rights education throughout and that includes training in effective interrogation techniques and the proper use of policing equipment, and that existing personnel receive continuing training. Is the training on human rights and the prohibition of torture and ill-treatment provided on a systematic or ad hoc basis and how and by whom are such training and instruction programmes monitored and evaluated? Please also clarify to the Committee if gender-sensitive training is conducted and if special training is provided to law enforcement personnel with a view to protecting girls who are in danger of “honour killing”?

23. Please provide detailed information on training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons, to detect and document physical and psychological sequelae of torture. Do such programmes include specific training with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, known as the Istanbul Protocol?

Article 11

24. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any new rules, instructions, methods and practices or arrangements for custody that may have been introduced. Please also indicate the frequency with which these are reviewed. Please inform the Committee of any rules that would prohibit investigations, visits by international bodies or mechanisms, or other forms of human rights scrutiny. Please confirm that there are no secret detention facilities in the State party.

25. The State party report notes that “although mistakes or isolated and exceptional violations do occur, those responsible for them are brought to the book: this is the rule not the exception” (para. 7), that “appropriate legal action is taken against those found guilty of abusing prisoners” (para. 47) and that “complaints are dealt with in accordance with the process of law” (para. 48). Please describe the procedure to be followed in cases of complaints of torture and ill-treatment and the legislation applied, and provide copies of the official statistics issued by the Public Security Department. Please comment on reports from non-governmental sources that prison guards torture inmates with impunity because it remains up to police prosecutors and police judges at the Police Court to investigate, prosecute, and try their fellow officers. Please provide information on the number of investigations into allegations of torture or ill-treatment that the police prosecutors have carried out since February 2008, and the number that led to prosecutions and convictions.

26. Please provide updated information on the outcome of the investigation into the events at Swaqa prison on 21 August 2007 where a large number of the 2,100 prisoners were reportedly beaten with truncheons, electric cables, and steel balls by hundreds of “Special Police Force” officers. Furthermore, please provide information as to whether there were any investigations into the death of two prisoners, one of them, ‘Ala’ Abu Utair, reportedly from injuries caused by the beatings. Please clarify the offences for which Majid al-Rawashda, the Swaga prison warden, was reportedly sentenced to two months’ imprisonment along with dismissal from his position, and whether these actions are commensurate with the gravity of the acts committed. Please also clarify whether the action of the court which exonerated 12 guards who participated in the beatings, stating that they were following orders, is in conformity with the obligations of the Convention. Please provide clarification as to whether any other sanctions or punishments

followed these events and on the reported denial of medical care to persons injured in these events, and if this was the case, please provide details.

27. According to the Reform and Rehabilitation Centres Act No. 9 of 2004, reform and rehabilitation centres are subject to judicial monitoring and inspection (paragraph 30 of the State party report). The report also states that in addition to persons legally authorized to monitor and inspect such centres, they are also visited by civil society organizations, international human rights organizations and the International Committee of the Red Cross (ICRC). Please clarify if police stations and the GID headquarters are also covered by judicial monitoring and inspection and if the monitoring visits are carried out on an ad hoc basis or as part of a system of regular, unannounced and unrestricted visits.

28. Please provide updated information, including statistics, disaggregated by sex, age and ethnicity, on the number of imprisoned persons and the occupancy rates for detention facilities for the period 1996-2009.

29. Please provide additional information on the comprehensive Government plan for the development and modernization of correction and rehabilitation centres and training of staff (paragraph 2 of the State party report), including updated information on timelines and results achieved. In addition to the closure of the Al Jafr Correction and Rehabilitation Centre in December 2006, please provide information on other measures undertaken to improve conditions in reform and rehabilitation centres, address overcrowding and create a better living, physical and mental health environment in these centres.

30. Please provide statistics on the number of minors in detention, disaggregated by sex, age and ethnicity. In addition, please provide information on the measures taken by the State party to address concerns about the very low minimum age of criminal responsibility (7 years) and other shortcomings in the juvenile justice system.

Articles 12 and 13

31. Further to the Committee's previous concluding observations (A/50/44, para. 167), please provide information on steps taken to address the concerns expressed by the Special Rapporteur on the question of torture (A/HRC/4/33/Add.3, para. 64) that "the practice of torture is widespread in Jordan, and in some places routine, namely the GID, the Public Security Directorate's Criminal Investigation Department (CID), as well as Al-Jafr Correction and Rehabilitation Centre". According to paragraph 51 of the State party report, "Members of the security services accused of committing offences of any kind, in particular torture and ill-treatment, do not enjoy any form of immunity from criminal prosecution". In this respect, please comment on reports from a number of sources of a prevailing climate of impunity in the State party for acts of torture and ill-treatment.

32. Please comment on reports that the State Security Court continues to accept "confessions" allegedly obtained under torture in pretrial detention as evidence against defendants without adequate investigation. Further to the recommendation of the Special Rapporteur on the question of torture (A/HRC/4/33/Add.3, para. 72(d)), please inform the Committee if the State party is considering abolishing the special court system within the security services - above all, police and intelligence courts - and transferring their jurisdiction to

the ordinary independent public prosecutors and criminal courts. Please comment on allegations that the use of forced “confessions” as evidence in courts is widespread in the State party.

33. Please describe the procedure to be followed in case of complaints of misconduct by police, security and military personnel. In particular, please describe the steps taken by the State party to ensure that the investigation of complaints is independent, prompt and effective. Does the State party envisage establishing an independent police complaints and accountability body? Please provide information, including statistics, on the number of complaints of torture and ill-treatment and results of all proceedings, both at the penal and disciplinary levels, and their outcomes, including punishments meted out in all cases. This information should be disaggregated by sex, age and the ethnicity of the individual bringing the complaint and indicate which authority undertook the investigation.

34. The State party report, at paragraph 39, refers to the establishment of a media office at the Public Security Department and a radio station (*Aman* (Security) FM) which would listen and respond to comments and complaints from members of the public. Please inform the Committee of the types of complaints put forward in this forum, how these are dealt with and whether there is some kind of follow-up. How does the State party ensure that such radio complaints do not substitute for formal complaints and thus the possibility of bringing perpetrators to justice?

Article 14

35. According to paragraph 17 of the State party report, plaintiffs are entitled to seek damages for any injury suffered under article 256 of the Civil Code. Please provide information, if available, on redress and compensation measures ordered by the courts and provided to victims of torture, or their families, since the examination of the initial report in 1995. This information should include the number of requests made, the number granted, and the amounts ordered and actually provided in each case. Please indicate how many victims have been compensated despite the perpetrator not being identified. Do investigations into such cases continue until the perpetrator(s) is/are identified and brought to justice?

36. Please provide information on any existing rehabilitation programmes for victims of torture and provide information on any other steps taken by the State party to ensure the medical and psychosocial rehabilitation of the victims.

Article 16

37. Could you please provide information on the Government-run Dar Al-Wifaq Women’s Shelter for women in need of protection from domestic violence and the number of women currently in the shelter? What steps have been taken by the State party to address the lack of shelters and crisis centres throughout the country, as well as other services for women victims of violence? What is the status of the draft law to give non-governmental organizations licences to establish and run shelters?

38. Please comment on reports of widespread abuse of women migrant domestic workers, of whom the vast majority are from south and South-East Asia, particularly in the context of economic exploitation, and that physical, psychological and sexual abuse is common. Please also comment on reports that 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. Please provide information on any measures taken to prevent such violence and abuse, including by affording the women migrant domestic workers the opportunity to lodge complaints against those responsible, and by ensuring that such cases are reviewed and adjudicated in a prompt and impartial manner and that all employers and representatives of recruitment agencies who abuse migrant domestic workers are brought to justice. Please also provide information on the content and implementation of the amendments to the Labour Code in July 2008 in respect of the rights of migrant workers and inform the Committee if a shelter for migrant workers fleeing abuse and exploitation has been established, as announced by the Minister of Labour in March 2007, and if not, please provide a timeline for its establishment.

39. Please inform the Committee of steps taken to implement the recommendations of the Committee on the Rights of the Child to prevent commercial sexual exploitation of and trafficking in children (CRC/C/JOR/CO/3, para. 93), by conducting a comprehensive study to assess the nature and magnitude of commercial sexual exploitation and trafficking, develop and adopt a comprehensive national plan of action and review and amend the provisions in the Penal Code to provide equal protection to boys and girls below the age of 18 against commercial sexual exploitation.

Other issues

40. Please provide information on the legislative, administrative and other measures undertaken by the State party to respond to the threat of terrorist acts, and please describe if, and how, these measures have affected human rights safeguards in law and practice. In this respect, the Committee would like to recall Security Council resolution 1373(2001), and resolutions 1456 (2003), 1535 (2004), 1566 (2004), and 1624 (2005) the latter of which all reiterate that States must “ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law.” Please describe the relevant training given to law enforcement officers, the number and types of convictions under such legislation, the legal remedies available to persons subjected to anti-terrorist measures, whether there are complaints of non-observance of international standards, and the outcome of these complaints

41. Is the State party considering the ratification of the Optional Protocol to the Convention (OPCAT)? If so, does the State party plan to establish or designate a national mechanism that would conduct periodic visits to places of deprivation of liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment?

42. Further to paragraph 119 of the State party report, please inform the Committee whether the State party is reconsidering making the declaration under articles 21 and 22, recognizing the competence of the Committee to receive and consider communications.
