



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

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Summary record of the first part (public)* of the 932nd meeting

Held at the Palais Wilson, Geneva, on Thursday, 29 April 2010 at 10 a.m.

Chairperson: Mr. Grossman

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.932/Add.1.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Second periodic report of Jordan (CAT/C/JOR/2; CAT/C/JOR/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Jordan took places at the Committee table.*

2. **Mr. Madi** (Jordan), introducing the second periodic report of Jordan (CAT/C/JOR/2), said that no country was immune from torture and his Government acknowledged that some cases of torture or cruel, inhuman or degrading treatment might have occurred in the country. However, such incidents would never be condoned or tolerated. On the contrary, vigorous efforts were being made to remedy any shortcomings in Jordan's compliance with its obligations under the Convention and full account would be taken of the Committee's recommendations in that regard.

3. Jordan was focusing on capacity-building and awareness-raising in support of the incorporation of the Convention and other international human rights standards into domestic law, and the implementation of relevant United Nations General Assembly and Human Rights Council resolutions. It had sponsored resolutions concerning torture and actively participated in informal consultations to ensure a consensual outcome.

4. The Jordanian authorities were aware of the need for more resolute action to promote effective investigations, independent monitoring of detention, rehabilitation and correctional centres, legal safeguards, accountability and redress for victims. They were also enhancing partnerships with interested stakeholders, such as the Government of Denmark and other Danish bodies, and with civil society. The shadow reports and comments submitted by the National Centre for Human Rights and other Jordanian civil society organizations had been noted with appreciation, and his Government reiterated its commitment to cooperate with them in building on the progress made to date and in tackling remaining challenges with a view to eradicating torture and ill-treatment. Jordan continued to take significant legislative and institutional measures to promote and protect human rights and fundamental freedoms and to improve its implementation of the Convention.

5. **Ms. Gaer**, First Country Rapporteur, noted that 15 years had elapsed since the Committee's review of the initial report of Jordan, which was a far longer period than that required by the Convention. However, she commended the highly informative report and the written replies to the list of issues (CAT/C/JOR/Q/2/Add.1). The Committee particularly appreciated the fact that the replies had been submitted in more than one working language.

6. The Government recognized in the introduction to the report that torture was an immoral act and an affront to shared values. It claimed that breaches of those values by certain individuals were isolated incidents and in no way reflected the Government's policy or position. The Committee would assess the situation in the light of the Government's action to prevent torture and ill-treatment and its response to allegations of misconduct.

7. She welcomed the establishment of the National Centre for Human Rights, the Ombudsman's Office and human rights departments in several ministries. The term "reform and rehabilitation centres" was now used to describe prisons because they were intended to serve the aim of rehabilitation rather than merely retribution or punishment. They were open to inspection and over 4,000 visits had taken place in 2006. Al-Jafr prison had been closed and a number of other measures had been taken in response to the Committee's concluding observations on the initial report (A/50/44).

8. The publication of the text of the Convention in the *Official Gazette* in 2006 confirmed that it was an integral part of Jordanian law and article 208 of the Criminal Code had been amended to include a definition of torture. The Reform Centres Act had been amended in response to a recommendation in the Committee's concluding observations and the Prisons Act had been amended to abolish corporal punishment. She would welcome a more detailed description of the latter amendment.

9. It was regrettable that the State party was still unwilling to make the declarations under articles 21 and 22 of the Convention, that it did not intend to ratify the Optional Protocol to the Convention and that it saw no need to abolish the State Security Court.

10. The overarching issues, which were mentioned repeatedly by NGOs and other bodies and had also been raised during the universal periodic review of Jordan before the Human Rights Council, were: the treatment of torture as a misdemeanour rather than a serious crime; the view that the lack of prosecutions for torture was a good thing although it could reflect a form of impunity; the widespread use of administrative detention; the lack of legal safeguards; the activities of the General Intelligence Department (GID); and allegations that women at risk were held in a form of protective custody.

11. Question 1 of the list of issues (CAT/C/JOR/Q/2) concerned the treatment of torture as a misdemeanour and the leniency of the penalties imposed. Article 208 (1) of the Criminal Code prohibited torture for the purpose of extracting confessions or information relating to a crime, while article 208 (2) defined torture in considerably broader terms. She would welcome further clarification of the types of acts that were prohibited by article 208. She asked whether there were any plans to amend the legislation to reflect the gravity of the crime of torture in the penalties prescribed. Under what circumstances would a person found guilty of torture be sentenced to a prison term of six months or three years (the tariff stipulated) and was such punishment deemed to be adequate?

12. According to the replies to the list of issues, investigations established that no act of torture had been committed by public security personnel since the amendment of article 208 in 2007. That record was attributed to the circulation of the Convention to all security forces and its inclusion in training courses. However, it was a highly unusual outcome, especially in view of the State party's acknowledgement that incidents occasionally occurred. She therefore asked whether genuinely independent investigations had been conducted. What specific action had been taken to ensure compliance with the Convention by officials, and had any been disciplined for abuses? Reference was made to the investigation of complaints leading to the referral of 10 cases to police courts and 22 cases to unit commanders, but no information was provided on the outcome. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had visited Jordan prior to the amendment of article 208 and had stated in his report (A/HRC/4/33/Add.3) that no official had ever been prosecuted under article 208. She asked whether the lack of prosecutions might be due to the fact that police officers were referred to a different court system. According to Human Rights Watch, police prosecutors and police judges conducted proceedings against their fellow officers. The NGO argued that jurisdiction over criminal matters involving abuse in prisons should be transferred from police courts to civilian prosecutors. Had the Jordanian authorities looked into the matter and were there any plans to ensure civilian prosecutions? The National Centre for Human Rights or some other independent investigative body might perhaps be given an opportunity to review the situation.

13. The Special Rapporteur had visited the Siwaqa Correction and Rehabilitation Centre, where 2,100 prisoners had been held. Although there had been allegations of beatings and two prisoners had died in detention, no investigations had been initiated and no perpetrators had been brought to justice. When Human Rights Watch had been permitted

to visit the prison, a riot had broken, out with tragic results. She invited the delegation to comment on the changes that had been made at the prison.

14. The Special Rapporteur, referring to the case of Zaher Abed Al-Jalil Abu Al-Reesh, stated in his report that he had established beyond reasonable doubt that a serious case of torture had occurred during his fact-finding mission. The evidence had been corroborated by a witness, by his own forensic doctor and by two forensic doctors from the National Institute of Forensic Medicine, but the Government had replied that the victim, when questioned, had asked for no charges to be brought against the two culprits. The latter had been referred to the police courts on charges of conspiracy to wound under article 334 of the Criminal Code. She invited the State party to comment on the case.

15. She also requested information on the investigation conducted into the burning to death of three prisoners at Muwaqqar prison in April 2008. Human Rights Watch contended that the Public Security Department had sought to shield officials from prosecution.

16. Amnesty International had referred to the prosecution of 10 officers in connection with the death of an inmate at Jweida prison which had allegedly been due to torture and ill-treatment. The officers had apparently been sentenced to prison terms, but it was unclear whether they had been convicted of torture or of some other act.

17. With regard to question 3 of the list of issues, she asked whether counter-terrorism laws and administrative detention procedures affected an individual's right to prompt access to legal counsel and to notify a relative. What was the procedure under the 2006 Prevention of Terrorism Act for holding an accused person before charges were filed? According to the Special Rapporteur, the Crime Prevention Act of 1954 allowed provincial governors "in certain cases" to detain persons without charge or trial for up to one year, such detention being renewable indefinitely. She asked what kinds of cases would qualify for such action, which would seem to constitute administrative detention.

18. She understood that in urgent cases prosecutors were allowed, under articles 63 and 64 of the Code of Criminal Procedure, to interrogate detainees without a lawyer being present. Under what circumstances would a case be deemed to fall into that category and were there any safeguards to ensure that the provisions of the articles were not abused? The Committee would welcome statistics or other information on the practical implementation of articles 63, 64 and 66 (2) of the Code. She drew attention to the discrepancy between those provisions and the statement in paragraph 114 of the report that trials must be conducted in public, that defendants had the right to representation by defence counsel and that the law most favourable to the defendant must be applied.

19. The Committee had been informed that persons detained by the GID were not given access to a lawyer or physician or allowed to contact a relative during the first seven-day period following arrest. She asked whether article 13 of the Reform and Rehabilitation Centres Act was applicable in that context.

20. The Special Rapporteur had been informed that all detainees were entitled to see a physician on arrival at a detention facility. She enquired about the regular procedure in cases where a detainee was found to have been mistreated. How many prison doctors were assigned to each of the reform and rehabilitation centres?

21. According to the reply to question 4 of the list of issues concerning administrative detention, 20,071 persons had been held in 2006 and the number of such detainees had declined by more than 4,000. A circular had been issued to administrative court judges instructing them to end the practice and a large number of persons had been released. She asked the delegation whether it had more up-to-date figures and information about the gender, age, ethnicity or location of persons under administrative detention. The Committee

wished to be reassured that it did not constitute unacknowledged or secret detention. The State party claimed that it was used only in limited circumstances and for highly dangerous people. The Committee had been informed, however, that persons accused of fraud or other non-violent offences sometimes ended up in administrative detention without recourse to the courts.

22. While the Government's efforts to improve the situation of women victims of domestic violence were commendable, some women at risk of crimes of honour, domestic crimes or gender-related abuse were allegedly held in a form of protective custody. The State party reported there had been 290 "safe house beneficiaries" in 2007, 501 in 2008 and 791 in 2009. She asked the delegation to clarify whether their custody amounted to administrative detention or whether they could move to rehabilitative shelters where they would enjoy greater freedom and receive health care and psychological counselling.

23. In its concluding observations on Jordan's initial report, the Committee had expressed concern about the fact that the headquarters of the GID was recognized as an official prison that armed forces officers were granted the capacity of public prosecutors and that they could detain both military and civilian suspects incommunicado, until the end of their interrogation for periods of up to six months. The Committee still wished to know whether there were any mechanisms to ensure that the Department complied with the ordinary legislation concerning torture or whether it was subject to a separate legal regime. The Committee had asked whether unannounced inspections of the Department's facilities were conducted in order to assess the potential for abuse in places of confinement. The State party had replied that the National Centre for Human Rights and other bodies were allowed to visit the detention centres two or three times a year. The Committee considered that such monitoring was inadequate, especially since the visits were announced beforehand. She asked whether there were any plans for unannounced visits to the Department's detention facilities. She was also interested in hearing why the Special Rapporteur had been denied access to them.

24. Although the Committee had recommended in its previous concluding observations that the State Security Court should be abolished, the State party had no plans to do that. She asked how its impartiality could be ensured, how many detainees were being held and how many had yet to be charged with an offence.

25. The Committee was also concerned about the Defence Act. In its reply to question 6 of the list of issues, the State party simply indicated that the Act was not currently operational since there were no extraordinary conditions threatening the country. She asked the delegation to clarify the rules governing a state of emergency. When was it declared? Could the decision be reviewed and what safeguards were in place to ensure that citizens' rights, including the right not to be tortured, were protected if a state of emergency was declared?

26. She asked for clarification of the procedures for appointing members to the National Centre for Human Rights and whether any consideration had been given to assigning them executive authority to follow up on particular recommendations.

27. The written reply to question 8 indicated that the Grievances and Human Rights Office affiliated to the Public Security Department monitored and followed up on cases of human rights violations. She sought more information about the staffing of that Office and about any measures in place to ensure the independence and impartiality of its investigations into complaints of abuse by police or law enforcement officials.

28. The written replies stated that the Ombudsman's Office had received 2,716 complaints, of which 1,124 had been accepted: she asked how many of the 1,124 cases had led to prosecutions, and for what charges, and how the complaints mechanism of the

Ombudsman's Office was made accessible to the public. Also, could detainees apply to the Ombudsman?

29. Observing that the report (para. 59) gave data about complaints against the Public Security Department for 2005–2006, she said she would appreciate any more up-to-date information, in particular on how many complaints not acted on had been investigated beyond the complaint stage.

30. Further to the information provided about judges, she asked whether any judges had ever been disciplined for misconduct. Also, were judges required to order a medical investigation if they saw signs of abuse, or was that left to their discretion?

31. The information provided about so-called “honour crimes” raised the protective custody issue, and the question whether there was impunity for alleged perpetrators and a lack of care for women. Of the 13 cases in 2009, she asked what had been the original sentences passed and what were the sentences currently being served in the 10 cases cited in which mitigating circumstances had been evoked. Other members of the Committee would pursue the issue of why such killings were treated differently from other violent crimes.

32. Referring to article 308 of the Criminal Code, she observed that it offered the peculiar mitigating circumstance that if a rapist married his victim, he would thereby avoid imprisonment, on the grounds that marriage legitimized the perpetrator's desire to establish a family with the victim. She asked how that article could possibly be in accordance with international norms or even ordinary criminal law. Rape was widely acknowledged to constitute a form of torture and so established by numerous international instruments, and allowing a rapist to marry his victim would be in total contravention of those norms. She asked under what circumstances rape would be investigated and the perpetrator prosecuted and punished, and what measures were contemplated to eliminate that exculpatory provision for so heinous an abuse.

33. The report stated in paragraph 87 that if a person's life was in danger he or she was never returned to another country. However, the relevant provisions of the Convention did not relate to possible loss of life, but to the potential risk of torture. She asked whether there was any legislation in Jordan that explicitly prohibited sending a person to a country where he or she would be at risk of torture.

34. In the light of reports recently published, she also asked how many non-Jordanians had been detained and expelled from the country in the past year, who was specifically responsible for extraditing persons to other countries, and who for removing Jordanian nationality from naturalized citizens.

35. Turning to the case of Maher Arar, she noted that the Special Rapporteur had been astonished at the information given to him, and now the Committee had received the same information, namely that Mr. Arar had arrived on a Royal Jordanian Airlines flight, but as his name was on a list of terrorists, he had been asked to leave the country for a destination of his own choosing. It was then asserted that he had opted to go to Syria, whither he had been taken by car the same day. However, according to other information the Committee had received, and which the Special Rapporteur and the Canadian courts had received, that had not been a willing decision but a deportation or extradition. In particular, if he was not to be allowed to enter the territory of Jordan, why had he been driven to Syria by car, and why, according to his own account, had he been blindfolded? She asked whether there were any witnesses, or any recording, of his alleged request to go to Syria. Was it anticipated that there would be an independent inquiry into those occurrences? Were any measures in hand to ensure that such action would not recur in the future?

36. **Mr. Gallegos Chiriboga**, Second Country Rapporteur, observed that the Committee had received a huge range of reports, largely from Jordanian civil society organizations, their volume being due in part to the fact that it had been 15 years since Jordan had last reported.

37. With regard to article 10, the report and the written replies included information on training for law enforcement personnel, but there was very limited information on whether military and security personnel also received such training, based on a curriculum that included human rights as well as training in effective interrogation techniques and proper use of police equipment. He asked who gave that training and who evaluated its results. There was limited information on training given to judges and public prosecutors, and none on that given to forensic doctors or medical personnel in the detection and documentation of physical and psychological sequelae of torture. Considering that to be an important issue, he sought more information about it.

38. On article 11, and observing that the National Centre for Human Rights had a mandate to visit detention centres, he asked for clarification whether police stations and the GID headquarters were also covered by judicial monitoring and inspections. The replies indicated that the International Committee of the Red Cross (ICRC) conducted periodic unannounced visits to GID detention centres, and he asked whether other organizations, including the National Centre for Human Rights, were mandated to conduct such unannounced visits.

39. He also asked whether the State party was considering converting its current complaints structure to an independent, impartial and effective investigatory body, as the Committee considered it extremely important to establish an independent police complaints and accountability body.

40. He asked the delegation to confirm that there were no secret detention facilities in Jordan, since the National Centre for Human Rights claimed that there were.

41. Paragraph 30 of the written replies stated that the provisions of the Juveniles Acts were being amended to raise the minimum age of criminal liability from 7 to 12 and to establish Juvenile Courts, Juvenile General Prosecution Offices and Juvenile Police. He asked for more information on the content and status of such amendments and on a timeline for their adoption.

42. On articles 12, 13 and 15, he referred to reports that the State Security Court admitted testimony that had been obtained through torture, as well as undocumented and unsubstantiated allegations. He asked for information on the application of provisions regarding the inadmissibility of evidence obtained under duress and whether any officials had been prosecuted for admitting such confessions.

43. He urged the State party to consider abolishing the special court system within the security services — above all, police and intelligence courts — and to transfer their jurisdiction to the ordinary independent public prosecutors and criminal courts. He sought the delegation's comments on that matter.

44. He noted that no answer had been given to the first part of question 33 of the list of issues on the procedure to be followed in cases of complaints of misconduct by police, security or military personnel, and in particular the steps taken by the State party to ensure that investigation of complaints was independent, prompt and effective.

45. On article 14, the Committee noted the information to the effect that under article 256 of the Civil Code, plaintiffs had a right to take civil action for damages for any injury suffered, but Jordanian law contained no explicit provisions on the right of the victims of arbitrary detention to compensation nor explicit provisions allowing torture victims to claim financial compensation for the damage caused by torture. He asked whether the State party

was considering including such provisions in its domestic law. He also asked for information on any existing rehabilitation programmes for torture victims and on any other steps taken by the State party to ensure medical and psychological rehabilitation.

46. On article 16, the Committee noted the information provided in paragraph 37 of the written replies concerning the “Domestic reconciliation house” affiliated to the Ministry of Social Development, but repeated its question on what steps had been taken to address the lack of shelters and crisis centres for women victims of violence. What was the status of the bill to give NGOs licences to establish and run shelters?

47. With reference to reports before the Committee of widespread abuse of female migrant domestic workers, he sought information on the actual implementation of the amendments made in August 2009 to the 2008 Labour Act to improve the rights of migrant workers, referred to in paragraph 38 of the written replies, and sought more information regarding the creation of centres to house victims of trafficking. He asked whether the State party was still considering the establishment of a shelter for migrant workers fleeing abuse and exploitation.

48. No response had been received to question 39 of the list of issues regarding prevention of the commercial sexual exploitation of children, and he sought information about the content and implementation of the Action to Combat Human Trafficking Act (No. 9) of 1 April 2009 and the mandate of the National Committee to Combat Human Trafficking.

49. The region had an enormous problem with refugees and the efforts of Jordan in that respect should be recognized. He asked for information about the Government’s intentions with respect to refugees, repatriation, treatment of women and children in particular, and its relationship with UNHCR, and how the State party saw refugee issues in general. On the question of disability, he noted that the country had taken a number of steps in the right direction, but sought further information on the inspection system in prisons and psychiatric institutions and other institutions serving persons with disabilities.

50. No response had been received to question 40 of the list of issues, on legislative and administrative measures to respond to threats of terrorist acts and how such measures had impacted human rights safeguards in law and practice. No information had been given, except the statement by the State party that no trial had been conducted under the Prevention of Terrorism Act (No. 55) of 2006.

51. The Committee strongly hoped that Jordan would become a signatory to the Optional Protocol and would make the declarations provided for in articles 21 and 22 of the Convention.

52. Referring to two specific reported cases of police violence, at least one of which had resulted in death, he sought updated information, in particular on the question whether the officers concerned had been found guilty and prosecuted. He asked whether the authorities publicly condemned violence committed by police officers and whether more intensive training and education programmes were being organized to avoid such incidents in the future.

53. **Mr. Bruni** sought clarification of the first paragraph of article 208 of the Criminal Code, which said, at least in its English translation, “anyone who subjects a person to any form of torture prohibited by law”, which seemed to imply that some forms of torture might be permitted by law.

54. He was surprised, as Ms. Gaer had been, that not a single report of a case of torture committed by public security personnel had been lodged since 15 September 2007. From information given by the National Centre for Human Rights, it appeared that 50 complaints had been lodged against various security services in 2009, including 6 complaints of

beatings and torture at rehabilitation and detention centres. The figures for 2008 were similar. What was the real situation?

55. Noting that there was no information in the report or the written replies about the implementation of Convention article 2 (3), providing that an order from a superior officer could not be invoked as a justification of torture, he asked whether there was a recourse procedure available for members of the security or military forces to legally contest an order which might be perceived as entailing an act of torture.

56. With reference to article 10, the report and the written replies contained information on the procedure for submitting allegations of torture against members of the Criminal Investigation Department, and it was stated in particular that the complainant must be referred to a police doctor if necessary. He asked whether police doctors were trained to recognize the specific symptoms of torture, how that training was carried out, and whether such doctors had knowledge of the manual on investigation and documentation of torture, issued by the United Nations in 2005. In addition to the police doctor, could a complainant request to be examined by a doctor of his own choice?

57. With regard to article 11 and inspections of prisons, he stressed that at least some of them should be unannounced. When such visits took place, was there a procedure whereby those visiting the prison were free to speak to detainees without direct or indirect supervision by the authorities? The issue applied in particular to the detention centres of the security forces, which were regarded — worldwide, not specifically in Jordan — as being the places with the highest risk of torture. He asked whether reports on the results of those visits were available to the public.

58. With regard to article 16, he was pleased to see that the information provided in paragraphs 67 et seq. of the report focused on the death penalty. It was his understanding that although the death penalty was still in force, there was a certain feeling in the country, perhaps among the authorities, that it could be assimilated to an act of cruel or inhuman treatment. He sought confirmation or refutation of that view. Noting the Government's assertion that in 2006 it had submitted four amended bills to the House of Representatives on the abolition of the death penalty for certain crimes, and that no death sentence had been carried out in 2007, he asked for which crimes abolition of the death penalty had been proposed and whether the bills had been approved by the House of Representatives. Had any death sentences been carried out since 2007?

59. Referring to question 31 of the list of issues, he recalled the specific point raised by the Special Rapporteur that despite clear instructions given to security forces not to use torture, nevertheless "the practice of torture is widespread in Jordan, and in some places routine". He asked how those instructions were monitored, and by what authorities. What were the results of those instructions today? And did impunity still exist?

60. He noted Jordan's stated intention not to ratify the Optional Protocol nor to make the declarations under articles 21 and 22. That position was legitimate, since those procedures were optional, but he was puzzled by the assertion in paragraph 119 of the report that "these two articles may be used for political reasons which have nothing to do with the purposes of the Convention". He asked for elaboration of those "political reasons". As those procedures had been conceived to provide legal reinforcement of respect for the prevention of torture, he did not see a political element in them.

61. Noting that Jordan had contributed to the United Nations Voluntary Fund for Victims of Torture in 1984 but not since then, he asked whether the State party would be ready to resume its contributions to the Fund, joining the more than 100 States that were contributing.

62. **Ms. Belmir** said while the State party's legal system had very good jurists and judges, including women judges, she saw a problem with the judicial hierarchy, which comprised many specialized courts that the State party had seen fit to create, as well as a court of appeal. Legal theory held that in matters of human rights, due process required several elements, including access to the courts, both physical and intellectual. She doubted whether the Police Court met those conditions, given that legal theory, again, held that professional jurisdictions were very far from satisfying the concepts of due process, since the accused and those judging them were fundamentally the same people. Of course, it was said in justification that the decisions of those jurisdictions subsequently passed before the Court of Appeal but, as was well known, that Court ruled on matters of law, not of substance. Thus the substantive issues decided on by professional jurisdictions were not reviewed by another court meeting the requirements of due process.

63. There were similar concerns with the administrative jurisdictions. The question of administrative internment by governors after people had completed their sentences, tantamount to detention without trial, raised important questions of legal principle. She hoped that the State party could clarify for the Committee how such measures, and how its special jurisdictions, contributed to the fulfilment of the State party's international commitments.

64. A further problem was the lack of a clear delineation between authority to detain and authority to interrogate, particularly in the case of the intelligence agencies such as the GID and the Criminal Investigation Department. Nor was there any clarity about the distinction between time spent in custody and time spent serving a sentence, so that the actual length of the sentence remained vague.

65. She asked the delegation to provide clarification concerning the relationship between intelligence-gathering bodies, such as the GID and the Public Security Department's Criminal Investigation Division, and ordinary law bodies, such as the Public Prosecutor's Office.

66. She would welcome further information on the method used for calculating the length of time spent in detention for interrogation purposes, and whether that period was deducted from the duration of any sentence passed.

67. She noted a lack of clarity concerning inspection arrangements for detention centres, and asked for clarification as to the body responsible for carrying them out and the procedures used.

68. Although information available to the Committee indicated that one correction centre had been closed because of irregularities that had occurred there, she expressed concern about continuing allegations regarding conditions in other such centres. She asked the delegation to provide further information on their operation.

69. She acknowledged the efforts of the State party to address the issue of trafficking in children and women, in particular the adoption of the Anti-Trafficking in Humans Act (No. 9) of 2009. However, she regretted the lack of a comprehensive strategy and urged the Government to take further measures to combat trafficking.

70. She noted that measures had been taken to protect the rights of foreign women employed as domestic workers, but said that further action was required to improve monitoring mechanisms.

71. She expressed concern at the fact that, between 2004 and 2008, a number of persons who had previously been granted Jordanian citizenship, in particular Palestinians, had had their Jordanian nationality withdrawn.

72. **Mr. Mariño Menéndez** expressed regret at the State party's decision not to recognize the optional procedures set forth in articles 20 and 22 of the Convention. If Jordan were to accept those procedures, their implementation would represent an important step forward in preventing torture. He also encouraged the State party to ratify the Optional Protocol, which provided for the establishment of a national mechanism empowered to conduct unannounced visits to any place of detention.

73. As to the status of stateless persons living in Jordan, he asked what protection was currently enjoyed by those persons who had formerly held Jordanian citizenship and were still living in the country, and whether the Government contemplated ratifying any of the international treaties that protected such persons.

74. Turning to the issue of refoulement, he wanted to know whether it was a judicial or an administrative body that was responsible for taking the decision to return foreigners. He also asked whether border officials could decide to deny entry to asylum-seekers at the point of entry to Jordan or whether those officials were obliged to transmit asylum applications to another body.

75. He pointed out that lawyers' rights were especially important in cases of administrative detention. He asked how access to the profession was regulated, whether there was a Bar Association and how qualifications were accredited.

76. Regarding the role of the intelligence-gathering services in interrogating suspects, he asked whether there were regulations governing the questioning of detainees by those services. Such regulations were important because they could specify which interrogation techniques were banned.

77. Allegations had reached the Committee regarding impunity for law enforcement personnel accused of acts of torture. He noted that higher courts had ruled that confessions extorted by torture were inadmissible as evidence, but pointed out that, when allegations of torture had been made and evidence rejected as a result, no subsequent investigations had taken place to ascertain whether torture had actually taken place. He stressed the need for such allegations to be properly investigated by the courts.

78. It was his understanding that the death penalty was not applied unless endorsed by the King of Jordan. He wished to know how the procedure for applications for pardon operated, and whether such applications were automatically referred to the King for consideration.

79. **Ms. Sveaass**, referring to allegations that human rights defenders had been victims of threats and intimidation, asked what steps the Government was taking to ensure that human rights organizations and defenders could do their work in safety.

80. On the issue of compensation and rehabilitation programmes for victims of torture, she noted that the State party had referred in its written replies to a programme to prepare prisoners for post-release. She wondered whether the Government envisaged any treatment programmes for persons who had been subjected to torture not only in prisons but also in other places of detention.

81. She welcomed measures that had been taken to protect women from domestic violence, in particular steps to promote family reconciliation. Nevertheless, she was concerned that the Protection from Domestic Violence Act (No. 6) seemed to afford more protection to women victims of violence who were living with their partners than to those who had sought refuge elsewhere. She asked the delegation to clarify whether that was indeed the case.

82. It was her understanding that medical examinations of alleged torture victims must be ordered by courts. However, she wondered whether there were any procedures enabling

victims to request independent medical examinations carried out in accordance with the Istanbul Protocol.

83. With respect to the rights of foreign domestic workers, she wished to know whether, for instance, any charges had been brought, or convictions made, against employers for withholding passports.

84. Referring to efforts by the State party to combat trafficking in human beings, she noted that some cases had been referred to the competent courts. She asked the delegation to provide information on the outcome of those cases.

85. **Ms. Kleopas**, reiterating the Committee's view that acts of torture could not be subject to any statute of limitations, asked whether torture was regarded as imprescriptible in Jordan.

86. On the subject of regulations governing interrogations, she expressed surprise that the General Prosecutor was authorized to exclude a lawyer during interrogation and that there was no appeal against a decision to that effect. The Committee's position was that a lawyer should be present during interrogation to ensure that no acts of torture were committed. She asked the delegation to comment.

87. She expressed concern that legal aid was not available to all detainees, in particular to those in military institutions. She was also concerned that, under the alternative procedure, allegations of acts of torture by law enforcement officials were dealt with under the Public Security Act, which only provided for disciplinary sanctions.

88. **The Chairperson**, noting that acts of torture were punishable by terms of imprisonment ranging from six months to three years, asked whether those found guilty actually had to serve those terms.

89. It was his understanding that the Public Security Act provided for only very limited disciplinary sanctions for police officers who had been found guilty of acts of torture. He asked the delegation to provide further information on that point.

90. He had read in the State party's report that rights could be suspended in a state of emergency. He pointed out that in international law there were some non-derogable rights and he wondered whether in Jordanian legislation it was explicitly stated that rights in torture cases were non-derogable.

91. According to information available to the Committee, article 61 of the Criminal Code established that a person should bear no criminal responsibility for acts performed in accordance with orders by superior officers. Could the delegation comment on that point?

92. In the light of reports that lawyers' rooms were designed to be used by up to 20 lawyers at a time, he asked what measures had been taken to ensure that detainees could communicate with lawyers in private.

93. The Government had stated in its written replies that application of the Crime Prevention Act (No. 7) of 1954 was limited to specific cases of extremely dangerous persons, outlaws and criminals who attacked and terrorized citizens. He asked the delegation to clarify why it might be necessary to prevent detainees in extremely dangerous cases from seeing a prosecuting officer within the first 24 hours of their detention. Was there any case law which would show the Committee what was meant by "extremely dangerous" in that context?

94. He asked how terrorist activities were defined in the 2006 Prevention of Terrorism Act and whether any reference was made to existing international conventions and protocols relating to terrorism.

95. In its response to question 11 on gender-based breaches of the Convention, the State party had stated that the Convention had become an integral part of Jordanian national legislation. He asked the delegation to provide information on any gender-based breach of the Convention.

96. On the issue of families of female victims of rape being able to waive their right to file a complaint, he asked whether there were examples of case law which showed how that procedure operated in practice. He also asked the delegation to provide information on the number of cases where rapists had married their victims.

97. In view of numerous, repeated allegations that Jordan had participated in the programme of extraordinary renditions, he asked whether the Government had considered conducting an extensive investigation into those allegations.

98. With regard to the “non-refoulement” principle, the State party had referred in its written replies to “many cases” in which a deportation decision had been set aside by the Supreme Court. He would be glad to see the text and reasoning of those Supreme Court decisions. In its written replies (para. 89) the State party also mentioned preparations by the Ministry of Labour to create a system of centres to lodge the victims of crimes relating to trafficking in humans. What stage had those plans reached, and when would the centres become operational?

The public part of the meeting rose at 12.20 p.m.