



Jordan

Country Reports on Human Rights Practices - 2007

Released by the Bureau of Democracy, Human Rights, and Labor

March 11, 2008

IN RE: GUANTANAMO BAY DETAINEE LITIGATION

Doc. 684 Att. 1

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein with a population of approximately 5.9 million. The constitution concentrates executive and legislative authority in the king. The parliament consists of the 55-member House of Notables (Majlis al-Ayan), appointed by the king, and a 110-member elected lower house, the Chamber of Deputies (Majlis al-Nuwwab). On November 20, nationwide multiparty parliamentary elections were held, which by and large went smoothly; however, local observers alleged some irregularities. Authorities generally maintained effective control over the security forces, although there were some instances in which domestic and international nongovernmental organizations (NGOs) accused members of the police and security forces of committing human rights abuses.

While the government respected human rights in some areas, its overall record continued to reflect problems. The government restricted citizens' right to change their government. Domestic and international NGOs reported torture, arbitrary arrest, and prolonged detention. Impunity, denial of due process of law, and limited judicial independence remained problems. Infringements on citizens' privacy rights continued. The government harassed members of opposition political parties and restricted freedoms of speech, press, assembly, association, movement, and some religious practices. Legal and societal discrimination existed against women and persons of Palestinian origin. Restrictions on labor rights and abuse of foreign workers remained problems.

During the year the government enacted legislation aimed at protecting human rights. On August 1, the government enacted into law the Convention on the Elimination of Discrimination Against Women (CEDAW). On October 9, the government amended Article 208 of the penal code, redefining the statute to include psychological harm, broadening its applicability to all public officials, and increasing the penalties for torture.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed politically motivated killings; however, on May 10, Firas Zeidan died in police custody in Aqaba after a four-day detention. Although forensic examiners initially claimed he died of a drug overdose, Zeidan's family brought the case to the attention of the government, which ordered an investigation and a new autopsy. According to the final of four autopsy reports, Zeidan's lung collapsed, and 15 to 20 percent of his body was covered with bruises and contusions. During an August visit, Human Rights Watch (HRW) interviewed six prisoners formerly detained with Zeidan, who stated both that prison guards beat him and that current prison staff intimidated prisoners not to testify if called upon. The government investigated the case, removed the prison director, arrested and charged three prison guards, and suspended one guard from duty. The trial remained ongoing at year's end.

On August 23, guards in the Swaqa prison reportedly beat and killed prisoner Ala Abu Tair. Autopsy results confirmed that his body was heavily bruised but stated that the proximate cause of death was a heart attack. In response, the government removed the prison director and opened an investigation into the alleged beatings, which remained ongoing at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The law prohibits such practices, but domestic and international NGOs alleged torture and mistreatment of prisoners in police and security detention facilities.

On October 9, the government amended Article 208 of the penal code, thereby redefining the statute to include psychological harm; broadening its applicability to all public officials, including prison wardens and police officers; and increasing the penalties for torture used to extract information from six months to three years' imprisonment including hard labor if serious injury occurs. At year's end no official had been tried under the revised statute.

On January 5, Manfred Nowak, UN Special Rapporteur on Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, submitted his final report to the UN based on his July 2006 visit to the country. Nowak described police and security forces as practicing "widespread" torture based on "consistent and credible allegations," which he stated were substantiated by forensic medical evidence.

On April 11, the Arab Organization for Human Rights issued a report complaining of torture in government detention facilities.

On May 24, Amnesty International (AI) published a report alleging torture and ill-treatment in government detention centers.

Following visits to five prisons in late August, HRW cited interviews with more than 100 prisoners who claimed they were beaten with electrical cables and truncheons and hung in iron cuffs for several hours. The report also stated that "Jordanian jailers routinely subject prisoners to illegal beatings that sometimes turn into torture." Other NGOs alleged that guards kicked prisoners with boots. Several sources reported that prison guards shaved the beards of inmates, including prisoners who maintain beards for religious beliefs. According to HRW, prisoners reported that self-mutilation was a common form of protest against alleged mistreatment because in the prisoners' view the official complaints mechanism was not adequate. For example, on August 26, according to HRW, more than 360 inmates slashed themselves with sharp implements during a surprise HRW visit to the Swaqa prison.

During the year defendants in several cases before the State Security Court claimed that they were tortured while in custody. An April 10 report covering 2006 by the National Centre for Human Rights (NCHR) reported 46 complaints of mistreatment or torture at prisons and detention centers administered by the Public Security Directorate (PSD); in 2005 there were 70 reported complaints, and in 2004 there were 250. The NCHR report recounted allegations of mistreatment and abuse in General Intelligence Directorate (GID) facilities, although it did not provide specific information on these complaints. Government officials denied many allegations of abuse or testimonies under duress, asserting that many defendants claimed abuse in order to shift the focus away from their crimes.

During the year human rights activists alleged a number of cases of abuse in police custody.

On March 1, the *Jordan Times* reported that five witnesses testified before the State Security Court that they saw marks of torture on two defendants' bodies. The defendants subsequently retracted confessions that they claimed were given under duress.

On May 23, Nidal Momani, Tharwat Draz, and Sattam Zawahra claimed they were beaten and psychologically pressured to confess to participating in plots to kill a foreign leader during the leader's November 2006 visit to the country. The State Security Court granted the accused two additional weeks to provide new testimony. At year's end the court had not returned a verdict.

On August 23, guards in the Swaqa prison reportedly beat several hundred inmates on the orders of new prison warden Majid al-Rawashda, resulting in the death of one prisoner. On August 27, the government-funded NCHR visited Swaqa, interviewed the prisoners, and subsequently issued a report criticizing the prison administration and documenting evidence of beatings and mistreatment. On August 27, the government removed Rawashda and launched an investigation, the results of which had not been made public at year's end.

On August 29, five individuals abducted former Islamist lawmaker Ali Utoum, threw him in a van while he was walking to a mosque outside his home in Irbid, and beat him. The Associated Press reported that Utoum was beaten because he was "outspoken against government policies." A PSD spokesperson denied government involvement and promised a full investigation, which was ongoing at year's end.

Prison and Detention Center Conditions

Prisons were overcrowded and understaffed with poor sanitary conditions and inadequate food and health care, according to the NCHR and other NGOs. The government permitted independent local and international human rights observers to conduct private interviews in prisons.

On July 16, the Arab Organization for Human Rights released a report criticizing prison conditions, citing the lack of cold drinking water, the ambient temperature, and the treatment of juveniles.

On December 24, the NCHR released its annual report on prison conditions, criticizing poor prison conditions and the government for not responding to previous recommendations. The report counted 867 prison riots throughout the year, primarily to protest poor treatment and conditions.

On April 1, the PSD relocated 700 men from the Jweideh prison in response to overcrowding.

The government generally held men, women, and juveniles in separate prison and detention facilities. The GID held some persons detained on national security grounds in separate detention facilities, and the government held other security detainees and prisoners in regular prisons. Security prisoners often were separated from common criminals in prisons but not in pretrial detention centers, and conditions for such prisoners did not differ significantly.

The government permitted local and international human rights observers to visit prisons. During the year International Committee of the Red Cross (ICRC) visited prisoners and detainees in all prisons, including those held by the GID and the military intelligence directorate, according to standard ICRC modalities. During the year the NCHR made 53 visits to prisons. On March 26, PSD opened two of its correctional facilities (Swaqa and Muwaqqar) to local journalists. In late August HRW, the Adaleh Center, and the Human and Environment Observatory visited five correctional centers and the GID detention facility.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the government did not always observe these prohibitions. The law provides that citizens are subject to arrest, trial, and punishment for the defamation of heads of state or public officials and dissemination of "false or exaggerated information outside the country that attacks state dignity."

Some human rights groups continued to voice concern over the 2006 Prevention of Terrorism Act, complaining that its definition of terrorism might lead nonviolent critics of the government to be arrested or detained indefinitely under the provisions of the act. At year's end the government had not made use of the act.

Role of the Police and Security Apparatus

The PSD controlled general police functions. The PSD, GID, and the military shared responsibility for maintaining internal security and monitored security threats. The PSD reports to the interior minister with direct access to the king when necessary, and the GID in practice reports directly to the king. Security and policing activities were effective.

Corruption within the PSD was not a significant issue, and there were mechanisms in place to investigate police abuses. There were allegations of police impunity for both the PSD and GID. The PSD's preventative security office investigated officers' performance. Incidents of poor officer performance ultimately were reported to the PSD director's office. Citizens may file complaints of police abuse or corruption to one of the PSD's eight offices of complaints and human rights. The head of each office reported directly to the PSD director. During the year citizens filed 96 complaints against PSD personnel. New officers in training received special instruction on preventing corruption and human rights abuses.