



UPR Submission

**Jordan**  
September 2008

## **Summary**

In 2008, Jordan passed new laws on association and assembly that exacerbated existing restrictions on civil society that severely curtail fundamental rights. Jordan has introduced reforms in law enforcement in recent years but serious abuses continue. Torture in prisons persists, local governors increasingly make use of administrative detention to hold persons without charge or trial, and the abusive General Intelligence Department (GID) continues to carry out arbitrary arrests.

## **Freedom of Association and Peaceful Assembly**

### ***NGO Law***

In July 2008, Jordan's two houses of parliament passed a Law of Charitable Societies (NGO Law) that imposes harsh new restrictions on the exercise of freedom of association, while continuing restrictions imposed under the previous 1966 law on charitable societies.

The NGO Law does not adopt a notification-only process of registration as international best practice recommends. It continues to give the minister of social development powers to deny without cause an NGO application. If the minister fails to reply to an application within two months, an NGO registration is considered approved, but the law fails to specify how an NGO can then document its incorporation to begin legal activities. Astonishingly, the minister can insist that an NGO include a government official among its founding members.

The NGO Law obliges NGOs to furnish the ministry with copies of their work plans. The law also authorizes the government to audit NGO accounts and review past work. The new law also confines NGO activities to areas that are not the "domain of political parties," a broadly worded restriction that is incompatible with the rights to free association and expression.

Under the new law, an NGO must inform the ministry in advance of its general assembly meetings. Decisions involving significant changes to the NGO's operations or staffing taken there will not be considered lawful until the minister issues approval. An NGO's general assembly decisions are automatically invalid if the NGO did not give prior notice or if a ministerial official was barred from attending the general assembly meeting (government attendance is not a necessary condition, however). The minister must also approve the opening of any NGO branch offices.

The new law gives the government powers to impose temporary management by government officials or to close the NGO down altogether for minor infractions of the NGO Law or the NGO's own bylaws, without prior recourse to the courts. The law also forces NGOs to accept new members with voting rights for its management board, allowing the government to infiltrate and take over an NGO by other means. For instance, in 2007 the government imposed temporary management on the Islamic Society Center, and immediately encouraged government-

friendly persons to become its members, diluting the membership of the original founders before considering elections to a new board that would not return members of the Muslim Brotherhood, previously dominant at the center.

Finally, the law requires NGOs to secure cabinet approval for every foreign donation, and foreign NGOs in Jordan need cabinet approval for every Jordanian donation. Violators who keep or use foreign funds without declaring them are liable to a minimum three-month prison sentence (a maximum is not specified.)

### **Assembly Law**

In June 2008, Jordan's parliament passed a new Law on Public Gatherings (Assembly Law). The law contains some improvements over the old, amended law of 2004, but does not restore the freedom of assembly guaranteed before the government introduced drastic restrictions in 2001. Prior to 2001, demonstrations and public gatherings only required notifying the authorities, whereas now organizers of events have to obtain written prior approval from the authorities.

The new Assembly Law continues to require prior written approval by the governor in order to hold a public meeting, while reducing the governor's response time from three to two days and considering a lack of response to constitute approval. The governor is still not obliged, however, to justify any refusal to grant permission for any gathering. The law exempts from the requirement to seek permission only general assembly meetings of NGOs, professional associations, and political parties, as well as other legally recognized bodies, "on condition that these meetings and gatherings are linked to the realization of their objectives and in accordance with the legislations regulating their work and activities" (article 3.1). All other meetings and public demonstrations require prior approval. Human Rights Watch's 2007 report, ["Shutting Out the Critics"](#) presented ample recent evidence that governors turn down large numbers of requests for such peaceful gatherings where they are likely to voice criticism of government policies.

The member states of the Human Rights Council should strongly urge the government of Jordan to:

- Rescind the NGO and Assembly Laws;
- Start a drafting process to revise the existing Law on Public Gatherings that includes broad civil society participation and assistance from international human rights law experts, and:
  - Abolish the requirement for prior approval of any public meeting or demonstration;
  - Define the meaning of "public gathering" to include only gatherings in publicly accessible places or those that are open to the public.
- Start a drafting process to revise the existing NGO Law to include broad participation by civil society and assistance from international human rights law experts, and:
  - Make registration of associations automatic upon formal notification;
  - Remove the government's ability to appoint founding members, impose any form of governmental management, or dissolve an NGO without a court order;
  - Permit foreign funding of NGOs, whether foreign or local, as long as all foreign exchange and customs laws are satisfied.

### **Torture in the Prison System**

Torture remains rife in Jordan's prisons, despite a reform program initiated in 2006. 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.

Human Rights Watch visited [five](#) of Jordan's 10 prisons in August 2007 (Muwaqqar, Swaqa, Salt, Qafqafa, Aqaba), one prison in October 2007 (Juwaida), and one prison in April 2008 (Birain). The Jordanian authorities allowed Human Rights Watch full access [except to Juwaida prison](#), which we requested to visit in August 2007. In April 2008 we met with the leadership of the Public Security Directorate (PSD) to discuss Jordan's recent prison reform program.

### **Prison Reform**

Jordan's prison reform focuses on building new prisons, separating pre-trial detainees from convicted prisoners, providing work and rehabilitation services to convicted prisoners, and providing better health care to all prisoners. Police prosecutors now are present in seven prisons to investigate abuses by guards. All prison staff and, separately, the directors, now undergo training in non-lethal use of force, riot control, communication skills, and human rights. In October 2007, Jordan amended its Penal Code to include the crime of torture.

The government is completing construction of a 240-cell [super-maximum security prison](#), Muwaqqar II, which may be used to house Islamist national security suspects. Jordanian Islamists accused or convicted of crimes against national security are already housed in separate facilities in small-group isolation within two prisons, Juwaida and Swaqa. Three to four prisoners share a cell and exercise alone and have since July 2007 only rarely been able to mix with fellow prisoners. In Turkey, Human Rights Watch documented in its report ["Small Group Isolation In Turkish Prisons: An Avoidable Disaster"](#) that this type of small-group isolation impaired the mental health of inmates. The extreme isolation of prisoners in solitary confinement in "super-max" prisons can lead to severe psychological disorders and amount to ill-treatment.

### **Torture**

In its prison visits, Human Rights Watch found that torture remains widespread and routine. We received credible allegations of ill-treatment and torture from 66 of 110 inmates interviewed, with cases in every prison we visited. Torture typically takes two forms, often combined. In one, guards beat a prisoner with electrical cables knotted together or with a truncheon; in the other they suspend a prisoner by the wrists off the ground for prolonged periods of time. Reasons for torture include perceived infractions of prison rules.

In June 2006 the UN Special Rapporteur on Torture and a team of investigators visited Jordan and uncovered numerous instances of torture. Since that time, Jordan's prison reform program has failed to achieve accountability for acts of torture. The prison-based police prosecutors who took up work in February 2008 had not filed a single case as of April 2008, despite evidence of one incident of beatings uncovered by Human Rights Watch during that time. By August 2008, the number of investigations by police prosecutors had risen to 24 cases. The Public Security Directorate, in its investigation into the [burning to death of three prisoners at Muwaqqar](#) prison in April 2008, seemed intent on shielding officials from prosecution.

The Police Court has until now tried only a handful of prison officials for prison abuses, and sentences in those few instances have been excessively lenient. Two guards found guilty of beating a prisoner to death received a prison sentence of two and a half years each. A prison director found to have personally beaten as many as 70 inmates received a US\$180 fine, and was not dismissed from the Public Security Directorate. The court exonerated 12 other guards who had also beaten these inmates because they were following the director's orders.

Lenient sentences by Police Court judges, appointed by the Public Security Chief, hardly serve as a deterrent. An even greater obstacle is the failure by police prosecutors to take up investigations and diligently prosecute offenders. By August 2008, no prosecutions for the crime of torture had taken place.

The member states of the Human Rights Council should strongly urge the government of Jordan to:

- Remove jurisdiction over criminal matters involving prison abuse from the Police Court;
- Ensure civilian prosecutors assume jurisdiction over and carry out transparent and effective investigations into prison abuse, including by regular private meetings with prisoners;
- Ensure adequate numbers of prison doctors, including psychiatrists, and train them to detect torture and ill-treatment;
- Cancel plans to use Muwaqqar II, or any other facility, to hold prisoners in long-term solitary confinement or otherwise hold them contrary to the UN Standard Minimum Rules for the Treatment of Prisoners.

### **Administrative Detention**

The use of [administrative detention](#) has increased in Jordan over recent years, reaching over 12,000 cases in 2006, or just under one-fourth of overall prison admissions. Administrative detention laws are problematic because they deny persons fundamental rights to due process.

Jordan relies on the Crime Prevention Law of 1954 to circumvent provisions of the Criminal Procedure Law granting defendants due process rights, including the rights to be charged and be given a fair trial. Under the 1954 law, the governor, who reports to the Ministry of Interior, can administratively detain for up to one year any person he deems to constitute a "danger to the public," and the person fails to present monetary assurances. The governor is not required to present evidence of a crime committed or a crime in progress. Administrative detainees are only able to challenge their detentions in a court of law if there is a procedural violation in the issuance of the detention order. Administrative detainees are allowed legal assistance, but almost never have a lawyer present at the time the governor issues the detention order.

The governor is empowered to set monetary assurances, and can effectively prevent the detainee gaining release. Typical amounts for such assurances lie between JOD10,000 and JOD50,000 (US\$15,000 and \$75,000). As long as detainees present collateral, such as a land entitlement of equivalent value, they should only have to pay the fees of around 0.4 percent. On numerous occasions, however, governorate officials simply refused to accept the proffered assurance, which the law allows.

Police and the governor frequently use administrative detention to hold persons whom a judge had freed on judicial bail. In addition, police and governors use the law to circumvent the obligation under the criminal law to refer a suspect to the prosecutor within 24 hours for charge. Governors have detained persons for violating curfews and requirements to report to the police, persons who are victims of tribal feuds, persons with long criminal records, and vagrants.

Women constitute an especially vulnerable group of administrative detainees. Governors place women and girls threatened with domestic violence or are at risk of an "honor killing" in "protective" custody, a form of administrative detention. The Crime Prevention Law used to justify administrative detention does not foresee protective custody. In fact, it grants the governor the authority to detain only persons who constitute a danger to society. But in the case of these women and girls, it is the victim, not the perpetrator, whom the governor detains. Women held in "protective" custody are released only if a male family member can convincingly pledge that the family will not harm the woman. Release from administrative custody is generally a greater problem for women than for men, even for those not in

protective custody. Governors allow only family members (generally male relatives) to act as sponsors for female administrative detainees. The very fact that a woman has been administratively detained is often enough to cause her family to abandon her and refuse to act as her sponsor. Thus, the societal costs of detention are far greater for women than for men. Men can more easily integrate back into society and find sponsors to give assurances for their release more readily than women. Women may spend years in administrative detention whereas men usually gain their release after weeks or months.

The member states of the Human Rights Council should strongly urge the government of Jordan to:

- Abolish the Crime Prevention Law and refer all persons to the civilian prosecutor for investigation and charge where the evidence supports suspicion of criminal conduct;
- Ensure that current administrative detainees have effective recourse to legal counsel and to the courts to challenge the lawfulness of their detention;
- Refer all women in protective custody to the government's Wifaq Center or alternative non-governmental shelters for women at risk of violence.

### **General Intelligence Department**

Human Rights Watch has documented abuses of persons in detention by the General Intelligence Department (GID), which has a long record of torture and of hiding detainees from the International Committee of the Red Cross. Human Rights Watch in 2006 documented arbitrary arrests and torture by the GID in a report, "[Suspicious Sweeps.](#)" In 2007 we detailed the lack of due process rights during detention in the case of [Isam al-Utaibi](#) (better known as Abu Muhammad al-Maqdisi) and of [other prisoners](#) following a series of unannounced visits to the detention center in August 2007. In April 2008, Human Rights Watch published a report, "[Double Jeopardy,](#)" on US Central Intelligence Agency (CIA) renditions to Jordan, which concluded that Jordan's GID had served as a proxy jailer and torturer of CIA-rendered prisoners from 2001 to 2004.

Long-term isolation of detainees at the GID is another concern. The GID typically holds detainees incommunicado at least for some weeks before allowing weekly supervised visits. Detainees do not in practice have the opportunity to make telephone calls to inform relatives or their embassies of their whereabouts and any charges against them. Detainees only rarely have contact with their lawyers, effectively denying them the right to legal counsel.

The GID granted Human Rights Watch access to its detention facility in August 2007 and has also allowed the Amman-based National Center for Human Rights to conduct coordinated visits to the GID detention facility since late 2005.

The member states of the Human Rights Council should strongly urge the government of Jordan to:

- Implement a moratorium on GID arrests and detention until their law enforcement powers are specified in law;
- Allow detainees to challenge their detention before a court of law;
- Ensure civilian judicial oversight over the GID detention facility;
- End routine solitary confinement of detainees;
- Independently investigate torture and ill-treatment at the GID;
- Ensure that detainees are able to meet privately with their lawyers.