

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Events of 2008

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World Report 2009 Introduction By Kenneth Roth

In 2008 Jordan promised human rights reform, but failed to implement it in most areas. In a missed opportunity for reform, Jordan's revision of an old, restrictive NGO law resulted in a new, more restrictive law. A new law on assembly remained incongruent with international human rights standards, despite changes. Attempts to extend trade union membership to non-Jordanian workers in a new labor law failed in parliament, but provisions to include domestic workers under labor protections succeeded. An ambitious prison reform program and legal amendments failed to tackle widespread torture. Jordan continues to observe an unofficial moratorium on carrying out the death penalty, in force since May 2006.

The General Intelligence Department (GID) released Isam Barqawi (Abu Muhammad al-Maqdisi) after three years of arbitrary detention and denial of due process. Jordan also freed national security suspects Adnan Abu Nujila and Samir al-Barq, after the GID first arrested them but then prosecutors did not bring them to trial for two to three years.

A Penal Code amendment in October 2007 made torture a criminal offense for the

first time. But Jordan has no effective mechanisms to bring perpetrators of torture to justice. A deficient complaint mechanism, lackluster investigations and prosecutions, and lenient sentences at the Police Court, which is not independent, allow torture in prisons to remain routine and widespread and to take place with near total impunity. Riots occurred in February in Birain prison and in April in Muwaqqar and Swaqa prisons. Reasons included ill-treatment, nighttime strip searches, and a badly implemented plan to separate convicted from untried prisoners. In Muwaqqar a senior guard tortured several inmates in April by beating and suspending them from iron grates; two of those inmates died in a fire at the prison on April 14, which the authorities failed to quickly control.

In the first 10 months of 2007, provincial governors administratively detained 12,178 persons, more than in 2006, without proof of criminal conduct or to circumvent the obligation to present suspects to the prosecutor within 24 hours. Jordanian law allows governors to detain persons administratively under the Crime Prevention Law. Administrative detainees must meet a financial bail guarantee to gain release, but indigent detainees frequently resort to hunger strikes instead.

Criticisms of the king, government officials, and the intelligence forces are strictly taboo and carry heavy penalties. Prosecutors also rely on the penal code to criminalize speech diminishing the prestige of the state, and harming relations with other states. In December 2007 police arrested Omar Matar of the Arab Organization for Human Rights for alleged remarks he made on King Abdullah's genealogy to a colleague in a private dispute. The State Security Court in December 2007 found him guilty and sentenced him to one year in prison, but an appeals court overturned the verdict and freed him in February 2008. In September a prosecutor charged a professor with *lse majest* for prohibiting colleagues from hanging the king's portrait in their offices, Agence France-Presse reported. A prosecutor in June summoned Danish journalists to Jordan for insulting the religious feelings of Jordanians by republishing cartoons about the Prophet Muhammad, and one journalist said he was prepared to go to Jordan to defend himself.

In July parliament passed an amended Law on Public Gatherings (Assembly Law) and a Law of Charitable Societies (Nongovernmental

Organizations Law), both of which failed to fulfill promises Prime Minister Nader Dahabi had made in January following NGO protests on earlier drafts. The Assembly Law maintains a governor's power to deny, without justification, permission, to hold any meeting discussing public affairs. The NGO Law maintained provisions giving the government discretion to license an NGO and to shut it down without judicial process, in addition to broad powers to replace an NGO's management with government officials, and to reject an NGO's internal decisions. The law adds to these old restrictions new ones, such as prime ministerial approval for every donation or financial grant from foreigners to domestic NGOs, and from Jordanians to foreign NGOs. Dahabi promised in September 2008 to revise the law yet again.

There are an estimated 500,000 Iraqis in Jordan, most of them de facto refugees (only Syria hosts a higher number of Iraqis). The majority of Iraqi refugees in Jordan arrived after 2003. After the Amman hotel bombings of November 2005, Jordan's traditional tolerance toward Iraqis eroded. Jordan's government, which does not have an established mechanism to determine refugee status, has practically shut its land borders and airport to fleeing Iraqis. Since May 2008 a new visa regime prevents Iraqis from entering Jordan without a visa, and thus reaching safety. The governments of Iraq and Jordan encouraged Iraqis to return in 2008, despite inadequate measures to ensure their safety. Jordan again admitted Iraqi children to public schools for the 2007-2008 school year.

In 2008 Jordan released all women victims of violence or under threat of violence held in "protective custody" from the Juwaida prison, with most moving either to a government-run or an anonymous NGO-run shelter. Jordanian authorities, however, require a family member to agree to their transfer. Girls who are victims of violence or who are at risk of abuse continue to be held in "protective custody" in the Khanza juvenile detention center for girls.

Jordanian courts continue to issue lenient verdicts for "honor killings" perpetrated by family members against women and girls they suspect of "immoral" behavior. These killings make up the majority of female murders in Jordan. In October a resident of Amman confessed to killing his unmarried niece whom he suspected of being involved in an "illicit affair." By November 2008, 16 women had been killed in Jordan under the guise of "family honor."

New reports documented abuses of Southeast Asian migrants working in Jordan's Qualified Industrial Zones or as domestic workers, and of Arab migrants working in construction and agriculture. The government toughened a policy of inspections and conditions for rewards of mention on a "golden list" attesting to a company's absence of labor violations. A new labor law of July 2008 for the first time included domestic workers under its provisions, but an attempt to give non-Jordanians (non-voting) rights in Jordanian labor unions under the new law failed in parliament.

In January 2008 the Philippines stopped its citizens from going to Jordan as domestic workers, due to the increased number of complaints of abuse. In September Indonesia arrested 40 Jordanians on charges of trafficking in humans there. Jordan's Ministry of Interior reacted by promising a new law against trafficking. The new labor law stipulates penalties of up to 2,000 dinars (US\$3,000) for employers who "use any worker in a forced way, or through threat, deception, or coercion, including by keeping his travel document," the Amman Center for Human Rights reported.

Abusive labor conditions include beatings, sexual harassment and attacks, long working hours, withholding of passports and paychecks, pay discrimination based on sex or nationality, preventing workers from leaving the worksite at any time, and denying medical care.

The United States gave Jordan more than US\$700 million in economic and security-related assistance in 2008 (compared to the European Union's 265 million for 2007-2010), concluding in September for the first time an agreement securing US\$660 million in annual assistance to Jordan for five years in support of "security and stability in the region, ... economic development and political reform." In February, the US Embassy's website for the first time published a long list of conditions Jordan had to fulfill to qualify for funding. Human rights conditions were not among them. However, US policy in 2008 supported-although unsuccessfully-further revision to the NGO Law before it passed parliament in July.

The EU continued to publicly praise Jordan, but was more critical in reporting progress on political and human rights reform and also initiated a program of prison reform with the Public Security Directorate. Nevertheless, the EU has not found a unified voice to speak in support of human rights in Jordan.

The United Kingdom continues to try to return at least two Jordanians to Jordan, saying that it relies on a 2005 memorandum of understanding with Jordan to prevent torture, under which the government permits Adaleh (a Jordanian NGO with a very limited track record of investigating, publicizing, and preventing torture) to monitor the treatment of a returned detainee.

In a positive step, Jordan in March 2008 ratified the International Covenant on Rights of Persons with Disabilities. Jordan is due to be reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in February 2009.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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