

# Human Rights Watch

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

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Events of 2009

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

No significant change in Jordan's human rights policies or practices occurred in 2009. Jordan twice revised its NGO law, in 2008 and again in 2009, further restricting freedom of civic organizations. After becoming, in 2008, the first country in the region to extend its labor law to cover domestic workers, the specific protections provided to them in a 2009 regulation fell short. Jordan maintains the death penalty but since 2006 has observed a moratorium on its practice.

Torture, which independent prison inspections conducted by the United Nations and Human Rights Watch in 2006, 2007, and 2008 found to be routine and widespread, continues. Positive initiatives, such as training programs run by the National Center for Human Rights and other groups to raise awareness about torture among law enforcement officials, are far from sufficient considering Jordan's lack of both political will and effective mechanisms to bring perpetrators to justice.

Jordan has a prison reform program that seeks to rehabilitate prisoners through incentives and activities while reducing overcrowding and improving prison services. It does not address accountability for abuses against inmates by prison staff and members of the security forces. Among new instances of prisoner abuse, Islamist prisoners transferred from Swaqa to Juwaida prison in February 2009 said guards and gendarmes subjected them to repeated beatings upon arrival, and in September officials at Juwaida turned off drinking water for Islamist prisoners on hunger strike, relatives said. Torture also occurs at police stations to extract information. Despite reporting severe beatings, and in one 2008 case use of electricity on sensitive parts of the body, torture victims received no redress. Near-total impunity for torture is assured by a police-run system of accountability in places of detention, composed of a deficient complaint mechanism, lackluster investigations and prosecutions, and police court judges who impose lenient sentences.

Under the Crime Prevention Law provincial governors can administratively detain persons. The law requires governors to have evidence of criminal conduct, but in practice this is not always the case. Administrative detention is frequently used to circumvent the obligation to present suspects to the prosecutor within 24 hours, or to overrule judges who have released suspects on bail. The Foreign Ministry in May 2009 reported 14,000 administrative detainees being held in 2008 (including 800 women), comprising one in five prison inmates, down from 20,000 in 2006.

Criticism of the king, defamation of government officials and institutions, and comments deemed offensive to Islam carry heavy penalties under the penal code. Other penal code provisions criminalize speech deemed to diminish the prestige of the state or to harm international relations. A draft revision of the penal code, expected before parliament in November 2009, would maintain them intact. Article 5 of the 2007 Press and Publications Law requires publications to adhere to "Islamic values."

On June 21, 2009, Amman's court of first instance sentenced Islam Samhan to one year in prison for insulting Islam in a published poem.

In March an Amman appeals court struck down a guilty verdict against Radio Balad for breaching the visual and audio media law by airing listener comments that allegedly insulted parliament, and in April Amman's criminal conciliation court cleared newspaper columnist Khalid Mahadin of libeling parliament in an article criticizing parliamentarians' privileges, the case having been brought following a complaint by Fayiz Shawabka, secretary-general of parliament's lower house. In June Jordan's major daily newspapers boycotted reporting on parliament after parliamentary administrators restricted media access to its deliberations and members, and after the body voted for a 5 percent special tax on media institutions.

In August, defying three years of lobbying by NGOs for a more permissive law, parliament passed an amended Law of Societies that maintained the authority of the government to intrude in the internal activities of NGOs. The new law gives authorities discretionary power to reject applications for new NGOs and wide powers to close existing ones. It obliges NGOs to inform the authorities in advance of planned activities and certain meetings, which they must allow officials to attend. The government may scrutinize NGO bank accounts and must approve foreign funding, which it can deny at its discretion.

Jordanian governors detain in protective custody women whose families threaten them with violence. In 2008 Jordan moved these women from Juwaida prison either to a government-run or to an NGO-run shelter where they enjoy increased freedoms but still require a family member to agree to their release.

Jordanian courts continue to issue lenient verdicts for "honor" crimes perpetrated by family members against women and girls suspected of "immoral" behavior; by August there had been 14 such killings in 2009, comprising the majority of female murders in Jordan. In January a court halved the sentence of a man who had attempted to murder his sister twice for reasons of family honor, after she had dropped personal claims against him. The Ministry of Justice in August announced a special tribunal for "honor" killings but made no progress in amending penal code articles that allow lenient sentences for killing spouses caught during illicit sex and for committing crimes in a state of "rage," or provide discretionary sentence reductions when victims drop personal claims.

Against opposition from the Islamic Action Front, the biggest opposition political party, Jordan in August 2009 lifted reservations on article 15 (4) of the UN Convention on the Elimination of All Forms of Discrimination against Women, giving women the same rights as men to travel freely and to decide their place of domicile.

In July police and gendarmerie forces violently broke up a sit-in by Aqaba port workers striking to protest plans to end subsidized housing. Authorities arrested more than 80 workers and injured three, after protesters "verbally attacked" security forces, according to Minister of Interior Nayif al-Qadi, who accused "Israel and those who work for its interests within" Jordan of spreading false rumors of police brutality.

The National Labor Committee, a US advocacy group, reported abuses against Asian migrants working in Jordan's Qualified Industrial Zones, including late payment of wages, withholding of passports, unsanitary lodging conditions, and police breaking up impromptu strikes. Unionized Jordanians may only strike with government permission; non-Jordanians, although allowed to join unions since 2008, are not allowed to strike.

New regulations on domestic workers, issued in September 2009 following the inclusion of domestic workers under the labor law in July 2008, restricted essential rights, such as freedom of movement, and failed to adequately protect workers from working long hours and from remaining trapped in abusive households. The regulations impose "all financial obligations" on a worker who leaves her employment unless she can meet the difficult criterion of proving the fault is the employer's. The regulations contain positive clauses requiring the employer to ensure regular payment of salary, adequate living quarters, and medical coverage. The Ministry of Labor in 2009 closed four recruitment agencies and warned eight others over violations of the labor law.

Prosecutors filed charges against suspects under Jordan's Anti-Human-Trafficking Law, passed in January 2009, but the courts had not yet adjudicated them as of November 2009.

The United States concluded a five-year agreement, starting in 2010, to provide Jordan with US\$360 million in economic assistance annually, and US\$300 million in foreign military financing. This represents an increase over previous US administration annual requests for aid to Jordan, but in the past those were often supplemented with ad hoc aid, which raised actual US aid to over US\$1 billion in 2008 (compared to the European Union's 265 million for 2007-2010).

The EU engaged Jordan in a joint project aimed at improving "respect for human rights as regards the treatment of detainees." In April the EU's progress report cited "some progress," in eliminating torture, but lamented the lack of judicial independence and the existence of "special courts," and criticized "increase[d] state control," over NGOs. In an April statement, Benita Ferrero-Waldner, external relations and neighbourhood policy commissioner, "encourage[d] Jordan to make ... progress in good governance and create the conditions that will enable the civil society to support the government in its efforts."

During consideration at the UN Human Rights Council under the Universal Periodic Review mechanism, Jordan accepted recommendations for independent investigations of torture allegations, but rejected acceding to the Optional Protocol of the Convention against Torture, which provides for such independent investigations.

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

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