

# Human Rights Watch

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

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### Annual reports

Events of 2005

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King Abdullah II is invested with extensive executive and legislative powers under Jordans constitution. He issues decrees and dismisses and appoints key government officials, including a new prime minister and cabinet in April and a new chief of intelligence in May 2005. The government and the king have announced their intention to anchor the right to freedom of expression in law, but in practice the exercise of basic rights such as freedom of expression, association and assembly remains restricted. Security forces carry out arbitrary arrests and detain people without charge in the name of counterterrorism. A lack of determined government action against honor crimes and discrimination continues to circumscribe womens political, civil and economic rights.

#### *Human Rights Defenders*

In its first annual report, issued in 2005, Jordans National Center for Human Rights, a government-regulated body, painted an unflattering picture of the state of political and civil rights and transgressions by security forces. Established by law in 2002, the center has a mandate to follow up on individual human rights violations, but many victims complain that it does not expend serious effort on their cases, especially when sensitive issues such as torture, unfair trials, or redress for victims are involved. The center has fostered public debate on prison conditions in the country following the release in October 2004 of a report documenting one case of torture in detention.

Jordans independent human rights organizations do not systematically investigate abuses, publish reports, or assist victims. They cite a lack of resources, or a preference for work on training and capacity building.

#### *Freedom of Expression*

Jordanians are not entirely free to express their opinions. Criticisms of the king and the intelligence forces are strictly taboo and carry serious penalties. Articles of the Penal Code criminalize speech slandering public officials, criticizing the king and his family, and harming relations with other states. High government officials have indicated that the authorities will no longer enforce these laws, and criticism of the government (as distinct from the king), as well as Israeli, other Arab states, and United States policies, or voicing support for Islamist causes, is tolerated, but within limits. For example, Ali Hattar and Riyadh Nuwaisa, two prominent political activists, were arrested on slander charges after they criticized the U.S. at a conference in Amman in December 2004. A court sentenced Hattar to three months in prison; Nuwaisa was acquitted.

The government has barred over 150 clerics from preaching in recent years. Around forty have been banned since the beginning of 2004, according to one of their lawyers, despite the fact that courts had cleared them of charges under the Law on Preaching and Guidance in Mosques.

The government censors printing houses, especially those used by smaller circulation weekly newspapers. Intelligence officers have stopped print runs, and demanded changes in or cancellation of articles, most recently on September 19, 2005, concerning an article in the weekly Al-Wahda. Managers of newspapers, as well as editors, can be held criminally liable for content in breach of the law, such as alleged slander.

King Abdullah in February convened a National Agenda Committee to undertake a comprehensive review of legislation and propose amendments for political reform, including laws governing elections and political parties. In the area of free expression, the committee has reportedly proposed lifting the requirement that working journalists must belong to the Jordanian Press Association. In July, the Cabinet submitted to parliament a draft Journalism and Publications Law that would prohibit forcing journalists to reveal sources or arresting journalists in the course of their work. It would abolish pre-publication censorship, and a decision to ban a publication would require a court ruling, not merely an administrative decision.

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

In March, then Prime Minister Faisal al-Fayez's government introduced a bill that would regulate the 120,000 members of Jordan's twelve professional associations under one law, and that would restrict discussion at association gatherings to purely professional and internal matters, prohibiting political discussion. Most disturbingly, the government proposed to appoint two-thirds of the members of each associations disciplinary committee, which was empowered to punish infractions of the new law with suspension from work for up to one year.

In April, the king replaced al-Fayez with Prime Minister Adnan Badran. The new government has not sought parliamentary approval of the law on professional associations. It also appears to have withdrawn another draft bill of the al-Fayez government, the Welfare Societies bill, that reportedly would have imposed strict regulation and Ministry of Interior supervision over nongovernmental organizations requiring, for example, ministerial approval for every foreign-funded project, and giving ministry officials the right to confiscate NGO documents.

In 2004, parliament ratified a 2001 temporary Law on General Assemblies, under which organizers of public gatherings must seek permission from the relevant governor three days in advance. A governor is not bound to consider only public safety concerns when deciding whether to give or withhold permission, and the authorities have used the law to withhold permission for demonstrations and other public gatherings, especially those in support of the uprising in the Occupied Palestinian Territories. For example, the governor of Amman in late August 2005 banned a festival in support of Palestinians organized by the Islamic Action Front in Amman's 2nd District.

### ***Arbitrary Detention and Torture***

Jordan's General Intelligence Department (GID) arrests Jordanian Islamists and detains them at its own detention facility for prolonged periods, often without charge or on baseless charges. The GID routinely denies detainees access to legal representation, and grants requests for family visits with considerable delay, if at all. Some security detainees allege torture and ill-treatment during interrogation, the alleged abuse almost invariably taking two forms. One is severe beatings on the lower legs and feet with a metal or bamboo stick, with some victims allegedly then being forced by GID officers to walk with lacerated and bruised feet on a mixture of vinegar and salt. The other form is solitary confinement for periods of months at a time with little or no exposure to daylight.

Provincial governors and their deputies have the authority to detain persons they deem a danger to society but who have not committed any crime. Such persons, who usually have committed prior offences, remain in detention until they can meet a personal, material or monetary bail guarantee. If they breach conditions of bail, such as daily reports to the police station, or if no guarantor comes forward, they remain imprisoned for up to one year.

### ***Womens Rights***

The arbitrary detention on a governor's orders of people deemed a danger to society also applies to women who are detained in order to protect them from threats of harm from family members as a result of alleged honor offenses. In Jordan's second largest province, Zarqa, there were some eleven such cases in September 2005. Honor crimes continue to remain a serious problem in Jordan. Laws provide lax penalties for murders committed in a fit of fury; a defense frequently invoked in so-called honor killings. Family members reportedly killed twelve women in the ten months of 2005 for alleged sexual misconduct.

There is an ongoing debate over the future of a women's quota in parliament, first introduced in 1997. In the 2003 elections, allotted seats went to the six women candidates with the highest percentages of votes, although none won a seat outright. Some women's rights activists favor a requirement for parties to reserve candidate places for women in order to increase their representation, rather than increase the quota of women's seats in parliament.

### ***Political Reform***

The 110 deputies in Jordan's lower house of parliament cannot initiate legislation or exercise effective control over government actions, but they debate national issues and ratify laws and international agreements. They can issue a vote of no confidence in the government and overrule a royal veto of legislation. The king appoints the upper house's forty members, who also must ratify laws, and he can dissolve parliament. During 2001-03, when the king delayed elections after dissolving parliament, the government passed over 150 laws by decree, which parliament may now review.

### ***Key International Actors***

U.S. assistance in 2005, at \$660 million, constitutes over one-fifth of Jordan's annual budget, according to the IMF (the European Union, by comparison, promised to give 63 million in assistance to Jordan for 2006). The country's dependence on U.S. assistance increased after it lost access to subsidized Kuwaiti oil in early 2005, leading the king to pressure parliamentarians to approve a bilateral immunity agreement sought by the U.S. The agreement would obligate Jordan not to surrender to the International Criminal Court U.S. citizens (and non-citizens working for the U.S. government) under Jordanian jurisdiction, even if they are accused and sought by the ICC for genocide, war crimes, or crimes against humanity (U.S. legislation in late 2004 conditioned foreign economic assistance for ICC states parties on countries ratifying such an agreement). The king signed the immunity agreement in December 2004 during a visit to Washington, but the lower house of parliament refused to ratify it in July 2005. The king is expected to resubmit it.

Following the July 7 London bombings, the United Kingdom concluded a Memorandum of Understanding with Jordan under which Jordan undertakes not to torture or mistreat persons the U.K. deports to Jordan. Abu Qatada, a Jordanian residing in the U.K., currently faces deportation hearings under these new arrangements.

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

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