

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/JOR/CO/3)

JORDAN

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

17. The Committee notes the procedural safeguards set out in articles 100 and 113, among others, of the Code of Criminal Procedure. However, it regrets the absence of an explicit provision on the right to access a lawyer immediately upon arrest; that articles 63 (2) and 64 (3) of the Code of Criminal Procedure allow the interrogation of detainees without the presence of a lawyer “in case of urgency”; and that article 66 (1) of the same Code allows the public prosecutor to prohibit communication with a detainee for a period of up to 10 days, which is renewable. The Committee is concerned at the State party’s failure to ensure the application of these and other fundamental legal safeguards to prevent torture and ill-treatment. In that respect, the Committee is concerned about consistent reports that detainees, in particular those held in facilities of the General Intelligence Directorate and the Public Security Directorate, are frequently deprived of timely access to a lawyer and a medical doctor, as well as of their right to notify a person of their choice. It is also concerned by allegations regarding the failure to adhere to the 24-hour limit for bringing detainees before a competent authority and to ensure the confidentiality of client-lawyer consultations (art. 2).

18. The State party should ensure that all detainees are afforded, by law and in practice, all fundamental legal safeguards from the very outset of their deprivation of liberty, including the right to be assisted by a lawyer without delay; the right to have immediate access to an independent medical doctor, regardless of any medical examination that may be conducted at the request of the authorities; to be informed of the reasons for the arrest and the nature of any charges against them, in a language that they understand; to be registered at the place of detention; to promptly inform a close relative or a third party of their arrest; to be brought before a judge without delay; and the right to confidential consultations with lawyers.

(...)

Administrative detention

21. The Committee is highly concerned at the continuous recourse to administrative detention by the State party under the Crimes Prevention Act (1954), which allows for detention without charge and raises issues about the separation of powers between the executive and judicial branches. It is particularly concerned at the increasing number of persons held in administrative detention and for long periods, during which detainees are deprived of procedural guarantees. It is also concerned that administrative detention is used in particular against women and girls who are victims of violence, under the pretext of protecting them, as well as against migrant workers fleeing abusive employers (arts. 1, 2, 11 and 16).

22. The Committee reiterates its previous recommendation (CAT/C/JOR/CO/2, para. 13) to abolish the practice of administrative detention, including and in particular the holding of women and girls who are victims of violence in “protective custody” as well as migrant workers who are fleeing abusive employers. It should also ensure that guarantees exist regarding all fundamental procedural safeguards for all detainees. The State party should take immediate measures to amend the Crimes Prevention Act with a view to bringing it into compliance with international human rights standards and with the State party’s obligations under the Convention; alternatively, the State party should abolish the Crimes Prevention Act.

(...)

Special courts

37. The Committee is concerned about the continued existence of special courts in the State party, including the Police Court and the State Security Court. While noting the information provided by the delegation regarding the integration of civil judges in the Police Court and the amendment of the Public Security Law, in 2015, stipulating the establishment of a Police Appeal Court, the Committee remains concerned about the reported lack of independence and impartiality of those courts, which hinders the full enjoyment of human rights, such as the prohibition of torture and other cruel, inhuman and degrading treatment or punishment. The Committee is further concerned that, in reality, although only a very limited number of cases concerning torture or ill-treatment have been referred to the Police Court, judicial processing of such cases is very slow (arts. 2, 11 and 12).

38. The Committee recommends that the State party rectify this long-standing issue by transferring the jurisdiction for trying personnel of the Public Security Directorate to the regular courts and thus prosecute officials suspected of torture and ill-treatment through the regular civil courts. The Committee also urges the State party to abolish the State Security Court, in line with the recommendation of the Human Rights Committee in 2010 (see CCPR/C/JOR/CO/4, para. 12).

(...)

Coerced confessions

49. While noting the legal safeguards enshrined in the Jordanian Constitution, which establish the inadmissibility of evidence obtained through torture, and in article 159 of the Code of Criminal Procedure, which invalidates evidence or proof obtained by means of physical or moral coercion, the Committee is concerned that, in practice, coerced confessions or statements are still used as admissible evidence in courts. The Committee remains concerned about the apparent failure to investigate those allegations and about the lack of information on the prosecution and punishment of the officials who allegedly extracted such confessions (art. 15).

50. The State party should adopt effective measures to guarantee that coerced confessions or statements are inadmissible in practice, except when invoked against a person accused of torture as evidence that the statement was made. The State party should also ensure that law enforcement officials, judges and lawyers receive training on how to detect and investigate cases in which confessions are obtained under torture. Furthermore, it should ensure that officials who extract such confessions are brought to justice, prosecuted and punished accordingly.

Follow-up procedure

51. The Committee requests the State party to provide, by 9 December 2016, information on follow-up to the Committee's recommendations on fundamental legal safeguards, administrative detention, special courts and coerced confessions (see paras. 18, 22, 38 and 50 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)
