

**Alternative Report for Consideration Regarding the
Hashemite Kingdom of Jordan's Amalgamated Second, Third
and Fourth Periodic Reports to the United Nations Committee
Against Torture (CAT)**

Submitted 12 April 2010

Contact:

Eva Abu Hallaweh
Director
Mizan Law Group for Human Rights
Email: mizan@nets.jo
Tel: +9626 569 0691

Contributors to this alternative report include five Jordanian civil society organizations committed to enhancing respect for, and observance of, human rights in Jordan. These groups were joined by a number of independent lawyers working in the human rights field. All of the participants are committed to the elimination of practices that contravene national and international human rights standards, including torture and other forms of cruel, inhuman or degrading treatment and punishment. This report is intended to further the achievement of that objective by bringing to light the ongoing use of torture and other forms of ill-treatment in Jordan, increasing the accountability of the Jordanian Government for the fulfillment of its international obligations.

Contributors: MIZAN Law Group for Human Rights; Observatory for Humans and Environment; Family Guidance and Awareness Center; National Society for the Enhancement of Freedom and Democracy (Jund); The Center for Victims of Torture (CVT); Advocate Adel Taraweneh, Advocate Sa'eed Al Keswani, Advocate Adnan Al Ja'fari, Advocate Raja Kair, Advocate Sabah Abu Samra and Advocate Gahda Al Halisi (all members of the Liberties Committee, which is a wing of the Advocates' Bar Association); Advocate Noor Al Imam and Advocate Mazen Al Taweel (both from Arab Law Firm); Advocate Husain Al Otaibi; Advocate Fatima Al Dabas; Advocate Ahmad Al Da'ajah.

Contents

4	Introduction
4	Overview
6	Selected Articles of the Convention
	<u>Articles 1 and 4</u>
6	Criminalization of Torture
	<u>Article 2</u>
8	Prohibition Against Justifications for Torture
	<ul style="list-style-type: none">• Defense of Superior Orders• Defense of Exceptional Circumstances
9	Legal Safeguards for Detained Persons
	<ul style="list-style-type: none">• Lawyers' Rooms• Right to Contact Lawyer• Right to Contact Relatives and Receive a Medical Examination Upon Arrest
10	Administrative Detention
	<ul style="list-style-type: none">• Pursuant to <i>Crime Prevention Law No. 7 of 1954</i>• Law for Protection From Domestic Violence• Dar Al-Wifaq• Administrative Detention for Women• Exempting Rapists from Punishment Upon Marriage to Victims
13	Independence of the Judiciary
	<u>Article 3</u>
14	Extradition and Deportation
	<u>Article 5</u>
15	Universal Jurisdiction
	<u>Article 11</u>
15	Courts' Jurisdiction to Consider the Crime of Torture
16	Juvenile Justice
	<u>Articles 12 and 13</u>
16	Impunity
	<u>Article 14</u>
18	Right to Compensation

20 Article 15
Admissibility of Evidence Obtained Under Torture

21 Article 16
Human Trafficking

22 Recommendations

24 Appendix A: Cases Submitted Alleging Breaches of the Convention

1. Introduction

- 1.1 The contributors welcome this opportunity to submit information to the UN Committee Against Torture (the Committee) prior to its engagement in constructive dialogue with the Jordanian Government to further the implementation of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) in Jordan.
- 1.2 This report responds to the List of Issues compiled by the Committee following its consideration of Jordan's amalgamated second, third and fourth periodic reports, as well as including recommendations for future action by the State Party.
- 1.3 The Jordanian Government recently submitted its amalgamated second, third and fourth periodic report to the Committee, in accordance with its obligations under the Convention. Civil society organizations were not given the opportunity to contribute to the drafting of the Government's report, nor were they involved, at any stage, in compiling the information on which the report was based.
- 1.4 It is due to these circumstances that this report focuses on the List of Issues identified by the Committee and, necessarily, does not encompass all of the concerns held by the various group and individual contributors.
- 1.5 While this report highlights ongoing issues of concern regarding the prevention of torture and other forms of ill-treatment in Jordan, it should not be understood as overlooking or minimizing the positive steps taken by the Government to enhance respect for human rights throughout the Kingdom. Significantly, it has cooperated effectively with civil society actors to support implementation of the Karama project: a networking and education program that increases Jordanian lawyers' capacity to rely upon international conventions when representing victims of torture or ill-treatment. The Government's support for this and other initiatives underscores its commitment to meeting the goals of the Convention.
- 1.6 This report is intended to assist both the Committee and the Jordanian Government as they engage in open and fruitful dialogue aimed at improving the State Party's adherence to both the text and the spirit of the Convention.

2. Overview

- 2.1 Jordan is a state party to the leading United Nations treaties prohibiting torture and other cruel, inhuman or degrading treatment and punishment. These include the International Convention on Civil and Political Rights (ICCPR);¹ the Convention on the Rights of the Child (CRC);² the Geneva Conventions and related Additional Protocols I and II; and, the 1998 Rome Statute establishing the International Criminal Court. While all of these conventions contain prohibitions

¹ Adopted by UN General Assembly 12 December 1966, entered into force 23 March 1976.

² Adopted by UN General Assembly 20 November 1989, entered into force 2 September 1990.

- against torture,³ Jordan's accession to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) is especially important, both because it is exclusively dedicated to the prevention of torture and because it has attracted the signature of the greatest number of state parties of any international human rights instrument.⁴ Jordan has also published the ICCPR, CRC and CAT in the official gazette thereby rendering them part of the Jordanian legal system.
- 2.2 Undoubtedly, Jordan's accession to these international conventions, and others, reflects the Kingdom's recognition of the growing importance of human rights and its desire to both prevent torture and punish those who practice it. The fact that the Kingdom did not make reservations when acceding to CAT reinforces this. Significantly, they are not among the State Parties that declared they did not recognize the Article 20 jurisdiction of the Committee Against Torture (the Committee) to comment upon reliable information regarding the practice of torture in the territory of State Parties.
- 2.3 The United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment visited Jordan on a fact finding mission during 25 – 29 June 2006. The Special Rapporteur pointed out that his visit did not incorporate all the detention centers in the General Intelligence Directorate and the Criminal Investigations Department of the General Security Service. He ultimately concluded that torture was routinely practiced in the centers which were not included in his visit, as well as in Al-Jafr Reform and Rehabilitation Center, which was later closed.⁵
- 2.4 On 2 June 2009, the Human Rights Council of the United Nations, composed of 47 member states, concluded its first comprehensive periodic review of human rights in Jordan. The review tendered 79 recommendations to Jordan, of which 26 were rejected.⁶ Positively, the Government agreed to continue its efforts towards comprehensive reform with the goal of eliminating the practice of torture and other ill treatment. It also agreed to continue facilitating the visits of non-government organizations to prisons. These visits include unannounced visits that actively seek to address the concerns raised in the review concerning the use of administrative detention, in order to ensure detainees have access to opportunities for legal representation before the courts. Among the recommendations rejected by the Government was acceptance of the Committee's jurisdiction to hear individual complaints, along with ratification of the Optional Protocol related to CAT. In responding to these recommendations, the Government pointed to existing independent national instruments for the observation and maintenance of

³ See Article 7, ICCPR; Article 19, CRC; Article 32, Geneva Convention 1949 (IV); Article 7, Rome Statute 1998 (reference is made to crimes against humanity, which includes torture).

⁴ 146 states have ratified or acceded to CAT.

⁵ UN Doc. A/HRC/4/33/Add.3 (5 Jan 2007).

⁶ Joe Stork and Christoph Wilcke (July 2009) 'A Missed Opportunity?' *Al-Sijil*, available online at <<http://www.hrw.org/en/news/2009/07/10/missed-opportunity>>.

detention centers. The Government also indicated that it currently has no intention to reconsider its previously stated positions on Articles 21 and 22 of CAT, on the inclusion of torture cases in the jurisdiction of the Police Court or on the role of the State Security Court.

- 2.5 Jordan recently submitted its second report under Article 19 of CAT, which was scheduled for submission in 1996. The Committee studied the report during its forty-first session (3-21 November, 2008) and its forty-second session (27 April – 5 May 2009).⁷ It is anticipated that the Committee will respond to Jordan's report in its forty-fourth session, during 26 April – 14 May 2010.

3. Selected Articles of the Convention

- 3.1 This report will now consider Jordan's compliance with selected articles of the Convention, largely with reference to the List of Issues compiled by the Committee.

Articles 1 and 4

Over recent years, Jordan has witnessed the enactment of various legislative instruments and amendments designed to bring Jordan into conformity with international human rights standards. Despite this, a comprehensive review of Jordanian law reveals that significant deficiencies remain.

4. Criminalization of Torture

- 4.1 The Jordanian constitution does not mention torture and Chapter Two, which outlines citizens' rights and duties, does not provide for the right to be safeguarded from torture. The absence of explicit recognition of the crime of torture in the Constitution does not imply that torture is permissible. However, a constitutional amendment stating the right not to be subjected to torture, quite apart from the rights of victims of torture to justice, compensation and rehabilitation, would immeasurably strengthen domestic prohibitions against torture by giving them Constitutional status.
- 4.2 With regard to the Penal Code: torture did not appear in the original text of Article 208 and was only recently designated a criminal act in 2007. While this was a positive step, the amendment to the Penal Code that criminalizes torture does not do so in a manner fully consistent with Article 4 of the Convention and is defective in several respects.
- 4.3 Firstly, the opening clause of Article 208 provides for the criminalization of torture and the punishment of those who perpetrate it only when the perpetrator's intention is the elicitation of a confession or information relevant to a crime. This excludes acts that are designed to elicit confessions or information from third

⁷ General Assembly, Official Documents, 64th Session, Annex A/64/44CAT/C/JOR/2/5Oct.2009.

- parties, which are included in the definition of torture in Article 1 of the Convention and the second clause of Article 208 of the Penal Code.
- 4.4 Article 208 also includes the disconcerting phrase "any type of torture impermissible according to law". This phrase is troubling because it implies the existence of forms or instances of torture that are permitted by law, in clear contravention of the Convention.
 - 4.5 The sanctions provided for those found guilty of torture pursuant to Article 208 are manifestly inadequate. Perpetrators may be sentenced to as little as six months to three years imprisonment where the torture did not lead to serious illness or injury, giving torture the character of a misdemeanour under Article 15. An unhappy consequence of rendering this form of torture a misdemeanour is the resulting lack of sanctions for attempted torture of this kind: Article 71 of the Penal Code allows sanctions for attempted misdemeanours only in cases expressly stipulated by law. If the act of torture causes serious illness or injury then criminal sanctions are applied, ranging from three to fifteen years hard labour. In neither instance does the punishment accord with the seriousness of the crime.
 - 4.6 Additionally, there is no provision in the Penal Code or the Penal Procedures law that excludes the crime of torture from general or special amnesty or prescription.
 - 4.7 Radical amendments to Article 208 are necessary to bring Jordan into conformity with its obligations under the Convention. The following text is proposed:
 - a. Any public employee, who perpetrates, orders, approves or keeps silent about an action of torture or other cruel, inhuman or degrading treatment shall be punished by hard labour for three to ten years.
 - b. In the event that this torture has led to amputation or extraction of any organ of the body, or led to a permanent disability, punishment will be hard labour for at least ten years; but if torture leads to death, punishment will be hard labour for a period of at least fifteen years.
 - c. Attempted torture shall be punished as if the crime has been fully committed.
 - d. Instigators and other intervening participants in the crime of torture shall receive the same punishment as the perpetrator.
 - e. This law shall be applicable to all persons without any discrimination on the basis of official status. Official status will not, in any case whatsoever, exempt a person from criminal responsibility according to this law, nor does it in itself provide an excuse for reducing punishment.
 - 4.8 The absolute nature of the rule on the prevention of torture and its inviolability means that no exception of any type whatsoever may be permissible. Similarly, the amnesty laws which allow perpetrators of acts of torture to evade trial constitute a violation of the provisions of the Convention (a stance held by both the Committee on Human Rights and the Committee Against Torture). Amnesty should not include grave violations of human rights such as torture. Moreover, the laws on dropping lawsuits or punishments on the grounds of prescription are

not commensurate with the State's duties as indicated in the Convention. There should be a provision stating explicitly that the crimes of torture are not subject to be dropped on the grounds of prescription and that perpetrators of these crimes should be prosecuted. Accordingly, the following text is proposed:

- a. Notwithstanding the contents of both Article 54 and 100 of the Penal Code, the Court may not halt the implementation of the punishment adjudged in the crime of torture, cruel, inhuman or degrading treatment, nor may the Court adopt alleviative reasons.
 - b. Notwithstanding the contents of both Articles 50 and 51 of the Penal Code, the special amnesty will not apply to the crime of torture, cruel, inhuman or degrading treatment.
 - c. Notwithstanding the contents of Article 54 of the Penal Code and Articles 338 - 352 of the Penal Procedures Law, the provisions of prescription shall not apply to the public and personal rights lawsuits in terms of the crime of torture, nor shall they apply to the punishments adjudged.
- 4.7 In light of these deficiencies, Article 208 of the Penal Code is clearly not an effective mechanism for ensuring that victims of torture receive justice and perpetrators, punishment. This is inconsistent with States Parties' obligations under Article 4(1) of the Convention to criminalize torture and punish the perpetrators thereof.⁸

Article 2

5. Prohibition Against Justifications for Torture

Impermissibility of the Defence of Superior Orders

- 5.1 The Penal Code stipulates in Article 61 that a person shall bear no criminal responsibility for acts performed in accordance with orders given by someone of higher rank, in contradiction of Article 2 of the Convention. Even in instances where international law would allow the recognition of superior orders as a mitigating factor, this should never completely absolve an individual who perpetrates torture from responsibility for their actions.
- 5.2 Proposed amendments to bring national law into conformity with Article 2 of the Convention are as follows:

Notwithstanding the contents of Article 61 of the Penal Code, a person will not be exempted from criminal responsibility in case of perpetrating the crime of torture and other types of cruel, inhuman or degrading treatment or punishment according to an order issued by an employee of a higher rank or by a public authority, either military or civil.

Impermissibility of the Defence of Extraordinary Circumstances

⁸ CAT/C/JOR/Q/2.20N56.2009: 2010/5/14-4-26/44.

- 5.2 It has long been established in international human rights law that some rights are absolute and may not be suspended under any circumstances; these include the right not to be subjected to torture or other types of cruel, inhuman or degrading punishment or treatment.
- 5.3 Defence Law No. 13 of 1992, issued pursuant to Article 124 of the Constitution, authorizes the Prime Minister to take any necessary measures to ensure public safety and defend the Kingdom, and simultaneously provides for the suspension of any existing text or legislation that is inconsistent with these 'necessary measures.' Contrary to the principle of non-derogability referred to above, there is no requirement that laws prohibiting torture be excluded from those subject to suspension in such a situation. This demonstrates a failure to meet the obligations contained both in Article 2 of the Convention and Article 4(2) of the ICCPR.

6. Legal Safeguards for Detained Persons

Lawyers' Rooms

- 6.1 Contributors to this report hold serious concerns regarding the suitability of the lawyers' rooms provided in Reform and Rehabilitation Centers, particularly insofar as they fail to guarantee the confidentiality of lawyer-client communications.
- 6.2 The rooms are designed to be used by up to 20 lawyers at a time, entailing the discussion of legal matters within earshot of other detainees.
- 6.3 Perhaps more seriously, the constant presence of members of the security services inside these rooms, while conferences between lawyers and detainees are taking place, does much to inhibit inmates' willingness to speak candidly with his or her legal representative. Undoubtedly, the presence of the security officers has a dampening effect on detainees' readiness to inform their legal representative of any torture or ill-treatment they may have suffered, due to fear of reprisals. This undermines the safeguard from torture and other ill-treatment that is ostensibly provided by access to lawyers in lawyers' rooms.

Right to Contact a Lawyer

- 6.4 Article 38 of Reform and Rehabilitation Centres Law No. 9 of 2004 allows officers of the Public Security Department to discipline detained persons who commit any of the acts mentioned in Article 37 by placing the detainee in solitary confinement 'for a period not exceeding seven days at a time, and to prevent visits to the inmate during this period.' According to reports, detention in solitary confinement can continue for several months, during which confessions may be elicited and evidence of torture hidden.⁹

⁹ Final Comments, Committee Against Torture, doc A/50/44-95/07/26, [159-82].

- 6.5 Article 13 includes legal safeguards to protect detainees from the illicit use of solitary confinement, such as the right to contact a lawyer, to inform relatives of the place of detention, to correspond with family and friends and receive visits from them, unless visits are prohibited by a decision of the Center's director. In establishing these safeguards, the law does not distinguish between those who are detained without charge, those awaiting trial and those who are serving sentences following conviction. Despite this, the General Intelligence Department does not observe these guarantees during the first seven-day period following arrest, during which they are legally permitted to detain a person prior to filing charges against them.¹⁰ This both constitutes a violation of the detainee's right to meet with a lawyer so that the lawyer may prepare his/her defence and, at the same time, facilitates the practice of torture.
- 6.6 Justice Police assistants do not explain to detained persons that they have the right to appoint a lawyer immediately upon their arrest and before any interrogation is initiated. This situation persists due to the lack of any legal requirement that detainees have access to a lawyer during the first 24 hours following their arrest. It is, therefore, necessary to amend the relevant laws in order to guarantee both a detained person's right to appoint an advocate immediately following arrest as well as the advocate's right to attend all procedures, which should be enforced by providing that the advocate's absence renders the procedure invalid.¹¹

Right to Contact Relatives and Receive a Medical Examination Upon Arrest

- 6.7 Neither the Penal Procedures Law nor other relevant laws oblige the Justice Police to provide medical examinations at the Police Center for detained persons immediately following their arrest. Similarly, there is no obligation to inform an arrested person's relatives of their arrest and detainment, or to allow the arrested person to so inform them. Without any domestic legal obligation for the Justice Police to ensure that detained persons' may contact relatives and receive a medical examination upon arrest, these rights cannot operate as effective safeguards against the practice of torture.

7. Administrative Detention

Crime Prevention Law No. 7 of 1954

¹⁰ MRW, 2006.

¹¹ It should be noted that a memorandum of understanding was concluded between the Department of General Security and the Advocates' Bar Association designed to build communication, strengthen their combined work in the service of the nation, facilitate the exchange of news and information between the parties and permit lawyers to be present in Police Centers with clients to explain Article 32 of the Advocates' Bar Association Law No. 11 of 1972 and its amendments about exceptions regarding privacy issues. However, this memorandum does not have the character of an obligation and, in addition to that, there are ongoing privacy issues connected with the Security Centers' willingness to invoke a state of necessity.

- 7.1 Crime Prevention Law No. 7 of 1954 provides for administrative governors affiliated with the Ministry of Interior to detain any person suspected of perpetrating a crime or any person considered a threat to the community for a period of one year, which is renewable indefinitely. This Law does not only violate international fair trial standards and due process norms, but its implementation also facilitates practices of torture and ill-treatment. The Penal Procedures Law also currently allows arrest and detention without explicit legal grounds, as well as arrest without objective supporting grounds. Detention may continue for days, weeks or even years without any charges being filed against the detainee or, in other cases, only dubious charges are brought. Furthermore, the State Security Court Law allows detention of individuals for seven days prior to their appearance before the Prosecution where charges are directed against them. It also allows the Attorney General to extend this period of detention for renewable periods of fifteen days after the filing of charges, if this will serve the interests of the interrogation.¹² Each of the laws outlined above require significant amendment in order to be brought into conformity with international human rights standards and Jordan's obligations under the Convention.
- 7.2 The Penal Procedures Law obliges the Justice Police, when in the process of conducting interrogations and gathering evidence, to refer detainees to the Public Prosecutor or other competent court within 24 hours of their arrest. In reality, adherence to this stipulation is circumvented when, as commonly occurs, the administrative governor issues a memorandum to the Justice Police directing the detention of arrested individuals under Crime Prevention Law No. 7 of 1954 for rolling blocks of 14 days until interrogation is complete. This procedure is often used to further the investigation of crimes that do not fall within the framework of the 1954 Crime Prevention Law, including robbery, fraud and similar offences. The contributors hold grave concerns that torture routinely takes place during this period. Despite regular calls from civil society organizations for the repeal of the 1954 Crime Prevention Law, it remains in force.

Law on Protection from Family Violence

- 7.3 The Law on Protection from Family Violence No. 6 of 2008 was designed to support and maintain family ties by reducing the impact of penal procedures in the case of crimes perpetrated among family members and allow for the imposition of alternative punishments where appropriate. It includes precautionary measures to safeguard the victim, the informer and any other family members from reprisals and has made it easier for women to report instances of domestic violence perpetrated against them. The law allows for the formation of family reconciliation committees, where both parties consent, prior to referring the matter to court. If no resolution is reached at committee stage, the matter is referred to the competent court which has discretion to issue a protection order, requiring the defendant to refrain from attacking the victim. Penalties follow

¹² Article 7.

violation of a protection order, and become more severe if violations are repeated. The court may also issue judgment for compensation if the aggrieved party so requests. Where both parties consent, they may be referred for family guidance and psychological counselling and rehabilitation.

- 7.4 The proper function of the family reconciliation committees awaits the completion of the relevant regulations, which are currently before the Council of Ministers in draft form.

Dar Al-Wifaq Women's Shelter

- 7.5 An 'Integrated Services and Family Justice Centre' has been established within the Dar Al-Wifaq Women's Shelter in order to provide the medical, legal, and psychosocial services required by women in danger in one secure setting. The project was designed with a three year duration covering the years 2008-2010. It supports the efforts of the Ministry of Social Development to provide community-based protection for women in danger, which is clearly preferable to administrative detention, in coordination with national organizations.
- 7.6 Protection Homes Licensing Instructions No. 15 of 2009 were issued under Article 3 of Family Protection Homes Regulation No. 4 of 2004, to provide guidance as to the licensing procedures for Women's Protection Homes. These instructions detail the method for submitting an application to establish a Protection Home, along with the conditions which the site, premises and employees should meet.

Administrative Detention of Women

- 7.7 The Government has cooperated with civil society organizations in the release of a number of administratively detained women.¹³ However, this cooperation has not so far put an end to the practice of admitting women at risk to the Women's Prison for protection. To the knowledge of the contributors, 13 women in danger and needing protection were in administrative detention at the beginning of 2010. The lack of a national plan for the protection of women in danger contributes to the ongoing use of administrative detention for this purpose. In response, at the

¹³ The Jordan Coalition for Supporting Administratively Detained Women was established, creating the "Bidaya Jadida" project, with the participation of several official and national authorities, to provide long-term solutions for administratively detained women and women in danger, and to create an appropriate environment and alternatives for these female inmates. This includes providing solutions for those women subjected to violence or to attempted murder under the pretext of honour in coordination with the Ministry of Interior in order to re-integrate them into society and provide them with job opportunities so that they will be able to resume their normal life. Approximately 25 detained women have been released since 2007, and Bidaya Jadida cases of women in danger and administratively detained women continue to be reported. Al-Wifaq Women's Shelter received seven detainees including six women who were returned to their families, seven cases handled inside the Reform and Rehabilitation Centre for Women and were returned to their families. One civil society organization received six detained women during the period from the outset of 2008 until September 2009, and special housing was prepared for them away from the Centres and proper conditions were created for their re-integration into society.

beginning of 2010, Mizan submitted a proposal to the Ministry of Social Development for a national project designed to provide alternatives to administrative detention for the protection of women in danger. The Ministry of Social Development has issued no decision to date regarding implementation of this project, or any other which aims to meet its goals.

Exempting Rapists from Punishment On Marriage to Victims

- 7.8 Often, victims of rape feel compelled to marry the perpetrator of the crime to avoid shame and due to fears of family reprisals. Marriage in these circumstances allows the perpetrator of the rape to avoid imprisonment, the rationale being that the marriage legitimizes the perpetrator's desire to establish a family with the victim. Firstly, marriage in these circumstances is contrary to a genuine marriage contract, which should be freely entered into by both parties in the absence of social and familial pressures on the woman. Secondly, the condition imposed by the legislature on the use of this mechanism, namely the perpetrator's genuine desire to establish a family with the victim, can never be accurately ascertained by objective means and is therefore ineffective as a limiting parameter. In sum, this procedure allows the perpetrators of a serious criminal act to evade criminal responsibility and appropriate punishment.
- 7.9 Various non-governmental organizations (NGOs) have demanded the repeal of Article 308 of the Penal Code, which stipulates the following:
1. In the event that a marriage contract is concluded between the perpetrator of one of the crimes mentioned in this chapter and the victim, pursuit of the perpetrator and implementation of any punishment arising from a judgment issued in the case shall be halted.
 2. If such a marriage should end in divorce without legitimate reason(s) within three years in the case of a misdemeanor or five years in the case of a crime, then the General Prosecution's right to public pursuit and implementation of punishment shall be reinstated.

8. Independence of the Judiciary

- 8.1 Article 2 of Regular Courts Formation Law No. 71 of 1951 authorizes the formation of special courts. Additionally, Article 2 of State Security Court Law No. 17 of 1959 allows the Prime Minister, in special cases where it is required in the public interest, to form State Security Courts constituted by three civil and/or military judges appointed by the Prime Minister on the recommendation of the Minister of Justice (civilian judges) and the Head of the Joint Chiefs of Staff (Military Judges). These laws make no stipulations regarding necessary legal qualifications for judges appointed to these courts and, in the experience of the contributors to this report, procedures in these courts are not always consistent with fair trial standards.

- 8.2 Article 3 of Independence of Judiciary Law No. 15 of 2001 stipulates that '[j]udges are independent and are subject to no authority in rendering judgment apart from that of the law'. Despite this, the role of the Minister of Justice in proposing judges for appointment and controlling their transfer, in accordance with Article 22(a) of Independence of Judiciary Law No 15 of 2001 does constitute interference in with judicial independence. In reality, the Judicial Council does not enjoy financial and administrative independence. Rather, it is financially and administratively affiliated with the Ministry of Justice.

Article 3

9. Extradition and Deportation

- 9.1 There is nothing in the Fugitive Offenders Extradition Act of 1927 that prevents extradition of individuals to a state where they are at risk of torture. Under Article 6, only the following restrictions are taken into account regarding extradition of fugitive offenders:
- i. A fugitive offender is not to be extradited to a foreign state if the offense for which extradition is requested is of a political nature, or if it is proved to the magistrate before whom the offender is brought that the intent of the request for extradition is to prosecute or punish him/her for a political crime.
 - ii. A fugitive offender is not to be extradited to a foreign state unless its law or the treaty according to which extradition is requested stipulates that the offender will not be arrested or tried for any offense committed in that state prior to extradition other than the offense upon which the extradition request and approval to extradite is based, unless the offender was able to return to Jordan.
 - iii. A fugitive offender is not to be extradited in the first fifteen days from the date of arrest pending extradition.

Clearly, then, there is no existing legal restriction on the extradition of a fugitive offender to a state where he/she is at risk of torture.

- 9.2 Similarly, Residence and Alien Affairs Act No. 2 of 1973 does not include any prohibition on the expulsion or deportation of an alien who is at risk of torture in the state to which he/she is returned.
- 9.3 In light of the deficiencies in these laws, legal prohibitions on the expulsion, deportation, refoulement, rendering or extradition of individuals to states where the competent authorities have substantial grounds for believing that they would be at risk of torture must be formulated. The following text is proposed:
- i. No person may be expelled, deported, returned or extradited to another state where there are substantial grounds for believing that he/she would be at risk of being subjected to torture.
 - ii. To determine whether such grounds are present, all relevant considerations, including the existence of a consistent pattern of gross,

flagrant or mass human rights violations in the state to which deportation, repatriation or extradition is intended, must be taken into account.

Article 5

10. Universal jurisdiction

- 10.1 Articles 7 – 11 of the Jordanian Penal Code do not encompass the universal jurisdiction for acts of torture envisaged in Article 5 of the Convention. In light of this, it is proposed that the Penal Code be amended to make express provision for the competence of the Jordanian courts to hear torture cases, decide appropriate punishments for perpetrators and make compensation orders regardless of the geographical location of the act of torture from which the case arises.

Article 11

11. Courts' Jurisdiction to Consider the Crime of Torture

- 11.1 Jordanian law distinguishes between a civilian perpetrator and a perpetrator who is a member of the police, the intelligence service or the armed forces.
- 11.2 When the alleged perpetrator is a civilian, such as a doctor or health care provider in a Reform and Rehabilitation Center or juvenile or mental health facility, the court competent to hear the case is the court of first instance, usually pursuant to Article 208 of the Penal Code. A trial may also be initiated under Article 334 but Article 234(2) stipulates that the court may only hear such cases following the filing of a complaint by the victim.
- 11.3 When the perpetrator is a member of the public security personnel, the trial will be conducted before the Police Court. If the offence is a misdemeanor, the Court's decision will be final. If it is a felony, the Court's ruling can be appealed before the Court of Cassation within 30 days from the date of the sentence being communicated to the convicted person. In all cases, referring a case to the Police Court is not automatic but occurs at the discretion of the Chancellor of Justice, who delegates the exercise of this discretion to the Department of Public Prosecution pursuant to the provisions of Article 80(1) of the Public Security Act. After investigating a complaint filed by the victim, Article 81(h) of the Public Security Act allows the Chancellor of Justice to exercise discretion not to refer the case to court where there is no or inadequate evidence.
- 11.4 Victims cannot claim for personal right (i.e. personal damages) before the police court, because its jurisdiction is limited to claims in public right (i.e. public damages).

- 11.5 There is no doubt that referral of public security personnel who are suspected of committing any act of torture to the police court is completely inconsistent with international standards which require referral of suspects to an independent authority, which is a condition that cannot be met in form in the case of a member of the public security personnel committing torture because the Police Court is formed by the Director Of Public Security and within the Security Department itself. Furthermore, Article 85(a) of the Public Security Act does not require that the three members of the court must hold degrees in Law, and contents itself that only one of them at least be so, and even if its three members hold degrees in law, it still is not an independent tribunal within the meaning under international law for human rights, and for this reason the UN Special Rapporteur On Torture called in his report on his visit to Jordan for transferring the court's jurisdiction in the area of crimes of torture to regular courts.
- 11.6 However, if the perpetrator of the torture is a member or an officer of the Jordan Armed Forces (JAF) or General Intelligence Department (GID), the court having jurisdiction over the crime is the court martial. Article (5) of General Intelligence Act considers all GID members among JAF. As a result, they are tried before a court martial, unless the crime they have committed is within the jurisdiction of the State Security Court. In this regard, Article (7) of General Intelligence Act provides that the court to hear the crime is the GID Military Tribunal.

12. Juvenile Justice

- 12.1 Juvenile Act No. 52 of 2002 as amended includes a variety of special safeguards applicable to the prosecution of juveniles. Among these is the restriction of the power to detain juveniles to the judiciary, which is important in that it prevents administrative governors or other public officials from ordering the detention of juveniles under the Juvenile Act. The Act also designates juvenile cases urgent and confidential issues.
- 12.2 A juvenile is tried under the Juvenile Act before a specialized juvenile court unless he/she participates with an adult in the commission of the crime, in which case he/she is tried with the adult before the court competent to hear the charges against the adult.¹⁴ Hence, juveniles are brought before the Criminal Court and the Court of State Security when they participate in offenses with adults which are subject to the jurisdiction of these courts, undermining many of the safeguards contained in the 2002 Juveniles Act.

Articles 12 and 13

13. Impunity

- 13.1 The competent authorities for the prosecution of members of the security organs accused of torture, as defined in Article 208 of the Penal Code, are the Special

¹⁴ Article 3(c).

- Police Court and the Military Tribunal of the General Intelligence Department, rather than the ordinary courts.
- 13.2 Under Article 85 of the Public Security Act No. 38 of 1965 and amendments thereto, security personnel from outside GID appear before the Police Court. This court consists of a president, whose rank must be no less than major, and at least two members. At least one of the members of the court must hold a law degree.¹⁵ at least, and president's rank must at least be no less than major, and at least one of its members must have a degree in law. Argument before the Police Court is conducted by general prosecutors from the Public Security personnel,¹⁶ and it is competent to hear cases regarding crimes included in the Military Penal Code, the Penal Code and other laws if committed by any member of the Public Security Force. In addition to the power to appoint judges to the Court, the Director of Public Security also has the power to order the court to conduct a second trial, if he finds and states sufficient justification for so doing.¹⁷
- 13.3 In the event that a GID staff member commits a crime under the jurisdiction of the State Security Court, he/she is tried along with all participants, instigators and accomplices before the Military Tribunal of the GID. The function of the prosecutor's office at this Military Tribunal is undertaken by GID officers who have degrees in law.¹⁸
- 13.4 JAF military courts hear cases regarding the crimes included in the Military Penal Code, the Penal Code or in any other law if committed by JAF officers or personnel. The military prosecutor undertakes the military public prosecution before military courts, and a number of military judges are appointed by the Head of the Joint Chiefs of Staff.¹⁹
- 13.5 Under this system of special courts, transparency, independence and impartiality are subject to considerable uncertainty. It is not surprising, therefore, that no security officer has ever been prosecuted for torture under Article 208 of the Penal Code. In March 2008, the Police Court did sentence two police officers who beat an inmate to death in Aqaba to prison for two and a half years. However, this was based on their conviction for the crime of 'abuse of power and ...violating orders and directives' rather than that of torture. Similarly, the Police Court itself had sentenced the Director of Swaqa Prison to two months imprisonment for the exercise of power illegally and in a harmful manner.²⁰

¹⁵ Article 58(a)

¹⁶ Article 85(2)

¹⁷ Article 85(f)

¹⁸ Article 7 of the General Intelligence Code No. 24 of 1946 and amendments thereto.

¹⁹ Articles 8 and 10, respectively, of the Formation of the Military Courts Act No. 23 Of 2006.

²⁰ Add.3A/MRC/4/33.

- 13.6 Competence to hear all cases involving torture should be transferred to the Court of First Instance or the Criminal Court, preferably the latter in view of the gravity of the crime.

Article 14

14. The Right to Compensation

- 14.1 Jordanian law neither contains explicit provisions on the right of victims of arbitrary detention to compensation, nor contains explicit provisions to allow for torture victims to claim financial compensation for reparation of the damage caused by torture. While Article 256 of the Civil Law establishes the general principle of tort, which states that 'any damage caused to others makes its doer liable for damages even if the doer is not competent,' this text is designed for general application and it is important to have a special provision exclusively directed to claims for damages arising from acts of torture. Such a provision would enhance the right of victims to seek damages, which is not sufficiently provided for through the general principles of law. It is worth mentioning that it is uncommon for people to institute any civil action to claim for damages for arbitrary or illegal detention, or violation of the right to a fair trial or for torture.
- 14.2 The contributors are not aware of any cases where individuals have been compensated for arbitrary detention or torture. However, the Court of Cassation did award compensation in a case of unlawful shooting, not torture, committed by a member of the Public Security Department. The award was made against the individual police officer and the Public Security Department for the benefit of the victim's heirs.²¹
- 14.3 Provision 256 of the Civil Law, and other related provisions do not explicitly incorporate the right to compensation outlined in the Convention Against Torture, and it is still not possible to sue the government or any of its agencies for the infliction of torture by state employees under relevant legislation, including the Government Lawsuits Act. Article 5 of the Government Lawsuits Act lists the situations where the courts may hear claims against the Government. Claims for damages resulting from torture or other cruel, inhuman or degrading treatment are not among those covered by the Article; therefore, the Jordanian courts do not have the power to hear any action against the Government in which damages are claimed for acts of torture or ill-treatment carried out by Government employees working at Government facilities.
- 14.4 On the other hand the public authorities can be held responsible for compensating victims of torture and other cruel, inhuman or degrading treatment on the basis of the responsibility of the superior for the acts of subordinates, stipulated in Article 288 of the Civil Law. This Article permits the court, in its discretion, to require a superior to pay compensation if he/she had 'effective authority, through

²¹ Resolution No. 4333/ 2003.

- supervision or guidance, over a subordinate who inflicts damage, even though the said party was not free to choose whether the wrongful or harmful act was committed by the subordinate in the performance of his duties or because of it.' The Jordanian judiciary has applied this principle on more than one occasion and ruled the Government liable to pay compensation for damage caused by its servants.
- 14.5 The second paragraph of Article 263 of the Civil Law provides that 'the public official shall not be responsible for his/her acts that cause damage to a third party, if he/she makes them in the course of carrying out an order issued to him/her by his/her superior and if obeying that order is obligatory or he/she thinks it to be so and demonstrates that he/she believes that the act made by him/her is legal, and that his/her belief is based on reasonable grounds, and he/she took due care and caution.' The law regarding compensation for torture and other ill-treatment must be amended to include the perpetrator, instigator, partner and his superiors up to and including the directors of institutions. Liability should be imposed jointly and severally, in their personal capacities and apart from their official capacity.
- 14.6 Indeed, Article 14 of the Convention can be invoked as the basis for a civil action seeking compensation for victims of torture and other forms of ill-treatment because, since its incorporation in domestic Jordanian law through publication in the official gazette, it can be relied upon by the judiciary in deciding cases.
- 14.7 Having trained 20 lawyers on how to use the Convention Against Torture before the courts in the Karama Project,²² which is a program designed for improving the treatment and conditions of persons deprived of their liberty in Jordan, Mizan filed three cases in March claiming damages for victims of torture and other forms of ill-treatment based on Article 14 of the Convention Against Torture.²³ These three cases will pass through the following phases:
1. Notifying the defendants by sending a copy of the pleading.
 2. The defendants must submit to the bureau of the competent court their pleading against that of the plaintiff in writing within thirty days from the day following the notification of the pleading, and such submission must be in one original and copies to which their list of evidence is attached.
 3. The action is transferred to Civil Action Administration for the purpose of supervising the case file, updating the evidence, narrowing down the points of agreement and disagreement between the parties, and urging them to

²² The overall objectives of the Karama Project – Arabic for "dignity" – are the elimination of the use of torture and ill-treatment, the criminalization of such acts and the investigation, prosecution and punishment of such acts according to Jordan's international legal obligations. The first phase of the program was designed to run for two years (September 2007- September 2009). The program is funded by the Danish Foreign Ministry with the initiative of the Center for Rehabilitation and Research for Victims of Torture (RCT) and a number of Jordanian partners; including: the Directorate of Public Security, the Public Prosecution Service in Jordan, the National Centre for Human Rights and Mizan. Danish partners include: the Centre for Rehabilitation and Research for Victims of Torture and the Danish authorities represented by the President of the General Prosecution, the National Police Academy and Prison and Probation Services.

²³ See Appendix A.

settle the dispute amicably, then the case is referred to the trial judge, within thirty days from the date of the first hearing.

4. Following referral of the case from the action administration judge to the trial judge, the court will proceed with weighing evidence, and submission of perusals, submissions and arguments and after that passing the verdict.

Article 15

15. Inadmissibility of Evidence Obtained Under Torture

- 15.1 The Criminal Procedure Code provides as follows: 'Any statement made by an accused or a suspect or defendant in the absence of the Prosecutor, in which he/she confesses to committing a crime, shall only be admissible if the Prosecutor brings evidence of the circumstances in which such a statement was made and the court is satisfied that the accused or suspect or defendant made it voluntarily and willingly.'²⁴
- 15.2 The position of the judiciary with regard to this issue is illustrated by the Court of Cassation's repeated annulments of convictions handed down by the special courts, which were based on statements of the accused that were elicited by physical and moral coercion during interrogation and therefore involuntary.²⁵ The text of Article 159 does not refer to torture explicitly. What is required under the Convention is an explicit prohibition against the invocation of any statement established to have been elicited as a result of torture in any proceedings, unless it is to be admitted against the person accused of torture as evidence that the statement was made.
- 15.3 State Parties to the Convention must expressly prohibit the admission of any evidence based on any statement which is established to have been made under torture, in any lawsuit brought against the victim, in line with Article (15) of the Convention. When the court excludes evidence that it finds was obtained under torture or other ill-treatment, the Public Prosecutor should promptly initiate an investigation into the torture and duly pursue the perpetrator. Disappointingly, the prosecution has not instituted such cases and no police officer involved in torture or ill-treatment has been brought to justice. Judges routinely take no notice of complaints of torture and ill-treatment, instead proceeding with the trial. These practices demonstrate a failure to observe the principle of non-admissibility of illegally obtained evidence in each case.
- 15.4 We propose the amendment of Article 159 as follows:
 - i. Every statement or deposition extracted from the accused or suspect or defendant or from anyone other person as a result of torture or any other form of cruel, inhuman or degrading treatment shall not be admitted as evidence

²⁴ Article 159.

²⁵ See eg. Decision Nos. 450 - 2004 17/3/2004, and No. 1513/ 2003 date 4/5/ 2006.

against the person from whom the statement was extracted or against others in any action or procedure.

- ii. Any statement established to have been made as a result of torture, may be invoked as evidence that the statement was made, if it is used against a person accused of the commission of torture.

Article 16

16. Human Trafficking

- 16.1 Human Trafficking Prohibition Act No. 9 was passed in 2009. This Act criminalizes all forms of human trafficking, and especially that of women, in line with the Protocol on the Suppression and Prevention and Punishment of Trafficking in Persons. It creates the offense of exploitation of persons for forced labor, slavery, servitude or prostitution or any form of sexual exploitation, and aggravated punishment, when victims of this crime are women and children. Under this law, the National Committee for the Prevention of Trafficking in Humans was formed.
- 16.2 A subcommittee, tasked with undertaking preparation of the National Strategy to Combat Trafficking in Humans, was also formed.
- 16.3 An Anti-Human Trafficking Unit was formed, comprised of inspectors from the Ministry of Labor and the Public Security Directorate. Through this unit, complaints relating to issues of trafficking in humans are received for follow-up and referral to prosecution. In this regard, there were 12 cases of human trafficking in 2009, 26 cases of prostitution (including 14 males and 12 females; at least 1 of whom was Iraqi, 3 Palestinian and 1 Sri Lankan).
- 16.4 The Ministry of Labor established the Directorate of Domestic Workers in May 2006, in order to monitor and regulate the practices of employment agencies. A hot line was established to answer questions and receive complaints relating to labor issues and increase rights awareness among migrant workers. In 2007, 755 complaints were submitted to the Directorate, of which 720 were resolved. In 2008, 2000 complaints were received, of which nearly 500 were resolved. Eight offices were closed do to non-compliance with the Ministry's instructions. The Ministry is currently studying the bilateral agreements and memoranda of understanding under which countries send foreign workers, to identify areas where regulation can be strengthened in an attempt to fight human trafficking and other forms of exploitation. It has issued regulations and instructions for offices, and conducted inspection campaigns to ensure their commitment to these legal provisions. As part of its efforts in this respect, in 2006 the Ministry of Labor published a Women Migrant Workers in Jordan / Female Household Workers Guide in Arabic, Filipino, Indonesian and Sri Lankan languages. The Guide provides information about the obligations and duties of employers and female workers. It is distributed at airports and border points. Information campaigns

were also conducted through newspapers, radio stations and television broadcasts to educate citizens about the rights of the expatriate labor force.²⁶

17. Recommendations

- 17.1 Recognition of the competence of the Committee Against Torture, established according to the Convention Against Torture, to receive notices submitted by State Parties or by individuals legally affiliated with them and to investigate information contained in such notices. The declaration required for this purpose according to Articles 21 and 22 of the Convention has not been issued.
- 17.2 Ratify the Optional Protocol related to the International Covenant on Civil and Political Rights in order to allow individuals to submit complaints in case of failure to comply with the Covenant's provisions.
- 17.3 Ratify the Optional Protocol annexed to the Convention Against Torture, which commits State Parties to creating a national mechanism for inspecting places of detention, in addition to accepting the competence of the UN Sub-Committee for the Prevention of Torture to fulfill this function.
- 17.4 Issue a law prohibiting torture in Jordan, because mere ratification of the Convention and its publication in the Official Gazette constitutes no more than a first step towards a proper legal framework establishing accountability and punishment for acts of torture and other types of cruel, inhuman or degrading punishment or treatment. Evidence indicates that detainees appear to still be suffering from the routine commission of acts of these kinds at Police Stations, Reform and Rehabilitation Centers and other places of detention.
- 17.5 Annul the Crime Prevention Law of 1954, which authorizes the administrative governors affiliated with the Ministry of Interior to detain any person suspected of committing a crime or deemed to pose a threat to the community for the period of one year, renewable indefinitely. This law not only violates the procedures of a fair trial, but its implementation will also necessarily facilitate torture and ill-treatment. Amendments to the Penal Procedures Law are also required to address the issue of arrest and detention without an evident legal basis, detention in the absence of objective supporting evidence, and detention for days, weeks, months and sometimes years without the filing of any charge.
- 17.6 Transfer jurisdiction for cases concerning alleged acts of torture from the Police and Intelligence Courts to the regular judiciary.
- 17.7 Amend Article 5 of the Government Lawsuits Act to allow for the prosecution of public authorities for violations of human rights including torture and other forms of cruel, inhuman and degrading treatment or punishment.

²⁶ Jordan's Fifth Report on implementing the Convention on the Elimination of All Forms of Discrimination against Women (2010).

- 17.8 Establish harmony between Jordan's national legislation and its obligations under international human rights law through prohibiting torture or other forms of ill-treatment, especially by amendments to the Penal Procedures Law.

Appendix A: Cases Submitted Alleging Breaches of the Convention

Case No. 622/2010

The case was filed on 10.3.2010 at Amman Court of First Instance to claim for psychological, physical and moral damages resulting from torture and cruel and degrading treatment which it is alleged was suffered by Plaintiff Dawood and inflicted by defendants Wasfi and the Directors of North Marka Security Center and the Directorate of Public Security in their official capacity. The value of the claim is seven thousand and one hundred Jordanian Dinars, which will be used to meet the plaintiff's legal fees.

The claim is based on alleged beatings, insults and other forms of torture carried out by defendant Wasfi contrary to the provisions of Articles 2 and 16 of the Convention against Torture. The responsibility of the Director of Marka Security Center and the Director of Public Security is clear under the provisions of Article 288 of the Civil Law, which provides that 'no one is held responsible for what others do, but the court may, at the request of the affected party and when the court deems appropriate, impose an obligation to make compensation upon he who has authority over the party causing the damage.' The same article also provides that 'a party has virtual authority, through responsibilities of supervision and guidance, over the person who inflicted the damage, even if he was not free to choose whether the wrongful act was committed by the subordinate in the course of performing his duty or because of it.' Additionally, Article 256 of the Civil law provides that '[e]ach damage caused to others makes its doer liable for damages even if the doer is not competent.' These are all bolstered by Article 16 of the Convention against Torture and the fact that the acts of the defendants resulted in permanent disability of the defendant in the form of a motor impairment in his left hand.

Among the evidence presented for the purposes of proving the case were:

- Medical reports issued by government and private hospitals, medical bills and receipts
- Plaintiff's birth certificate
- Plaintiff's personal identity card.
- Witnesses were tendered for the purpose of proving the case and, through the application of technical expertise, assessing the moral and psychological damages suffered by the plaintiff at the defendants' hands, the cost of mental rehabilitation and subsequent loss to the plaintiff.

In addition, a criminal complaint against defendant Wasfi and others was filed at the Police Court and investigation was conducted. The decision absolved some of the defendants from blame and declined the prosecution of defendant Wasfi.²⁷

Case No. 782/2010

The case was filed on 22.3.2010 at Amman Court of First Instance for psychological, physical and moral damages resulting from the torture and other forms of cruel, inhuman and degrading treatment allegedly suffered by plaintiff Raad at the hands of defendants the Director of the Security Department, Director of Sahab Police Station, a policeman of

²⁷ Decision No 834/2008.

the Criminal Investigations Department and the Directorate of Public Security. The value of the claim is seven thousand and one hundred Jordan Dinars for the purposes of paying the legal fees.

The claim is based on the alleged beatings, insults and lewd words, humiliation caused by forcing him to take off all his clothes and leaving him naked, in addition to using an electric stick against him, and place him in an iron cage in the Security Center's jail related to the first defendant from 8 : 30 until 11:30 at night, and the use of all means of coercion, torture and degrading treatment, causing the plaintiff severe psychological, moral and physical damage, which will be healed throughout his life, and that acts of the defendants constitute a clear violation of the provisions of Civil Law that make it obligatory to compensate for the harmful act under Article 256 of the same Law which provides: 'Each damage caused to others makes its doer liable for damages even if the doer is not perceptive' and Article 288 of the Civil Law. It also forms a flagrant violation of treaties and international conventions ratified by Jordan, which have become an integral part of the legislative system applicable in Jordan, and which deem such acts as a form of cruel, inhuman and degrading treatment that deems compensation to the plaintiff necessary, especially Articles 2 and 16 of the Convention against Torture and Cruel, Inhuman And Degrading Treatment.

Therefore, it was requested that the defendants jointly and severally pay fair compensation to the plaintiff for material moral and psychological damages in addition to the loss of earnings, absence from work and rehabilitation after consultation with the experts and knowledge of the court. It is noteworthy that the plaintiff is willing to pay the difference in legal fees, and the court was requested to charge the defendants legal fees and expenses, and legal interest from the date of the claim and until full payment.

Among the evidence submitted for the purposes of proving the case were:

- A certificate that the Plaintiff is a student / consultation form
- A certificate from Annomoor Company that proves the Plaintiff is one of its employees
- A copy of ID card
- Psychiatrist Report
- Illustrations from the Directorate of Public Security showing the hierarchy of the defendants from the second to the fourth defendant
- Illustrations from the Director of Public Security indicating whether the defendants from second to fourth are among Public Security personnel and job title for each of them at the time of commission of acts contrary to the law
- Witnesses were tendered to prove the facts of the case, together with a request for an expert's opinion to estimate the physical, moral and psychological damages suffered by the plaintiff as a result of the acts of the defendants, and for the cost of his mental rehabilitation and subsequent loss

Case No. 782/2010

The case was filed on 22.3.2010 at Amman Court of First Instance to claim for psychological, physical and moral damages resulting from torture and other forms of

cruel, inhuman and degrading treatment allegedly suffered by plaintiff Ismail at the hands of defendants the Director of Public Security, the Director of Sahab Police Station, a policeman of the Criminal Investigations Department and the Directorate of Public Security. The value of the claim is seven thousand and one hundred Jordanian Dinars for the purposes of paying legal fees.

The claim is based on alleged beatings, insults and lewd words, humiliation by forcing him to take off all his clothes and leaving him naked, in addition to using an electric stick against him, and place him in an iron cage in the Security Center's jail related to the first defendant from 8:30 until 11:30 at night, and the use of all means of coercion, torture and degrading treatment, causing the plaintiff severe psychological, moral and physical damage, which will be healed throughout his life, and that acts of the defendants constitute a clear violation of the provisions of Civil Law that make it obligatory to compensate for the harmful act under Article 256 of the same Law which provides: 'Each damage caused to others makes its doer liable for damages even if the doer is not competent.' It also forms a flagrant violation of treaties and international conventions ratified by Jordan, which have become an integral part of Jordan's legislative system, and which deem such acts as a form of cruel, inhuman and degrading treatment that make compensation of the plaintiff necessary, especially Articles 2 and 16 of the Convention against Torture and Cruel, Inhuman and Degrading Treatment

Therefore, it was requested that the defendants jointly and severally pay fair compensation to the plaintiff for material moral and psychological damages in addition to the loss of earnings, absence from work and rehabilitation after consultation with the experts and knowledge of the court. It is noteworthy here that the plaintiff is willing to pay the difference in legal fees, and the court was requested to charge the defendants legal fees and expenses, and legal interest from the date of the claim until full payment.

Among the evidence submitted for the purposes of proving the case:

- A certificate that the Plaintiff is a student
- Illustrations from Annomoor Company
- A copy of ID card
- Psychiatrist Report - Illustrations from the Directorate of Public Security that shows the hierarchy of the defendants from the second to the fourth defendant
- Illustrations from the Director of Public Security indicating whether the defendants from second to fourth are among Public Security personnel and job title for each of them at the time of commission of acts contrary to the law
- Witnesses were tendered to prove the facts of the case, and a request for an expert's opinion to estimate the physical, moral and psychological damages suffered by the plaintiff as a result of the acts of the defendants, and for the cost of his mental rehabilitation and subsequent loss

Note: The plaintiffs in cases 782/2010 and 782/2010 were earlier joint complainants in a criminal complaint of torture submitted to the Police Court (No. 194/2009). The Police Court decided not to pursue the complaint due to insufficient evidence.