

# The Jordanian Civil Coalition Against Torture JO-CAT

## Shadow Report

2015

Shadow Report submitted by

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**The Jordanian Civil Coalition against  
Torture  
JO-CAT**

**Shadow Report**

**The Third Periodic Report of the  
Hashemite Kingdom of Jordan submitted to  
the Committee against Torture according to  
the provisions of Article (19) of the  
Convention**

**2015**

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## **Introduction:**

During the past years Jordan has accomplished some achievements in relation to the criminalization of torture and also in its efforts to realize its obligations under the Convention against Torture (CAT), which is a signatory to. Such efforts includes the adoption of an constitutional provision (article 8/2 of the Constitution) which criminalizes torture by stating that “- Every person seized, detained, imprisoned or the freedom thereof restricted should be treated in a manner that preserves human dignity; may not be tortured, in any manner, bodily or morally harmed; and may not be detained in other than the places permitted by laws; and every statement uttered by any person under any torture, harm or threat shall not be regarded.” . The said article was part of the constitutional amendments adopted in 2011.

In addition to the above, the Anti-Human Trafficking Law includes a number of articles which criminalizes certain acts that fall within the protections provided by the CAT in relation to human trafficking.

Furthermore, certain positive amendments were introduced to the Criminal Procedures Law, Penal Code and Juvenile Law, in order to make such laws in harmony with the CAT provisions. The Jordanian Government also worked towards building partnerships with a number of local and international organizations in order to train its officials especially those who serve in the Judiciary and Police, on combating torture.

Despite the before mentioned efforts and achievements Jordan still refuses to sign the CAT’s Optional Protocol (OPCAT), and dose not adhere to the legal provisions related to combating torture which it adopted and there is no clear

will that it will adhere to the implementation of the International Convention or the national related laws it is obliged to adhere to.

Human Rights Watch report on the “Status of Human Rights in Jordan” for the year of 2015 stated in the section related to torture : “ the perpetrators of torture and other sorts of ill-treatment are still enjoying an almost full impunity from punishment due to the fact that the Jordanian authorities relies on public prosecutors and judges who are part of the security forces in order to carry out the investigations, prosecutions and trials related to allegations of torture brought against their fellow officers. Two of the three judges serving at the Police Court which tries many of the torture cases, are serving police officers who are appointed to this judicial post by the Police apparatus itself. Until this day the court never convicted any police or intelligence officer of committing the crime of torture according to article (208) of the Penal Code. The Governors are still using the Crimes Prevention Law of 1954 in order to place individuals under administrative detention for periods which might reach one year long, which constitutes a way to circumvent the application of the Jordanian Criminal Procedures Law. (Human Rights Watch)

### **Articles (1-4) :**

The legal environment for combating torture is still incompetent due to the deficiencies which still affect the definition of torture in both the Jordanian Constitution and the applicable Penal Code. Such definitions vary in a great way from the one adopted by the CAT and are not compatible with the international definition which clarifies violence and its effects whether such violence is physical, mental or psychological one and it also defines the public official in relation to the such crime. The national definition lacks any reference related to the acknowledgment of the violence phenomena and it also doesn't provide any definition of the public official and it also doesn't specify certain penalty to be imposed on the perpetrators of the said crime. The national definition doesn't also exempt the crime of torture from the application of the statute of limitation.

In addition to the above, the provisions of the Penal Code which has not been amended till this day, considers the crime of torture as a misdemeanor crime and it consider it as a felony only if the torture committed resulted in the death of the victim or caused him a long term physical harm or mutilation. Such deficiencies in the national legal provisions result in the offenders being able to escape the imposition of meaningful and harsh penalties or escape serving the penalty imposed on them through the general amnesty mechanism which includes all misdemeanor crimes despite the fact that the crime of torture is one of the very serious crimes and should be categorized as a felony.

The Jordanian Constitution doesn't state in a clear manner the legal standing of international agreements and treaties in relation to the national legislation and thus there is no constitutional underpinning which can be relied upon in case there is a contradiction between the CAT provisions and a national legal

provision, which weakness the application of the CAT provisions due to the insufficiency of the related national legislations.

**We recommend the following :**

- Amending the text of article (208) of the Penal Code in a way consistent with the major amendment which was introduced to article (8) of the constitution and in light of the CAT's provisions. This amendment shall result in categorizing the crime of torture as a felony when committed by a public official in addition to stating that such crime is explicitly exempted from the application of any statutes of limitation and also exempted from the inclusion in any general or private amnesty. Furthermore, the attempt to commit such crime shall be also criminalized and shall initiate the prosecution procedures in accordance with the CAT's provisions.
- Qualifying and enabling judges on the use and inclusion of the CAT's provisions in the national courts decisions and verdicts.

**Article (2) :**

In relation to the basic protections provided for detained persons, the Jordanian legislations limited in article (100) of the Criminal Procedures Law the detention period at police stations by (24) hours, where the detainee has to be referred to the public prosecutor after the elapse of such period. In practice we find that there is a total disregard to such article in police stations during the investigation phase, where detainees (suspects) are usually kept for more than (24) hours and such period might be prolonged for no reason or justification. We are including in this report a number judgments issued by the Cassation Court, where the appellants submitted to the court that they were held in police



stations for more than (24) hours and thus they were denied of their basic right to a fair trial and procedures<sup>1</sup>.

With regard to the excessive use of force, it has been proven by many media and press reports that the sit-ins and demonstrations, which were held on the 24th and 25<sup>th</sup> of March, 2011, were forcefully disbanded. The sit-in at Palm Square, the Center for Freedom and Protection of Journalists in his report about such sit-in cited (sit-in palm yard 15/7/2011) a number of assaults and offenses which were carried out against journalists, which were according to the Center's report deliberate and intentional assaults carried out by the Police, Gendarmerie, and other security apparatuses personnel.

It was proven to the Center that many of the Journalists were beaten up, cursed at and their cameras and mobile phone were smashed while they were wearing the vests that were given to them by the General Security in order to distinguish them from others. The Center cites as evidence to this (many of the victims were assaulted and beaten up and assaulted even

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<sup>1</sup> Decision No. 866/2015 dated 06/23/2015, procedures were not revoked even though the suspect remained more than three days in the police station without referring him to a public prosecutor and that is considered serious financial and moral coercion, ill treatment and a violation of the guarantees of a fair trial.

Decision No. 1209/2014 Date of 09/17/2014, procedures were not revoked despite the fact that the suspect was held for two weeks without being referred to the public prosecutor.

Decision No. 1014/2014 in a case within the state security court jurisdiction, the revocation of the procedures was asked for because the suspect was held for more than seven days without referring him to the State Security Court Public Prosecutor. It was sent to the cassation court but the court did not revoke the procedures. That is considered a clear violation of the explicit provisions of Article 7 / b / a of the State Security Court Code which gives the authority to the police members to keep the suspect for a period that does not exceed seven days before referring the suspect to the public prosecutor.

Decision No. 1185/2015 Date of 08/26/2015 in a case within the state security court jurisdiction, the suspect's representative submitted information that shows that the suspect was subjected to beating and torture and it was all based on a medical report and a forensic doctor report. But nonetheless, the court did not pay attention to such information and in the decision it stipulated that the marks on the suspect's body do not mean he was tortured and the forensic doctor report was not taken into consideration. And most importantly, that it was not documented and there was no follow up investigation on the torture complaint filed.

after they declared that they are journalists to the security officers or because they were seen by the security officers while they were covering the event through their cameras. Many of the assaults were carried out because of the camera that the journalist was holding and/or using. The most common factor among the journalist's victims is the fact that they were carrying cameras. One of such assault cases is the assault on Raed Awartani, Ahmad Malkawi, Amal Ghabayin, Mohammad Abu Quty, Islam Sawalha , Nidal Salamih and others. All these journalists stated that they were assaulted in order to prevent them from filming what was going on, and thus the beatings they received from the Police and Gendarme personnel focused on their hands in order to drop the cameras they were holding on the ground. In addition, the security personnel were wearing their uniforms without the badges that show their names or numbers in order to hide their identities).

The Center had documented (16) assault cases on journalists who were targeted on the 15<sup>th</sup> of July 2011 by the General Security, Gendarmerie, and Traffic Police personnel and maybe by other security apparatuses officers which is hard to be identified due to the uniforms that were used on that day. The most important assault cases that accord which the Center was able to document can be summarized as follows:

- 1- Sami Mahasni: he suffered very serious injuries including the fracture of his right forearm and a laceration in his hand thumb in addition to serious injuries in his left eye next to the visual nerve. He was beaten up using a police bat and security personnel boots.
- 2- Raed Awartani from Jordan Days; where the beating resulted in a fracture in his knee in addition to breaking his camera.

- 3- Yazan Khawas from Normeena TV Channel, who was beaten up on his left hand because he was carrying a microphone, which resulted in rupturing his hand's tissues.
- 4- Mohamad Al Najjar, Al Jazeera Net reporter: he was beaten up and subjected to verbal assault by the security forces and was banned from covering and filming the events.
- 5- Yasser Abu Hilalah, Aljazeera Channel Office Director: he was also subjected to both physical and verbal assault in order to prevent him from covering the events.
- 6- Amal Ghabayin from Ammon Agency: the security personnel tried to prevent her from filming their assaults on one of the young demonstrators and she was cursed at using bad and dehumanizing words and chased in order to confiscate her camera in addition she was beaten up using bats.
- 7- Ahmad Malkawi from Saraya Agency: he was beaten up and his camera was broken by the security personnel who used their bats in assaulting him.
- 8- Ali Alzubi from Nonrmeena TV Channel: he was beaten up by the security personnel using a thick bat from behind. The beating concentrated on his hand in order to drop his camera which fell on the ground but didn't break.
- 9- Mhammad Fudaylat from Amman Net: he was verbally assaulted by the security personnel and was prevented from reaching the location of the events.
- 10- Anas Damrah from Ammon News Agency: he was assaulted by the security personnel using a bat or a club from behind because he was trying to prevent the security personnel from beating up Mohammad Al Kiswani who is the same person known as "Mohammad Abu Quty".
- 11- Mohammad Abu Quty from Reuters and Al Dustoor: he was attacked by the security personnel and one of his cameras was broken because he was

filming the beating up of the demonstrators and tried to help his fellow journalists who were subject to a severe physical and verbal assaults.

- 12- Rana Ismael Zaror from Al Arabia TV Channel: she was verbally assaulted by the security personnel and prevented from filming.
- 13- Hiba Kiwan from Saraya Electronic Agency: she suffered the same level of violence as her other colleagues.
- 14- Islam Sawalha from Amman Post: he was asked by the security personnel to stop filming and one of them beat him up from behind by his head using his helmet which resulted in dropping his camera on the ground and when he resumed filming using his mobile phone he was again assaulted by the security personnel and the traffic police which also dropped his mobile from his hand.
- 15- Nidal Salamah from Al Sawsanah Agency: he was beaten up by the Gendarmerie and verbally abused by degrading words in addition to taking his camera from him and breaking it.
- 16- Amer Abu Hamdah from BBC Jordan Office he was assaulted from behind using a police shield when he was filming the events and he was again assaulted by beating him with a belt on his neck and hand in order to prevent him from filming.

Despite the fact that the Government's report states that certain officers were referred to retirement because of the assault on the demonstrators, the coalition considers this as a type of avoiding legal penalties and a refrain from applying the applicable laws and the provisions of the CAT in relation to such assaults.

**We recommend the following :**

- Amending the Penal Code in order to categorize the crime of torture as a felony instead of a misdemeanor as it is the case right now.
- Amending the Juvenile law number 32 of 2014 in accordance with the best interest of the child which is guaranteed by this law and speed up the process of applying the regulations and directives according to which the noncustodial sentences shall be implemented.
- Working towards amending the provisions which allows the beating and taunting of children under the pretext of discipline without any limitations by parents in the Penal Code.
- The adoption of a comprehensive mechanism in order to combat school violence through the use of educational counselors and qualified trainers to deal with children. Also, to increase the number of public schools' counselors who are qualified to deal with children in accordance with the international treaties and the international standards related to the rights of the child.
- Focusing on the education of girls in order to be able to strengthen their social and cultural status in order to limit and reduce underage marriage.
- Working towards the addition of a provision in the law that would prohibit the dismissal of the individual's right in cases of violence against children perpetrated by a family member.

## **Articles (5 - 9)**

despite the fact that Jordan had signed the memorandum of understanding with the United Nations High Commission for Refugees (UNCHR) which reinstates its obligation not to refuse the entry of refugees to Jordan nor expel them, the Jordanian Authorities expelled a number of refugees who most probably will be subjected upon their arrival in the Syrian lands to torture by the Syrian authorities or other groups who control such territories. <sup>2</sup>

We do recommend that it should be affirmed that no refugee shall be handed over or denied entry or expelled to any other location whether there are bilateral treaties between Jordan and any other country. Extradition of persons shall be only done according to a final judicial decision.

## **Article (10) :**

Despite that the Jordanian Authorities is working on training and qualifying its public officials, such training programs and workshops lack any specialization in the field of combating torture.

## **We recommend the following:**

- Increasing the number of human rights training programs provided for public officials.
- Conducting continuous training programs in order to raise the public officials' knowledge related to CAT and other forms of inhuman treatment.

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<sup>2</sup> Human Rights Watch on a news article published at Al Quds Al Arabi Website under the title " Rights Watch accuses Jordan of Violating its International Obligation by expelling Syrian Refugees by force, Published on the 24<sup>th</sup> of November 2014 at <http://www.alquds.co.uk/?p=255190> (interned to on the 20<sup>th</sup> of October 2015)

- Combating torture shall be listed as an educational course and becomes an integral part of the Police Royal Academy's and other related educational institutions' curricula.

**Article 11 :**

<b>Duration – holding cell</b>	<b>Number</b>	<b>Percentage</b>
<b>One day to 21 days</b>	101	36%
<b>21 days to 4 months</b>	40	14%
<b>5 months to 11 months</b>	5	2%
<b>Not defined</b>	135	39%
<b>Total</b>	<b>281</b>	<b>100%</b>

Despite the fact that Jordanian legislations (the amended article (100) of the Criminal Procedures Law) states that the detention of the suspect at police stations shall not exceed 24 hours, where after the expiration of such period he/she shall be referred to the public prosecutor as he/she represents the judicial authority which is entrusted to conduct the criminal investigation. Despite such legal provision, police stations still hold and detain immigrants for periods that exceeds the period stipulated in the law. During the interviews that were conducted with around (281) female migrant detainees, they stated that they were detained at police stations for periods ranging from one day to 11 months.

The investigation and grievance mechanisms set up for investigating the individuals who are accused of committing torture, suffer from certain deficiencies which result in providing such individuals with a great chance not to be held responsible for their actions and thus escape any penalties. Regardless

of the sanctions imposed by the police judicial system on the perpetrators of torture, they are still tried by military judiciary and not the regular judiciary which is known for its impartiality and independence.

It is still totally prohibited for civil society institutions to enter and visit those prisons which are run by the Intelligence and Narcotics departments. Despite the fact that there is a signed memorandum between the National Center for Human Rights (NCHR) and these two entities which allows the NCHR to conduct such visits, the NCHR is not considered a nongovernmental organization it is rather a national institution which was established according to the Paris principles.

**We recommend the following :**

- The establishment of an independent national mechanism that should carry out regular visits to places of detention.
- Joining the CAT's Optional Protocol.

**Articles (12 and 13) :**

The Government's Report shows that around one third of the ill treatment cases for the year 2013 are still pending and around one fourth of such cases were dropped by the public prosecution. This means that most of such cases were neglected and the perpetrators were able to avoid being punished. According to the NCHR Annual Report for 2014, such shortcomings still exist. The total number of torture and ill treatment cases which were registered against the General Security Directorate personnel reached (140) cases during 2014, (49) of such cases were referred to trial before the head of the related police unit and (60) cases were dropped and a decision to ban the trial of the suspects was taken, while (24) complaints are still being under review, one case was filed and



kept (trial procedures where stopped) and only one was referred to the Police Court for trial. It is worth mentioning that four officers are being tried for the death of detainee (S.K) according to article (208) of the Penal Code. This case was referred to the Police Court by the regular Judiciary in 2013 and still being tried by the said court.

*The coalition wonders, why such delay in deciding torture cases and why does it take many years? Why other cases are dropped (trial is prohibited)?*

the National Center for Human Rights also stated in its report, that it received (89) complaints which included claims of torture and ill treatment by law enforcement officials and various security directorates compared to (77) complaints during 2013 and (67) complaints during 2012 and (58) complaints during 2011 and (85) complaints during 2010. The public prosecution also received (29) complaints related to torture and ill treatment during 2014. The information received by the NCHR shows that both the Criminal Investigations and the Drugs Combating divisions' personnel resorted to the use of torture and ill treatment in order to extract information and confessions from the accused persons.

The following are the most serious allegations of torture which were reported in the National Center for Human Rights' Annual Report:

1. On the 17<sup>th</sup> of December 2014, (A.H) was subjected to torture by a group of General Security Directorate personnel, where one of the perpetrators published a photo that proves the use of torture on one of the social media outlets. This case is still pending.
2. (M.A) was subjected to torture by a group of General Security Directorate personnel on the 13<sup>th</sup> of October 2014 and the case is still pending.

3. (M.K), (S.A), (M.K) and (E.F) were subjected to torture by a group of General Security Directorate personnel on the 17<sup>th</sup> of August 2014 and the case is still pending.
4. (A.A) and (M.A) were subjected to torture by a group of General Security Directorate personnel on the 10<sup>th</sup> of April 2014 and the case was closed because there was no evidence to convict the accused personnel.
5. (N.A) was subjected to torture by a group of General Security Directorate personnel on the on the 22<sup>nd</sup> of November 2014 and the case is still pending.

The interviews with (281) migrant persons, showed that they don't know why they are being detained or if they have the right to get the assistant of a lawyer, and in addition to the total lack of translation during interrogation sessions.

As to the treatment of such detained persons, there were no reports of any inhumane treatment or allegations of any form of torture from persons who are under administrative detention. However, some migrant female workers reported that they were forced to clean up the police stations when they were detained there.

**We recommend the following :**

- Taking urgent actions which include the holding of independent, impartial and transparent investigation regarding all complaints and allegations of torture and ill treatment, in addition to remedy all legal, judicial and administrative obstacles especially those related to the prosecution of such cases by the Police Court.
- Amending the Penal Code in way that would make the officials in charge of correction and rehabilitation centers and detention centers responsible

for the safety of the detainees in case there are no means to identify the person/s who committed the torture.

- Take all urgent legislative, judicial, and administrative procedures and measures which would guarantee the referral of all public officials who committed or aided or conspired or covered on such acts of torture and ill treatment to the regular judiciary and the trial of the perpetrators of such crimes. In addition to the imposition of the sanctions that commensurate with the seriousness of such crimes.
- Perform the legal amendments which give the regular courts the subject matter jurisdiction to try torture cases in order to guarantee the trial and conviction of the perpetrators and the compensation of the victims of such crimes.
- Cancel the Crimes Prevention Law issued in 1954.
- Cancel all special courts in Jordan.
- Include a provision explicitly on the tortured victims' right to direct State compensation.
- Amending Article (159) of the Penal Procedures stipulating the following: "The statements made by the indicted, suspect, or defendant in the absence of the prosecutor general indicating that he has perpetrated a crime will be accepted only if the Prosecution submits evidence on the circumstances according to which the statement has been given, and the Court has been convinced that the indicted, suspect, or defendant gave the statement voluntarily and willingly." The article should be amended insofar as the statement will be used as guidance and will not be adopted unless it is consolidated by other evidence.

- Expanding the scope of responsibility in the field of the torture crimes in the sense that the detention center director will be personally responsible for the safety of the locked up persons, according to the provisions of the Punishments Law, and will also be held accountable for the crime of torture in case of failure to identify the person perpetrating the crime.
- The Attorney General Dept. will be responsible for investigating the crimes of torture and referring the incumbents to the regular judiciary.
- It is imperative to amend the Criminal Procedures Law in order to allow the indicted person's advocate to attend the preliminary investigation phase.
- Activating the method of hearing the witness statement via electronic connection and the video concerning the lawsuits of assaults against women just as methods are activated in terms of juveniles.

**Article (14) :**

Although the provisions of the national legislation system were developed in order to prevent torture and provide the victims with justice, such provisions suffer from various deficiencies and lack the needed deterrents factor. These deficiencies can be summarized as follows:

1. It does not guarantee the application of the principles stipulated in the CAT.
2. It does not exempt the crime of torture from the application of the statute of limitation, where there is no balance of power between the victim of the crime and the offender (the public authority).
3. It considers the crime of torture as a misdemeanor crime and not a felony one unless it led to the death or disfiguration of the victim.

Such legal stand leads to the offenders being able to avoid serious penalties or avoid the imposition of the penalties through general amnesty which includes misdemeanor crimes despite the fact that torture offences are very serious one and thus should be categorized as felony crimes.

4. The Constitution does not state in clear manner the status of the international treaties in relation to the national legislation and thus there is no constitutional argument to rely on in case there is a conflict or contradiction between the treaty and a provision in the national legislation, which weakens the application of the Convention's provisions when there are gaps in the national legislation.
5. The Crimes' Prevention Law is still applicable since many decades, despite the calls for rescinding it and the State Security Court is still in place despite the international committees' recommendations to abolish it. This court has jurisdiction over narcotics, terrorism and state security cases, and the majority of its judges are military personnel and gives only two levels of adjudication instead of three levels as the case in the regular judiciary.
6. The Crimes Prevention Law is still applied by the administrative governors. The provisions of this law are vague and it gives the governors an absolute power in interpreting them and it also gave them very wide range authorities and powers in deciding if a person poses a potential danger or not. The law also gives the governor the power to issue arrest warrants concerning any person and to try such person by the governor him/herself within one week of the arrest. Such trials are considered to constitute a form of trials which lay outside the

regular judiciary and thus administrative detention became a phenomenon which is applied everywhere and the citizen became subject to the danger of such detention without being charged with any crime. In addition to the harsh treatment of persons with previous criminal records. Persons who are subject to this form of detention are released after a prolonged time of detention and harsh treatment without any charge or any conviction of any crime. They are detained only on the basis of suspicion and without any compensation for the harm and damage such person had suffered from the unjustified detention. The existence of the Terrorism Law and the State Security Court, in addition to the special military courts which try both military personnel and civilians constitute a form of violence and torture which is prohibited under the CAT's provisions.

7. Article (308) of the Penal Code helps the perpetrator to escape being sentenced by agreeing to marry the raped victim and thus the victim is treated as an offender.
8. Underage marriage: article (10) of the Personal Status Law allows the marriage of children of both sexes where the related public official can conclude the marriage contracts for persons who are under 18 years of age, which gives the will to agree and approve such marriage to the parents of the children.
9. The Jordanian legal environment is still fall short in relation to the effective prosecution and trial of the torture perpetrators. The law partially criminalizes torture in article (208) of the Penal Code. The said article falls short in its definition of torture and is not compatible with the definition stipulated in the CAT. The said article requires that the suspect has to have a special intention (to secure a confession from

- the victim). This requires the revision of article (208) of the Penal Code and article (8) of the Constitution and amending them in order to be in line with the CAT's provisions.
10. There are shortcomings in the investigation and grievances mechanisms related to investigating torture crimes and the perpetrators of such crimes. Regardless of the sanctions imposed by the police judicial system on the perpetrators of torture, they are still tried by military judiciary and not the regular judiciary which is known for its impartiality and independence.
  11. Due to the fact that torture victims are individuals and groups of persons who had been subjected to harm which resulted in physical and mental injuries, in addition to emotional suffering, financial loss and the violation of their basic legal rights, the term victim can also include the persons who are supported by the original victim of torture and his/her direct family members and the members of his/her household to the extent they suffered from physical or mental or financial harm. The Jordanian legislator did not address such victims who suffer from emotional and mental harm.
  12. The same is true for the victims who were subjected to torture because going through this constitutes a hard experience due to the fact that the offender is a state official, thus if there is no clear and efficient mechanism to refer to in order to submit their complaints or to seek internal or external assistants and if the perpetrators became immune from being brought to justice, this means that the victims being able to retrieve their rights becomes a very hard and troublesome process.

**We recommend the following:**

- The establishment of specialized centers for the rehabilitation of torture victims and the establishment of a national fund in order to compensate them, in addition to the development of victims and witnesses' protection programs.

**Article (15) :**

**We recommend the following:**

- The Government of Jordan establishment of specialized centers for the rehabilitation of torture victims and the establishment of a national fund in order to compensate them, in addition to the development of victims and witnesses' protection programs.

**Article (16) :**

It is hard to say that Jordan respects all its obligations stemming from articles (13) and (16) of the CAT. Article (16) obliges Jordan to prevent the occurrence of inhuman or harsh or degrading treatment or punishment and article (13) oblige the state to respect the rights of the victims of such crimes to be able to submit a complaint and to investigate such complaint in an impartial and prompt manner.

In relation to the violence and ill treatment directed towards migrant workers in general and towards female households' workers in particular, it is fair to say that avoiding punishment is the prevailing norm. The owners of the employment agencies and the employers of such workers are not sufficiently prosecuted for the crimes of trafficking they commit against such workers and for the financial, physical, mental, and sexual abuses they might be subjected to. It is not easy in



practice and according to the current applicable legislations and practices to identify and prosecute the persons who are responsible for such violations.

**We recommend the following :**

- Working towards amending the Crimes Prevention Laws, so it could not be used by some of the employers in order to force foreign workers to work for them and thus end its use as a threatening tool which is prohibited by the treaty of 1930. This means that the said law shall not support forced labor through the powers given to the administrative governor who can use them in imposing restrictions and controls on the persons' activities and freedoms under the pretext of protecting the public order.
- Ban the deportation of any worker unless it is based on a judicial decision and not to resort to (freedom deprivation/ administrative detention) during the deportation process or due to violating the residency law. In addition, accepting the guarantee given by the embassy of the migrant worker and not to tie such a guarantee to the given by a Jordanian person in order to limit the number of detentions. Furthermore, not to detain the migrant workers for the mere violation of the migration laws or the residency conditions.
- The importance of enacting legislation which outlaws forced labor and build the conciliation courts' judges' capacity who have the jurisdiction to try labor cases in order to be able to spot what can be listed a forced labor and establishing the mechanisms needed in order to refer such cases of forced labor to the related authorities.

- Review the Anti Human Trafficking Law and make it more combatable with the related international standards and the inclusion of articles designed to protect the victims and provide them with the emotional, medical, social, and legal support. In addition, granting them temporary residency until their cases are decided. The issuance of a regulation that governs the persons who work in agricultural jobs.
- Make sure that migrants who are detained are being informed of the reasons behind their detention in a language that they understand and providing them with interpretation services during the whole process.
- Working towards the development of the related legislations and strengthening and activate the inspection mechanism and establishing a mechanism to inspect the working conditions of households' workers.
- Establishing a compensation mechanism for the human trafficking victims or the victims of any type of torture or ill treatment.

### **Other Issues**

#### **We recommend the following:**

- Calling upon the government to acknowledge the authority and jurisdiction of the Torture Prevention Committee stipulated in article (22) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 which has the power to deal with individuals' complaints.
- The inclusion of subjects related to the ban of torture in the training curricula designed for law enforcement officials, medical personnel and public officials.