Report submitted by the National Centre for Human Rights

To
Committee Against Torture, 44th Session
In response to some queries put forward by the Committee to Jordan about the second, third and fourth periodic reports on implementation of
United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Submitted by Jordan on 11/3/2009

Introduction

The National Centre for Human Rights (NCHR) in Jordan is pleased to submit the following report to your esteemed Committee in response to the enquiries raised about Jordan's combined periodic report. The present report has been compiled in view of the legal competences, which the Centre enjoys by virtue of its Law No. (51) for the Year 2006 (National Centre for Human Rights Law), which authorizes the Centre to monitor and protect human rights and (according to Article 5-A) verify "that human rights are being observed in the Kingdom when addressing any transgressions or violations thereof and following up on the adoption of the necessary measures for that purpose, including settlement of said transgressions or violations or referral to the Executive or Legislative Power or the competent legal authority in order to put an end thereto and eliminate the effects thereof."

In view of the role the Centre plays in the context of its competence, protecting the right to physical safety and non-exposure to torture is an NCHR priority. The Centre has translated this role in a practical manner and has broken it into three roles: a preventive role, a role related to protection, and a role targeting raising awareness of the fight against torture. These roles are summarized as follows:

- ✓ **The preventive role:** Realizing that prevention is central to curbing torture, the Centre plays this role by making surprise visits, sanctioned by Article 10 of the NCHR Law, to all prisons. As regards the military prison and detention centres run by the General Intelligence Directorate (GID), NCHR visits are usually announced.
- ✓ **Protection-related role:** The Centre plays this role through receiving complaints from Jordanians, as well as all residents within Jordanian territories, and following up on these complaints with the competent judicial and administrative

authorities with the aim of addressing and eliminating the said violations. These violations are treated as urgent complaints requiring action that cannot be delayed. Furthermore, the Centre makes recommendations regarding the enactment and incorporation into the body of Jordanian legislation, of legislative measures that harmonize with those international instruments, which Jordan has ratified as part of its international commitments.

- ✓ **Awareness and training role:** The Centre plays this role through cooperating with relevant bodies to organize lectures, seminars and specialized training courses. Realizing the Jordanian society's need of awareness in this area, the Centre also includes lectures in all its activities in order to introduce and explain the provisions of the Anti-Torture Convention, create an anti-torture community culture, and curb community tolerance of torture.

In order to enhance and protect the right to physical safety and non-exposure to torture, the Centre has created a specialized "Criminal Justice Unit" within its organizational structure to monitor prisons and provisional detention centres through prison inspections, complaints' follow-up, compiling periodic reports about conditions in these facilities, and submitting recommendations about addressing the transgressions and eliminating their consequences, as well as recommendations regarding best practices that harmonize with international criteria, including legislative amendments.

Therefore, the Centre is putting before you general recommendations, which have been continuously submitted to official bodies. These recommendations are based on the Centre's deep conviction that the right to physical safety and non-exposure to torture is pivotal among all other human rights and that any act of torture or other cruel, inhuman or degrading treatment or punishment, is disdainful to human dignity and should therefore be condemned as rejection of the intentions and principles of the human rights and freedoms. Indeed, the right to physical safety is a natural right that cannot be compromised under any circumstances. The Centre believes that protecting this right should be unreservedly and conspicuously stipulated in all legislation.

NCHR General Recommendations

1. In the area of combating torture:

❖ **In the area of the measures taken to give effect to the Anti-Torture Convention, the Centre recommends the following:**

A. Recognition on the part of the Government of the competence of the Committee Against Torture, referred to in Article 21 and 22 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to receive and consider communications and claims by States Parties and individuals;
B. Accession to the Optional Protocol to the Convention (OPCAT), as well as the two optional protocols to the International Convention on Civil and Political rights, related to abolition of the death penalty and receiving individuals' complaints related to civil and political rights;
C. Creating specialized centers to rehabilitate torture victims and implicitly stipulate compensation thereto;
D. Establishing an independent judicial panel to investigate torture cases in order to guarantee that torture perpetrators are denied impunity.

❖ **In the area of legislative measures to combat torture, the Centre recommends the following:**

1. Limiting the competence to consider torture crimes to regular courts, instead of the police court, where all the fair trial guarantees are not, necessarily, found;[1]
2. Stipulating implicitly the right of torture victims to direct compensation from the State;
3. Holding directors of Reform and Rehabilitation Centres (RRCs) or detention centres accountable in accordance with the provisions of the Penal Code for the safety of detainees, even in cases where the perpetrator has not been identified, as they should leave no stone unturned to create an unfavourable environment for the perpetration of such crimes;
4. Abolishing the incommunicado detention punishment;
5. Abolishing or, in the worst cases, substantially amending the Crime Prevention Law.

[1] Police Court judges are appointed by the PSD Director.

❖ **In the area of precautionary measures to combat torture, the Centre recommends the following:**

1. Introducing regular medical examination of all the detainees;
2. Keeping systematic records in detention centres (names, detention orders, visits, transfers, etc.);
3. Guaranteeing that detainees have contact with their families and lawyers.

Based on the above, the NCHR is hereby setting out to respond to some of the enquiries put forward by the honourable Committee. The responses, compiled within the limits of information made available to the Centre and in accordance with NCHR work mechanisms, are as follows:

Articles 1 and 4; Article 2, Paragraphs 3 and 4; Article 11, Paragraph 24; and Article 14, Paragraph 34.

Article 208 of the Jordanian Criminal Code has been amended by virtue of the Provisional Criminal Law No. 49 (2007). Despite this amendment, which is considered to be a positive step towards combating torture through the enactment of legislative measures to implement the provisions of the Convention, the amendment has not achieved the hoped-for results. It is not in conformity with the Convention Against Torture because the practice of torture is considered to be a misdemeanour and not a crime. Furthermore, the afore-mentioned provision does not give the judiciary competence to hear and investigate these crimes. The amendment also does not stipulate the right of torture victims to direct compensation by the State when the crime is perpetrated by a public employee.

Article 256 of the Civil Code, which states that “any damage done to another person, even by someone who is incapable of discernment, must be remedied by the party responsible for it”, is not sufficient because it does not hold the State responsible for the actions of its employees, especially that Supreme Court of Justice judgment does not embrace compensation for an administrative decision, but rather abolishment of the decision. Furthermore, Article 256 does not accept the theory of *faute de service publique* requiring the general administration to assume responsibility for the actions of its employees. The *faute de service publique* implies mis-management of a public service resulting from the inefficiency or inability of public assistants, or failure to operate the facility to provide a public benefit in accordance with the provisions of

the law, and dividing the responsibility between the public employee and the public administration.

Reverting to our discussion, Article 208 does not implicitly stipulate that torture crimes are not quashed by obsolescence. The fact that the Article does not embrace all that has proved to be futile because, since the coming into force of this article, no incident has been monitored of referring any person to the competent courts by virtue of this article.

In view of the gravity of torture crimes and the particularity that should surround these crimes, it would have been more appropriate had national legislation included an implicit stipulation that victims and witnesses in torture crimes should be protected.

On the basis of the above, the NCHR sees an urgent need to review relevant legislation, specifically Article 208 of the Criminal Code, and to take into consideration the afore-mentioned points in order to guarantee that perpetrators of torture crimes are held accountable and tried within the competence of regular courts, rather than special courts, where guarantees for fair trial are not, necessarily provided, taking into consideration, for example, that Police Court judges are appointed by the Director of the Public Security Directorate (PSD).

There is also a need to establish an independent judicial committee to investigate all torture crimes in order to guarantee that torture crime perpetrators do not escape punishment with impunity. The Centre affirms that the Ministry of Justice intends, in the course of its revision of the Criminal Procedures Code, to incorporate into the provisional draft law an implicit text stipulating the urgency of compensating torture victims as fulfilment of one of the country's commitments by virtue of the Convention and as a guarantee for fair trial in the light of the inadequacy of Article 256 of the Civil Code.

Regarding monitoring and inspection of prisons and detention centres, the judicial system governing RRCs is based on the application of the Reform and Rehabilitation Centres Law on all PSD centres. These centres are monitored through periodic visits by judges, members of the public prosecution, NCHR, local and international organizations (e.g., the Red Cross), and the International Committee of the Red Cross. These procedures, however, have not proved to be effective and expedient in addressing some violations, especially that the periodic inspections, presumably by judges and members of the public prosecution are not carried out in accordance with international mechanisms and without

observing the need to monitor the prison environment or meeting inmates. Yet, the more important role in this respect is that of the NCHR, which has achieved many accomplishments in monitoring and following up on inmates' cases and offering recommendations to the relevant authorities. As for detentions centres at GID headquarters, they are subject to previously-announced visits.

As for the duration of detention, a review of indictment systems in Jordan reveals non-existence of a specific, clear indictment system, but rather a hybrid system compared to jurisprudence schools, which adopt clear systems. The real problem lies in lack of independence of the public prosecution system and its inability to supervise the other locations that facilitate its work. The problem has become that of getting confessions and gathering information as quickly as possible to enable referral to the judiciary. The result is that some pieces of evidence are illegal and are taken under coercion or torture. Therefore, the NCHR would like to underline the urgent need for the government to adopt legislative amendments to guarantee that the public prosecution apparatus performs its main duties in complete independence through the establishment of all the required structures to expedite preliminary investigation. It is necessary to establish an independent forensic medicine apparatus to medically examine persons who claim torture and to attach to the public prosecution special investigation units and laboratories to expedite investigation and obtain criminal evidence. Due to the absence of such bodies, detention-related problems have arisen and detention has become a punishment, rather than a precautionary measure. All this seems to be inconsistent with the principle of presumption of innocence. According to Article 100 of the Criminal Procedures Law, a person cannot be detained for more than 24 hours and should be referred to the public prosecutor. As will be demonstrated later, there have been some violations of prolonging this period through administrative detention on the pretext of completing the investigation.

Articles 1 and 4, Paragraphs 3 and 4

Lawyers' rooms are available in prisons, but detention and provisional detention centres at security departments lack such rooms. Rooms on the premises of these directorates are used for meetings between detainees and their lawyers. As for the right to inform the family of the whereabouts of the detainee or prisoner, this measure is implemented in prisons. In detention and provisional detention centres, however, the Centre has monitored some cases where the family has not been informed in view of the secrecy of the investigation.

As for the legal detention period of 24 hours (according to Article 100 of the Criminal Procedures Law), NCHR annual reports (see the Centre's reports for the years 2006, 2007 and 2008) indicate non-compliance to legal controls governing the afore-mentioned detention period. Defendants are held for more than 24 hours and, in some cases, as long as several days by virtue of the still valid Crime Prevention Law, whose provisions are still applied by administrative governors, who are not necessarily legists but this law authorizes them to arrest any person, whom they think constitutes a danger to public security, without having to give legal ground for their action. In this regard, the NCHR issued early in 2010 a special report entitled "Judicial Authorities in the Hands of the Executive." The report includes a factual, objective analysis of administrative detention, as well as a statistical analysis which proves that this law has been used as a tool to prolong the detention of some persons.[2]

On 10/11/2009, the Minister of Interior issued a circular instructing administrative governors to put themselves under obligation to respect human rights and provide legal and procedural safeguards when implementing the Crime Prevention Law. The instructions emphasized the importance of allowing a lawyer to attend the investigation carried out by the administrative governor with the suspect regarding the alleged offence, provided the suspect has given the lawyer a special power of attorney to defend him in pursuance of the provisions of Article 4–5 of the Crime Prevention Law and in conformity with Article 32 of the 1972 Bar Association Law and its amendments. The circular also emphasized the responsibility of the administrative governor to investigate the actions allegedly imputed to the suspect before issuing a subpoena against him, in order to establish that the imputed actions do not fall within the competence of regular courts. If the alleged offence is within the competence of those courts, the complainant should be commissioned in writing to turn to them without any need for conducting the investigation. The circular also stressed that the complaint should be submitted in writing and organized and duly signed by the complainant for revision by the administrative governor. Administrative governors were also asked to comply with the principle of separation between branches authorities and abstain from interfering in cases being examined by the judiciary.

The afore-mentioned points are not sufficient to curb transgression. Legislative amendments should be introduced to the body of laws

[2] This report may be seen at" www.nchr.org.jo.

governing investigation and detention procedures, e.g., the Criminal Procedures Law, the Penal Code and the Crime Prevention Law, in order to transfer those authorities to the judiciary and/or subject them to judicial monitoring. Issuing circulars and instructions is not enough to safeguard the rights and freedoms of individuals. Fundamentally, restricting the freedom of individuals should be ordered by an authority declared competent by virtue of a legislative act. In this respect, the NCHR recommends the following:

1. Authority to detain individuals should be limited specifically to such serious crimes as murder, adultery, incest, indecent assault, and rape, and should be exercised under the supervision of the Judiciary in such a manner as to harmonize with the Penal Code and the Criminal Procedures Law, which limit detention, stipulate the inadmissibility of renewing detention, except upon approval by the competent court, and specify a maximum for the detention period.
2. A maximum amount should be set for bails, the value of which should not be exaggerated because they constitute a burden to the detainees and their families. Furthermore, a bail causes prolongation of the detention period if the detainee or his family are unable to raise the required money, thus giving the administrative governor the authority to keep the suspect in detention until such bail has been organized.
3. Administrative governors should not be authorized to impose house arrest. Such authority should be transferred to the Judiciary and should be restricted to cases of repeated offences of assault against individuals, particularly murder, indecent assault, grave injury and burglary, taking into consideration that the apprehension measure should match the criminal gravity when imposing house arrest.
4. A special juridical record should be maintained at the Ministry of Justice built on the basis of ratified court rulings. Precedents recorded at security departments should not be relied upon for the sound implementation of the law.
5. Judicial monitoring should be extended to cover administrative detention decisions, as well as the administrative governors' apprehension authority. This would provide safeguards for challenges to administrative decisions before regular courts in more than one stage of litigation and ease the costs of litigation, which individuals have to pay because the Crime Prevention Law limits the appeal authority to only one stage before the Supreme Court of Justice.
6. Decisions by the Judiciary pertaining to the acquittal, non-liability, or release of detainees should be respected as a depiction of the truth and a plea against all. No decision may be issued that contravenes the

detention of individuals unless they are wanted for other cases. As a matter of fact, some individuals have been detained after their release has been decided by the regular Judiciary.

Administrative governors should be taken off investigation procedures undertaken by the police. The detention and interrogation of individuals should not continue for long periods of time on the basis of detention orders issued by administrative governors. Defendants and suspects should be referred to the public prosecution within the period of time specified in the Criminal Procedures Law because the administrative governor is not a legal person.

According to PSD statistics, the number of administrative detainees during 2009 stood at 16,660 persons. As far as we know, these detainees are not disaggregated by age or sex. It is noteworthy here that the Jordanian judicial system does not embrace compensation for arbitrary detention in cases of acquittal or non-liability.

Article 2, Paragraph 5

Regarding the GID, its authorities are restricted to cases related to internal and external State security and terrorism. After the interrogation, the accused, as well as the findings of the investigation, are referred to the competent court, i.e., the State Security Court (SSC), to be tried in accordance with the State Security Court Law. As far as detention at GID is concerned, the Directorate's public prosecutors have been authorized by virtue of the GID Law to detain people for seven days. A detainee at the said directorate has the opportunity to meet with his family weekly for half an hour. In regard to contact with lawyers, an application to that effect is submitted to the SSC public prosecutor. Meetings with lawyers take place at the SSC public prosecutor's office in a separate building. In 2009, the NCHR made two visits to GID provisional detention locations and noticed that detention periods range from one week to one year by virtue of detention orders issued by the SSC public prosecutor. In brief, GID detainees complain of the state of isolation in their solitary confinement rooms inside the detention centre, the prolonged judicial detention, denying inmates the opportunity to meet separately with their visitors during the visit, and depriving some detainees of the visit, sometimes by virtue of an SSC public prosecutor decision, which makes them isolated from their families and lawyers.

The attached table summarizes the complaints against the GID, which the Centre received during 2009. In this connection, the Centre would like to

call upon the GID to commit itself to informing the detainee's family of his whereabouts.

The GID has responded to a number of remarks and recommendations, which the Centre has submitted with the aim of improving the conditions of detainees in detention centres in terms of their mental health, the provision of daily newspapers and better lighting inside the detention facilities, as well as paying increased attention to the urgency of notifying the detainee's family of his whereabouts.

Article 2, Paragraph 6

Defence Act No. 13 (1992), issued in pursuance of Article 124 of the Jordanian Constitution gives the Prime Minister authority to take the necessary measures and procedures to safeguard public safety and defence of the Kingdom. Martial law was declared in the Kingdom under the 1952 Constitution twice: the first time in 1957 by virtue of a Royal Decree approving the Council of Ministers' decision No. 1, dated 25/4/1957. Six months later, i.e., on 29/11/1958, the state of emergency was ended and martial law was lifted by virtue of an announcement from the Council of Ministers, based on a Royal Decree issued on 29/11/1958. Martial law was declared for the second time by virtue of a Royal Decree approving the Council of Ministers' decision No. 254, dated 6/5/1967 following the June 1967 war and Israel's invasion of the West Bank. This time, martial law continued for more than 24 years until it was terminated on 24/3/1992 on the basis of a Royal Decree. The Defence Law, however, remained in effect until it was repealed by virtue of Defence Law No. 13 (1992), published in the Official Gazette No. 3815 on 25/3/1992, together with all the bylaws and defence orders promulgated by virtue thereof.

Article 2, Paragraph 7

The gravest violations of the right to life and physical safety include torture and cruel, inhuman or degrading treatment. During 2009, the Centre received 50 complaints against the different security centres and departments, as well as six complaints related to beating and torture at rehabilitation and detention centres. According to NCHR statistics, the year 2009 witnessed an increase in the number of torture and ill-treatment complaints, compared to 2008. A total of 51 complaints were lodged against the different security centres and departments; six complaints related to beating and torture in RRCs were also lodged (Please see Table 1). During 2009, not a single person was tried by virtue of Article 208 of the Penal Code. The Centre would like to reiterate that amending Article

208 of the Penal Code is still insufficient to curb the practice of torture and cruel, inhuman or degrading treatment. These calls for a revision of mechanisms for lodging complaints and investigating torture cases to guarantee that these legal procedures are effective in confronting and combating torture, especially that international commitments go beyond just combating torture when it takes place, or providing protection to, or rehabilitating victims and witnesses of torture. There are no specialized centres to rehabilitate torture victims and the situation requires preventive measures to avert torture and guarantee the right to safety. As for the NHCR law and activities, we shall provide the Committee with copies of the said law, as well as the Centre's achievements. Yet, the Centre is still in need of financial support from the Government to be able to undertake its duties as stipulated in the NCHR law. The Centre also urges the Government to be more cooperative in responding to NCHR requests, especially that the said law does not obligate governmental agencies to respond to the Centre's requests within a specified period of time.

Table (1): The modus operandi for settling torture and ill-treatment complaints received by the Center during 2008 and 2009

Settlement of complaint		**2009**	**2008**	**2007**
Number of complaints against the different security centers and directorates	Number of complaints filed at the complainant's request	5	7	5
	Number of cases closed because violation has not been proved	8	13	7
	Number of cases referred to the Police Court	6	5	8
	Number of cases still under follow-up	32	16	25
Number of complaints related to beating and torture at RRCs	Number of complaints filed at the complainant's request	1	9	8
	Number of cases closed because violation has not been proved	2	1	6
	Number of cases referred to the Police Court	0	1	11
	Number of cases still under follow-up	3	4	13
	Total	57	56	80

Article 2, Paragraph 8

Regarding the enquiry related to the NCHR competence and mandate, the Center's mandate is specified in the NCHR Law No. 51 (2006), published in the Official Gazette No. 4787, page 4026, dated 1/10/2006, which replaced the Provisional National Center for Human Rights Law No. 75 (2007). Thereby, the Center is authorized to monitor human rights and eliminate violations thereof and, according to Article 10, the Centre is entitled to "Visit reform and rehabilitation centers, detention centers and juvenile care homes and shall do so according to proper rules," as well as "any public place, which has been reported to be the venue of past or present transgressions of human rights." The Center receives complaints sent by e-mail or through the NCHR Hotline or reported in person during visits to prisons or any of the provisional detention locations. A complainant may also submit his complaint to the Ombudsman's Bureau, as well as the PSD Human Rights Department. If the complaint is submitted to the NCHR, the Center will promptly embark on gathering information about the complaint, preparing a summary of NCHR investigations of the complaint and, subsequently, communicating to the PSD a report about the findings, including the recommendation that the persons involved be referred to the Police Court in case it has been established that they have perpetrated a torture crime. The Center will, subsequently, closely follow up these measures. If the complaint is submitted at the same time to both the NCHR and the Ombudsman's Bureau, the measures will be followed up by the PSD and the NCHR will be informed of the results of the complaint, as well as a summary of the decisions adopted thereon.

As to whether the detainees are aware of these mechanisms, the NCHR would like to say that these mechanisms are accessible to individuals through the media and through awareness campaigns in newspapers and radio stations, as well as the NCHR Website. NCHR and PSD Pamphlets talking about the rights and duties of detainees are also distributed. The detainees are also informed of these mechanisms during the inspection visits undertaken by the Center continuously. It is noteworthy that during 2008, an NCHR office was opened at the Suwaqa RRC to receive complaints from the inmates. A Rights and Freedoms Commission has been established within the NCHR's administrative structure. This Commission includes a Monitoring Unit that monitors and receives complaints from individuals and a Follow-up Unit that settles cases of transgression. These units include a number of trained lawyers, who are registered at the Jordanian Bar Association. These lawyers receive, follow up and investigate complaints and are prepared to move to any

place in order to gather information about any complaint. The Center also established a Legislation Commission, which includes a Criminal Justice unit, entrusted with monitoring and inspecting all detention and confinement centers, as well as a Legislation Unit, which continually reviews legislation and takes part in drafting draft laws and proposed amendments and submitting its recommendations to align Jordanian legislation with international standards.

Article 2, Paragraph 9

According to Article 97of the Constitution, "Judges are independent, and in the exercise of their judicial functions they are subject to no authority other than that of the law." The institutional reality, however, is that the Judiciary System does not enjoy financial and administrative independence and the Ministry of Justice (MoJ) still handles the system's administrative and financial affairs. Furthermore, the Judiciary's supporting services are also linked administratively to the Ministry. The Minister of Justice keeps the secret files of judges, and appointment of judges is carried out only at the recommendation of the Minister of Justice. Furthermore, the Judicial Institute is linked to the Ministry and the Independence of the Judiciary Law allows the removal of judges without grounding of the decision. Appealing the removal decision is heard by the Supreme Court of Justice, whose president is the Deputy President of the Judicial Council, who has participated in adopting the decision. It is noteworthy that the financial and living conditions of judges need continuous revision in order to improve their condition. Until this moment, a "judges' club" has not been established. In this context, the NCHR would like to express its appreciation of the Jordanian Government's ratification of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and publishing it on page 2246 of the Official Gazette No. 4764, dated 15/6/2006. This ratification makes the Convention part of Jordan's applicable legal system.

Article 2, Paragraph 13 and Article 16, Paragraph 36

The Protection from Family Violence Law, considered to be a step along the right path, has been approved, but the scope for implementing it is limited. After giving a thorough definition in Article 3 of "family members," the law specifies as a condition that the perpetrator lives with the victim in the family home. This implies that the definition does not apply to a perpetrator who lives in another home. This law expounds on the authorities granted to Judicial Police assistants and gives them the

authority to stop the pursuit without monitoring from the Judicial Authority. The law grants the court and the Family Protection Department (FPD) the authority of referral to family reconciliation committees and family guidance sessions, as well as the authority to issue protection orders to settle differences. It also stipulates the formation of family reconciliation committees by decision of the Minister of Social Development. Yet, up till now, these committees have not been formed and mechanisms for their work have not been identified. The law also authorizes the FPD to take several precautionary protection measures, which are extremely dangerous and difficult to apply, most importantly denying the accused entry into the family home for a period not exceeding 48 hours. This law does not give the public prosecutor any authority, but delegates authorities to the FPD director and staff, even though these persons are members of the judicial police and are commissioned to implement laws. The Family Protection Home was established by virtue of Bylaw No. 48 (2004) and aims to: a) provide protection to women who are subjected to any form of violence within their families or from persons taking charge of them; b) achieve family reconciliation among the female, who is received at the Home, and her family members in order to establish understanding and coexistence within the family, maintain family cohesion, and uplift the family; c) contribute to laying down policies and development plans related to family security through provision of the required information and data. FPD offers the following: diagnostic and guidance services to females received at the Home; assistance in solving problems and difficulties, including accepting children under the age of three years as companions. In special cases, the Home may, by decision of the Committee, receive children who are older than three years for a period not exceeding one month. The Home also tackles any family issues put forward before it and seeks to solve these issues within frameworks that are conducive to establishing family unity. This is carried out in coordination and cooperation with other national organizations with goals and activities that are similar to those of FPD, especially those that are voluntary in nature. The Home also implements training, rehabilitation and awareness programs devised by the Ministry in partnership with relevant institutions in order to help women, who are subjected to violence or face problems within their families, in securing family security and stability. Initiated in 2008, the Family Protection Home accommodates 50 women and 35 children. The Women’s Union also has space to accommodate up to 10 women.

Article 10, Paragraph 21

The NCHR has trained persons commissioned to implement the law, as well as PSD officers, in most areas of human rights, especially those related to human rights concepts and international conventions. Some of these courses are basic, while others are specialised. The Centre also incorporated anti-torture materials into its other training programs. Anti-torture materials constitute a major program designed to train security personnel, especially at the PSD. A training centre, created within the RRC Directorate, prepares and conducts special curricula, including specialized training courses, in the area of respecting human rights. Cooperation also exists between the NCHR and the RRC Training and Development Centre in the area of training officers detailed to RRCs. Several courses on providing care to RRC inmates have been held with a focus on "Standard Minimum Rules for the Treatment of Prisoners." Training courses were also held for judges and public prosecutors and work is currently ongoing to train judges and public prosecutors, as well as legal researchers, on the use of the "Guide to Conducting Inspection Visits to Reform and Rehabilitation Centres." In addition, the NCHR has organized a specialized course to train RRC directors on combating torture. Within the Karamah Project, which aims to improve the way people deprived of their freedom in Jordan are treated, eliminate torture and other maltreatment, and find effective monitoring and accountability mechanisms for the torture crimes, the NCHR recently formed a national monitoring team and tasked it with preparing an independent team to work within the NCHR competence by virtue of Article 10 of the NCHR Law. This team is comprised of a number of specialists, who will pay monitoring visits to RRCs and, serve as a national preventive mechanism once Jordan ratifies the Optional Protocol to the Anti-Torture Convention. This team has been trained on monitoring mechanisms and skills, implementing field visits and writing reports. The NCHR is implementing this project in cooperation with several Jordanian partners, including MoJ, PSD, and Mizan (Law Group for Human Rights).

Article 11, Paragraph 25

The Suwaqa prison disturbances: These disturbances, prompted by the deteriorating human conditions in the prison, took place on 26/8/2007 during a visit to the prison by a Human Rights Watch team. The disturbances started on 22/8/2007, when the prison warden assumed his office. The mass agitation started when the prisoners hurt themselves with pieces of ceramic tiles in protest against exposing them to beating and torture by electricity cables and canes, shaving their heads and

beards, and the use of threatening and provocative expressions by the warden and officers at the prison. The disturbances resulted in the injury of around 360 inmates. Following a visit by an NCHR group to the prison on 27/8/2007, the warden was sacked by the PSD director. An investigation panel was formed and the warden and a number of officers and individuals were referred to the Police Court, where the warden was indicted and meted with the legally-prescribed punishment (the NCHR learnt later that the punishment was imprisonment for only two months). On 28/8/2007, following the incident at the Suwaqa prison, the Centre approached His Excellency the Prime Minister and the competent officials and a new warden was appointed. After that incident, the NCHR monitored radical change in policies of dealing with inmates at Suwaqa prison and all other Jordanian prisons. Also, complaints of beating and ill-treatment declined and even completely disappeared in some prisons. Only complaints by inmates belonging to unlawful organizations against ill-treatment by the Special Security Force continue to be made.

Article 11, Paragraph 26

The NCHR makes unannounced inspection visits to all detention centres and civil prisons. In this regard, the Centre issues periodic reports on the situation in these centres. As for GID detention centres, the visits are announced and carried out in response to prior requests.

Articles 12 and 13, Paragraph 31

The 1952 Constitution and the 1951 Courts Establishment Law allow Special Courts to exercise their jurisdiction in accordance with the provisions of the laws constituting them, e.g., the State Security Court Law and the Public Security Law. This has led to the establishment of Police Courts, General Intelligence Court, the State Security Court and the Customs Court. These courts were charged with settling some cases, which led to violating the principle of unity of the judiciary, as well as disparaging the basic guarantees warranted in the Criminal Procedures Law. For example, the State Security Court permits detaining a defendant for seven days for investigation, while the Criminal Procedures Law specifies that a defendant cannot be detained for more than 24 hours. This is reflected directly on the independence of the judicial system as some laws give the directors of these agencies the authority to issue rulings usually associated with the regular judicial system. An example of this is the 1998 Customs Law, which, by virtue of Article 193 gives the Director authority to issue precautionary attachment on persons and prevent them from travel. This, in turn, is reflected on the efficiency of special court

judges and the way they are appointed as such appointments are made outside the normal procedure, which is the Judicial Institute.

Article 11, Paragraph 26

Under Article 8 of the Reform and Rehabilitation Centres Law, the right to enter reform and detention centres is vested in the Minister of Justice, the head of the Public Prosecution Department, any of the presidents of appeals, first instance and criminal courts, the Public Prosecutor and members of the Public Prosecution Department (as this law gives the Minister of the Interior the right to issue a statement declaring any place in the Kingdom as a reform and rehabilitation centre) to monitor the conditions of detention, which fall within the framework of the administrative duties of the government as a whole. The role of these agencies is often limited to monitoring the commitment of workers and the compatibility of procedures with national laws. However, there is nothing that prevents judicial monitoring of detention centres operated by security departments. Judicial monitoring at the GID, however, is limited to SSC public prosecutors. Neither this law, nor any bylaw or instructions, refers to the existence or imminent establishment of local monitoring mechanisms, irrespective of whether these mechanisms are those of official institutions or civil society organizations — with the exception of the National Centre for Human Rights, which enjoys the inspection right by virtue of its own law — or both, to monitor and enhance human rights, visit and monitor detention centres and examine individual complaints. Nor are there any national preventive mechanisms with functional and financial independence, whose members possess the required experience and professional knowledge to guarantee the efficiency of these bodies. Yet, national civil society organizations and international organizations are allowed to enter reform and rehabilitation centres.