



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Summary record (partial)* of the 934th meeting

Held at the Palais Wilson, Geneva, on Friday, 30 April 2010, at 10 a.m.

Chairperson: Mr. Grossman

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Second periodic report of Jordan (continued) (CAT/C/JOR/2; CAT/C/JOR/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Jordan resumed their places at the Committee table.*
2. **Mr. Madi** (Jordan) said that his delegation would try to answer the Committee's questions as fully as possible. If any of the information it provided was not sufficient or satisfactory, his Government would deal with the outstanding issues in its replies to the Committee's concluding observations.
3. **Mr. Sadi** (Jordan), referring to the question raised by Ms. Gaer about the late submission of his country's report, assured the Committee that Jordan took its treaty obligations very seriously and endeavoured to submit reports in a timely fashion. However, the 1990s had witnessed a series of treaty ratifications and publications in the *Official Gazette*, which had meant that the Government had become overwhelmed with the requirements of numerous, and sometimes overlapping, human rights instruments. Nevertheless, the Human Rights Department at the Ministry of Foreign Affairs had acquired greater proficiency in preparing reports for treaty bodies and Jordan's next report would be submitted more punctually.
4. Jordan had officially established a Human Rights Committee made up of representatives of various ministries and departments for the purpose, inter alia, of preparing reports to treaty bodies. NGOs had been invited to attend its meetings and the National Centre for Human Rights had already done so. He welcomed the prospect of future contacts with NGOs in order to have a comprehensive perspective on the situation of torture.
5. Replying to a question asked by the Chairperson, he said that, in the unlikely event of a state of emergency being declared, the crime of torture would be viewed as giving rise to non-derogable rights for the victim, even though the existing legislation relating to states of emergency did not refer to torture in those terms. However, article 4 of the International Covenant on Civil and Political Rights, which had become applicable in Jordan, did address that issue.
6. **Ms. Al'a Edeen** (Jordan) said that Jordan's commitment to preventing torture and safeguarding the rights of its citizens and residents was reflected in the policies and practices it implemented. The Criminal Code criminalized the practice of torture and article 159 stipulated that any evidence obtained under any form of physical or mental coercion should be deemed null and void. Defendants were entitled to challenge a statement taken by a police officer or public prosecutor before a court of law by claiming that the statement had been made under physical or mental duress.
7. Several NGOs and human rights organizations in Jordan received citizens' complaints of torture or ill-treatment and took them up with government institutions. The National Centre for Human Rights, established in 2003 as an independent human rights institution, had a monitoring mechanism and paid unannounced visits to all prisons and detention centres in Jordan.
8. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak, had undertaken a visit to Jordan in June 2006. He had freely inspected all prisons and detention centres, including the facilities at the General Intelligence Department.

9. A number of national human rights institutions had been set up. The Ombudsman's Office, established in February 2009, was authorized to take up any complaint against the Government that it deemed important and the Government was obliged to cooperate with it. The Grievances and Human Rights Office had been created by the Department of General Security in 2005 to deal with citizens' complaints against police officers. A human rights department had recently been established within the Ministry of the Interior to follow up on general human rights issues and complaints.

10. A comprehensive strategic plan for the development of correctional facilities and rehabilitation centres had been implemented in 2007 by the Public Security Department to promote the services provided for inmates at various rehabilitation centres. The plan also provided for training for staff members.

11. In an effort to reduce overcrowding in correctional facilities, rehabilitation centres capable of accommodating over 1,100 inmates had opened between 2007 and 2010, and five more new centres were due to be completed by the end of 2010. The total budget for that programme was 100 million US dollars.

12. A memorandum of understanding had been signed in 2009 between the Public Security Department and the National Centre for Human Rights for the purpose of facilitating the Centre's role in conducting unannounced visits.

13. The Human Rights Office and the Public Security Department received allegations of ill-treatment or torture submitted by inmates. Prompt and impartial investigations were conducted and severe measures taken against offenders. In 2008, 22 police officers had been referred to the Police Court for trial on charges of abusive treatment, and disciplinary measures had been taken against another 25 officers during the same year.

14. In reply to the question asked by Mr. Gallegos Chiriboga regarding the cases of Fakhri Al Anani and Sadem Al Saoud, she said that a total of seven police officers had been charged with excessive use of force leading to the death of those two Jordanian citizens. If convicted, they would serve prison terms of not less than 10 years.

15. Replying to questions raised by members on withdrawal of nationality, she said that Jordan was not revoking the citizenship of any of its nationals. It was merely adjusting the administrative status of a small number of Palestinian residents living on its soil in a manner that did not affect their rights to dwell or work in Jordan, or travel to and from the country. Press reports that the Jordanian authorities were revoking the citizenship of Palestinians were a gross misrepresentation of the facts. Any decision relating to nationality was subject to appeal before the Supreme Court of Justice.

16. Jordan's decision not to accede to the Optional Protocol should not be viewed as a lack of commitment to strengthen the protection of persons deprived of their liberty. Her Government was determined to enhance existing bodies mandated to undertake periodic visits to places of detention. Nevertheless, it did not preclude the possibility of reconsidering its decision. With respect to article 21 of the Convention, Jordan would look into the matter with a view to considering its application.

17. The Committee had asked for additional information regarding the participation of NGOs and civil society organizations in the establishment and running of shelters. The instructions issued by the Ministry of Social Development regarding protection centres did not prevent civil society organizations from establishing shelters for victims of abuse, provided that such activities were consistent with their objectives. The instructions in question had been published in *Official Gazette* No. 4,958 of 16 April 2009 and had been issued pursuant to article 3 of Family Protection Centre Ordinance No. 48 of 2004. The Ministry had also urged family protection associations to establish shelters and to make

provision for them in their future programmes. The Nahr al-Urdun Association and the Jordanian Women's Union had already acted on its recommendation.

18. The Committee had also enquired about the expected date of completion of shelters for domestic workers who had run away from their employers. The Ministry of Labour confirmed that there were firm plans to establish a shelter for victims of trafficking in persons, which would also accommodate runaway domestic workers or workers who had been subjected to physical, psychological or sexual violence. However, the Ministry was as yet unable to predict when the project would be completed, since it depended on a number of organizational and administrative matters and the availability of funding.

19. **Mr. Madi** (Jordan) recalled that Jordan had a long tradition of welcoming refugees and asked for understanding of the difficulties it had faced in coping with mass influxes, often with little assistance from the international community. Jordan was the only country in the region to grant full rights to Palestinian refugees and, if adjustments had been made regarding the administrative status of some Palestinians, it had been at the request of the Palestinian Authority, which was recognized as a State by Jordan and many other countries. Some 117,000 Palestinian refugees had recently been granted full Jordanian citizenship.

20. **Ms. Ajweh** (Jordan), referring to a question about the definition of torture in article 208 of the Criminal Code, said paragraph 1 of the article stipulated that anyone who subjected a person to any form of torture, which was prohibited by law, in order to extract a confession or to obtain information about a crime was punishable with a prison term of between six months and three years. The words "which was prohibited by law" had been inserted to emphasize that no Jordanian law permitted any form of torture. Paragraph 2 defined the act of torture and its purpose in greater detail. Paragraph 3 stated that where torture resulted in illness or serious injury, the penalty would consist of a term of imprisonment with hard labour of between 3 and 15 years. Under Jordanian law a sentence of imprisonment for more than three months could not be replaced with a fine. Moreover, pursuant to article 208 (4), the sentence could not be suspended and mitigating circumstances could not be taken into account.

21. Article 61 of the Criminal Code stated clearly that orders from a superior officer could not be invoked in support of exemption from responsibility for the crime of torture. Article 15 of the Public Security Act required all law enforcement officials to take an oath on assuming office to abide by the laws and regulations, to perform their duties faithfully and impartially, and to carry out lawful orders.

22. As noted in the replies to the list of issues, a person was entitled to bring a civil action in order to obtain compensation pursuant to article 256 of the Civil Code. Although article 288 of the Code stipulated that no one could be held liable for the actions of a third party, if a harmful act was carried out by a subordinate during or in connection with the performance of his or her duties, the courts could decide, in the light of the victim's request, to render the person who exercised effective supervisory authority over the person who inflicted the damage liable for the payment of compensation, even if the supervisor lacked freedom of choice. Hence if the crime of torture was found to have occurred, the State was liable for payment of compensation pursuant to the legal provisions concerning responsibility for the acts of a subordinate. The fact that article 208 did not expressly refer to torture did not preclude the right to claim compensation.

23. The crime of rape was punishable under article 292 of the Criminal Code by imprisonment with hard labour for a minimum of 10 years if the victim was over 15 years of age. If she was under 15, the perpetrator was liable to the death penalty. However, no sentence of capital punishment had been implemented since March 2006. The tendency was to impose a penalty of a minimum of 20 years' imprisonment if the victim was under 18 years of age and a minimum of 15 years if the victim was over 18. Article 308 of the

Criminal Code concerning the termination of prosecution or the suspension of the sentence if marriage was contracted between the aggressor and the victim was applicable only if a genuine contract was concluded between them and the victim genuinely consented thereto. The article was currently being reviewed in the context of the general review of the Criminal Code being conducted by the Ministry of Justice.

24. With regard to so-called “honour crimes” perpetrators of the felonies of homicide or bodily harm were generally prevented from invoking the provisions of articles 97 and 98 of the Criminal Code concerning mitigating grounds if the victim was under 15 or a female, regardless of age. Convicted persons were also required to serve the entire sentence imposed. With regard to sentences handed down in 2009, the average term of imprisonment had been between 7 ½ and 15 years where mitigating circumstances were taken into account and 15 years in other cases.

25. Since 2006 the death penalty had been replaced by sentences of life imprisonment with hard labour, in accordance with international guidelines. The offences entailing such penalties included: the production, import, export, processing, storage and sale of narcotic drugs or psychotropic substances, if such offences were committed repeatedly or if minors were used to facilitate their commission; the manufacture, import, possession, purchase or sale of an automatic weapon without a permit; the possession, purchase or sale of explosives without a permit; and the crime of assault consisting in preventing the authorities from performing their constitutional duties. There were plans to convert the death penalty into imprisonment with hard labour in the case of four offences defined in the 1960 Criminal Code. Although in December 2008 Jordan had abstained on General Assembly resolution A/RES/63/168 concerning a moratorium on the death penalty, no death sentence had been handed down since March 2006.

26. The law profession was governed by Act No. 11 of 1972, article 7 of which stipulated that all lawyers must be registered with the Bar Association. Candidates were required to have Jordanian nationality or the nationality of another Arab State, to be at least 23 years of age, to enjoy full legal competence, to be of good reputation and have no criminal record, and to possess a law diploma from a recognized legal institution entitling the candidate to practise the law profession in the country concerned. Moreover, candidates could not be employed as public officials. The Bar Association was authorized, pursuant to article 100 of the Act, to assign lawyers to represent needy defendants.

27. Article 40 of the Act concerning immunity stipulated that lawyers could practise their profession freely, that they could not be arrested or prosecuted for any action taken in the performance of their professional duties, and that they could be subjected to disciplinary sanctions only in accordance with the provisions of the Act. Lawyers were to be treated with respect and provided with all necessary facilities by the courts, prosecutors and law enforcement agencies. The prosecution service was required to notify the Bar Association whenever it investigated a complaint against a lawyer, and the President of the Association or one of his delegates was entitled to be present at all stages of the investigation. Anybody who attacked a lawyer during the performance of his or her duties was liable to prosecution.

28. The Ombudsman’s Office had been established pursuant to Act No. 11 of 2008. It was financially and administratively independent. The headquarters were in Amman, but the Ombudsman could open branches or offices in any governorate. Candidates for the office of Ombudsman were required to have appropriate qualifications and at least 15 years’ experience in the field of law, public administration or both, and to be of proven integrity and impartiality.

29. In accordance with article 14 of the Act, any person who had been harmed by a decision of the public authorities or by any other measure or practice, including persons subjected to administrative detention, could lodge a complaint with the Ombudsman’s

Office. The Office investigated complaints and grievances in accordance with specific guidelines. It examined the facts, the relevant grounds, the party responsible for the act complained of, and the documents and other substantiating material. Article 15 stipulated that the Ombudsman should take all necessary measures to deal with the complaint as speedily as possible. Such measures were confidential unless the Ombudsman decided that circumstances warranted their disclosure. A memorandum enclosing the complaint was sent in such cases to the party targeted by the complaint, who was required to respond within 15 days unless the deadline was extended by the Ombudsman. If the party concerned failed to reply within the deadline or refused to provide any document or information requested, the Ombudsman could report the matter to the Prime Minister so that the necessary action could be taken.

30. The complainant and the party complained of were informed of the Ombudsman's decision. If the Ombudsman found that the decisions or measures taken were unlawful, unfair, arbitrary or discriminatory, or if there was evidence of neglect or any shortcoming or fault on the part of the authorities, he sent a detailed report, possibly accompanied by recommendations, to the relevant public department. Moreover, the Ombudsman could decide, of his own motion, to look into any matter pertaining to decisions or measures taken by the authorities. He could send recommendations to the authorities concerned and include them in his annual report to the Cabinet. The Prime Minister was required to circulate the report to both houses of parliament.

31. The National Centre for Human Rights was financially and administratively independent. It monitored and endeavoured to prevent violations of human rights and fundamental freedoms in the Kingdom. It could request any information or statistics that it felt would assist it in achieving those aims and the competent bodies were required to respond without delay. The Centre could also visit reform and rehabilitation centres, places of detention and juvenile custody centres, as well as any public place where human rights violations were allegedly being committed. The Centre was run by a 21-member Board. Its President and members were appointed by royal decree, based on a recommendation by the Prime Minister.

32. The Labour Code had been amended in 2009 to cover agricultural and domestic workers, and regulations governing their employment, including working hours, had been adopted at the end of 2009.

33. Act No. 9 of 2009, which prohibited trafficking in persons, had been published in the *Official Gazette* on 1 March 2009. Its provisions were in keeping with those of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Trafficking was defined as the recruitment, transportation, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. The Act further stipulated that the recruitment, transportation, harbouring or receipt of a child under 18 years of age for the purpose of exploitation constituted trafficking in persons, even if it did not involve the threat or use of force or other forms of coercion. Exploitation was defined as involving forced labour or services, slavery, servitude, the removal of organs, prostitution or other forms of sexual exploitation. The consent of the victim could not be invoked as a mitigating circumstance in legal proceedings.

34. **Mr. Al Shishani** said that the Public Security Department was an agency responsible for law enforcement and the protection of human rights. The Department had taken all necessary measures to apply the Convention, for instance by issuing clear instructions to all law enforcement officials based on its provisions and establishing the

necessary mechanisms for the prevention of torture. The Convention formed part of training courses for officials at all grades and awareness-raising campaigns were organized regularly to ensure compliance with its provisions.

35. The Department also supported international action aimed at the protection of human rights. Some 14,000 Jordanian law enforcement officials had participated in United Nations peacekeeping activities in various parts of the world. In fact, Jordan ranked first among Middle Eastern countries in that regard.

36. The Department's plans, strategies and policies in support of its public security role were based on a humane approach that focused on respect for international human rights standards.

37. He assured the Committee that there were no secret detention facilities in Jordan. Act No. 40 of 2001 concerning the reform and rehabilitation centres had abolished the Prisons Act, under which some forms of corporal punishment, such as flagellation and the use of food rations as a disciplinary measure, had been permitted. Under the new law, all forms of corporal punishment were prohibited and subject to prosecution.

38. The detention centre at the General Intelligence Department (GID) was registered under the 2001 Act and conformed to its provisions. Inmates were held in accordance with arrest and detention warrants issued by the relevant public prosecutor. The Department kept records of the identity of detainees, the grounds for their detention, the body that issued the decision, and the date and time of their committal and release. There were also medical records describing the inmates' state of health on committal and during the period of detention. Conditions in the detention centre were in conformity with applicable standards of health, hygiene, lighting, heating and ventilation, and appropriate washing and bathing facilities were provided. Inmates were permitted to receive visits from their relatives every Friday between 9 a.m. and 3 p.m.

39. With regard to compliance with international rules governing the treatment of prisoners, the detention centre was visited by representatives of the ICRC and the National Centre for Human Rights. As noted by the National Centre in its reports, individual meetings with inmates could be arranged. Staff attended training courses and took part in workshops on international standards involving civil society institutions. The detention centre was also subject to judicial and administrative inspections by the competent authorities. In 2007 it had been visited by representatives of Human Rights Watch, who had held individual meetings with inmates.

40. The GID cooperated closely with the National Centre for Human Rights. Contacts between the two institutions with a view to safeguarding human rights were increasing at all levels. The National Centre had confirmed in its annual report that the Department responded to all queries regarding aspects of its work.

41. With regard to the conversion of prisons into reform and rehabilitation centres, the Public Security Department had drawn up a comprehensive strategic plan aimed at ensuring respect for international principles regarding the treatment and welfare of inmates. It provided for a set of training, social, cultural and health programmes. Schools had been opened in the centres in coordination with the Ministry of Education, and illiteracy eradication centres and craft workshops were being established in coordination with the vocational training agency of the Ministry of Labour. Inmates were awarded certificates of practical experience by the agency which contained no reference to the fact that they had been obtained in a detention centre. Inmates were employed in the workshops and took part in training programmes. They also received remuneration for their work and could obtain social security coverage if they so wished. Libraries had been opened in the reform and rehabilitation centres and inmates could sit for secondary school examinations and pursue university studies. A large number of inmates graduated each year and one had even been

awarded a doctorate. Computers had been installed and information technology training was provided.

42. Special wings in the centres catered for people with disabilities or special needs: wheelchairs, crutches, walkers and other facilities were provided. There were special programmes for new inmates and also for those who were about to be released in order to facilitate their reintegration into society. Councils composed of representatives of inmates had been established to serve as a link with the authorities running the centres.

43. The Public Security Department had opened up the centres to international organizations, civil society organizations, the ICRC, the freedom committees of the Chamber of Deputies, trade union representatives and the media so that they could meet inmates and hear about their conditions. The Department had also signed a memorandum of understanding with the National Centre for Human Rights, pursuant to which the Centre could make unannounced visits to all detention, investigation, and reform and rehabilitation centres. The Centre and other institutions had made 869 visits to those centres in 2009.

44. The Department had established a training centre for the staff of reform and rehabilitation centres. To date some 2,500 staff members had attended the courses, which focused on human rights principles and international standards governing the treatment of inmates.

45. Consideration was currently being given to the transfer to the Ministry of Justice of responsibility for monitoring the reform and rehabilitation centres. Commenting on the incidents at the Muwaqqar centre in 2008, he said that a number of dangerous inmates had set fire to their wing, and begun to destroy other installations and attack other inmates, three of whom had been burned to death. Subsequent investigations, and autopsies by foreign doctors, had failed to detect any signs of torture. It had been found that the staff of the centre, who had taken action to put the fire out and sought outside assistance, were not guilty of either torture or ill-treatment. As to the question of impunity, there was neither impunity for crimes of any kind, nor immunity from prosecution, all offences being tried by the competent courts in accordance with the Code of Criminal Procedure.

46. Concerning the deaths in 2008 of Sadem Al Saoud and Fakhri Al Anani, criminal suspects who had resisted arrest, the police officers concerned had acted with excessive violence and had been charged with beating the victims to death. They had been tried by a police court. A training programme on combating torture was under way for staff of the GID.

47. **Mr. Masarwah** said that the GID was a body established by law and that all its activities and procedures took place within the bounds of legality. All GID staff, whether civil servants or judicial officers, had to act in accordance with the Constitution and laws of Jordan, including its Criminal Code. They were bound to respect all the legal guarantees relating to arrests, searches and wire-tapping. The Prosecutor-General was responsible for overseeing the activities of the Department, and powers of arrest were confined to the staff of his office.

48. The maximum period of detention following arrest was seven days. In practice, however, many of those arrested remained in police custody for only 24 hours, being released once their files had been transferred to the Prosecutor's Office. The period in custody varied according to the seriousness of the offence for which the detainee had been arrested, and whether he or she posed a threat to the security of the State. In all cases of detention, family members were informed and could visit the detainee, even during the seven-day period. Detainees also had access to a lawyer and could only be questioned in the presence of a lawyer; otherwise the procedure was deemed to be null and void. It was considered important that those charged with an offence should be aware of their rights.

49. Staff of the GID, and indeed all other State bodies, were conscious of their human rights obligations. The Department practised transparency towards all civil society institutions, including those engaged in the protection and promotion of human rights. Representatives of the Department took part in workshops organized by civil society institutions.

50. Like other States, Jordan had enacted preventive legislation to combat various forms of terrorism. Those measures were in accordance with its international obligations, with the promotion and protection of human rights, and with legal and procedural guarantees. The purpose of the legislation was to prevent acts of terrorism and the recruitment of terrorists, and to prohibit the financing of terrorism. In the absence of any agreed international definition of the crime of terrorism, Jordan had based its law on the terms of the regional convention in force between Arab States. In order to preserve the principle *nullum crimen sine lege*, the elements of the crime must be defined in some detail. Whether particular acts were crimes of terrorism was for the Prosecutor-General and the courts to decide. The Prosecutor's Office was required to authorize all measures to monitor suspects, conduct surveillance of private residences, or search and seize suspicious funds. Such measures were always provisional and could be challenged in the Court of Cassation.

51. Commenting on the question of expulsion, he said that foreign nationals legally resident in Jordan enjoyed the same rights and freedoms as Jordanian citizens. A foreign national could not be expelled unless he or she was illegally present in the country or had been convicted of a crime posing a risk to national security. Such cases were decided by the Ministry of the Interior, but its decisions could be appealed to the Supreme Court. In practice, there were very few expulsions, and nobody could be expelled to a State where there was a credible risk of his being tortured. A person being expelled from Jordan could choose his or her State of destination.

52. Questions had been asked about administrative detention and legislation on crime prevention. The purpose of the legislation was to protect persons and property, and its application was confined to those considered to pose a significant risk to either persons or property. The application of the law was not arbitrary, since a person detained under it could be released if able to prove that he or she did not constitute such a risk. Enforcement of the law was monitored by senior officers trained in human rights. A programme was now under way to train Ministry of the Interior officials in the international obligations of Jordan. As to the scope of the statistics kept on detained persons, they included all periods of detention, including periods as short as 10 minutes.

53. Turning to the question of non-refoulement and the obligations deriving from article 3 of the Convention, he said that in accordance with an agreement concluded with UNHCR, no refugee could be extradited for his or her political beliefs or for actions based on them. Jordan had provided a haven for many Iraqis without refugee status, and had treated them in a humane and civilized manner, providing them with education and health services even if they were not legally resident. Both governmental and non-governmental organizations worked for the rehabilitation of Iraqis whose physical or mental health had been impaired.

54. **Mr. Madi** expressed appreciation for the efforts made by the Committee to improve his country's compliance with the Convention, and to alert it to issues requiring attention.

55. **Ms. Gaer**, First Country Rapporteur, considered that 15 years was too long a period between reports, because in that time many developments took place that might need further clarification. The Committee appreciated the statement that rights were guaranteed in the Constitution, but continued to be concerned about the issue because, while article 7 of the Constitution guaranteed personal freedom, it did not speak of freedom from torture. She wondered why some rights were guaranteed and not others. Also, she was not sure if

there had been an answer to the question whether any changes or additions were planned to the Constitution, and sought clarification.

56. Recalling that the Special Rapporteur on torture, in his report on his 2006 visit to Jordan, had spoken of being prevented from assessing certain detention facilities, and of deliberate attempts by officials to obstruct his work, she turned once again to the question of who could visit which facilities. While appreciating the information about NGOs, the National Centre for Human Rights, and foreign organizations that were authorized to visit, she was trying to understand how many of the visits out of the total cited had been made by the Government. Also, there had been no response to her question about unannounced visits. It was her understanding that visits by the National Centre must be announced in advance, and she would appreciate confirmation that that was correct.

57. On the issue of non-revocation of citizenship, the Committee had heard several responses, and overall it appeared that the State party asserted that the international claims about that matter amounted to a gross distortion of the facts and the numbers. However, the Committee had received a lengthy report, facilitated by Human Rights Watch, that claimed that revocation of citizenship was random, arbitrary and not subject to appeal. Was the State party suggesting that the approach of Human Rights Watch was deficient?

58. It had been repeatedly stated that orders from a superior officer could not be used as an excuse for torture. But the October 2008 report of Human Rights Watch had referred to an incident at Swaqa prison in which the prison governor had been fined and dismissed for ordering and participating in the beating of 70 prisoners, and also 12 guards had been found not guilty on the specific grounds that they had been following orders. She sought clarification whether a person accused of torture could claim superior orders as his defence, or even simply be exonerated on those grounds.

59. One of the problems that the Special Rapporteur had raised in his report was the lack of a professional prison service, with former security officers rotating in and out as prison officers. She asked the State party to comment on that statement.

60. With reference to the death of the three people in Muwaqqar prison, the Committee had been told that the autopsy had found no sign of torture and that a special independent committee had been set up to examine the matter. Had that happened after the Human Rights Watch report or before it? The families had not been informed of the investigations, and once again the police were both the subject of the investigation and the investigators. The charges had been dropped, and the Police Court was not a place where civilians could gain insight into what appeared to be an insider investigation. She sought the State party's comments.

61. **Mr. Gallegos Chiriboga** stressed that the dialogue with the State party was a collaborative effort and thanked the delegation for its understanding that the Committee was there to support Jordan's efforts to deal with matters of international concern.

62. On the issue of violence against women, he observed that there was a general problem in the light of international accusations. Also, he was concerned that retaliation occurred against those in Jordan who had made such accusations. He considered also that there was danger to those who gave information to the organizations that visited prisons, and indeed to members of those organizations themselves.

63. He also expressed concern about the differentiation in the justice system, a system in which the differing strands — civil, police and military — gave the impression of a probability of impunity, since the same people were both the accused and the judges. In that respect, there was a need for greater transparency, which could be measured by examining the sentences handed down within the system: if torture was considered in some

jurisdictions to be a very serious offence and in others a relatively minor offence, there was a need to clarify the legislation and its applicability.

64. While it was true that there were laws in place stipulating that there should be no impunity for those who perpetrated acts of torture, the important factor was whether or not they were being enforced, as expressed in terms of how many people had been convicted and how severe their sentences were, and whether those sentences were in line with the international standards that Jordan had committed to uphold. Apparently, based on what the Committee had been told, there had been a series of efforts, studies and training courses, which was all very praiseworthy, but what the Committee thought to be truly necessary were unannounced visits to the facilities of the GID. If a military or police prison authority knew that a visit was going to happen, it could make everything look perfect. Thus there was a need for more transparency and civilian oversight of the police and military apparatus.

65. Turning to the issue of compensation, he recalled the discussion about compensation for victims of torture, including both physical and psychological torture. He asked the delegation whether any cases existed in which compensation had indeed been awarded. Again, while the delegation had said that it was provided for by law, laws must be enforced and their effectiveness measured.

66. He was also concerned about the situation of human rights defenders. It was a hallmark of a sound society that human rights defenders could carry out their functions with absolute independence, without retaliation and with strong support by the State, since they were helping the State to become aware of the problems existing in society, and thereby to change the mentality of society so that torture or cruel, inhuman and degrading treatment simply did not happen any more. In that respect, Jordan must make a special effort.

67. **Ms. Sveaass** endorsed Mr. Gallegos Chiriboga's observations on human rights defenders. It was extremely important that they should be respected and enjoy protection and security as they went about their work.

68. She looked forward to hearing that the age of criminal liability, originally set by a law from 1968, had been raised from seven. She also hoped that the law permitting a rapist to escape punishment by marrying his victim would be amended quickly; it was a truly outdated provision.

69. She sought more information on detainees' right to ask for an examination by a doctor and who in particular was entitled to request that a doctor carry out a more thorough examination in cases of torture.

70. While appreciating the information already provided about rehabilitation centres, she wished to know about rehabilitation services in the context of treatment and therapy for torture victims after their detention.

71. **Ms. Belmir** agreed with the previous speaker on the issue of criminal liability of juveniles. She considered it important that the State party should tackle the reasons for child crime: commercial exploitation of children, the problems of children living in the streets, and so on.

72. Returning to the issue of specialized courts, such as the Police Court, she reiterated that that type of jurisdiction was incompatible with the principles of due process. While they might be an acceptable way of dealing with purely disciplinary matters within the police force, for example, the police could not be trusted to be both accused and judge. The police must trust the ordinary courts; otherwise, every little cohort within society would create its own jurisdiction, as indeed had happened with the security court. She called on the State party to reflect on possible changes to its judicial system, which, however, had good judges of high repute.

73. Referring to the question of nationality, she observed that a State had the sovereign right to grant or not to grant its nationality to foreigners, but once granted, that nationality must be respected. A person granted nationality thereby acquired certain rights, and they could not be withdrawn unless he or she committed a very serious crime or repudiated the nationality.

74. She called on the State party to give much greater attention to the problem of trafficking in human beings, particularly women, which represented a modern form of slavery. That trade amounted to an attack both on human rights and on the dignity of mankind.

75. **Mr. Mariño Menéndez**, referring to the various issues raised about nationality, asked whether Jordanian law included provisions on statelessness and whether Jordan had ratified, or intended to ratify, the two major treaties on the protection of the rights of stateless persons and the reduction of cases of statelessness. If deprivation of Jordanian nationality converted someone into a stateless person, what protection was available to such persons under the law?

76. Secondly, he sought clarification of the rules governing the centres operated by the intelligence services. The Committee had been told that they were subject both to the Constitution and to the ordinary law, which provided a framework for their functions, but he was still awaiting an answer to his question whether interrogations were conducted by those services in accordance with particular regulations, or simply in accordance with the general provisions of the law. Were any specific interrogation techniques prohibited or was there simply a blanket prohibition on torture or inhuman treatment?

77. **The Chairperson** said it seemed to him that there were always two major subtopics: one was the existence of a legal framework, which was very important because it made it possible to assess what was being done and to gauge whether from a legal standpoint the State party was in compliance with its international obligations. The second was enforcement: whether or not laws were actually being enforced was a central concern of the Committee.

78. He was still not clear about the situation concerning marriage following rape. It would be interesting to know whether there were any statistics on such marriages, broken down by the age of the woman.

79. He also sought more data on extraordinary rendition, and whether Jordan considered that there was a need for a special investigation of that issue in the light of news reports and international public opinion. It was important to bring torture or ill-treatment to light, so that they would not be repeated.

80. He stressed that the dialogue between the Committee and the State party was ongoing. He requested the delegation to send rapidly and in writing any further information that it wished to submit, so that it could be taken into consideration in the concluding observations. He thanked the delegation for the efforts it had made to answer the Committee's questions and for its professionalism. He particularly appreciated the passion that the Head of Delegation had shown in his replies, especially about refugees, which represented a major issue for Jordan. The Committee had learned a great deal about the country.

The discussion covered in the summary record ended at 12.15 p.m.