



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

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Committee against Torture

**Fourth periodic report submitted by Jordan under  
article 19 of the Convention pursuant to the  
simplified reporting procedure, due in 2019\*\***

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\*\* The present document is being issued without formal editing.



## **Fourth periodic report of the Hashemite Kingdom of Jordan regarding the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

1. The Government of the Hashemite Kingdom of Jordan extends its greetings to the United Nations Secretariat – Office of the United Nations High Commissioner for Human Rights (OHCHR) – and expresses its gratitude and thanks to the Committee against Torture for admitting the simplified reporting procedure. The reply to the list of issues under that procedure is to be found in the present periodic report, submitted under article 19 of the Convention. Jordan is eager to meet all the obligations deriving from its accession to the Convention, to develop and activate its legislative system, to apply best practice and to utilize all available legal and operational tools to combat torture and other cruel, inhuman or degrading treatment or punishment and to ensure respect for human rights and human dignity.

### **Reply to issues raised in paragraph 1 of the list of issues**

2. The present report includes the information requested by the Committee in paragraph 51 of its previous concluding observations ([CAT/C/JOR/CO/3](#)) on fundamental legal safeguards, administrative detention, special courts and coerced confessions (paras. 18, 22, 38 and 50 of the concluding observations).

## **Articles 1 and 4**

### **Reply to issues raised in paragraph 2 of the list of issues (criminal intent)**

3. The Criminal Code was amended in 2018 to increase the minimum penalty for torture from a term of imprisonment of between 3 months and 3 years to a term of imprisonment of between 1 year and 3 years; if the torture leads to illness or serious injury, the penalty envisaged includes a term of hard labour. Furthermore, the amendment admits no mitigating circumstances or suspended sentence.

4. A comparison of article 1 of the Convention against Torture with article 208 of the Jordanian Criminal Code, as amended, shows that the definition of torture in article 208 (2) is consistent with that in article 1 of the Convention. Jordanian legislators have not decreed that the pain or suffering inflicted must be severe in order for the crime of torture to subsist (as stated in article 1 of the Convention); such an action would amount to the crime of torture but not to a major offence. However, under article 208 (3) of the Code, if the torture leads to illness or serious injury, the penalty envisaged includes a term of hard labour and, under article 20 (2), the minimum length of that term is 3 years and the maximum is 20 years. In such a case, the crime of torture does amount to a major offence. In order to make the penalty commensurate with the act, article 208 (3) envisages a more severe punishment for torture that might be perpetrated by a law enforcement official. In fact, the actions of law enforcement officials vary in their severity and in the impact and harm they cause to the victim.

5. Article 208 (4) explicitly states that no mitigating circumstances (envisaged under article 100 of the Criminal Code) are admissible, nor may the court hand down a suspended sentence (envisaged in article 54 bis of the Code). Article 208 (4) reads: “Notwithstanding the provisions of articles 54 bis and 100 of the present Code, the courts may not rule to suspend a sentence handed down against a person convicted under the present article, nor may they admit mitigating circumstances.”

6. The definition in article 208 (2) of the Criminal Code extends the scope for indictment for acts of torture to include public officials or other persons acting in an official capacity who instigate, consent to or acquiesce in such acts. Article 69 of the Code addresses the

question of attempted crimes, stating that persons who attempt an action then, of their own will, desist from that action, are liable for punishment only for the actions they did commit, if those actions constitute offences. This is a fundamental principle of Jordanian law, not applicable specifically to torture but to all attempted offences. Article 69 reads:

“The mere intention to commit a crime, and the preparatory activities, are not considered an attempted crime. Persons who attempt an action then, of their own will, desist from that criminous action, are liable for punishment only for the action or actions they did commit, if such actions constitute offences.”

7. Legislators did stop there. They also consider any attempted crime that remains incomplete for reasons beyond the will of the perpetrator to be a criminous act that is liable to punishment. Under article 70 of the Criminal Code, if the acts necessary for the fulfilment of a crime have been completed but, for some reason beyond the will of the perpetrator, the intended crime is not committed then, according to an amendment to article 70 (1), contained in Act No. 27 of 2017, the action attracts a penalty of:

(1) A term of hard labour for life or for between 10 and 20 years, if the penalty for the crime is death, or for between 7 years and 20 years if the penalty for the crime is hard labour for life or a fixed term of imprisonment.

8. The amendments to the Criminal Code do not include a provision expressly stating that acts of torture are not to be subject to amnesty or to the statute of limitations. However, the inclusion of crimes of torture under general amnesty laws is conditional on victims having waived their personal rights.

## Article 2

### Reply to issues raised in paragraph 3 of the list of issues

9. Law enforcement officials do not enjoy any kind of immunity against criminal prosecution if allegations are made against them of having committed an offence, including torture or ill-treatment. They are subject to the Criminal Code and to any other laws, in addition to the relevant military laws. If an individual commits a legally indictable offence, that person is tried and penalized in accordance with law and a legal penalty is handed down, be it of deprivation of liberty (imprisonment) or a financial sanction (a fine).

10. Superior orders may not be invoked as a justification for escaping criminal liability. Jordanian law expressly prohibits such invocation if the order emanating from a higher authority entails committing an unlawful act. In fact, legislators have made it plain that persons with a legal obligation to obey orders are required to do so unless the order itself is unlawful. Thus, the invocation of superior orders to avoid liability is conditional upon the orders being lawful and it cannot, therefore, apply to torture, which is per se unlawful and an offence under the law. This is set forth in the Criminal Code, as amended, and in Jordan Armed Forces Act No. 3 of 2007 which requires all members of the armed forces to avoid carrying out any action prohibited under current legislation. Article 14 of the Act states:

Armed forces personnel are required to: ...

(d) Avoid carrying out any action prohibited under current legislation or under instructions issued by the armed forces.

Similarly, article 37 of Public Security Act No. 38 of 1965 reads:

Any abuse of authority that causes harm to any person or to the State is liable to one of the following sanctions:

1. Demotion for personnel under the rank of sergeant;
2. Salary deduction for up to 2 months;
3. Imprisonment or detention for up to 2 months.

11. An absolute and non-infrangible prohibition of torture is enshrined in article 208 of the Criminal Code. Article 61 of the Code does not admit any exception to or restriction on such a prohibition; quite the contrary, it provides subordinates with a legal means to refuse to obey illegal orders.

### **Reply to issues raised in paragraph 4 of the list of issues**

12. Article 100 of the Code of Criminal Procedure, which is binding upon all law enforcement officials, reads as follows:

“In cases where a suspect is arrested in accordance with article 99 of the present Code, the law enforcement official is to undertake the following actions; failure to do so risks invalidating the proceedings:

(a) Draft a report, to be signed by the official and read out to the suspect and his lawyer (if he has one), containing the following information:

- The name of the official who issued the arrest warrant and of the official who enforced it;
- The name of the suspect and the date, location and reasons for the arrest;
- The time and date the suspect was placed in detention and the location of that detention;
- The name of the person who has drafted the report and who took the suspect’s statement;
- The report is to be signed by the persons mentioned in subparagraphs 2, 3 and 4 of the present paragraph and by the suspect; if the latter refuses to sign, this is to be indicated in the report along with the reason for such refusal;
- The statement of the suspect is to be taken as soon as he is arrested and he is to be referred to the prosecutor within 24 hours along with the report mentioned in subparagraph (a) above. The prosecutor is to note in the record the date and time the suspect appeared before him for the first time and is then to interrogate the suspect within 24 hours;
- The provisions of subparagraph (a) of the present article are applicable in all cases in which a persons is arrested in accordance with the law.”

13. There is nothing in legislation or practice to prevent a person from appointing a lawyer from the moment of arrest. In effect, the practice followed is to allow the person, at his request, to communicate with anyone, including a lawyer, with a view to appointing counsel. If for any reason the arrested person refuses to make a statement during the preliminary investigation, the authorities conducting the investigation are to record that fact but may not coerce him into making a statement. In fact, statements made by persons in detention during the preliminary investigation are not then binding upon them when questioned by the Office of the Public Prosecution. The Public Security Directorate and the Bar Association have signed a memorandum of understanding to facilitate lawyers’ access to security centres so as to enable them to interview persons being held there, receive instructions, attend the preliminary investigation and provide legal assistance as promptly as possible. Meetings have been organized between board members of the Bar Association, police chiefs, directors of security centres, heads of criminal investigation departments and heads of anti-drug departments with a view to clarifying the memorandum of understanding and defining the role of lawyers as a party in the process of law enforcement. In addition to this, a conference on “rule of law between theory and practice” has been organized by the Bar Association.

14. An operational manual – a code of practice regulating and governing arrest and detention – has been published and distributed to all public security units. Under the code, as soon as a person is placed in a detention facility, he is to be allowed to communicate with his family and to inform his relatives of his whereabouts. This is to be recorded in a register, which is to be kept inside all detention facilities. Similarly, lawyers are to be allowed to

communicate with and receive instructions from their client, in accordance with the law and with the memorandum of understanding signed by the Public Security Directorate and the Bar Association. Under the code of practice, moreover, the person in detention is to be informed of the charges against him, of the measures that will be taken and of the judicial body before which he is to be referred. All the necessary records are to be duly kept, including a telephone log which records the times that persons in detention called their family, an inspection log and other records.

15. If the Public Security Directorate observes signs indicating that a person might be in poor health, or if a person claims to be suffering a health condition, it orders an independent body to undertake a medical examination. No detained persons may be placed in a detention facility inside a security centre until their state of health has been verified, to which end they are sent to a hospital for a health check. Moreover, no one may be placed in temporary detention without a medical report showing that they are in good health and not suffering from any illness. All this is to be set down in the record.

### **Reply to issues raised in paragraph 5 of the list of issues**

16. Acting on a recommendation from the Royal Committee for Developing the Judiciary and Enhancing the Rule of Law, a department for legal aid has been set up inside the Ministry of Justice. The department provides legal-aid services to persons involved in criminal cases who do not have the financial means to appoint a lawyer to represent them in court. This constitutes a further fair trial guarantee.

17. Article 208 of the Code of Criminal Procedure has been amended to extend the availability of legal aid to criminal cases that attract terms of imprisonment of less than 10 years. Legal Aid Regulations No. 119 of 2018 were issued and came into force on 1 January 2019.

18. As concerns amendments to the articles of the Code of Criminal Procedure mentioned in the list of issues, it should be noted that article 63 (2) has been amended and a prosecutor's right to question a suspect without a lawyer has now been restricted to urgent cases. A reasoned decision has to be issued in such cases and the lawyer of the person concerned is subsequently to be allowed to examine the records of the proceedings that took place in his absence. Article 63 now reads as follows:

“In urgent cases where it is feared that evidence may be lost, and on the basis of a reasoned decision, it is possible to question a suspect on the charges against him before summoning the lawyer, on condition that the lawyer is then able to examine his client's statement.”

19. Article 66 (1) does not, as stated in paragraph 5 of the list of issues, prohibit communication between a detainee and a lawyer. Quite the contrary, the article expressly excludes the suspect's lawyer from the prohibition on communication envisaged in subparagraph (1). The text reads as follows:

- (1) Prosecutors can decide to prohibit a suspect in detention from communication with others for a period of up to 10 days, subject to renewal;
- (2) This prohibition does not include the suspect's lawyer who can communicate with his client at any time and in private.

### **Reply to issues raised in paragraph 6 of the list of issues**

20. Suspects are not referred to the State Security Court or to a different police station in order to extend the 24-hour limit for investigation prior to notification. If suspects are transferred from one facility to another it is because they are implicated in several cases involving offences committed in different locations. In such cases, law enforcement officials must apply the Code of Criminal Procedure and bring the person concerned before the competent prosecutor, who can apply the law only within the area of his jurisdiction.

21. As stated earlier, the Public Security Directorate signed a memorandum of understanding with the Bar Association under which lawyers are allowed to enter detention facilities – be they correctional institutions or detention centres – where they can meet with their clients in a private room. All correctional and rehabilitation institutions have special rooms where inmates can meet with their lawyers and legal representatives in private. Particular days have been allocated for lawyer-client meetings, timed so as not to coincide with normal prison visiting days. Moreover, an agreement has been reached whereby the Bar Association equips the rooms allocated for lawyers inside correctional institutions, in line with the lawyers' own requirements. Rooms of this kind have been fitted out in the correctional institutions of Swaqa and Jweideh and work is currently underway to create such a room in the correctional institutions of Marka. Commissions have been created to examine places of deprivation of liberty with a view to improving conditions and addressing negative aspects, if any exist.

22. The Public Security Directorate has organized dozens of human rights training programmes, in cooperation with the National Centre for Human Rights, civil society groups and international organizations. The Directorate is also providing training on human rights concepts and the relevant international standards to its staff of all ranks. A special human rights training centre has been set up as part of the Office for Transparency and Human Rights. The centre, which has already begun operating, will act as a regional hub that offers its services to other friendly States and to any other institution that reaches out to it. In addition, a human rights module has been made a mandatory part of training courses and of the compulsory tests staff have to undergo before promotion to a higher rank.

### **Reply to issues raised in paragraph 7 of the list of issues**

23. The Public Security Directorate keeps pretrial detainees separate from convicted prisoners in correctional and rehabilitation facilities. In fact, detainees and prisoners are classified according to criteria set forth in the Correctional and Rehabilitation Centres Act – i.e., previous offences, age, type of offence committed, etc. – and according to international classification criteria such as mental state and social status. The criteria are determined by psychosocial counsellors and religious counsellors and the data they obtain is uploaded onto the control system in order to produce the classification.

24. The Code of Criminal Procedure has been amended with the introduction non-custodial precautionary measures under article 114 bis. In that provision, in the absence of previous convictions, pretrial detention has been replaced by the following:

- (a) Electronic tagging;
- (b) A travel ban;
- (c) Obligation to remain at home or within a particular geographical area for a period to be set by the prosecutor or the court, with compliance to be monitored by the police;
- (d) Deposit of a sum of money or of a legal guarantee, the amount of which is to be set by the prosecutor or the court;
- (e) Prohibition on frequenting certain places.

25. The following steps are being taken to reduce the judicial backlog, which adds to the problem of pretrial detention:

- Promoting judicial specialization in criminal cases, both among prosecutors and the courts. In this way, specialized prosecutors and court chambers have come into being to deal with specific offences such as cybercrime, human trafficking, domestic violence, money laundering, corruption and crimes related to printing and publishing. Specialized training courses in those areas have been held;
- Amendments have been made to the Code of Criminal Procedure to change the rules governing challenges and appeals, the purpose being to shorten and streamline litigation procedures. Thus, appeals in some criminal cases have been delegated to courts of first instance acting as criminal courts while courts of appeal are required to

hear pleadings when considering certain appeals, so as to avoid returning the case to the court of first instance.

### **Reply to issues raised in paragraph 8 of the list of issues**

26. A subactivity on civil and political rights has been included in the first section of the comprehensive national human rights plan. The section – entitled: “Review of the Crime Prevention Act, the proper enforcement of the Act and the proposal of the necessary amendments” – has the main goal of “protecting the right to life and physical integrity” and the secondary goal of “providing optimal procedural and substantial protection to detained persons, delimiting cases of detention and finding alternatives thereto”. In February 2020, the Government set up a ministerial committee to look into how to amend provisions in the Crime Prevention Act relating to administrative detention, the aim was to come up with amendments consistent with the approaches being taken in Jordan towards safeguarding the human rights system and the dignity of citizens.

27. The Amina shelter has been opened to accommodate and rehabilitate women who have suffered violence or are at risk of violence and to put an end to the practice whereby women were detained in order to protect them. The shelter was established under Regulation No. 171 of 2016 governing shelters for women at risk and its implementing instructions.

28. Under the Crime Prevention Act, lawyers are allowed to be present when suspects are being questioned by administrative judges. The lawyers enjoy full freedom, as per the provisions of article 40 of Bar Association Statutes No. 11 of 1972, as amended. The Code of Criminal Procedure is applicable when any person appears before an administrative judge. In fact, according to article 5 (4) of the Crime Prevention Act, in implementation of the Act, the same rules as those applied in criminal proceedings before courts of first instance are to be applied when taking testimony under oath; questioning and cross-examining witnesses; ensuring the presence of lawyers; serving orders, summonses and other documents; appealing against rulings; and enforcing sentences. Rulings handed down by administrative judges are open to appeal before the administrative courts which, following the amendment of the Jordanian Constitution, are of two levels. Thirty thousand persons were held in administrative detention in 2016, 34,000 in 2017, 37,683 in 2018 and 16,003 in 2019. The average length of time spent in administrative detention is just 3 days while the longest period, as per the Crime Prevention Act, is 1 year, which is envisaged in specific cases where the peace and security of society are threatened. Cases necessitating administrative detention include murder, rape, indecent assault, aggravated robbery, cultivation of drugs and drunken disorderliness.

### **Reply to issues raised in paragraph 9 of the list of issues**

29. The Government of Jordan supports the National Centre for Human Rights as it seeks to protect and promote human rights in the country, monitor abuses, make recommendations and observations and receive complaints. The Centre, moreover, is independent, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and the Government provides it with steady financial support. In fact, the Centre’s resources were augmented from 550,000 Jordanian dinars (JD) to JD 750,000 in 2017, as a result of which staff numbers increased by 20 per cent.

30. Under its statutes, the National Centre for Human Rights is fully independent in the exercise of its intellectual, political and humanitarian human rights-related activities, and neither the board nor any of its members may be held accountable for actions taken that, under the statutes of the Centre, fall within its purview. Neither the headquarters of the Centre, nor any of its branch offices around the country may be searched except under a court order and in the presence of the competent public prosecutor. In such a case, the Centre must be informed and a representative of the Centre must be invited to attend the search. Any measure taken that does not conform to these provisions is null and void. Moreover, the Centre may demand from the relevant authorities any information, data or statistics it considers necessary

to achieve its ends, and the authorities must comply with that request promptly and without delay.

31. As concerns efforts to implement recommendations made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) with regard to the selection, appointment and dismissal process, the voting rights of parliamentarians and the approval requirement for external funding, it should be noted that the parliamentarian members of the board of trustees are selected and appointed on the basis of their service to society and human rights causes, and not on the basis of their functional role. They account for no more than one in three members of the board and serve in an advisory capacity. As concerns funding from abroad, the Council of Ministers has recently approved a foreign funding mechanism for civil society organizations. This mechanism, which addresses the main problem vis-à-vis approval, envisages the creation of a joint committee to oversee and rule on applications within a specific time frame. Under the mechanism, this committee is to make clear and unequivocal recommendations on the projects it receives. Moreover, any decision to withhold approval has to be reasoned and explained, and is open to appeal.

32. Under its statutes, the National Centre for Human Rights has the right to visit correctional and rehabilitation institutions, detention facilities, care homes for juveniles and any location belonging to a public entity or a private individual where it is reported that human rights violations have taken or are taking place. It then verifies the situation and makes recommendations regarding the action that needs to be taken. The Centre and the Public Security Directorate cooperate under the terms of a memorandum of understanding between them. In accordance with that memorandum, periodic and unannounced inspections are carried out in temporary detention centres and correctional and rehabilitation institutions, in the presence of public prosecutors and the Office for Transparency and Human Rights. Thirty-four visits were made to correctional and rehabilitation institutions in 2018 and 60 in 2019, while all temporary detention centres were inspected in the course of 2018. In addition, since 2017, the General Intelligence Directorate has been allowing the National Centre for Human Rights to make unannounced visits to its detention centres. During all the visits, private interviews are conducted with detainees to verify their health and living conditions, to see what services are available to them and to listen to their comments and complaints, should they have any.

33. The Office for Transparency and Human Rights verifies and follows up on all the complaints it receives from the National Centre for Human Rights. These are then investigated by prosecutors and the National Centre is informed of the outcome. Not only does the Centre suffer no pressure or reprisals, facilities are made available to its delegates enabling them to visit detention facilities and correctional and rehabilitation institutions and hold private interviews with inmates. In 2018, the National Centre for Human Rights received 68 complaints from citizens concerning allegations of torture and ill-treatment by law enforcement officials and security personnel, compared with 85 in 2017. Similarly, in 2018, the Centre received 39 complaints concerning allegations of beatings, torture, ill-treatment and other violations of the rights of inmates in correctional and rehabilitation institutions, compared with 17 in 2017. For further information regarding complaints, the Committee should examine the fifteenth annual report of the National Centre for Human Rights concerning the human rights situation in the Hashemite Kingdom of Jordan.

34. With regard to the mechanism to ensure the effective implementation of recommendations made by the National Centre for Human Rights, the Prime Minister has issued a circular to ministries and other governmental agencies and institutions regarding the need to implement the recommendations contained in the fifteenth annual report (2018) of the National Centre for Human Rights concerning the human rights situation in Jordan. In his circular, the Prime Minister drew attention to the need to give this question the importance it deserves so as to reinforce the human rights system in the country. The Office of the Government Coordinator for Human Rights is following up in that regard with the government bodies concerned.

## Reply to issues raised in paragraph 10 of the list of issues

35. The Anti-Terrorism Act is intended to prevent the financing of terrorism and the recruitment of terrorists, in accordance with the country's international counter-terrorism obligations. As is well known, there is no international consensus on the definition of terrorism; however, a regional agreement reached within the framework of the League of Arab States (LAS) does outline a definition of terrorism and this is the definition that has been adopted by Jordanian legislators. When identifying terrorist offences, the characteristics of the offences concerned are precisely defined. In fact, the general principle of *nullum crimen, nulla poena sine lege* requires an exact definition of the elements that constitute an offence.

36. The State party does not intend to transfer cases under this Act from the State Security Court to the regular courts. According to its statute, the State Security Court is a specialized institution that considers specific crimes, but trials before the Court are conducted with all criteria and safeguards to ensure due process. The bench of the Court is a mixed body made up of judges from regular courts and from the State Security Court itself, and the rulings of the Court are not definitive but are open to appeal before the Court of Cassation, which is the highest regular court in the land and has in the past overturned a number of State Security Court rulings. Moreover, the State Security Court is required to apply the provisions of the Code of Criminal Procedure.

37. All decisions taken under the Act in the context of the fight against terrorism – such as maintaining surveillance on suspects, banning them from travelling, searching their place of domicile or freezing their assets – are the exclusive prerogative of juridical bodies. Such decisions must be temporary, with a maximum time limit of one month, and they can be challenged and appealed before the competent courts, including the Court of Cassation, which is the highest court in the land.

38. The mandate of the General Intelligence Directorate to pursue terrorist offences is clearly and accurately defined in domestic law, and the Directorate has no powers to infringe that law. Its own statutes grant it the authority to address such offences, while the Code of Criminal Procedure defines its role as that of a judicial police authority operating under the supervision of the judiciary. The safeguards against arbitrary detention under the Act are the same as those envisaged in the Code of Criminal Procedure.

39. The purpose of anti-terrorism measures is to protect the human right to life and to security, which are considered fundamental human rights. In no way do such measures involve a disregard for human rights; rather, a balance is struck between counter-terror measures and the protection and promotion of human rights, also by adhering to legal safeguards and procedures.

40. All anti-terrorism measures are the prerogative of the judiciary (prosecutors) and are subject to review and appeal before the competent courts, including the Court of Cassation, which is the highest court in the land.

Jordan remains committed to the United Nations Global Counter-Terrorism Strategy with its four pillars that concern measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism, measures to address the conditions conducive to the spread of terrorism, measures to prevent and combat terrorism and measures to build States' capacity to prevent and combat terrorism.

41. Jordanian citizen Amjad Qourshah was arrested on 14 June 2016 by the State Security Court for publishing videos in which he criticized strikes by the international coalition in Syria against what he described as innocent members of the Free Syrian Army and the Nusrah Front. The prosecutor of the State Security Court charged him with committing acts that could place the country at risk of hostile attack and with disturbing public order. He was released on 6 September 2021.

**Reply to issues raised in paragraph 11 of the list of issues**

42. The institution responsible for prosecuting any and all offences committed by members of the public security forces, including the offence of torture, is the special prosecutor envisaged under the Public Security Act. Investigations and prosecutions are conducted using the same rules and procedures as those used by the regular courts, which are fully consistent with international standards, particularly as concerns fair trial guarantees. When an offence is committed, including that of torture, an investigation is conducted and the action in question is correctly identified and defined in law before being referred to the competent court, the entire issue being subject to the same legal oversight mechanisms as any other offence. In order to ensure the same levels of legal proceedings as those that exist in the regular courts, the Public Security Act was amended to create the Public Security Judiciary Directorate and the Public Security Court of Appeal, where rulings handed down by the Public Security Court can be challenged. This is consistent with international fair trial standards. It should be noted, moreover, that one member of the bench of the Public Security Court has to be a judge from the regular courts appointed by the President of the Judicial Council. A guide to prosecutors on how to investigate torture offences has been prepared by the Ministry of Justice and distributed to all public security prosecutors.

**Reply to issues raised in paragraph 12 of the list of issues**

43. Procedures for responding to cases of domestic violence and providing services within the National Framework for the Protection of Families from Violence have been established, thanks to an automated system for dealing with such cases set up under the supervision of the National Council for Family Affairs. Domestic Violence Act No. 15 of 2017 includes a package of measures intended to ensure a prompt response to violence and the provision of counselling, shelter and rehabilitation services. Special judges have been assigned to cases of domestic violence.

44. The primary objective of the Family Protection Department is to provide protection to victims of domestic violence, in cooperation with civil society institutions. Partnerships have been developed with stakeholders to run services and programmes to protect women, while official bodies take legal and administrative measures to safeguard women and girls from violations and to protect victims. Investigations are conducted confidentially using a scientific methodology that takes account of the need to ensure that the proceedings take place in a suitable atmosphere. Account is also taken of the need to maintain family cohesion during police procedures.

45. The Jordanian legal system provides due guarantees that allegations of violence against women will be duly and independently investigated. In fact, investigations into such allegations are conducted by the Family Protection Department in accordance with the provisions of the Code of Criminal Procedure and the Domestic Violence Act. Staff of the Family Protection Department are bound by those provisions and, thus, female domestic violence victims are interviewed and questioned when they come to the Department, in accordance with article 8 (1) of the Code of Criminal Procedure. The nature of such cases means that the investigation remains confidential and is conducted by specialized officers, in accordance with article 18 of Domestic Violence Act No. 15 of 2017, which states: "All proceedings and all information related to cases of domestic violence that come before any body, including the courts, are to remain strictly confidential." If information reaches the Family Protection Department – be it from an official or private source, or from an individual citizen – to the effect that a female is suffering violence at the hands of a member of her family, an officer is sent out accompanied a social-work team to verify the information received and to take the necessary action under article 21 of the Code of Criminal Procedure and article 6 (a) of the Domestic Violence Act. According to article 6 (b) of that Act: "When the Family Protection Department receives, directly or by referral, any domestic violence-related complaint, notification or request for assistance or protection from any entity, it shall, having verified the information, take the following steps: ...". The Domestic Violence Act also envisages protection for informants who report such cases, by requiring the officials who

investigate the cases – on pain of being held legally accountable – not to reveal the name or identity of the informant unless the judicial proceedings so require (art. 4 (b) of the Act).

46. As concerns crimes of honour, Act No. 8 of 2011 amends article 340 of the Criminal Code repealing the provision whereby a man who comes across one of his womenfolk in the act of committing adultery is exempted from punishment. Such a situation is now considered to be a mitigating circumstance. The amended text also allows the wife to benefit from the same mitigating circumstance if she comes across her husband in the act of adultery or in an adulterous situation in the marital home. The term “marital rape” does not exist in Jordanian legislation; however, assault by a husband against his wife is criminalized under the term of “abuse”. Since it is inconceivable and practically impossible that an act of marital rape could be perpetrated without accompanying violence that would constitute abuse against the victim, the issue is covered by law on two fronts: firstly, such violence is a legally punishable crime and secondly the wife has a right to demand a separation and the end of the marital relationship, depending upon the nature of the act committed and whether it amounts to a less serious or a more serious offence.

47. As concerns the steps taken to abolish the practice of administrative detention or protective custody for women and girls who risk of becoming victims of violence, guidelines were issued in 2018 intended to regulate shelters for such persons where they can receive protection, psychosocial and legal assistance. The Amina shelter for women at risk was opened in 2019.

48. With regard to the protection and support mechanisms for victims of violence against women, the State remains committed to ensuring that the police and the judiciary, as well as social health and shelter services continue to operate for the benefit of women and child victims of domestic violence. The law requires the courts to consider cases of domestic violence as a matter of urgency, and to handle them confidentially. Videoconferencing is used as a way of protecting minors involved in cases of domestic violence. Amendments to the Criminal Code in 2017 led to increased penalties for rape, indecent assault, abduction and obscene acts. In addition, Regulation No. 171 of 2016 on shelters for women at risk of violence was issued, the purpose being to provide beneficiaries with protection and temporary accommodation alongside social care as well as living, psychological, health-care, counselling, cultural and legal services.

49. Victims are interviewed by female police officers in rooms designed for that purpose and are given comfort and reassurance so as to enable them to provide clear information about the abuse they have suffered. They are then provided with protection appropriate to the psychological state they are in; solutions and alternatives are made available and actions are taken in line with their own choices and desires. Judicial and police action can be taken against the abuser while the female victim and her children are placed in a protection facility where their basic needs are met and they receive psychosocial services from trained specialists. Victims – whether women or children – receive the medical treatment they need free of charge. They are examined at the Family Protection Department by a forensic doctor delegated by the National Centre for Forensic Medicine, to which end a special clinic has been set up inside the Department so that there is no need to take them to hospital and thus avoid any kind of mental suffering or pressure. This is consistent with the principle of confidentiality, as it is applied by the Department and its shortens the time within which the necessary legal steps can be taken, because the medical reports need to be endorsed by the courts. In addition, the Department has an in-house psychiatrist delegated by the National Centre for Psychiatry who examines cases according to need, issues reports and follows up on cases as required.

50. An office for social services operates within the Department, staffed by social workers from the Ministry of Social Development and the Jordan River Foundation. The office provides advice and guidance in cases of violence, sometimes making home visits to examine a family’s social circumstances so as to get an overall picture of the situation and to discover the causes of the abuse. It also takes action to ensure that the abuse does not recur. Social workers and staff from the office participate in training courses organized by the Department on how to follow up on cases of violence.

51. As concerns measures adopted to encourage victims to report their cases, a system to protect informants and witnesses is being developed under the auspices of the National Council for Family Affairs, the purpose being to promote article 6 of the Domestic Violence Act. Campaigns are being run to raise awareness about the gravity of violence against women and the need to report all cases of violence. A free 24-hour hotline has been opened to receive complaints, and there is no requirement for informants to reveal their identity or to provide personal information. In addition, a department has been created to provide legal aid to the categories of persons entitled to receive it. The legal assistance provided under Regulation No. 119 of 2018 regarding legal aid is a great encouragement to women to report any violence they might suffer.

52. With regard to the training provided to officials on how to identify, investigate and prosecute cases of violence, the Government is constantly working to build the capacity of its victim-protection staff. For its part, the Family Protection Department runs training courses for female police officers to develop their skills in identifying and interviewing women who have suffered violence. It also runs courses for persons who deal with victims of violence on the following topics: case management, psychological first aid, standard national operating procedures for dealing with violent situations, automated procedures for dealing with violence, interviewing skills, writing investigation records, report writing, communication skills with victims of violence, relevant legislation, mechanisms for dealing with cases of sexual violence and psychological release, in addition to specialized technical and administrative programmes.

**Statistical data on the number of victims, complaints, investigations, prosecutions, convictions and sentences imposed in cases of violence against women**

53. Only definitive rulings will be considered.

**Reply to issues raised in paragraph 13 of the list of issues**

54. The Anti-Human Trafficking Unit has investigated numerous real and suspected cases of human trafficking, in most of which the victims were female domestic workers who had been trafficked and abused, had been unable to obtain the necessary residency and work permits and had not received their wages. Other cases had revolved around the sale of human organs (kidneys). All the initial transactions take place outside Jordan where advertisements are placed in local papers in other States announcing job opportunities with attractive wages in respectable surroundings. However, when the girls arrive, they discover that they are required to work in a nightclub wearing skimpy clothing and attracting clients. They are also subjected to sexual harassment, restrictions on their freedom, the withholding of their documents, threats and deceit on the part of their employers. Statistics concerning cases handled between 2015 and 2019 are given in the table below:

Year	Previous cycle	New cases	Closed cases	Current cycle
2015	16	35	27	24
2016	24	50	36	37
2017	37	30	41	26
2018	26	54	65	15
2019	15	56	51	20

55. The national strategy to combat human trafficking 2019–2022 has a number of themes, the second of which (protection) aims to provide appropriate and comprehensive assistance and protection to victims of human trafficking at all levels. This includes expanding the geographical coverage of shelters so that they can take in a greater number of victims and others who have suffered harm as a result of trafficking, improving the quality of services provided to such persons from the moment they have been identified as victims and so favouring their physical and mental recovery, and providing protection to victims who agree to appear as witnesses in court proceedings. The third theme of the strategy (judicial

proceedings) includes activities to promote the effectiveness of proactive investigations by enhancing the capacity of law enforcement institutions in the use of optimal investigative and prosecution methods. The theme also envisages fair trial guarantees by ensuring that trafficking cases are referred to judges specialized in that kind of offence, as well as safeguarding victims and witnesses by enabling them to participate in trials remotely.

56. A bill to amend the Human Trafficking Act has been finalized and endorsed by the Council of Ministers, and it has been referred to the National Assembly to go through the constitutional procedures necessary in order to pass into law. The bill constitutes an important and ground-breaking step in the fight against human trafficking, and is in step with the latest developments in that field. In fact, it provides greater protection and care for victims and others who have suffered harm as a result of trafficking and it envisages more severe penalties for the traffickers themselves. The bill also contains provision for a special assistance fund for victims, compensation for damages suffered and legal aid.

57. Jordan has taken steps to promote participation between governmental and non-governmental bodies in the fight against human trafficking. It has set up a referral mechanism for victims and other persons affected by trafficking which aims to coordinate the efforts of all stakeholders as they provide services and protection to those in need. The protection-related theme of the national strategy to combat human trafficking includes provision for a guide to identifying and protecting trafficking victims. The guide contains a definition of victim. In that connection, Anti-Human Trafficking Unit has taken the following steps:

- It has published a brochure containing indicators with which to identify victims, which it has distributed to border posts, police offices and government institutions that work with local communities; and it has provided training in the form of courses, workshops and seminars;
- It has set up hotlines to receive reports of suspected crimes, including the crime of human trafficking, while taking due account of the need to maintain confidentiality;
- It protects, supports and provides shelter for potential victims and other persons affected by trafficking thanks to coordination with non-governmental organizations (NGOs) and the Ministry of Social Development, including the Jordanian Women's Union and Dar Karama.

58. Thanks to coordination with the Ministry of Social Development (Dar Karama) and the Jordanian Women's Union, 214 victims of different nationalities were provided with shelter between 1 January and 31 December 2018. During the same period, 132 travel tickets were purchased for female victims of various nationalities.

59. An inspection division to verify violations against workers has been set up as part of the Anti-Human Trafficking Unit, which itself comes under the criminal investigation section of the Public Security Directorate. The inspection division received 307 complaints in 2018. In cooperation with the investigation division of the Anti-Human Trafficking Unit, those complaints were referred to prosecutors, who duly characterized 20 of them as cases of human trafficking. The Anti-Human Trafficking Unit has conducted 13 safety campaigns in factories in industrial areas and has visited a number of recruitment bureaus for female workers. It has also made 3 visits to correctional and rehabilitation facilities where it has interviewed female inmates of several different nationalities. In all, 38 young female detainees were interviewed, and 5 suspected cases of human trafficking were uncovered. In 2018 and 2019, the Inspection Department of the Ministry of Labour conducted day- and night-time visits to various workplaces and facilities. A total of 94,451 places were visited in 2018 alone. Inspections of recruitment bureaus for female domestic worker, factories and companies have been intensified to follow up on suspicions of human trafficking.

60. As concerns specialized training, during the course of 2018, 46 workshops and panel discussions on combating human trafficking were held, with the involvement of the inspection division of the Anti-Human Trafficking Unit. At the same time, inspectors from the Inspection Department took part in taking courses and workshops to improve their abilities to detect human trafficking. Moreover, 211 lectures were delivered to security officials at institutes of the Public Security Directorate, training centres, the Tamkeen Centre and the Justice Centre for Legal Aid. The lectures and courses covered the following subjects:

- International and national definitions of human trafficking;
- Indicators with which to identify victims of human trafficking;
- Protection and assistance to victims of human trafficking;
- Clarification of the provisions of Human Trafficking Act No. 9 of 2009;
- Investigative strategies and how to conduct interviews in cases of human trafficking;
- Protecting the rights of workers and children;
- Differentiating human trafficking from migrant smuggling.

61. As concerns regional cooperation, Jordan submitted a proposal – which was accepted – to add an item to the agenda of the Permanent Arab Committee for Human Rights at its regular forty-sixth and forty-seventh sessions. Thanks to the new item – entitled “Developing regional cooperation in the area of migration with a view to combating human trafficking, particularly of women and children” – agreement has been reached on mechanisms to combat irregular migration and human trafficking, on the exchange of expertise and best practices using existing LAS mechanisms and on discussions around issues related to migration and trafficking. At the same time, the LAS secretariat has been invited to organize a workshop for Arab governmental bodies, in coordination with United Nations agencies and regional organizations involved in combating human trafficking, on national and regional efforts to combat human trafficking.

### **Reply to issues raised in paragraph 14 of the list of issues**

62. With regard to measures adopted to combat abuse of migrant workers, especially domestic workers, the provisions of the Labour Code are applicable to all workers irrespective of gender (male or female), nationality (Jordanian or non-Jordanian) race, colour or religion, and all the rights and privileges envisaged in the Code are applicable to all workers without discrimination. These include the right of recourse to the courts to demand any labour-related rights envisaged in law. The law, moreover, requires employers to provide a safe working environment, so as to protect workers from vocational hazards and diseases, and to comply with occupational health and safety requirements as set forth in the relevant laws, regulations, and decrees.

63. Staff from the Inspection Department have intensified their day and night visits to workplaces and facilities to verify to what extent employers are applying the law and providing an appropriate working environment for their employees. According to statistics for 2018:

- Number of establishments visited: 94,451;
- Number of complaints received from workers: 1,198;
- Number of workers' complaints resolved: 851;
- Number of infractions: 3,767;
- Number of cautions: 5,121;
- Number of establishments closed down: 5.

The Inspection Department consists of the following: an anti-child labour section, a complaints section, a hotline, a domestic workers section and a human trafficking section.

64. Inspectors from the Inspection Department have enrolled in a number of training courses and workshops with a view to improving their performance. The courses covered topics such as international refugee law, communication and inter-personal skills, the Labour Code, the Human Trafficking Act, collective negotiations, behavioural skills for labour inspectors and the protection of workers' rights in accordance with the law.

65. The Ministry of Labour regulates the sector of migrant domestic migrant labour in which around 48,000 female domestic workers are employed. In view of the importance of this sector and of the question of confidentiality, since the worker is inside her employer's

home, a number of regulations and instructions based on the provision of the Labour Code have been issued. Those provisions, in fact, grant domestic workers greater privileges than those envisaged in the Code itself. The operation of recruitment bureaus is duly regulated and monitored to ensure that they are abiding by their obligations under the Labour Code, and the Minister has the right to order their immediate closure if any human rights violation is shown to have occurred. The Ministry of Labour has drawn up a new draft regulation intended to govern the operation of recruitment and employment bureaus for non-Jordanian domestic workers. The regulation, which has been endorsed by the Council of Ministers, will ensure greater control over such bureaus thanks to new rules and conditions. It also addresses the amount of the financial guarantees the bureaus must make and the cases in which the amount of such guarantees is to be increased, and it designates clear mechanisms for the liquidation of such amounts if a licensed bureau infringes the regulation or commits any human rights-related violation. In addition, the regulation addresses the question of insurance documents for domestic workers, with instructions dictating what form such documents are to take, as follows:

- Health and life insurance for domestic workers;
- Economic loss insurance for home owners if a worker refuses to work or leaves her job for any reason; this insures the householder if a worker declines to work and covers the repatriation of the worker if she so desires.

66. The regulation prohibits the recruitment of a worker from a country with which no formal bilateral agreement has been signed. If a worker suffers an assault of any kind that constitutes a violation of her human rights, the amount of the financial guarantee is raised and the Minister closes the bureau immediately until such time as the violation has ceased. In addition to this, appropriate legal deadlines have been set within which the domestic worker must be integrated into her place of work. This is to ensure that bureaus do not employ the worker with an employer who has not been duly licensed.

67. As concerns the possibility of workers being subjected to harsh conditions such as having to sleep on kitchen floors, the domestic worker regulations protect such workers by requiring their employers to provide appropriate accommodation in an individual room illuminated by the sun and properly ventilated, to provide food and clothing and to give workers the possibility of communicating with their families at least once a month. In cases where domestic workers might be subjected to abuse, particularly forced labour or violations of any other kind, action is taken to verify such claims as soon as they are made either by the worker herself or by a representative of her embassy. The worker may file a complaint against her employer at the Directorate for Domestic Workers. In addition to this, the Ministry has set up a hotline and has made translators available in five languages as to enable workers to communicate with the Ministry and file their complaints in complete confidentiality. All human rights violations reported are dealt with confidentiality and the name of the informant is not revealed.

68. The Council of Ministers recently approved the amended 2020 regulations governing domestic, kitchen and garden workers, and others of similar status. Under the regulations – which serve to conserve the rights of such workers and to protect them against exploitation – employers must pay their workers within seven days of the date on which their salaries are due, whereas previously there had been no such time limit. The regulations also stipulate the need to maintain confidentiality when meeting with workers and their employers in the context of investigations by labour inspectors into reported complaints. The regulations give inspectors the power to ask permission from the courts to verify a complaint if the employer refuses access to the home, and they prevent employers who violate the Labour Code or who have violated the rights of their workers from recruiting or employing another worker for a period of time to be determined by the Minister. The amended regulations also protect workers against any form of physical or sexual violence and from violations of any rights guaranteed under current legislation by allowing them to leave their job and to demand compensation for any damages suffered, via the courts. Persons who provide shelter and lodging to domestic workers with a view to employing them unlawfully and exploiting them economically are liable before the law.

69. As concerns the ill-treatment of domestic workers, forced labour and violations of any other kind, action is taken to verify such claims as soon as they are made. According to article 11 of Domestic Workers Regulation No. 90 of 2009: “If it receives any complaint or information concerning the violation of a worker’s rights or of the obligations incumbent upon the employer and the worker, the Ministry is to take the following action:

- (a) Summon the householder and the worker to the Ministry with a view to reaching an amicable settlement;
- (b) If the complaint concerns the worker’s accommodation, two labour inspectors, one male and one female, are – with the consent of the householder – to inspect that accommodation to ensure that it is in accordance with the present Regulation;
- (c) If the householder does not consent to the inspection, the Minister is to take such measures as he deems fit;
- (d) If any violation is discovered, the householder is to be cautioned to correct it within one week. If the householder fails to do so, a report is filed and the measures set forth in the Labour Code are applicable.

70. Domestic workers can make reports via recourse to the Directorate for Domestic Workers where they can submit complaints against their employers. Complaints can also be filed using the hotline. As regards withholding passports, delaying the payment of wages or failing to renew a work permit, legal measures are taken depending upon the nature of the abuse. In that connection, article 77 (b) of the Labour Code reads: “Employers who commit any violation by causing a worker to work by use of force, threats, subterfuge or coercion, including the withholding of a travel document, are liable to a fine of between JD 500 and JD 1,000. Persons who participate in, instigate or are complicit in such actions are liable to the same penalty.” If the action amounts to an instance of human trafficking, it is referred to the Anti-Human Trafficking Unit for it to take the appropriate legal action.

71. Acting under Domestic Workers Regulation No. 90 of 2009, a committee has been created to monitor the affairs of non-Jordanian domestic workers. The committee – which includes representatives from the Ministry of the Interior, the Residency and Borders Directorate and the Ministry of Labour – is entitled to summon any other party it might require such as the Ministry of Health. It is mandated to deal with all problems related to domestic workers, including delayed wages, any other violation that workers may face and violation by their employer.

## Article 3

### Reply to issues raised in paragraph 15 of the list of issues

72. The State party wishes to note that many of the issues raised in this paragraph fall outside the scope of article 3 of the Convention. At the same time, it points to the fact that, since its creation, the State has taken in waves of refugees from various parts of the earth and, in fact, Jordan is today host to refugees of around 57 different nationalities. They account for 31 per cent of national residents, making Jordan the second largest refugee-hosting State in the world relative to number of inhabitants. The country has always been a safe haven and has provided all possible protection and care to refugees without discrimination, despite the scarcity of resources. As a consequence of this, it bears a considerable economic, social and security burden which cannot be fully explained in the present report but, despite which, it has never abandoned its humanitarian responsibilities. Never in its history has the country been known to carry out mass refugee expulsions and any claims to the contrary are unfounded in truth.

73. Jordan remains committed to a policy of safe and dignified and voluntary return for refugees and continues to cooperate and coordinate with United Nations agencies in efforts to promote such returns, also by providing transportation from camps to the border and by providing information on the return process. The memorandum of understanding signed between the Hashemite Government of Jordan and the United Nations High Commissioner

for Refugees (UNHCR) in 1998, as amended in 2014, embraces (art. 2 (a)) the principle of not expelling or returning any refugee from Jordanian territory to territories where his or her life or freedom might be threatened.

74. Jordan, in coordination with the United Nations and international partners, has adopted a humanitarian response plan to the Syrian crisis. The plan serves as a reference for identifying the Government's requirements as it seeks to contain the impact of hosting Syrian refugees and to provide support to host communities. The purpose of the plan is to reinforce the sectors that work to meet the needs of Syrian refugees, ensure that the refugees are able to access food, water and health services and provide them with social protection, including from violence and sexual exploitation.

75. The State party does not currently intend to adopt a comprehensive asylum law or ratify the 1951 Convention relating to the Status of Refugees, and it has not taken any steps in that direction. However, the memorandum of understanding with UNHCR guarantees a swift and fair individual procedure for determining asylum and guarantees refugees the care and protection envisaged under the Convention.

76. Jordanian law envisages free legal aid for persons unable to seek such aid for themselves. In addition, there are several programmes with civil society organizations for the provision of legal services of all kinds to asylum seekers and refugees who so require, as well as programmes on legal awareness, documentation, assistance and translation.

### **Reply to issues raised in paragraph 16 of the list of issues**

77. The State party has not refused to accept asylum applications, but has temporarily suspended the registration of refugees after it was found that there were abuses whereby certain people were using visas intended for tourism, medical treatment or other purposes as a way of entering the country to then apply for asylum. Moreover, any deportations of Syrian citizens are carried out in accordance with the law and in full respect of the international obligations of Jordan. Such deportations, the purpose of which is to maintain national security and protect citizens, are carried out within strict limits and in coordination with the relevant United Nations agencies so as to ensure the safety and well-being of the persons being deported. The State party believes that its past and current record of dealing with refugees, as well as the numbers of refugees on its territory, well refute the false reports of collective expulsions and forcible return of refugees.

78. The State party wishes to reiterate that Rukban camp is not in Jordan; it is an agglomeration located beyond the Jordanian border inside Syrian territory. Thus, responsibility for the welfare of camp residents does not rest with the Jordanian Government which has no obligation to provide information about conditions inside the camp. Jordan does nonetheless coordinate with United Nations agencies to provide water and to ensure that emergency medical cases are able to reach United Nations health centres.

79. The King Abdullah Park camp near Ramtha is not a closed facility. Entry to and exit from the camp is regulated by measures intended, on the one hand, to ensure the protection of persons and, on the other, to verify their identities and nationalities. This applies not only to Palestinians but also to Syrians living in the camp.

### **Reply to issues raised in paragraph 17 of the list of issues**

80. Reference should be made at this point to the memorandum of understanding between the Jordanian Government and UNHCR under which the national authorities have granted UNHCR the right to take in asylum seekers and to grant them asylum. Thus, it is UNHCR that examines asylum applications, determines to whom such a status is applicable and grants them asylum. There is only a small difference between the number of asylum applications received and those that are successful. In fact, most applications are accepted and very few are rejected and then for legally justifiable reasons that are consistent with the grounds for rejection and with international law. UNHCR records indicate that 75 registered refugees were survivors of torture, during the period 2018–2020.

81. No one has been forcibly returned, extradited or expelled on grounds of their affiliations, race or political views. However, there are a number of individual cases among persons who are not considered to be refugees and who do not therefore fall into this category.

82. Persons expelled in the period 2018–2020.

**2018 (153)**

	<i>National security</i>	<i>Public order offences</i>	<i>Residency or Labour Code violations</i>	<i>Total</i>
Syrians	130	4	1	135
Non-Syrians	2	0	16	18
				153

**2019 (25)**

	<i>National security</i>	<i>Public order offences</i>	<i>Residency or Labour Code violations</i>	<i>Total</i>
Syrians	10	10	0	20
Non-Syrians	1	1	3	5
				25

**January–June 2020 (3)**

	<i>National security</i>	<i>Public order offences</i>	<i>Residency or Labour Code violations</i>	<i>Total</i>
Syrians	1	1	0	2
Non-Syrians	0	1	0	1
				3

83. An appeal may be lodged against a deportation decision, either administratively whereupon the official authorities and UNHCR consult and discuss the matter between themselves, or judicially before national courts of various levels.

**Reply to issues raised in paragraph 18 of the list of issues**

84. The State party has not given or received any diplomatic assurances in this regard.

**Reply to issues raised in paragraph 19 of the list of issues**

85. Citizenship can be revoked by decree of the Council of Ministers in accordance with the 1988 regulations for administrative and legal disengagement from the West Bank, which aim to help the people of the West Bank uphold their Palestinian identity, establish their own independent State on their national soil and preserve Palestinian citizenship within the West Bank. The Council of Ministers is constitutionally responsible under the public mandate it holds, and its decisions can be appealed before the courts.

86. The year 2010 saw the suspension of the revocation of citizenship from people of the West Bank to whom the regulations for administrative and legal disengagement from the West Bank apply. A committee was formed to consider applications for the restoration of citizenship and the situation of certain persons duly regularized.

## Articles 5–9

### Reply to issues raised in paragraph 20 of the list of issues

87. Bilateral agreements for the extradition of criminals have been signed with a number of Arab and foreign States. In addition to this, there are judicial cooperation agreements with many countries, which serve to regulate requests for the extradition of wrongdoers. Provided that Jordan has an extradition treaty with the requesting State, extradition takes place under the Fugitive Extradition Act of 1927. Extradition requests fall under the jurisdiction of magistrates' courts, which decide whether or not the conditions for extradition subsist, with any ruling they hand down being subject to appeal before the courts of appeal and the Court of Cassation. The courts may decline to extradite a person whose extradition is being sought if that person holds Jordanian nationality. In such a case, the person in question can be tried before the Jordanian courts for any acts they have committed, at the request of the State seeking extradition and on the basis of investigations conducted by that State. After the trial, a summary of the verdict handed down is to be communicated to that State.

88. Has Jordan rejected the request of a State for the extradition of an individual suspected of having committed torture or has it started prosecution proceedings against such an individual? There are no cases of a request for extradition in a case of torture (i.e., of a person convicted of torture), and no such request has ever been made.

## Article 10

### Reply to issues raised in paragraph 21 of the list of issues

89. The State party seeks to promote a human rights culture among law enforcement officials, prison staff, border guards and other public officials, via training programmes, workshops and awareness-raising initiatives. In doing so it places a particular emphasis on the basic guarantees envisaged in international human rights law and the country's obligations thereunder, including the Convention against Torture and national legislation. The focus is on the safeguards surrounding law enforcement and investigations against persons in conflict with the law, and the consequences of any violations in that regard, which might entail disciplinary, criminal or civil liability. Training, particularly vis-à-vis protection of the right to life and to physical integrity, is included as part of many of the activities designed to achieve the objectives of the National Human Rights Plan.

90. The curricula followed in training institutes run by the Public Security Directorate include the concept of human beings as defined under international, regional and national law. The focus is on developing an awareness of the philosophy of policing as well as its humanitarian, social and ethical purport, the moral aspects of police work and the humane provision of security services. In addition to this, officers of the General Intelligence Directorate have participated in human rights workshops organized by civil society groups and international organizations such as the National Centre for Human Rights, the Red Cross, the Adalah Centre, UNHCR, the Mizan Law Group for Human Rights and the Geneva Academy of International Humanitarian Law and Human Rights, etc.

91. A manual has been issued entitled "Code of Practice to Govern and Regulate Detention". The manual, which takes due account of the necessary international standards, has been circulated among all public security units, and the Office for Transparency and Human Rights has organized courses to train members of the security services in its use. The manual consists of 15 sections and 5 annexes with, at the end of each section, comments intended to enable staff of detention facilities to carry out their duties in a manner consistent with the manual. General issues and comments which staff of detention facilities must follow are placed at the beginning, alongside guidance on how to deal with persons in detention. Section two of the Code deals with the registers that have to be kept, and kept up to date, inside detention facilities. Section three sets forth the initial procedures to follow with detained persons, such as informing them of all their rights, and it explains how such persons

are to be treated during the course of their detention, how everything must be duly recorded and documented and how the property of detainees is to be handled. The Code then focuses on the place of detention itself and its location and the fact that it must not be isolated from the outside world, and it stipulates that persons in detention have the right to avail themselves of the services of a lawyer and to obtain legal aid. Section seven of the Code focuses on how to deal with foreign detainees while section eight considers the conditions and environment of detention and the health care that needs to be provided to detainees. The remaining sections focus on how to conduct the initial questioning of a detained person. It should be noted that the Code covers all procedures, rights and duties applicable from the moment persons are arrested to the moment of their release.

92. A specialized human rights training centre was opened in 2018 as part of the Office for Transparency and Human Rights, and it has, in cooperation with civil society organizations, hosted a number of specialized courses. It is, in fact, a regional institution, which provides its services to other friendly States and to any party that so requests. Statistics concerning the centre for the period between 2018 and 2019 are given in the following table.

Year	2018	2019
Courses	16	29
Workshops	8	25

93. During the course of 2018, 157 courses were held at institutes belonging to the Public Security Directorate, including lectures on human rights, both on peacekeeping missions and in correctional and rehabilitation facilities. The courses also dealt with issues such as initial investigations, women and child victims, workers and refugees. In all, 2,084 persons participated. The subject of torture has been included in training programmes run by institutes belonging to the Public Security Directorate, including programmes for new recruits, programmes on criminal investigations and inquiries, and foundation programmes on security. The following subjects have also been addressed:

- Crime Prevention Act and the legal safeguards required during the preliminary investigation;
- Public Meetings Act.

94. Teams have been sent into the field by the Training Department to provide onsite training to staff at judicial offices in the Public Security Directorate on how to receive and handle complaints and on all other matters related to their work.

### **Reply to issues raised in paragraph 22 of the list of issues**

95. The training provided is consistent with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

## **Article 11**

### **Reply to issues raised in paragraph 23 of the list of issues**

96. Modern techniques and sophisticated legal methods are used in interrogations, so as to uncover crimes without resorting to physical or moral coercion and to ensure that detained persons are treated impartially and without discrimination. In fact, article 48 (1) of the Code of Criminal Procedure stipulates that suspects may be interrogated only by the public prosecutor, although the latter can delegate part of those responsibilities to the judicial police. Persons have the right not to respond concerning offences of which they stand accused unless a lawyer is present during the interrogation, and it is incumbent upon the prosecutor to caution them in that regard. Nonetheless, the presence of a lawyer is optional for accused persons and they can choose not to appoint one. In such a case, in the light of article 63 (4) bis, steps

are to be taken to determine whether they wish to appoint a lawyer for subsequent sessions of interrogation, otherwise the proceedings risk being declared null and void if the prosecutor fails to abide by the rules for interrogation set forth in article 63 of the Code of Criminal Procedure. According to article 63 bis, persons accused of offences that attract a mandatory minimum sentence of 10 years must be attended by a lawyer, even if they themselves do not wish to appoint one. If accused persons are unable to appoint a lawyer, the public prosecutor is obliged to take action to do so on their behalf, at the expense of the State.

97. All law enforcement officials are made aware of the human rights-related provisions contained in current legislation and in international treaties. At the same time, modern techniques and sophisticated methods are used to help uncover the truth behind criminal acts without resorting to physical or moral coercion against suspects. In that regard a code of police conduct has been drawn up under the title “Charter of Police Honour”, which brings together the most important behavioural, professional and personal principles, rules and norms to which law enforcement personnel must adhere. The code of conduct has been circulated among the security services at all levels and has been integrated into the curricula of public security training institutes.

### **Reply to issues raised in paragraph 24 of the list of issues**

98. The draft law on juvenile justice is currently being studied by the Office of the Prime Minister. A committee of the Ministry of Justice formed for the purpose of studying and reviewing the draft law has proposed certain amendments, the most significant of which are: the inclusion of the term “child victim”, the definition of “children in conflict with the law”, the definition of “guardian” and the definition of “person with responsibility for the juvenile”. It has also proposed that many articles be redrafted to make them clearer and more detailed, such as those concerning the duties of the Juvenile Police Department, those concerning the arrest of juveniles and those concerning the confidentiality of trials involving juveniles.

99. Specialized juvenile courts have been established under article 15 of the Juvenile Act, which stipulates that at least one magistrates’ court for juveniles is to be set up in each governorate with the task of examining misdemeanours and offences that attract terms of imprisonment of less than 2 years and that might require protection and care measures. In addition to this, a juvenile court of first instance is to be set up in the capital of each governorate, as required, with the task of examining offences that attract terms of imprisonment in excess of 2 years. There are, in fact, three magistrates’ courts (Amman, Irbid and Zarqa’) while juvenile courts of first instance have been set up in governorates and palaces of justice. The Ministry has taken several steps to provide a suitable environment for children and a plan has been studied whereby the courts are provided with highly skilled human resources and the necessary logistical support. The testimony of child witnesses and victims can be delivered via video at a safe distance from the perpetrator of any abuse. This ensures that the children do not suffer any psychological pressure and grants them the possibility of testifying freely, in accordance with international standards, thereby facilitating the proceedings.

100. The minimum age of criminal responsibility has been raised from 7 to 12 years, in line with the recommendations of the Committee on the Rights of the Child. In fact, according to article 4 of the Juvenile Act, persons under the age of 12 cannot face prosecution.

### **Reply to issues raised in paragraph 25 (a), (b), (c), (d) and (e) of the list of issues**

101. In order to reduce overcrowding in correctional and rehabilitation institutions, which is a consequence of the increase in population and of the regional situation, the Public Security Directorate (Department for Correctional and Rehabilitation Centres) has transferred inmates to overflow centres able to accommodate them. Inmates are transferred on a weekly basis when space is lacking in correctional and rehabilitation institutions so that staff at those institutions can carry out their duties in an optimal fashion. Correctional and rehabilitation institutions have also been supplied with the administrative equipment

necessary to deal with the steady increase in the number of inmates. A general amnesty issued by the King has helped to alleviate overcrowding, and the correctional and rehabilitation institution of Qafqafa has reopened following the completion of maintenance work.

#### *Food*

102. Inmates of correctional and rehabilitation institutions are provided with meals by a specialized catering company on the basis of agreements between the company and the Public Security Directorate that stipulate the amount and kind of food to be supplied. The food is provided in line with a recognized nutritional programme and under the direct supervision of an oversight committee which monitors any irregularities in terms of quantity, type or quality. The institution's doctor also periodically inspects the kitchen and the food hygiene, and submits a report thereon. If any violations are discovered, the company is given a written warning and issued with a fine. It should be noted, moreover, that the food provided to inmates is the same as that provided to staff of correctional and rehabilitation institutions and to all units of the Public Security Directorate.

#### *Potable water*

103. In most correctional and rehabilitation institutions the water is supplied by the Water Authority and is periodically tested by the Ministry of Health, which takes samples that are sent for inspection in order to guarantee quality. Moreover, the Department for Correctional and Rehabilitation Centres ensures that mineral water is available at the prison commissary for sale to inmates who might wish to purchase it. The same situation applies to staff of correctional and rehabilitation institutions. Inmates also have access to hot water at specific programmed times.

#### *Medical care*

104. The Public Security Directorate always seeks to provide optimal health care (physical and mental) to inmates. It does so in partnership with the Ministry of Health which, in accordance with the law, undertakes the medical supervision of all correctional and rehabilitation institutions each within the area of jurisdiction of one of the Ministry's health directorates. It also monitors the institutional hygiene and the food and clothing provided to inmates. Under articles 22–27 of Correctional and Rehabilitation Centres Act No. 9 of 2004, the Ministry of Health is responsible for providing health care and treatment to inmates, while the correctional and rehabilitation institutions must ensure that such care is available from the moment an inmate enters an institution. The care includes medical tests, treatment and appropriate nutrition and places an emphasis on prevention. To this end, the Department for Correctional and Rehabilitation Centres has enacted the following body of policies and measures in order to guarantee inmates' constitutional and legal rights in this regard:

- Inmates examined by medical personnel as soon as they enter an institution in order to check their medical record and state of health;
- Practical procedures have been established for transferring inmates to hospital for treatment outside the institution;
- Procedures have been established within the Department for Correctional and Rehabilitation Centres wherewith to report any outbreaks of infectious disease, the purpose being to protect staff and inmates alike from such diseases and the dangers of infection;
- Procedures have been established for the early detection and evaluation of inmates who might have mental disorders so that measures can be taken to refer them for the appropriate psychiatric treatment, in coordination with the courts and the detention authorities;
- Instructions and guidelines have been drafted on how to deal with HIV/AIDS and other infectious blood-borne diseases;
- Procedures for monitoring inmates' mental health have been established whereby the mental health of all inmates is to be tested by psychiatrists, and particularly that of inmates transferred to the dangerous offenders centre, before their transferral;

- Health initiatives have been offered to inmates, notably the Mazaya health initiative, which aim to give them the opportunity to choose a healthy lifestyle free of violence and disorder, in a healthy human environment that accords with the rules and guidelines of correctional and rehabilitation institutions;
- Under Correctional and Rehabilitation Centres Act No. 9 of 2004, the doctor of an institution is required to perform a medical examination and submit a report on an inmate's state of health in any of the following cases:
  - (a) When entering and before being released from the institution, and when being transferred from one institution to another;
  - (b) When placing an inmate in and releasing him from solitary confinement;
  - (c) At the request of a court or any competent authority;
  - (d) At the request of the prison director;
  - (e) At the request of the inmate.
- If an inmate's state of health requires hospital treatment, the prison director, on the basis of a doctor's report, is to undertake to transfer the inmate to hospital. The inmate is then returned to the institution once the treatment is complete. In reality, health care begins from the moment an inmate enters an institution. The care includes medical tests, treatment and appropriate nutrition and places an emphasis on prevention.
- Correctional and rehabilitation institutions have clinics that offer the principal medical specialities thereby ensuring free medical and dental care and treatment for inmates. As part of programmes run by medical directorates, specialists in internal medicine, dermatology and psychiatry make periodic visits to correctional and rehabilitation institutions. Such visits take place once or twice a week, depending upon need and availability, given the current lack of such specialists, especially psychiatrists. Treatment and medication are dispensed by pharmacies located inside the prisons themselves, free of charge and under the supervision of the medical specialists, particularly as regards psychiatric treatment wherein the medication is given under the supervision of clinical staff and is not kept by the inmates themselves for fear that they might take it inappropriately. All clinics in correctional and rehabilitation institutions work round the clock, since the Ministry of Health reinforced staff numbers with public security personnel who have training in nursing, making it possible to maintain and improve the medical services available to inmates. Ministry of health nurses are also distributed across the clinics;
- The purpose of a modern penal institution is to correct and rehabilitate and to exercise a positive influence on inmates. This entails ensuring that inmates receive proper care, maintain ties with their families and are not cut off from society. In that light, Jordanian legalization – including Correctional and Rehabilitation Centres Act No. 9 of 2004 – aims to provide appropriate health care for female inmates, as follows:
  - (a) The prison doctor performs regular medical checks on pregnant inmates;
  - (b) Inmates who are pregnant or breastfeeding are given a suitable diet;
  - (c) Pregnant inmates are allowed to rest and it is forbidden to involve them in inappropriate forms of work;
  - (d) Inmates who are breastfeeding are allowed to remain with their children as long as possible and their right to raise their offspring directly must be respected.
- Under a memorandum of understanding between the Red Cross and the Ministry of Health, a unified model for medical files has been adopted by the Department for Correctional and Rehabilitation Centres and sent to the Ministry of Health for adoption and use inside prison clinics. Between 1 January and 30 October 2019, a total of 386,405 inmates were referred to prison clinics. Of them 44,821 were sent to hospital while, of that number, 1,192 were kept in hospital.

*Social care*

105. The Department for Correctional and Rehabilitation Centres gives great weight to social issues affecting inmates, in which regard it has taken the following measures:

- Signing a memorandum of understanding with the Ministry of Social Development defining frameworks for cooperation and coordination;
- Signing a memorandum of understanding with the Social Security Corporation in order to provide social security to inmates who work in correctional and rehabilitation institutions;
- Appointing social workers and psychological counsellors in correctional institutions who examine the situation of inmates and provide assistance to them and their families;
- Ensuring that inmates who wish to work can be employed inside the institutions, according to available possibilities and requirements;
- Distributing monthly salaries to inmate's families, in cooperation with the Ministry of Social Development;
- Opening spaces where female inmates can stay with their children (a nursery at the Women's Correctional and Rehabilitation Centre);
- Opening gardens where private visits can take place;
- Increasing the number of family visits to inmates, particularly for religious festivals;
- Cooperating associations and institutions of civil society in order to provide assistance to inmates and their families.

106. Visits to inmates of correctional and rehabilitation institutions are divided into two categories: regular visits (on Sunday, Tuesday and Friday) and special visits (on Saturday, Monday, Wednesday and Thursday). In 2018, a total of 1,058,356 regular visits and 18,248 special visits were made, in addition to 18,233 visits for holidays. In 2019 (up to 31 October), a total of 902,163 regular visits and 19,672 special visits were made, in addition to 19,020 visits for holidays.

107. Strategic partners involved in providing services to inmates make frequent visits to correctional and rehabilitation institutions, where they meet with inmates. The table below shows all the visits made to correctional and rehabilitation institutions during the period 2016–2019:

No.	Visitors	Number of visits			
		2016	2017	2018	2019
1	International Committee of the Red Cross	58	54	38	27
2	Prisoner welfare associations	28	13	27	5
3	Commission for public freedoms and human rights (House of Representative)	-	6	2	3
4	National Centre for Human Rights	36	28	34	60
5	Prosecutors	41	23	25	29
6	Diplomatic corps and embassies	129	151	114	88
7	Religious figures and representatives of religious communities	77	100	143	133
8	Civil society organizations and student delegations	59	172	23	7
9	UNHCR	43	35	34	29
10	Ministry of Social Development	54	31	7	15
11	Others	-	-	-	71
12	Trade unions	-	-	-	7

No.	Visitors	Number of visits			
		2016	2017	2018	2019
<b>Total</b>		<b>525</b>	<b>631</b>	<b>447</b>	<b>474</b>

108. Recently, inmates have been allowed to contact their relatives using mobile phones and the amount of phone time has been increased for inmates being held in institutions distant from their families. The amount of phone time normally allowed to inmates is 15 minutes per week. In 2018, inmates were able to make 610,214 calls and in 2019 (up to 31 October) 598,597 calls.

*Legal aid and judicial safeguards*

109. The Public Security Directorate attaches great significance to legal assistance for inmates and thus takes action to monitor their legal status and their trial proceedings and it follows up with the authorities holding them in detention. It also monitors any legal steps taken against inmates while they are being held in an institution. The legality of arrests and the importance of monitoring and oversight are also enshrined in the relevant texts including a number of international treaties and agreements such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), as well as in the Correctional and Rehabilitation Centres Act. Legal assistance is made available also thanks to the presence of liaison officers from the Department for Correctional and Rehabilitation Centres who work in the courts where they monitor the detention authorities and follow up on cases. Some institutions have taken a further step by arranging monthly visits for prosecutors to examine inmates' case files. Most correctional institutions also have a police prosecutor on site. Furthermore, inmates have the right to file a complaint and their complaints are duly looked into. Acts committed by inmates inside correctional and rehabilitation institutions are investigated by committees of inquiry and, following due investigation, the appropriate legal steps are taken. The renewal and extension of detention warrants is monitored to ensure that legal deadlines and time limits are respected. There is an online connection between correctional and rehabilitation institutions, the courts, and prosecutors' offices, which is used to transmit inmates' requests and summonses to the relevant authority, each within its own jurisdiction, and to monitor the progress of inmates' complaints with the judicial authorities. It should also be noted that the Public Security Directorate (Department for Correctional and Rehabilitation Centres) remains in constant contact with the courts and the detention authorities. It often happens that developments and variations arise in cases, and these are always reviewed in accordance with the law and using a high degree of transparency and precision. Legal aid is provided to inmates in coordination with rights organizations and with the Bar Association.

110. Three days are set aside each week for visits from lawyers, and inmates are able to speak to their lawyers directly and without hindrance or any intervening partition, and in conditions that are both comfortable and confidential. The Bar Association has fitted out special rooms where lawyers can meet with their clients in the correctional institutions of Jweideh and Swaqa and work is currently underway to create such a room in the correctional institutions of Marka.

111. There are many different bodies that periodically provide financial assistance up to a limited ceiling for inmates whose release depends upon them paying a fine or repaying a debt. In the case of some foreign detainees, the assistance can be used to purchase them a ticket back to their own countries.

112. The prison at Jweideh has been renovated in line with recommendations made by the National Centre for Human Rights:

- The dormitories have been extensively renovated and expanded over two stages, and were opened by the Head of the Public Security Directorate;
- A garden for visits from inmates' relatives has been created with play areas for children and areas for families.

113. Audiovisual equipment has been installed to monitor interrogation rooms:

- The Public Security Directorate has installed cameras to monitor staff in places of detention and their treatment of detainees;
- There are no interrogation rooms for inmates inside correctional and rehabilitation institutions, while most institutions have a prosecutor on site.

### Reply to issues raised in paragraph 26 of the list of issues

114. The statistics requested are in the table below.

*Number of detained persons as of 30 October 2019*

<i>Occupancy rate of all correctional institutions (capacity)</i>	<i>Persons held in psychiatric hospitals (Al-Karama and Fuheis)</i>	<i>Number of convicted prisoners</i>	<i>Number of pretrial detainees</i>
Capacity: 12 286	According to the correctional and rehabilitation institutions, there are 10 persons in Al-Karama and 2 in Fuheis as of 3 November 2019	11 807	6 134
Number of detainees: 19 538			
Occupancy rate: 159%			

115. With regard to the provision of statistical data on the number of pretrial detainees, convicted prisoners and persons deprived of their liberty in psychiatric hospitals and other institutions for persons with mental or physical disabilities and the occupancy rate of all places of detention, the table below gives the situation as of 7 July 2020.

*Number of detained persons as of 9 July 2020*

<i>Number of pretrial detainees</i>	<i>Number of convicted prisoners</i>	<i>Persons held in psychiatric hospitals (Al-Karama and Fuheis)</i>	<i>Occupancy rate of all correctional institutions (capacity)</i>
5 380	7 543	According to the correctional and rehabilitation institutions, there are 8 persons in Al-Karama and 7 in Fuheis	Capacity: 13 248 Number of detainees: 14 202 Occupancy rate: 107%

### Reply to issues raised in paragraph 27 of the list of issues

116. The Ministry of Health provides health care and treatment to inmates of correctional and rehabilitation institutions, to which end it has set up health centres inside the institutions themselves. The health centres are run via the Ministry's health directorates, each within the area of its jurisdiction. The directorates also monitor the institutional hygiene and the food and clothing provided to inmates. The prison doctor undertakes a medical examination of inmates and complies reports on their state of health; the doctor also monitors any cases of illness, particularly chronic illness. If an inmate's state of health requires hospital treatment, the prison director, on the basis of a doctor's report, is to undertake to transfer the inmate to hospital. The inmate is then returned to the institution once the treatment is complete. Inmates are treated at public expense with money earmarked to that end from the general budget, as set forth in the Correctional and Rehabilitation Centres Act. A total of 59 prisoners (or 0.3 per cent) died in 2019.

#### *Suicide and attempted suicide*

117. Correctional and rehabilitation institutions constantly monitor all aspects of inmates' lives. If suicidal tendencies are observed in an inmate – such as isolation from others, spending recreational periods indoors or showing signs of depression – that inmate is placed

under round-the-clock surveillance, particularly if he is already undergoing psychiatric treatment to prevent him making any attempt against his life. A number of programmes have been rolled out including a facilitation programme to help inmates facing long sentences acclimatize themselves to the prison environment. At the same time, religious, educational, craft, cultural and sporting programmes, as well as work programmes, help to promote coexistence among inmates. In addition to these are programmes intended to help inmates coming to the end of their sentences to reintegrate back into society. If an inmate does attempt suicide, he is taken to the prison doctor for the necessary tests to be conducted, and a report is then drafted on the inmate's state of health. The inmate is also taken to a psychiatrist who conducts a mental-health assessment and to a religious counsellor, and they also draft reports. A committee is set up to investigate the incident, which communicates with the authority that demanded the inmate's detention or the court that sentenced him and informs them of the reasons behind the suicide attempt. These are standard guidelines followed in all correctional and rehabilitation institutions. There was just one case of suicide in 2019.

118. As concerns inter-prisoner violence, inmates are closely monitored by detention centre guards who work under the supervision of the institution's surveillance section and of the prison director. If inter-prisoner violence occurs, the parties involved are separated and a committee is set up to investigate the incident and to keep the inmates apart by transferring them to a different correctional and rehabilitation institution and, in case of need, by referring them to the courts for the necessary legal steps to be taken.

119. The following steps are taken in the case of the death of an inmate in a correctional and rehabilitation institution:

- The prosecutor in whose geographical jurisdiction the institution is located is informed so that he can examine the body and take the necessary legal measures;
- By order of the competent prosecutor, the body of the deceased inmate is taken to the forensic medical laboratory to discover the cause of death and examine the condition of the body, as per article 29 (c) (10) of Correctional and Rehabilitation Centres Act;
- An investigative committee is formed inside the institution with the involvement of a prosecutor from the institution or from the Public Security Judicial Directorate; all documents relevant to the investigation are submitted to the committee;
- If the inmate is a foreigner, the embassy of his country and other accredited bodies that deal with foreigners are to be informed, in line with article 29 (a) (1) and (2) of Correctional and Rehabilitation Centres Act;
- The death is to be reported immediately to the Ministry of the Interior, the detention authority or the courts, as well as to any other party concerned;
- The relatives of the inmate are to be informed of his death and told to collect the body once an order in that regard has been issued by the prosecutor; they are also to be told to apply to the correctional centre in order to collect the deceased inmate's personal effects.

120. In the case of the late Sultan Alkhatatbi, the State Security Court ruled to acquit the suspects due to lack of evidence. That ruling has now become definitive.

## Article 12-13

### Reply to issues raised in paragraph 28 of the list of issues

121. The General Intelligence Directorate is an official national institution that was established in accordance with the law and that operates within a legitimate constitutional and legal framework, its purpose being to maintain State security. Under its own statutes, the General Intelligence Directorate is directly answerable to the Prime Minister and, like any other governmental institution, it is subject to parliamentary oversight in addition to its own internal oversight mechanisms. In fact, any member of the House of Representatives or of

the Senate can address a question to the Prime Minister concerning the work or activities of the Directorate, and the Prime Minister is under an obligation to respond.

122. Special courts have been set up in Jordan, in line with the Constitution and under laws that define the jurisdiction of each court. Prosecutors at those courts exercise their prerogatives under the laws governing the courts and under the Code of Criminal Procedure, and this does not represent any departure from general legal rules. The fact that members of the security services are tried before the military courts in cases of torture does not mean that the investigations are inadequate, that such cases are not dealt with impartially or that perpetrators are not brought to justice. This is not inconsistent with State party's obligations under articles 12 and 13 of the Convention. The Code of Criminal Procedure has not been amended to give jurisdiction over torture cases to the regular courts.

### **Reply to issues raised in paragraph 29 of the list of issues**

123. Please refer to the replies to paragraphs 1, 2 and 10. The State party does not currently intend to ratify the Optional Protocol to the Convention.

124. The possibility of filing a complaint is available to everyone, and any citizen who has suffered a violation of any kind may refer to the competent authority (Director of Police, the Office of the Public Prosecutor or the Office for Transparency and Human Rights) to make a complaint. If this is not possible, any of the victim's relatives can inform the authorities. Thereupon, legal steps are taken to confirm or deny the truth of the allegation and the wrongdoers – if any – are duly held accountable. The criminal case is brought by the competent public prosecutor, who enjoys full independence under the law. Legal proceedings in the Public Security Court follow the same laws as those applicable in the regular courts.

125. The body responsible for prosecuting members of the security services who have committed offences, including the offence of torture, is a specialized prosecution office that was set up under the Public Security Act. The investigation and the prosecution are conducted in line with the rules and provisions followed by the regular courts, which are fully consistent with international standards, specifically as concerns fair trial guarantees. When a crime, including that of torture, is committed, it is first investigated then correctly defined according to the law. (Note that, for the offence of torture to subsist, there must be a specific intentionality; i.e., that of obtaining a confession to or information about a particular crime; if there is no such intentionality, the acts of the perpetrator cannot be held to constitute torture but another crime such as abuse or ill-treatment). The parties concerned are then referred to the competent court where they are subject to the same legal oversight mechanisms as persons accused of other crimes. The Public Security Act was amended recently, in order to ensure the same levels of judicial proceedings as those envisaged in the regular courts. Moreover, the Public Security Judicial Directorate Public was created as well as the Security Court of Appeal, which considers appeals against rulings handed down by the Public Security Court. These measures are fully consistent with international fair trial and human rights standards. Moreover, one member of the judicial bench of the Court must be a judge from the regular courts appointed by the President of the Judicial Council.

126. The Ministry of Justice has drafted a guide for prosecutors who investigate crimes of torture. The guide has been issued to all Public Security prosecutors.

127. Beatings and ill-treatment of detained persons are prohibited, and are criminalized and punished under national law. This is fully consistent fair trial standards enshrined in international human rights instruments in general and, in particular, in article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **Reply to issues raised in paragraph 30 of the list of issues**

128. The persons accused in the case of the late Abdullah Zu'bi were convicted by the Public Security Court, which sentenced the first accused to a term of 7 years' hard labour on the charge of beating the victim and thereby causing his death, in violation of article 330 (1)

of the Criminal Code. In the light of the fact that the civil proceedings were dropped, the Court ruled to reduce the penalty to a term of 3 years and 6 months' hard labour. The Court sentenced the second and third accused persons to a term of 3 years and 6 months' hard labour on the charge of beating the victim and thereby causing his death, in violation of article 330 (1) of the Criminal Code. In the light of the fact that the civil proceedings were dropped, the Court ruled to reduce the penalty to a term of 1 year and 8 months' hard labour.

129. Adam al-Natour was arrested in 2015 for having participated in combat operations with terrorist groups in Syria. In accordance with the law, he was duly referred to the State Security Court, which sentenced him to a term of imprisonment of 3 years. He completed his sentence on 11 August 2018 and is still in Jordan. His allegations that he was tortured by the General Intelligence Directorate and convicted of belonging to a theorist group on the basis of a forced confession are devoid of truth. In fact, personnel of the Directorate have strict instructions not to torture or ill-treat any detainee in any way.

130. As concerns the assault against a group of inmates at the correctional and rehabilitation institution in Mawaqqar in 2008, it should be noted that a riot took place there on 14 August 2008 during which a group of prisoners vandalized the facility and set fire to one of the cells, thereby causing the death of three inmates. Moreover, many inmates injured themselves or others with bladed instruments in their possession. They were sent for medical examination and obtained reports detailing their injuries. An investigative committee was set up and the inmates involved were referred to prosecutors on the following charges:

- Incitement to cause injury in violation of article 343 of the Criminal Code in conjunction with article 80 (a) of the Code;
- Incitement to riot, rebellion and insurrection violation of article 37 (7) of Correctional and Rehabilitation Centres Act No. 9 of 2004;
- Destruction of public property in violation of article 443 of the Criminal Code in conjunction with article 37 (7) of Correctional and Rehabilitation Centres Act No. 9 of 2004;
- Jointly committing arson leading to the death of persons.

131. In the case of Omar al-Nasr, the Office of the Public Prosecution laid the following charges against the three accused:

- Jointly committing torture in violation of article 208 (3) of the Criminal Code in conjunction with article 76 of the Code;
- Jointly participating in a beating that led to the victim's death in violation of article 330 (1) of the Criminal Code in conjunction with article 76 of the Code;
- Violating orders and instructions and thus failing to respect the dignity of their profession or to conduct themselves in a proper manner in violation of article 37 (4) of the Public Security Act in conjunction with article 35 (1) of the Act.

132. The Public Security Court handed down the following sentence against the accused persons:

Acting under article 236 of the Code of Criminal Procedure, the Public Security Court ruled unanimously to convict the accused persons of the second charge against them; i.e., jointly participating in a beating that led to the victim's death in violation of article 330 (1) of the Criminal Code in conjunction with article 76 of the Code. The Court sentenced them to a term of 7 years' hard labour, the sentence to be calculated from the moment of their arrest.

## Article 14

### Reply to issues raised in paragraph 31 of the list of issues

133. Domestic legislation contains no provision that specifically envisages compensation for torture offences; rather, general rules governing compensation are followed using provisions contained in the Civil Code, which envisage compensation and redress for

damages. Article 3 of the Code, under section III on harmful actions, reads: “Any damage to a third party entails an obligation upon the party who caused that harm, even if the party is incapable of discernment.”

134. Article 274 of the Civil Code states: “The previous article notwithstanding, anyone who commits an act harmful to the life of a third person – be it killing, injury or other form of harm – is obliged to provide compensation for the damages caused, to the victim, the victim’s heirs or those dependent on the victim who lost that support as consequence of the harmful action.” In no case it is permissible to evade that legal responsibility.

135. On the basis of the aforementioned provisions, compensation is awarded via civil claims brought before the various domestic courts. The amount of the damages and the compensation – be it for the victims or for their dependants – is determined by designated experts and, if the damage is proven, there is no obstacle to obtaining the compensation.

- Efforts in this regard are being made by the Department for Correctional and Rehabilitation Centres in the form of aftercare, which supplements the services and care provided to inmates while they are being held in a correctional and rehabilitation facility. This is an effective way to guide released detainees, assisting them in meeting their needs and helping them to adapt and reintegrate stably into society. Some detention institutions have professional workshops that run vocational courses for inmates. Participants are awarded a certificate in the trade they have learned thereby enabling him to find work on the local labour market. There is also coordination to help inmates actually find jobs following their release;
- If effective aftercare institutions are established, they will be able to provide an appropriate psychosocial climate for released inmates enabling them to integrate stably into society and to adapt to social rules and standards. Aftercare is a complex process that requires considerable efforts to ensure that former inmates are able to overcome the trauma of their release;
- An agreement has been signed by the Public Security Directorate, the Jordanian National Society for the Welfare of Inmates of Correctional and Rehabilitation Institutions and Their Families, and the Cultural Association for the Aftercare of Inmates of Correctional and Rehabilitation Institutions and Their Families. The purpose of the agreement is to monitor released detainees and provide them with intellectual and cultural services, in cooperation with the Ministry of Social Development and in accordance with the Correctional and Rehabilitation Centres Act.

## Article 15

### Reply to issues raised in paragraph 32 of the list of issues

136. Jordanian legislators have acted to ensure that no statement made by an accused person or a suspect can be admitted unless it was made voluntarily, in accordance with the Code of Criminal Procedure. Article 159 of the Code stipulates: “Any statement made by accused persons or suspects in the absence of a prosecutor in which they admit to having committed a crime can be accepted only if the prosecutors explain the circumstances in which the statement was obtained and the court is satisfied that the accused persons or suspects made the statement voluntarily and of their own free will.” The State Security Court is also bound by the Code and does not admit any confession or evidence that was extracted by coercion. Accused persons can apply to the prosecutor or the court to appeal against a statement taken from them by the judicial police on the grounds that it was extracted under pressure or physical or moral duress. Thus evidence and confessions are not accepted if the prosecutor or the court find them to have been made under duress.

137. Several rulings handed down by the domestic courts have served to uphold the principle that any statement made by accused persons or suspects made under circumstances that breach their free will to confess or acknowledge their deeds, be it by torture or coercion, is to be discounted and not to be considered as evidence by the court. These rulings include:

- Ruling of the Jordanian Court of Cassation (criminal cases) No. 280/2010 (five-member bench) on 4 May 2010;
- Ruling of the Jordanian Court of Cassation (criminal cases) No. 2274/2019 (ordinary bench) on 28 October;
- Ruling of the Jordanian Court of Cassation (criminal cases) No. 107/2003 (five-member bench) on 23 November 2003;
- Ruling of the Jordanian Court of Cassation (criminal cases) No. 2274/2019 (ordinary bench) on 22 April 2003.

138. Investigative methods and the extent to which they are consistent with the law and with human rights principles, are one of the main themes covered in training programmes for personnel of the judicial police. Key features of training programmes aimed at judges include verifying the validity and integrity of the procedures undertaken, evaluating confessions, verifying that no physical or moral coercion was used and ensuring that confessions extracted under duress are set aside and discounted.

## Article 16

### Reply to issues raised in paragraph 33 of the list of issues

139. All the death penalties that were carried out were against persons convicted of very serious crimes such as murder, terrorism and rape. Death sentences are handed down only after a fair trial conducted in accordance with safeguards that are consistent with international human standards.

140. The death penalty is handed down for the most serious crimes affecting society, and all death sentences are delivered in strict application of the Code of Criminal Procedure, specifically articles 357 to 362. The Director of the Office of the Public Prosecution sends the case file to the Minister of Justice accompanied by a report summarizing the facts of the case, the evidence on which the sentence was handed down and the reasons for which it should be either carried out or commuted to a lesser penalty. The Minister then refers the case file and the report to the Prime Minister so that he can refer it to the Council of Ministers. The Council examines the documents and the report and expresses its own view as to whether the death penalty should be either carried out or commuted to a lesser penalty. The Council's decision and an explanation of its views is then submitted to His Majesty the King. Death sentences are carried out in a location designated by law only after they have been ratified by the King.

141. The following persons must be in attendance when a sentence of death is carried out:

- The public prosecutor or an assistant prosecutor;
- The clerk of the court that handed down the sentence;
- The doctor of the prison or the institution;
- A religious figure from the same religion as the condemned person;
- The prison director or deputy director;
- The chief of police in the capital or the regional head in the governorates.

142. A death penalty may not be carried out on a holiday observed by the religion to which the condemned person belongs or on civil and official holidays.

143. A death sentence against a pregnant women cannot be carried out until three months have passed since the birth of her child.

144. The condemned person is asked if he has anything he wishes to say and his words are recorded in a register that is signed by the public prosecutor or assistant prosecutor, the clerk and those present.

145. A record of the carrying out of the death penalty is to be written up and signed by the clerk, the public prosecutor or assistant prosecutor and those present and is to be held in by the prosecutor in a special file;

146. If the condemned person has no heirs, the court undertakes to bury the body after the sentence of death has been carried out. The burial is to take place without ceremony.

147. In reply to the question as to whether Jordan intends to declare a moratorium on the death penalty as it had during the eight years in which no executions were carried out, Jordan wish to reaffirm that, in the light of its concern to preserve human dignity, it treats persons facing the death penalty in a humane and dignified fashion, in line with national and international law.

### **Reply to issues raised in paragraph 34 of the list of issues**

148. Any and all abuse of children is criminalized under the law and perpetrators of such abuse cannot be exempt from legal accountability. Article 62 of the Criminal Code concerns the rules and standards governing the relationship between the child and the person responsible for the discipline of that child. It includes the permissible limits of such discipline and the consequences of any violation of those. The implementation of this provision by the courts is well established and does not give rise to any problems.

149. Article 68 of the Civil Service Regulations stipulates that public officials may not – on pain of disciplinary accountability – harm or administer any form of corporal punishment against any child in a public facility; this includes educational, rehabilitation or training institutions as well as care homes. Moreover, instructions issued under current regulations prohibit all forms of violence against inmates of social welfare centres.

150. Alternative non-custodial measures have been implemented by juvenile courts, including a warning, a reprimand, enrolment in vocational training, compulsory social service or judicial supervision.

151. Activities and programmes to raise awareness about child protection are carried out in 41 directorates run by the Ministry of Social Development. A total of 638 persons benefited from such activities in 2019. Moreover, the State party celebrates the National Child Protection Day on 5 June each year.

### **Reply to issues raised in paragraph 35 of the list of issues**

152. The State party works to promote the right to opinion and expression and reaffirms its unwavering respect for the journalistic profession and for journalists themselves. This respect is expressed through legislation, policies and practice. Instructions issued to law enforcement officials consistently emphasize that journalists must never suffer abuse during the practice of their profession, in line with the Constitution and the laws regulating the media. This approach is clearly evident in the decreasing number of cases involving attacks against journalists. Laws regulating media activities underscore the importance of protecting journalists; for example, as a way of guaranteeing the flow of information to citizens, article 8 of Printing and Publications Act prohibits the imposition of any restriction on press freedom or any measures that would impede access to information. The same article also prohibits any attempt to influence or interfere with the work of journalists or to coerce them into disclosing their sources of information. This includes the use of illegitimate or unjustified reasons to prevent them from exercising their profession or from writing and publishing.

153. As a law enforcement agency, the Public Security Directorate protects journalists and media professionals in the exercise of their calling and it does not interfere with press or media freedom as long as such activity remains within the confines of the law. Actions taken to protect journalists covering sit-ins and demonstrations (when they occur) include designating special areas for them when they report on those events and assigning special clothing to distinguish them from participants. As concerns the subject of arrests, journalists and media professionals can be arrested only under a judicial warrant. It should be noted, moreover, that there is a large number of NGOs that monitor any violations in that regard.

(should any occur); the Government takes due account of the reports those organizations produce and provides an official response. Moreover, constant efforts are made to train law enforcement personnel in the international standards governing freedom of opinion and expression. These include workshops and conferences that focus on human rights-related issues and the importance of following the relevant instructions on the ground.

### **Reply to issues raised in paragraph 36 of the list of issues**

154. The Ministry of Social Development (Directorate for Persons with Disabilities) gives great importance to the issue of monitoring. Regular field visits, morning and evening, are made to ensure that the standards enshrined in regulations and legislation are being duly applied. A number of warnings have been dispensed and certain centres have been closed after it was discovered that they were providing an unsafe environment for the category of persons they were supposed to be serving.

155. In order to develop control mechanisms and make them more effective, centres have been required to fit surveillance cameras in accommodation quarters and day-care areas. Equipment and technology has been provided to facilitate the monitoring of persons with disabilities who frequent such centres and all areas, except bedrooms and toilets, have been fitted with audiovisual surveillance apparatus. No facility may obtain a licence until it has fulfilled this condition, as per Instruction No. 1 of 2015 regarding electronic protection and monitoring in residential care and day-care facilities.

156. Circulars have been issued regarding the health, safety, well-being, security and dignity of beneficiaries, while doctors from the Ministry of Health make regular visits to State-run, voluntary and private centres to check up on the physical, mental and cognitive health of residents. The service quality standards applied are those of the Higher Council for the Rights of Persons with Disabilities and its partner organizations, as well as the standards and working practices of the Ministry of Social Development and the Ministry of Labour. The Ministry of Social Development requires persons who exercise educational, rehabilitative, therapeutic or supervisory functions in care facilities for persons with disabilities to hold a university-level diploma in special education, social work, psychology, educational or psychological guidance or any other discipline related to the nature of their work.

157. The Ministry authorizes follow-up, inspection and evaluation teams – be they licensed or accredited teams or teams from the Ministry itself or from partner organizations – to enter facilities at any time to see how they operate and to examine the conditions of the persons residing there. Any facility that prevents or delays the entry of an inspection team is held accountable. There is no impediment to relatives of persons with disabilities who wish to enter the facilities and check up on their loved ones there. The teams document the outcomes of their visits and apply to the competent authorities for the necessary action to be taken. If any violation to the rules set forth in legislation is discovered, appropriate penalties are handed down, which can range from the issuance of a warning to the closure of a facility and the withdrawal of its licence. All centres have been made aware of the requirement to report any suspected instances of violence, ill-treatment or neglect against residents, under pain of legal liability. The law, which criminalizes any and all forms of assault against persons with disability, does not admit forced sterilization and prohibits any kind of medical procedure to that end, except for therapeutic purposes. The General Fatwa Department issued its Fatwa No. 194/2/2014, which prohibits hysterectomies on girls with disabilities and underscores the responsibility of society towards that category of persons.

### **Other issues**

### **Reply to issues raised in paragraph 37 of the list of issues**

158. The Anti-Terrorism Act is intended to prevent the financing of terrorism and the recruitment of terrorists, in accordance with the country's international counter-terrorism

obligations. As is well known, there is no international consensus on the definition of terrorism; however, a regional agreement reached within the framework of the LAS does outline a definition of terrorism and this is the definition that has been adopted by Jordanian legislators. When identifying terrorist offences, the characteristics of the offences concerned are precisely defined. In fact, the general principle of *nullum crimen, nulla poena sine lege* requires an exact definition of the elements that constitute an offence. As a fair trial safeguard, persons arrested under the Anti-Terrorism Act are subject to the same arrest and interrogation procedures as those envisaged in the Code of Criminal Procedure, which is applicable to all crimes that occur in Jordan. Once the person concerned has been referred to the public prosecutors, it is they who determine the legal procedures to be followed, without interference from any other official body. Under the law, the prosecutor must inform suspects that they are not obliged to respond save in the presence of a defence lawyer. The length of detention is determined by a judicial warrant issued by the prosecutor.

159. All decisions taken in the context of the fight against terrorism – such as maintaining surveillance on suspects, banning them from travelling, searching their place of domicile or freezing their assets – are the exclusive prerogative of juridical bodies (public prosecutors). Such decisions must be temporary, with a maximum time limit of one month, and they can be challenged and appealed before the competent courts, including the Court of Cassation which is the highest judicial authority in the land. Security agencies' authority and mandate to pursue terrorist crimes are clearly and precisely defined in domestic law and they are required to operate within the confines of that law. In fact, according to the Code of Criminal Procedure their role is limited to that of judicial police, and they exercise it under judicial oversight.

160. Security agencies seek to advance the interests of the nation, ensure all rightsholders can duly exercise their rights and provide outstanding security services while respecting human rights. This is achieved by exercising great care when selecting security personnel, who must be well-qualified and have the requisite physical, mental and moral qualities. In addition, all personnel are made aware of the human rights provisions enshrined in national legislation and international treaties. Another area of focus is training, with programmes and seminars organized by national organizations, as well as the use of modern techniques and advanced methodologies to uncover the truth behind crimes.

161. In Jordan, there is no discrimination against persons on the basis of the crime they have committed; persons arrested for financial crimes or criminal offences, or under the Anti-Terrorism Act, are treated in accordance with the law and all their rights are protected in a manner consistent with the Constitution. Persons arrested by a security agency are made aware of all their rights and duties; they are informed of the charges against them and which judicial body they will be referred to, in accordance with the Code of Criminal Procedure.

162. A total of 115 people were convicted of terrorist offences in 2019, with 76 cases being dealt with by the State Security Court.

163. It should be noted that one of the legal safeguards and remedies available under domestic legislation consists in the instructions for the implementation of Security Council resolutions on combating terrorism, notably resolutions 1267 (1989), 2253 (2015) and 1373 (2001). Any person whose name figures on a national or international list may make an official application to have his name removed therefrom, following procedures clearly set forth in those instructions, which were issued by the National Counter-Terrorism Committee established under article 37 of the Anti-Money Laundering and Financing of Terrorism Act. For example, Issam Alloush, who is on the national list that was compiled in line with Security Council resolution 1373, applied to have his name removed from that list. This was duly done once he had submitted all the necessary documents and complied with all the measures set forth in the instructions.

Praise be to God, Lord of the worlds.

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