



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

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**Committee against Torture**

**Information received from Jordan on follow-up to  
the concluding observations on its fourth periodic  
report\***

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



## **Response to the concluding observations on the fourth periodic report of Jordan, which was discussed before the Committee against Torture in Geneva on 6–7 November 2024, and to the Committee’s recommendations on selected topics**

### **Information on follow-up to concluding observations (CAT/C/JOR/CO/4)**

#### **Question 1: Definition of torture**

1. With regard to the recommendation that the State adopt a definition of torture that incorporates all the elements contained in article 1 of the Convention against Torture, torture is defined in article 208 of the Criminal Code in a manner consistent with the Convention. Jordanian legislators have also increased the penalty for torture to a prison term of 1 to 3 years if the act does not result in serious harm or injury, in order to comply with article 4 of the Convention. Under Jordanian law, harsher penalties are imposed on perpetrators of torture if their actions result in serious injury or harm, as this is classified as a serious crime punishable by a term of hard labour. The relevant provision is contained in article 208 (3) of the Code, which envisages hard labour for acts of torture that result in serious illness or injury. This means that the penalty for torture can be up to 20 years, which is the maximum fixed term for hard labour, and reflects legislators’ commitment to combating torture.

2. The Committee made the recommendation that the State Party should ensure that the crime of torture is not subject to any statute of limitations or amnesty. However the Convention, as ratified by the Hashemite Kingdom of Jordan, contains no provisions requiring States Parties not to include the crime of torture in any statute of limitations or amnesty. The reason provisions on statutes of limitations or amnesty have been enacted is to stabilize relationships and interactions between individuals and to ensure security within society, not to protect one party over another.

3. Nevertheless, in accordance with article 208 (4) of the Criminal Code, mitigating circumstances are not to be taken into account in cases of torture and, pursuant to article 54 bis, the enforcement of the sentence may not be suspended.

4. In addition, although the 2025 amendments to the Criminal Code included expanding the scope of application of alternatives to custodial sentences, under article 25 bis (10) of the amended Code, certain types of offences cannot be replaced with non-custodial penalties, including crimes of torture. This reflects a determination on the part of legislators to prosecute perpetrators of acts of torture, regardless of whether the act constitutes a serious or less serious offence.

5. With regard to compensation, all persons have the right to seek fair and adequate compensation for the harm suffered in cases of torture. Under article 52 of the Code of Criminal Procedure, anyone who considers that they have suffered harm as a result of an offence, whether serious or less serious, may file a claim for civil damages before the public prosecutor or the competent court. The Civil Code (Act No. 43 of 1976) also includes provisions on compensation. Article 256 stipulates that: “Any harm to a third party entails an obligation upon the party who caused that harm, even if the party is incapable of discernment.” In all cases, compensation is to be assessed according to the harm suffered by the injured party and the loss of earnings, provided that this is a natural consequence of the harmful act, in accordance with article 266 of the above-mentioned Code. The right to compensation also covers moral damages, as any violation of another person’s freedom, honour, reputation, social standing or financial standing renders the offender liable for compensation in accordance with article 267 of the Code. Consequently, the right of recourse to the courts is guaranteed to all persons, whether the case is criminal or civil, so that they can claim compensation under the general provisions of the law.

6. Jordanian legislators have broadened the scope of punishment for torture to include any person who attempts to commit torture. Article 69 of the Criminal 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 criminal action, are liable for punishment only for the action or actions they did commit, if such actions constitute offences”.

7. Legislators did not stop there. They also consider any attempted crime that remains incomplete for reasons beyond the will of the perpetrator to be a criminal act that is liable to punishment, in accordance with article 70 of the Criminal Code, which addresses the situation where the acts necessary to complete the crime were carried out, but the crime was not completed for reasons beyond the control of the perpetrator.

8. With regard to the provision of free legal assistance, in accordance with articles 63 (2) and 64 (3) of the Code of Criminal Procedure, suspects have the right to legal counsel during the interrogation before the public prosecutor. Article 64 of the Code stipulates that: “The suspect, the financially liable party, the plaintiff and their representatives have the right to attend all investigation proceedings except for the hearing of witnesses, and they may not speak unless authorized to do so by the public prosecutor. If the public prosecutor does not authorize them to speak, this must be recorded in the minutes. The aforementioned persons have the right to review the investigations that took place in their absence.” It should be noted that a memorandum of understanding has been signed between the Jordanian Bar Association and the Public Security Directorate allowing lawyers to be present during the taking of statements (initial investigation) by the police.

## **Question 2: Fundamental safeguards**

### **Regarding the right to be assisted by a lawyer without delay**

9. There is nothing in Jordanian legislation that prevents the suspect from meeting with his or her lawyer, and the presumption of legality applies. The Code of Criminal Procedure does not stipulate that detainees are prohibited from appointing a lawyer, and the Public Security Directorate allows persons in custody to sign powers of attorney, make phone calls and meet with their lawyers if they so request. Rehabilitation and correctional centres have designated rooms for inmates to meet with their lawyers in private, and there is a memorandum of understanding between the Public Security Directorate and the Bar Association regulating this matter.

### **Regarding the right to have immediate access to an independent medical examination and any medical examination requested by the authorities**

10. The procedure in place at the Public Security Directorate is that before anyone is admitted to the pretrial detention wing or the rehabilitation and correctional centre, they are sent to a Ministry of Health hospital in order to ascertain their state of health and obtain a medical report confirming whether or not they have been subjected to torture. In cases of alleged torture, the individual is entitled to obtain another medical report. Law enforcement officers do not interfere with the work of doctors in preparing medical reports.

### **Regarding the right to be informed of the reasons for the arrest and the nature of any charges against them, in a language that they understand**

11. The procedure followed by the Public Security Directorate, in accordance with the relevant instructions, is that any person arrested and taken to the security centre is informed of the reasons for the arrest and the charges against him or her. Any items that have been seized are duly catalogued, and an arrest report is drawn up, bearing the signature of the suspect, whose statement is to be recorded within 24 hours.

**Regarding the right to be registered at the place of detention**

12. All temporary detention facilities keep records of entry and release, a register of personal effects, a register of telephone calls, a healthcare register and other records pertaining to detainees during their period of detention. All of these registers are subject to supervision and inspection by the Public Security Directorate, the Inspector General's Office and the Preventive Security Department.

**Regarding the right to promptly notify a close relative or a third party of their arrest**

13. Detained persons are allowed to make telephone calls to their relatives while in temporary detention; a register is kept to document such calls and is inspected and verified by public prosecutors. In rehabilitation and correctional centres, inmates are also allowed to make regular calls. An operational manual – a code of practice regulating and governing arrest and detention – has been published and distributed to all public security units. The manual clarifies the applicable procedures and the importance of enabling detainees to contact their families.

**Regarding the right to be brought before a judge without delay**

14. Individuals are to be brought before the public prosecutor or judge within 24 hours, depending on the type of case, as stipulated in article 100 (b) of the Code of Criminal Procedure. Prosecutors are required to record in the minutes the date and time when a suspect first appeared before them.

**Regarding the right to confidential consultations with lawyers**

15. There are private rooms in rehabilitation and correctional centres where lawyers can meet with their clients confidentially, in accordance with the law. There are no provisions prohibiting suspects or accused persons from contacting and meeting with their lawyers. Article 66 (2) of the Code of Criminal Procedure stipulates that the prohibition on communication does prevent the suspect's lawyer from communicating with him or her at any time and without supervision.

**Regarding persons detained at the General Intelligence Directorate detention centre**

16. Such persons are detained pursuant to judicial warrants issued by the public prosecutor of the State Security Court and are treated in accordance with the law. They are interviewed by the public prosecutor (as a judicial authority) within the time period specified by law, and they are able to give their statements without physical or psychological coercion.

17. Under the Code of Criminal Procedure, the competent public prosecutor is required to read out the charges against the arrested person, and failure to do so renders the statement invalid. Under the Code, the judge is also required to appoint an interpreter if the arrested person is a foreign national.

18. There is nothing to prevent anyone who has been arrested from hiring a lawyer. When they are brought before the competent public prosecutor, they are informed of this right, failing which the proceedings may be invalidated. Any arrested person can obtain free legal assistance through the public prosecutor of the State Security Court. Lawyers have the right to attend investigation hearings unless the public prosecutor decides otherwise in accordance with the law. There are private rooms where lawyers can meet with their clients.

19. Upon admission to the detention centre, arrested persons are immediately examined by a competent and independent doctor who prescribes treatment as required. Detainees have the right to request a consultation with a doctor at any time. They are also examined by a psychologist who assesses their mental state and prepares an appropriate follow-up plan if necessary.

20. The detention centre has a medical clinic with a doctor and nurse on duty around the clock, a dental clinic and a pharmacy. In addition, detainees can be sent to a medical centre or hospital if deemed necessary by a doctor.

21. Immediately after arrest, the detainee's family is contacted and informed by the public prosecutor's office at the State Security Court of the fact that he or she is being held on behalf of the prosecutor of the Court and of the place of detention. The detainee is informed that his or her family has been contacted. A dedicated telephone line is available to communicate with the families of detainees and receive their inquiries. If the detainee is a foreign national, his or her embassy is notified of the arrest.

22. Detainees are registered immediately upon arrival at the detention and investigation centre, and complete details are taken (name, date of birth, identity document and number, mother's name, spouse's name, number of children, place of residence, nature of work, educational background, telephone number of a relative, date of arrest, etc.).

23. The International Committee of the Red Cross conducts regular visits to the detention centre, and the National Centre for Human Rights carries out unannounced visits, during which the services provided to detainees are inspected and detainees are interviewed individually to verify their conditions of detention, listen to their comments and ensure that the instructions regarding detainees and human rights standards are being implemented.

24. In addition, the military courts and the public prosecutor of the State Security Court conduct unannounced visits to the detention centre to verify and ensure the integrity of legal procedures and services provided to detainees, and their compliance with international standards on the rights of detainees. Officers at the detention and investigation centre conduct regular rounds to ensure that interrogation procedures are being properly conducted and that detainees are not being mistreated. They also visit detainees after the interrogation to record any observations or allegations of ill-treatment by investigators.

### **Question 3: Special courts**

25. The special courts were established in accordance with the Constitution. Article 7 of the State Security Court Act stipulates that the public prosecutor and any of his or her assistants from the judicial police shall exercise their functions on the basis of the powers granted to them under the Code of Criminal Procedure.

26. Under articles 99, 100, 101 and 110 of the Constitution, legislators are authorized to establish special courts through specific laws defining their jurisdiction, the manner of their formation and the procedures for appealing their judgments. The State Security Court is a special court established pursuant to a specific law, in accordance with the Constitution. It exercises the right to try persons accused of committing any of the crimes within its jurisdiction and to adjudicate them in accordance with article 3 of the State Security Court Act. In its proceedings, it applies the Code of Criminal Procedure, the Criminal Code and the relevant special laws. The Office of the Public Prosecution exercises its powers in accordance with the State Security Court Act and the Code of Criminal Procedure. The State Security Court therefore derives its legitimacy and existence from its own special law issued by the National Assembly in accordance with the Constitution.

27. The Public Security Court was established by law, and fair trial guarantees are observed in terms of ensuring public hearings and the right of the accused person to appoint a lawyer to represent him or her. The Public Security Act regulates the composition of the bench of the Court, which must include a judge from the regular courts appointed by the president of the Judicial Council. Decisions of the Public Security Court in misdemeanour cases may be appealed before the Public Security Appeals Court pursuant to article 85 (b) (3) of the Public Security Act. Pursuant to article 88 of the Act, judgments handed down by the Public Security Court in criminal cases may be appealed before the Court of Cassation, which is the highest judicial authority in the Jordanian judicial system. The Public Security Court hears cases as a court of fact and of law and hands down its judgments by unanimous or majority vote. The fact that the composition of the Court includes members of the Public Security Directorate does not affect its opinions or its decisions.

28. In addition, the law stipulates that one member of the bench of the Court must be a judge from the regular courts. Article 85 (a) of the Public Security Act reads: "The Public Security Court shall be composed of one or more benches, each of which shall consist of a

president whose rank shall not be less than that of a lieutenant colonel and at least two members, one of whom shall be a regular judge appointed by the president of the Judicial Council.”

29. Article 2 of the State Security Court Act (No. 17 of 1959), as amended, defines the specific jurisdiction of the State Security Court, which is to consider crimes that pose a high risk to both society and State security. These mainly include drug-related offences, counterfeiting and crimes against the State, its fundamental interests and the interests of its citizens, such as terrorism, treason and espionage.

30. The State Security Court endeavours to uphold the right to defence and related safeguards for persons who have been referred for trial. In this regard, any such person has the right to express their desire to appoint a lawyer to defend them in the case brought against them and to request sufficient time to do so. Based on the principles of justice and guarantees of defence, the State Security Court responds to such requests and grants the applicants sufficient time. Similarly, any person referred to the State Security Court is allowed to meet with and contact their lawyer during the trial proceedings in order to ensure the guarantees of defence.

31. As stipulated in article 63 bis (2) of the Code of Criminal Procedure, one of the safeguards during the investigation is that a lawyer must be present with the suspect when he or she appears before the public prosecutor. This applies for crimes that carry a minimum penalty of 10 years or more. The public prosecutor may not proceed with the investigation of the suspect unless a lawyer is present, who is to be appointed by the suspect him or herself or by order of the public prosecutor and at the expense of the State. In a manner that ensures legislative coherence, this is one of the guarantees of a fair trial and the right to defence stipulated in article 208 (1) of the Code. It likewise introduces a legal obligation (on pain of nullity) prohibiting the trial of any person before a court to which he or she is referred for a crime punishable by death, hard labour for life, life imprisonment or fixed-term hard labour for 10 years or more, unless the person has a defence lawyer present. Such provisions do not apply only to cases investigated by the public prosecutor of the State Security Court or heard by the Court but are enforceable before all criminal courts and public prosecutors in the country. Accordingly, persons who appear before the State Security Court charged with a crime punishable by any of these penalties must be informed to that effect and asked, before the commencement of trial proceedings, whether they have appointed a lawyer to defend them, whether they wish to request time to do so, or whether they are financially unable to appoint a lawyer, so that the court may take the necessary legal measures to appoint a licensed lawyer to defend them at the expense of the State.

32. The State Security Court is concerned with the right to defence and its safeguards and is committed to enforcing and translating it into practice. This right is guaranteed by international conventions and national legislation and has been established and reinforced by the jurisprudence of the Court of Cassation. In accordance with its legally defined role, the State Security Court allows any person brought before it, after explaining to them the provisions of article 232 of the Code of Criminal Procedure, to present their defence statement during the trial, in accordance with article 14 (3) (e) of the International Covenant on Civil and Political Rights, and accordingly enables them to submit a list of their defence evidence, including defence witnesses.

33. The body of criminal legislation governing the conduct of judicial proceedings before Jordanian courts, including the State Security Court, has established systems and mechanisms to provide legal protection for individuals brought before criminal courts, ultimately ensuring the functioning of the justice system. Examples of this include the legislators’ commitment, pursuant to article 208 (3), (4), (5), (6) and (7) of the Code of Criminal Procedure, to provide legal assistance to any person who is the subject of a complaint filed with the public prosecutor or who is accused before a court of an offence punishable by a term of less than 10 years, by referring their request to the Minister of Justice to grant them the necessary legal assistance in coordination with the Bar Association and to assign a licensed lawyer to defend them.

34. The objective criterion governing the composition of the State Security Court is that its formation may consist of benches made up of civilian judges, military judges or a combination of the two, defined in accordance with the provisions of the Judicial Independence Act, the Act on the Formation of Military Courts and the regulations issued pursuant thereto. They exercise the Court's judicial authority to hear any of the cases falling within its jurisdiction pursuant to article 101 of the Constitution and article 3 of the State Security Court Act (No. 17 of 1959), as amended. They are independent and answerable to no authority other than the law in rendering their judgments, in conformity with article 97 of the Constitution.

35. The judgments of the State Security Court are subject to review by the Court of Cassation (in terms of both substance and law). The Court is protected from any form of interference in its affairs and is not subject to any oversight, subordination or affiliation with any governmental, executive, military or security authority in the course of the judges' exercise of their duties, which are free from any external influence. The Court exercises its right to adjudicate with complete independence and impartiality.

36. Legal assistance is ensured under article 208 of the Code of Criminal Procedure, whereby the appointment of a lawyer is mandatory in cases involving offences punishable by terms of more than 10 years and optional in those involving offences subject to terms of less than 10 years, in accordance with the eligibility criteria of the legal aid system of the Ministry of Justice. To increase the availability of legal aid services, the law has given the competent official authorities, any relevant institutions or any citizen or resident of Jordan who is unable to appoint a lawyer the right to submit a request to the Minister of Justice to provide legal aid in accordance with the provisions of the applicable legislation and in coordination with the Bar Association. Pursuant to article 208 (4) of the Code of Criminal Procedure, as amended, a legal aid fund was established under the supervision of the Ministry of Justice. Financial resources for the fund were allocated from the Ministry of Justice's budget and from a percentage of the fees collected on lawsuits under the court fees system, in addition to other resources.

37. The amended Legal Aid Regulations were published in the Official Gazette on 2 October 2022, in accordance with article 208 of the Code of Criminal Procedure, expanding the scope of assistance so that eligibility is determined based on the applicants' own total monthly income, rather than the income of their family. It also abolished the eligibility criterion related to repeat requests and granted the Minister the authority, in justified special cases, to approve the provision of legal aid to individuals who possess movable or immovable property.

38. The Legal Aid Directorate has been set up within the Ministry of Justice, with the aim of providing legal aid to eligible groups, improving the efficiency of the mechanism for providing this service and building a legal aid database. The Directorate is responsible for applying the criteria and standards for eligibility for legal aid, investigation mechanisms, and developing mechanisms for cooperation with relevant entities.

#### **Question 4: Coerced confessions**

39. Confessions made to judicial police officers are not considered valid or admissible before the court unless the Office of the Public Prosecution presents evidence regarding the circumstances under which they were given, and the court is convinced that the suspect, the accused or the defendant made the confession voluntarily and of his or her own free will, as stipulated in article 159 of the Code of Criminal Procedure. During the initial investigation phase, judicial police officers collect evidence and seek technical evidence to prove that crimes have been committed. They do not focus on obtaining confessions to prove that a crime has been committed unless these are supported by legal evidence.

40. The State Security Court is committed to applying the provisions of article 159 of the Code of Criminal Procedure, which requires the Office of the Public Prosecution to prove the validity and propriety of the circumstances in which the statement was taken from the suspect in the absence of the public prosecutor. This is done by hearing the testimony –under legal oath – of the person who recorded the statement, and by allowing the individual whose

statement was taken to be examined by a forensic doctor to determine whether he or she was subjected to any pressure or violence during the taking of the statement. If there is suspicion regarding the validity or propriety of the circumstances in which the statement was obtained, it is excluded from the evidence and not relied upon; the same applies if it is inconsistent with the other evidence presented in the case.

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