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# **Jordan**

## **Alternative Report**

*Alternative report submitted in the context of the review of Jordan's fourth periodic report.*

**September 2024**

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# 1 Introduction

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This report analyses Jordan's implementation in law and practice of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: the Convention), ratified in 1991.

The report examines the definition and criminalisation of torture in Jordanian legislation (Articles 1 and 4), and analyses the effective measures to prevent torture (Article 2) such as the legal safeguards afforded to individuals deprived of their liberty, the practice of administrative detention, and the role of Jordan's National Human Rights Institution.

It then addresses extradition and the prohibition of *non-refoulement* (Article 3), focusing on the regional legal framework and the specific case of the politically motivated extradition of Khalaf al-Romaithi. The treatment of persons subjected to arrest and detention (Article 11) is also explored, covering issues like violent arrests, *incommunicado* detention, and prison overcrowding, as well as Jordan's ratification of the Optional Protocol to the Convention.

The report also focuses on the issue of coerced confessions and evidence obtained under torture (Article 15) and the admissibility of such evidence in courts, including the State Security Court. It assesses the prompt and impartial investigation of torture complaints (Articles 12 and 13), highlighting the inadequacies of current complaint mechanisms and the role of special courts in handling torture cases.

Furthermore, the report touches on victims' right to redress, compensation, and rehabilitation (Article 14), and addresses acts of cruel, inhuman, or degrading treatment or punishment (Article 16), such as the death penalty and violence against peaceful protestors.

Lastly, the protection of human rights and fundamental freedoms while countering terrorism is examined, evaluating Jordan's domestic and regional legal frameworks in this context.

The report is based in particular on the list of issues provided by the Committee against Torture (CAT) dated 13 June 2018,<sup>1</sup> and on the information provided by the State party in its fourth periodic report dated 19 February 2021.<sup>2</sup> The content of this report is founded upon a combination of open-source information and testimonies of victims of human rights abuses gathered by MENA Rights Group.

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<sup>1</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4L0nUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BxBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024).

<sup>2</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4L0nUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrV8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZEFv7JdFA8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024).

## 2 Definition and criminalisation of torture (articles 1 and 4)

In its previous concluding observations, the Committee recommended that Jordan align the definition of torture set out in article 208 of its Penal Code with article 1 of the Convention.<sup>3</sup> The Committee had notably asked the State party to “report on measures adopted to extend punishment for torture to anyone who attempts to commit torture, or who instigates, consents to or acquiesces to the commission of such acts”.<sup>4</sup>

In 2018, Jordan amended article 208 of its Penal Code.<sup>5</sup> As amended, article 208 of the Penal Code defines torture as any act intentionally causing physical or mental pain to obtain information or confessions or to punish for a suspected crime. This provision includes instigation, intimidation, or coercion and explicitly prohibits acts of torture based on discriminatory grounds.

However, Jordan’s definition falls short of complying with the Convention. According to the State party, torture requires specific intent, namely, to obtain confessions or information.<sup>6</sup> If this intent is absent, the act may be classified as abuse or ill-treatment, but not torture.<sup>7</sup> This subjective intent requirement contrasts with the Committee’s General Comment No. 2, which states that intent and purpose should be assessed objectively rather than focusing on the perpetrator’s motivations.<sup>8</sup> The Committee also emphasizes that acts of torture must not be prosecuted merely as ill-treatment when they meet the elements of torture.<sup>9</sup>

Furthermore, the Committee expressed concern that the punishments foreseen for acts of torture in Jordan’s Penal Code were “not commensurate with the gravity of the acts”. The

<sup>3</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 2.

<sup>4</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 2.

<sup>5</sup> The text of the Penal Code is accessible here (in Arabic): <https://learningpartnership.org/sites/default/files/resources/pdfs/Jordan-Penal-Code-1960-Arabic.pdf> (accessed 24 September 2024).

<sup>6</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsuoO1aAYJ6VmNP4LonUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVvk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZEFv7JDfA8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 125.

<sup>7</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsuoO1aAYJ6VmNP4LonUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVvk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZEFv7JDfA8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 125.

<sup>8</sup> Committee Against Torture, *General Comment No. 2: Implementation of article 2 by States parties*, 24 January 2008, UN Doc. CAT/C/GC/2, para. 9.

<sup>9</sup> Committee Against Torture, *General Comment No. 2: Implementation of article 2 by States parties*, 24 January 2008, UN Doc. CAT/C/GC/2, para. 10.

Committee recommended that acts of torture be considered as a criminal offence, rather than a misdemeanour, and asked to increase the maximum three-year sentence to be increased, so as to fully align with article 4 of the Convention.<sup>10</sup>

Following the 2018 amendments, article 208 (1) of the Penal Code now provides a sentence of one to three years of imprisonment for “[a]nyone who subjects a person to any kind of torture in order to obtain a confession or information about a crime”.

Additionally, article 208 (3) of the Penal Code, in conjunction with article 20 (2), imposes a penalty of three years to 20 years of imprisonment if the torture results in serious illness or injury. These changes reflect progress, as the Penal Code previously allowed for a sentence as low as three months for torture.

The Human Rights Committee had also noted that Jordan’s definition of torture did not fully ensure that all acts and actors covered by the internationally accepted definition of torture were criminalised.<sup>11</sup> In this regard, pursuant to the 2018 amendments, article 208 (2) of the Penal Code extended the scope of 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. Prior to these amendments, only those who directly ordered or carried out torture were criminally liable.<sup>12</sup>

The Committee has also raised concern that acts of torture could be subject to amnesty as well as to statutes of limitations.<sup>13</sup> It recommended that Jordan amend the Penal Code so as to explicitly state that acts of torture are not subject to either amnesty nor statutes of limitations.<sup>14</sup> However, Jordan has not implemented this recommendation, as the Penal Code still fails to include such safeguards.

Moreover, as part of the 2018 amendments, article 208 (4) was introduced to prohibit mitigating circumstances suspended sentences for acts of torture.<sup>15</sup> While this is a positive step, Jordanian law still does not explicitly ensure the absolute and non-derogable prohibition of torture.

In this regard, the State party raised that article 61 of the Penal Code does not admit any exception to or restriction on such a prohibition, and that it provides subordinates with a legal

<sup>10</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 2.

<sup>11</sup> Human Rights Committee, *Concluding observations on the fifth periodic report of Jordan*, 4 December 2017, UN Doc. CCPR/C/JOR/CO/5, <https://documents.un.org/doc/undoc/gen/g17/354/93/pdf/g1735493.pdf> (accessed 23 September 2024), paras. 16-17.

<sup>12</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/C/JOR/CO/3, para. 9.

<sup>13</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/C/JOR/CO/3, para. 9.

<sup>14</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 2.

<sup>15</sup> According to article 208 (4) of the Penal Code, “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.”

means to refuse to obey illegal orders.<sup>16</sup> However, the Committee expressed its concern about “the lack of information on whether mechanisms or procedures for protecting subordinates from reprisals exist so as to enable subordinates to refuse to obey illegal orders in practice”.<sup>17</sup>

The Committee has urged Jordan to ensure that perpetrators are prosecuted and convicted in accordance with the gravity of their acts, as required by article 4 of the Convention.<sup>18</sup> However, in practice, it has been reported that officials tried for torture and mistreatment are most often convicted of excessive use of force rather than torture.<sup>19</sup>

### Recommendations:

- Review the Penal Code in order to ensure that the definition of torture is fully in line with the Convention and international standards;
- Amend the Penal Code so as to explicitly state that acts of torture are not subject to either amnesty or statutes of limitations;
- Ensure that the principle of absolute and non-derogable prohibition of torture is explicitly incorporated in domestic legislation;
- Ensure that officials responsible for acts of torture are prosecuted and convicted in a manner that is commensurate with the gravity of their acts.

## 3 Effective measures to prevent torture (article 2)

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### 3.1 Lack of fundamental legal safeguards from the outset of deprivation of liberty

In its list of issues, the Committee asked Jordan to report on measures to guarantee that all detained persons, including those held in facilities of the General Intelligence Directorate (GID) and the Public Security Directorate (PSD), are afforded, in law and in practice, all fundamental legal safeguards from the outset of their deprivation of liberty, including the right to promptly access a lawyer.<sup>20</sup>

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<sup>16</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVk8kUOJb%2BBauqXGSNIarSqeb%2BP%2FZefv7JDfA8DjlHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 11.

<sup>17</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/JOR/CO/3, para. 11.

<sup>18</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/JOR/CO/3, para. 24; Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FmH8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 25 September 2024), para. 29 (b).

<sup>19</sup> U.S. Department of State, *2023 Country Reports on Human Rights Practices: Jordan, 2023*, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/> (accessed 25 September 2024), para. C.

<sup>20</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June

The State party claimed that “there is nothing in legislation or practice to prevent a person from appointing a lawyer from the moment of arrest”, and that “the practice followed is to allow the person, at his request, to communicate with anyone, including a lawyer, with a view to appointing counsel”.<sup>21</sup>

However, Jordan’s Code of Criminal Procedure does not guarantee the right of suspects to contact their lawyer from the moment of their arrest. Instead, this right is only granted once they are brought before a prosecutor.<sup>22</sup>

Police custody is normally limited to twenty-four hours, after which the judicial police must present the detainee to the prosecutor.<sup>23</sup> When the arrested person is suspected of having committed a crime under the jurisdiction of the State Security Court (mainly cases relating to state security and drug trafficking), the judicial police - usually GID officers - may keep him or her in custody for seven days before presenting him or her to the court prosecutor.<sup>24</sup>

Although a detainee has the right not to reply to the charges unless in the presence of a lawyer,<sup>25</sup> the prosecutor can still interrogate suspects “in case of urgency” and until the completion of the investigation.<sup>26</sup>

A notable example illustrating this issue is the case of activist Fatima Shubeilat, who was arrested on 17 April 2024 at a shopping mall in Amman after a video surfaced on social media showing her participation in a pro-Gaza sit-in.<sup>27</sup> She was taken to the Central Amman Police Directorate of the PSD and transferred to the Cybercrimes unit of the PSD, where she was questioned without the presence of a lawyer. Despite several requests for bail, which were denied three times, she remained detained for 13 days before her release on 30 April 2024. Shubeilat currently remains on trial, facing charges under the Penal Code and Cybercrime Law, notably for “unlawful gathering”.<sup>28</sup>

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2018, UN Doc. CAT/C/JOR/QPR/4, [https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4L\\_onUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbt7x5z6tA%2FzVB](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4L_onUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbt7x5z6tA%2FzVB) (accessed 21 August 2024), para. 4.

<sup>21</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, [https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4L\\_onUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVvk8kUOJb%2BBauqXGSNIarSqeb%2BP%2FZEFv7JDfA8DjIHm3bys7hB5acwHqC](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4L_onUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVvk8kUOJb%2BBauqXGSNIarSqeb%2BP%2FZEFv7JDfA8DjIHm3bys7hB5acwHqC) (accessed 21 August 2024), para. 13.

<sup>22</sup> Alkarama, *Jordan: Shadow report to UN Human Rights Committee highlights human rights abuses in name of counterterrorism*, 18 September 2017, <https://www.alkarama.org/en/articles/jordan-shadow-report-un-human-rights-committee-highlights-human-rights-abuses-name> (accessed 23 September 2024), p. 8.

<sup>23</sup> Article 110 of the Code of Criminal Procedure.

<sup>24</sup> Article 7(b)(1) of the State Security Court Law.

<sup>25</sup> Article 63(1) of the Criminal Code of Procedure.

<sup>26</sup> Article 64 of the Criminal Code of Procedure.

<sup>27</sup> See Fatima Shubeilat’s family’s statement about her arrest, accessible here: Laith Shubeilat Facebook account, 22 April 2024, [https://www.facebook.com/laith.shubeilat/posts/975572030600611?ref=embed\\_post](https://www.facebook.com/laith.shubeilat/posts/975572030600611?ref=embed_post) (accessed 29 April 2024).

<sup>28</sup> Amnesty International, *Jordan: New Cybercrimes Law stifling freedom of expression one year on*, 13 August 2024, <https://www.amnesty.org/en/latest/news/2024/08/jordan-new-cybercrimes-law-stifling-freedom-of-expression-one-year-on/> (accessed 25 September 2024).



## 3.2 Administrative detention

In its list of issues, the Committee requested that Jordan provide information on steps taken to amend or repeal the 1954 Crimes Prevention Act, with a view to abolishing the practice of administrative detention.<sup>29</sup> The Committee had previously expressed particular concern over the increasing number of persons held in administrative detention and for long periods, during which detainees are deprived of procedural guarantees.<sup>30</sup>

The Committee also asked the Jordanian authorities to clarify any efforts made to ensure routine judicial review of administrative detentions and to include an explicit provision that entitles victims of arbitrary or unlawful detention to redress.<sup>31</sup>

The Crimes Prevention Act allows for detention without charge and raises issues about the separation of powers between the executive and judicial branches.<sup>32</sup> Under this law, local governors (also known as district administrators) are granted discretion to detain anyone “about to commit a crime or assist in its commission,” those who “habitually” steal, shelter thieves, or fence stolen goods, and anyone who, if remaining at liberty, would constitute a “danger to the people” for up to one year.<sup>33</sup>

This process circumvents the safeguards of a fair trial usually provided in criminal proceedings under the Code of Criminal Procedure,<sup>34</sup> and the law does not provide an effective means to challenge detention before a judicial authority.<sup>35</sup>

According to the Human Rights Committee’s 2017 Concluding Observations, “while an appeal is possible,<sup>36</sup> lawyers with special qualifications are required to bring such cases and their services are expensive, and [...] such an appeal is a remedy with little prospect of success and is not often used in practice.”<sup>37</sup>

<sup>29</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 8.

<sup>30</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/JOR/CO/3, para. 21.

<sup>31</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 8.

<sup>32</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/JOR/CO/3, para. 21.

<sup>33</sup> Human Rights Watch, *Jordan: events of 2022*, <https://www.hrw.org/world-report/2023/country-chapters/jordan> (accessed 25 September 2024).

<sup>34</sup> Amnesty International, *Jordan: New Cybercrimes Law stifling freedom of expression one year on*, 13 August 2024, <https://www.amnesty.org/en/latest/news/2024/08/jordan-new-cybercrimes-law-stifling-freedom-of-expression-one-year-on/> (accessed 25 September 2024).

<sup>35</sup> MENA Rights Group, *Jordan: Universal Periodic Review*, July 2023, <https://menarights.org/en/documents/universal-periodic-review-jordan-report-submitted-un-human-rights-council> (accessed 23 September 2024), p. 12.

<sup>36</sup> Detainees can challenge their detention before the High Court of Justice within 60 days. See: Human Rights Watch, *Guests of the Governor*, 26 May 2009, <https://www.hrw.org/report/2009/05/26/guests-governor/administrative-detention-undermines-rule-law-jordan> (accessed 30 September 2024).

<sup>37</sup> Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of Jordan*, UN Doc. CCPR/C/JOR/CO/5, 4 December 2017, para. 18.

Even more concerning, administrative detainees also cannot rely on routine amnesties or case reviews at the governorate or national level.<sup>38</sup>

In practice, administrative detention is often employed to repress political dissidents, activists, journalists, teachers and others who participate in anti-government protests.<sup>39</sup> For instance, in February 2022, Jordanian authorities arrested 11 political activists under this law.<sup>40</sup> In March 2023, the law was used to arrest at least 150 activists, journalists, and teachers, in an apparent effort to suppress protests.<sup>41</sup>

In 2023, the Ministry of Interior reported that approximately 37,000 persons served in administrative detention without charge or trial during the year.<sup>42</sup>

In response to mass protests and online advocacy in support of Palestine since the beginning of Israel's offensive in Gaza in October 2023, at least 21 individuals were detained administratively on orders of the Governor of Amman, even though the public prosecutor permitted their release.<sup>43</sup> For example, in December 2023, activist Majd al-Farraj was summoned for interrogation over pro-Palestine social media posts and, though acquitted by a criminal court, was re-arrested in March 2024 during a protest and detained administratively for 40 days.<sup>44</sup>

Similarly, on 24 April 2024, activist Samer al-Qassem was arrested by General Security officers over a TikTok video concerning Palestinian refugees. Despite being released on bail on 14 May 2024, the Governor of Amman ordered his administrative detention for one month.<sup>45</sup>

In addition to people peacefully exercising their rights to freedom of expression and assembly, women and men in "protective" custody, and foreigners are also among those detained outside

<sup>38</sup> Human Rights Watch, *Guests of the Governor*, 26 May 2009, <https://www.hrw.org/report/2009/05/26/guests-governor/administrative-detention-undermines-rule-law-jordan> (accessed 30 September 2024).

<sup>39</sup> Amnesty International, *Report 2022/2023*, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/> (accessed 23 September 2024), p. 215; Human Rights Watch, *Jordan: Government crushes civic space*, 18 September 2022, <https://www.hrw.org/news/2022/09/18/jordan-government-crushes-civic-space> (accessed 25 September 2024).

<sup>40</sup> Euromed Monitor, *Jordan.. 11 political activists are detained in poor conditions and without proper legal procedures*, 21 March 2022,

<https://euromedmonitor.org/ar/article/4972/%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86...-1-1-%D9%86%D8%A7%D8%B4%D8%B7%D9%8B%D8%A7-%D8%B3%D9%8A%D9%8B%D8%A7-%D9%88%D8%AA%D8%AC%D8%B2%D9%88%D9%86-%D9%81%D9%8A-%D8%B8%D8%B1%D9%88%D9%81-%D8%B3%D9%8A%D8%A6%D8%A9-%D9%88%D8%AF%D9%88%D9%86-> (accessed 25 September 2024).

<sup>41</sup> Amnesty International, *Report 2022/2023*, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/> (accessed 23 September 2024), p. 215.

<sup>42</sup> U.S. Department of State, *2023 Country Reports on Human Rights Practices: Jordan, 2023*, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/> (accessed 23 September 2024).

<sup>43</sup> *Ibid.*

<sup>44</sup> Amnesty International, *Jordan: New Cybercrimes Law stifling freedom of expression one year on*, 13 August 2024, <https://www.amnesty.org/en/latest/news/2024/08/jordan-new-cybercrimes-law-stifling-freedom-of-expression-one-year-on/> (accessed 25 September 2024).

<sup>45</sup> Amnesty International, *Jordan: New Cybercrimes Law stifling freedom of expression one year on*, 13 August 2024, <https://www.amnesty.org/en/latest/news/2024/08/jordan-new-cybercrimes-law-stifling-freedom-of-expression-one-year-on/> (accessed 25 September 2024).

of the scope of the Crime Prevention Law.<sup>46</sup> Governors invoke the Crime Prevention Law, although it does not explicitly cover such situations, to place women in protective custody because family members have threatened their lives for perceived moral lapses creating a situation where victims are punished and those responsible for such threats not prosecuted.<sup>47</sup>

### 3.3 Jordan's National Human Rights Institution (NHRI)

In the list of issues, the Committee requested information about the National Centre for Human Rights (NCHR), Jordan's National Human Rights Institutions (NHRI), and its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>48</sup> The Committee specifically referred to the allocation of financial and human resources, the appointment process of its members, and the NCHR's ability to make unannounced visits to detention facilities, particularly those of the General Intelligence Directorate (GID).<sup>49</sup>

In response, the State party claimed that the NCHR is compliant with the Paris Principles and that it is supported by the government, notably raising that the latter augmented the Centre's financial resources in 2017, as a result of which staff numbers increased by 20%.<sup>50</sup> Jordan also asserted that since 2017, the GID has allowed the NCHR to make unannounced visits to its detention centres.<sup>51</sup>

The NCHR obtained A status following its review by the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI), indicating compliance with the Paris Principles.<sup>52</sup> However, the Chairperson and members of the Board are appointed

<sup>46</sup> See Dignity, *Conditions for women in detention in Jordan*, <https://dignity.dk/wp-content/uploads/publication-series-9.pdf> (accessed 30 September 2024).

<sup>47</sup> Human Rights Watch, *Guests of the Governor*, 26 May 2009, <https://www.hrw.org/report/2009/05/26/guests-governor/administrative-detention-undermines-rule-law-jordan> (accessed 30 September 2024).

<sup>48</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 9.

<sup>49</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 9.

<sup>50</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZFEfv7JDFa8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 29.

<sup>51</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZFEfv7JDFa8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 32.

<sup>52</sup> GANHRI, *Accreditation Status as of 19 July 2023*, [https://ganhri.org/wp-content/uploads/2024/07/StatusAccreditationChartNHRIs\\_July2024.pdf](https://ganhri.org/wp-content/uploads/2024/07/StatusAccreditationChartNHRIs_July2024.pdf) (accessed 25 September 2024), p. 7.

by Royal Decree at the recommendation of the Prime Minister, raising concerns about the independence of the NCHR.<sup>53</sup>

In October 2022, the SCA expressed doubt over the NCHR's continued adherence to the Paris Principles, including its independence and capacity to fulfil its mandate.<sup>54</sup> These concerns followed amendments to the NCHR Law, which introduced a provision requiring the Chairperson of the Board of Trustees and the Commissioner General for Human Rights not be affiliated to a political party.<sup>55</sup> This change occurred only two months after a prominent member of a political party was elected Chair of the NCHR Board of Trustees.<sup>56</sup>

The SCA also expressed concern about the prosecution and suspension of several NCHR staff members, which was viewed by civil society organisations as a deliberate campaign to undermine the independence of the institution and silence the NCHR for its outspoken critique of government actions.<sup>57</sup> In May 2022, the former NCHR General Commissioner Alaedine Armouti was suspended from his duties, investigated and, along with other members of staff, put on trial for alleged "financial malfeasance" and "abuse of power" relating to a project financed by foreign donors, including the European Union. Armouti, who described the charges as "manufactured, intended to keep me away", had been very vocal in criticising the government, publicly denouncing the government's imposition of drastic curfews during the COVID-19 pandemic, the arbitrary closure of teachers' unions and restrictions on their right to protest, the alleged pressure and vote-buying during the 2020 legislative elections, and the 2022 constitutional amendments that expanded the king's authority over various institutions, including the security services.<sup>58</sup>

The SCA expressed concern that these developments occurred without due process, and in response, initiated a Special Review of the NCHR during its first session of 2023 to assess the NCHR's compliance with the Paris Principles.<sup>59</sup> Despite these concerns, the SCA ultimately regranted the NCHR 'A' status during its March 2023 session.<sup>60</sup>

## Recommendations:

- Ensure that individuals are granted their fundamental legal safeguards from the outset of deprivation of liberty, including their right to promptly access a lawyer;
- Ensure due process guarantees for individuals held in administrative detention;

<sup>53</sup> Article 13(A) of the National Centre for Human Rights Law No. (51).

<sup>54</sup> GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 3- 7 October 2022, <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/2022-11-08/SCA-Adopted-Report-October-2022-EN.pdf> (accessed 25 September 2024), para. 5.1.

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

<sup>57</sup> GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 3- 7 October 2022, <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/2022-11-08/SCA-Adopted-Report-October-2022-EN.pdf> (accessed 25 September 2024), para. 5.1.

<sup>58</sup> See: Le Monde, *Trial of human rights commissioner in Jordan comes as authoritarian shift symbol*, 3 February 2023, [https://www.lemonde.fr/en/international/article/2023/02/03/in-jordan-the-trial-of-a-human-rights-commissioner-is-emblematic-of-an-authoritarian-shift\\_6014211\\_4.html#](https://www.lemonde.fr/en/international/article/2023/02/03/in-jordan-the-trial-of-a-human-rights-commissioner-is-emblematic-of-an-authoritarian-shift_6014211_4.html#) (accessed 25 September 2024).

<sup>59</sup> GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 3- 7 October 2022, <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/2022-11-08/SCA-Adopted-Report-October-2022-EN.pdf> (accessed 25 September 2024), para. 5.1

<sup>60</sup> GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 13 February- 24 March 2023, para. 4.1, <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/SCA-Report-First-Session-2023-EN.pdf> (accessed 25 September 2024).

- Abolish the practice of administrative detention;
- Abolish the Crimes Prevention Act, or amend it with a view to bringing it into compliance with international human rights standards and with Jordan's obligations under the Convention;
- Strengthen the independence and capacity of the National Centre for Human Rights to ensure its compliance with the Paris Principles, allowing it to effectively carry out its mandate, particularly with regard to allegations of torture and ill-treatment.

## 4 Extradition and prohibition of non-refoulement (article 3)

As part of the list of issues, the Committee had requested information about refoulements, extraditions and expulsions carried out by the State party, "on the basis of the acceptance of diplomatic assurances or the equivalent thereof".<sup>61</sup> The State party indicated that it had "not given or received any diplomatic assurances in this regard".<sup>62</sup>

### 4.1 Regional legal framework governing judicial cooperation and extradition proceedings

Jordan is a party to the 1983 Riyadh Arab Agreement for Judicial Cooperation<sup>63</sup> (Riyadh Convention), adopted and endorsed by the Council of Arab Ministers of Justice. This Convention aims to facilitate judicial cooperation between its 18 signatory Arab countries, including Jordan.

The Riyadh Convention contains several exceptions under which extradition cannot be carried out, including if "the crime for which extradition is requested is considered by the laws of the requested party as a crime of a political nature". Despite this prohibition of extradition for political offences, the assessment of the political nature of the crime is left to the discretion of the requested country. In addition, the Riyadh Convention excludes a number of offences from being defined as political, notably assaults on kings and presidents as well as robberies committed against individuals or authorities.<sup>64</sup> Similarly, Jordan is a party to the Arab Convention for the Suppression of Terrorism<sup>65</sup> (hereinafter: Arab CT Convention), adopted by the League of Arab States (LAS) in 1998. Article 6(a) of the Arab CT Convention prohibits extradition for political offenses, but article 2(b) excludes attacks on kings, heads of states,

<sup>61</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LOnUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 18.

<sup>62</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LOnUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVvk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZefv7JDfA8DjlHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 84.

<sup>63</sup> Council of Arab Ministers of Justice, *Riyadh Arab Agreement for Judicial Cooperation*, 6 April 1983, <https://www.refworld.org/docid/3ae6b38d8.html> (accessed 24 September 2024).

<sup>64</sup> Article 41 (1) and (3) of the Riyadh Convention.

<sup>65</sup> League of Arab States, *The Arab Convention for the Suppression of Terrorism*, April 1998, <https://www.refworld.org/legal/agreements/las/1998/en/29059> (accessed 23 September 2024).

crown princes, vice-presidents, heads of government or ministers from being categorised as political offences. Additionally, article 5 of the Arab CT Convention foresees the extradition of individuals accused of terrorist offenses to requesting states.

As such, the restrictive interpretation of political offences found in the Arab CT Convention and the Riyadh Convention allow for transnational repression through the extradition of individuals on political grounds, which is inconsistent with international human rights standards. Of particular concern is that fact that, despite all LAS Member States being parties to the Convention, these Convention do not refer to the *non-refoulement* obligation enshrined in article 3 of the Convention.

## 4.2 The Arab Interior Ministers' Council (AIMC) and its role in facilitating politically motivated extraditions in the Arab region

The Arab Interior Ministers' Council (AIMC) is a specialised Ministerial Council of the LAS tasked with developing and strengthening cooperation and coordinating efforts between Arab countries in the field of internal security and prevention of crime.<sup>66</sup> The AIMC's current Secretary General, Mohammad bin Ali Kuman, is a Saudi national who has held the post since 2001, with his term of office systematically renewed every three years.<sup>67</sup>

The AIMC's General Secretariat, acting as its technical and administrative body, is located in Tunis, Tunisia. The Arab Office for Combating Extremism and Terrorism, one of the five specialised offices of the AIMC, is based in Riyadh, Saudi Arabia.<sup>68</sup>

Regarding its legal framework, the AIMC is in charge of monitoring the implementation of the Arab CT Convention. It also finds its legal basis in the Riyadh Convention, which enables the Council to circulate warrants at the request of states parties to the Convention.<sup>69</sup> The AIMC also has Basic Laws, adopted by the LAS in 1982, which do not make reference to any human rights standards, nor do they grant individuals the right to file an access request or to demand the removal of arrest warrants diffused against them.<sup>70</sup> Similarly, they do not mention standards of procedure regarding the circulation of arrest warrants or human rights standards.

<sup>66</sup> MENA Rights Group, *Understanding the Arab Interior Ministers' Council and its role in transnational repression*, 17 August 2023, <https://www.menarights.org/en/articles/aimc> (accessed 25 September 2024).

<sup>67</sup> Naif Arab University for Security Sciences website, *His Excellency Dr. Mohammad Bin Ali Kuman*, <https://dailyreports.nauss.edu.sa/en-us/about-nauss/Pages/supreme-council/dr-muhammad-koman.aspx> (accessed 25 September 2024).

<sup>68</sup> Arab Interior Ministers' Council website, *Arab Office for Combating Extremism and Terrorism*, <https://www.aim-council.org/specialized-offices/riyadh/> (accessed 25 September 2024).

<sup>69</sup> Article 57 of the Riyadh Convention provides that the contracting parties should “undertake coordination of extradition request procedures” with the “Arab Organisation for Social Defense Against Crime (Arab Criminal Police Bureau), through the liaison offices concerned.” This Arab Bureau of Criminal Police was replaced by the Department of Criminal Prosecution and Data within the General Secretariat of the AIMC through the Resolution No. 667 of the Council dated 13 March 2013.

<sup>70</sup> Arab Interior Ministers' Council, *Arab Interior Ministers' Council's Basic Law*, 23 September 1982, <https://www.mohamah.net/law/wp-content/uploads/2017/01/%D9%86%D8%B5%D9%88%D8%B5-%D9%88-%D9%85%D9%88%D8%A7%D8%AF-%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%A3-%D8%B3-%D8%A7%D8%B3%D9%8A-%D9%84%D9%85%D8%AC%D9%84%D8%B3-%D9%88%D8%B2%D8%B1%D8%A7%D8%A1-%D8%A7%D9%84%D8%AE%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8.pdf> (accessed 25 September 2024).

The AIMC can circulate state-requested warrants to LAS Member States, thus facilitating the apprehension and extradition of persons notably wanted on terrorism charges. This is done through liaison divisions, present in each LAS Member State.<sup>71</sup> However, as mentioned above, the domestic CT laws at the basis of these warrants and the regional legal framework governing its operations pose a number of human rights concerns. Targeted individuals do not have the possibility to file access requests or to demand the removal of arrest warrants diffused against them, and there is no oversight mechanism filtering out abuses of its systems.

The responsibility of circulating the warrants lies with the Department of Criminal Prosecution and Data within the General Secretariat.<sup>72</sup> In 2016, the Department of Prosecution and Criminal Data reportedly issued over a thousand search warrants reported to the AIMC by Member States, including 80 warrants aiming to locate individuals wanted for terrorist acts.<sup>73</sup> In 2017, Secretary-General Muhammad bin Ali Koman announced that AIMC had developed a new application introducing an electronic mechanism for generating search warrants in an effort to locate wanted individuals, this streamlined process aiming to minimise the search duration upon data input.<sup>74</sup>

In order to facilitate the tracking and apprehension of wanted individuals, the General Secretariat reportedly holds a database containing information on individuals wanted for alleged criminal activities across its Member States, including acts of terrorism.<sup>75</sup> This database, notably populated with data from Member States, contains wanted individuals' personal information as well as alleged insights into the methodologies employed for acts of terrorism, among other crimes.

The AIMC reportedly established a Legal Committee tasked with reviewing Member States' requests to issue search warrants, assessing their alignment with approved standards and mechanisms, and addressing objections raised against search warrants issued by countries, the individuals being sought, or their legal representatives.<sup>76</sup> Although the scope of the Legal Committee's mandate suggests the possibility of an individual's right to challenge an arrest warrant, the actual process for doing so is uncertain and seems to lack accessibility. Further, the composition of this Legal Committee includes representative from Member States, giving rise to apprehensions about the impartiality and independence of its functioning.

While the AIMC's warrant circulation appears similar to the practices of INTERPOL, the Commission for the Control of INTERPOL's Files (CCF) can, at the request of individuals, remove a red notice if found to be in violation of INTERPOL's constitution and rules, it is deleted from the organisation's systems.<sup>77</sup> Similarly, the Notices and Diffusions Task Force, an

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<sup>71</sup> Arab Interior Ministers' Council, *Organs of the Council of Arab Interior Ministers*, <https://www.aim-council.org/about/council-devices/> (accessed 30 September 2024).

<sup>72</sup> This Department is tasked with various counterterrorism functions, including facilitating cooperation among Arab nations to apprehend fugitive terrorists, coordinating the exchange of terrorism-related information between Arab countries, receiving and circulating requests warrants for persons accused or convicted of terrorist offenses, regularly updating and sharing the list of individuals involved in "planning, executing, or financing terrorist acts" with Member States, enriching the General Secretariat's database of terrorist operatives with pertinent data, and making this database accessible to Member States.

<sup>73</sup> Okaz, *Secretary of the "Arab Interior Ministers" to "Okaz": A mechanism for issuing "search warrants" against wanted persons soon*, 3 April 2017, <https://www.okaz.com.sa/local/na/1537363> (accessed 24 September 2024).

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

<sup>77</sup> INTERPOL Website, *Commission for the Control of INTERPOL's Files (CCF)*, <https://www.interpol.int/Who-we->

institution established by INTERPOL's Secretary General in 2016, may also unilaterally review red notices on the basis of all available information, including information received from member countries other than the requesting country, and media monitoring.<sup>78</sup> In the case of the AIMC, should a review mechanism be established, it would be undermined by the lack of reference to human rights standards in the AIMC's basic laws.

In practice, MENA Rights Group has documented the cases of individuals who have faced politically motivated extradition proceedings as a result of the AIMC's circulation of their arrest warrants.<sup>79</sup>

The AIMC's systems can be used to put persecuted minority members at risk of torture and other human rights violations in the requesting states.

The human rights concerns posed by the AIMC's operations have been highlighted by UN Special Procedures mandate holders in a communication addressed to the LAS,<sup>80</sup> and identified as a key regional issue in the former Special Rapporteur on counter-terrorism and human rights' Global Study on the Impact of counter-terrorism measures on civil society and civic space.<sup>81</sup>

### 4.3 The extradition of UAE94 member Khalaf al-Romaithi

In May 2023, Jordanian authorities committed a grave violation of the *non-refoulement* principle by extraditing Khalaf Abdul Rahman Abdulla Humaid al-Romaithi, a Turkish and Emirati national and prominent Emirati dissident, to the United Arab Emirates (UAE).<sup>82</sup>

Khalaf al-Romaithi is a member of the "UAE 94", a group of 94 Emirati scholars, activists, lawyers, doctors, and human rights defenders who were tried in 2013 after signing a petition that asked for democratic reforms in the UAE.<sup>83</sup>

On 2 July 2013, al-Romaithi was convicted *in absentia* to 15 years in prison based on vague national security-related charges by the Federal Supreme Court in Abu Dhabi, following a grossly unfair trial. In 2013, the UN Working Group on Arbitrary Detention issued Opinion No.

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[are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF](#) (accessed 24 September 2024).

<sup>78</sup> INTERPOL Website, *Compliance and review*, <https://www.interpol.int/How-we-work/Notices/Compliance-and-review> (accessed 24 September 2024).

<sup>79</sup> Among them, Hassan al-Rabea, a member of the Saudi Shi'a religious minority, was deported from Morocco to Saudi Arabia, in violation of the principle of *non-refoulement*. Special Procedures mandate holders have notably highlighted the unlawful character of the extradition proceedings faced by al-Rabea. See: Special Procedures, *UA MAR 1/2023*, 7 February 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27863> (accessed 24 September 2024).

<sup>80</sup> Special Procedures, *OL OTH 71/2023*, 23 June 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28070> (accessed 24 September 2024).

<sup>81</sup> Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, *Outcome document of the Middle East And North Africa (MENA) Civil Society Consultation On The Impact Of Counter-Terrorism Measures On Civil Society And Civic Space*, [https://defendcivicspace.com/wp-content/uploads/2024/01/SRCT\\_MENA\\_OutcomeDocument.pdf](https://defendcivicspace.com/wp-content/uploads/2024/01/SRCT_MENA_OutcomeDocument.pdf) (accessed 24 September 2024).

<sup>82</sup> MENA Rights Group, *Emirati dissident disappears in Jordan, risking forcible return to the UAE*, 16 May 2023, <https://menarights.org/en/case/khalaf-abdul-rahman-abdulla-humaid-al-romaithi> (accessed 24 September 2024).

<sup>83</sup> MENA Rights Group, *United Arab Emirates: Free members of UAE94 and other prisoners of conscience*, 1 July 2022, <https://menarights.org/en/articles/united-arab-emirates-free-members-uae94-and-other-prisoners-conscience> (accessed 23 September 2024).



60/2013, in which it found that the detention of the 61 individuals convicted in the UAE94 trial was arbitrary.<sup>84</sup>

On 7 May 2023, based on a request by the UAE, he was arrested in Amman airport, Jordan, while he was travelling for a short visit. He was informed that there was an arrest warrant issued by the Arab and International Police Department / Interpol of the Public Security Directorate<sup>85</sup> at the request of the UAE. This Department, which serves as a liaison division of the AIMC, is notably tasked with circulating warrants and extradition requests issued by the AIMC.<sup>86</sup>

The same day, he was brought before a judge, a hearing was set for 21 May 2023, and he was released on bail.

However, the following day, on 8 May 2023, at 5 p.m., he was arrested in a coffee shop in Amman by four members believed to be from the General Intelligence Directorate who were wearing civilian clothes. They told al-Romaithi that the release decision had been cancelled and that the hearing date had been brought forward to 16 May 2023.

On 9 May 2023, al-Romaithi was able to meet with his lawyer during his court session. The lawyer was surprised that the Public Prosecutor had obtained approval from the judge to cancel the bail, and thus the release decision, hours before his second arrest. On the same day, another session took place and he was transferred to Marka prison immediately after. He was supposed to be detained there until his next session on 16 May 2023.

However, on 10 May 2023, his lawyer discovered that a decision to release al-Romaithi was issued, without any notification. When his lawyer tried to meet with him in Marka prison, the prison's administration asked him to report to the Arab and International Police Department / Interpol. However, this department refused to give him any information about his whereabouts. The same day, the lawyer was informed by the same judge who issued the release decision that the Public Prosecutor decided to refer al-Romaithi to the governor of Amman, who decided to deport him outside of the country. He did not specify where he was deported, and whether it was to Turkey or the UAE.

On 12 May 2023, al-Romaithi's family was informed informally by a Turkish official that he had been extradited to the UAE.

Al-Romaithi remains forcibly disappeared since 9 May 2023, when his lawyer last saw him.

On 12 May 2023, Jordanian authorities extradited al-Romaithi to the UAE. Emirati state media claimed al-Romaithi is a 'terrorist' charged with the creation and establishment of a secret organisation affiliated with the terrorist Muslim Brotherhood.<sup>87</sup>

On 15 May 2023, MENA Rights Group submitted an urgent appeal to the UN Working Group on Enforced or Involuntary Disappearances, urging them to intervene with Jordanian and

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<sup>84</sup> Working Group on Arbitrary Detention, No. 60/2013 (*United Arab Emirates*), 9 September 2013, UN Doc. A/HRC/WGAD/2013/60, <https://documents.un.org/doc/undoc/gen/g14/131/83/pdf/g1413183.pdf> (accessed 24 September 2024).

<sup>85</sup> See: Official website of the Public Security Directorate, *Arab and International Police Department / Interpol*, <https://psd.gov.jo/en-us/psd-department-s/arab-and-international-police-department-interpol/> (accessed 25 September 2024).

<sup>86</sup> See: Official website of the Public Security Directorate, *Duties: Arab and International Police Department*, <https://psd.gov.jo/en-us/psd-department-s/arab-and-international-police-department-interpol/duties/> (accessed 25 September 2024).

<sup>87</sup> WAM News, *UAE extradites wanted terrorist from Jordan*, 17 May 2023, <https://www.wam.ae/ar/details/1395303158862> (accessed 24 September 2024).

Emirati authorities to clarify al-Romaithi's fate and whereabouts. On 22 June 2023, the Emirati authorities responded saying that al-Romaithi was being detained in a "prison facility in Abu Dhabi".

It was later reported that he was one of the defendants tried in the UAE84 trial, which began in December 2023. Those on trial included prominent activists and dissidents already serving long prison sentences based on abusive charges, including Ahmed Mansoor, a prominent human rights defender, and Nasser bin Ghaith, an academic, as well as those convicted following the aforementioned UAE94 mass trial of 2013.<sup>88</sup> On 10 July 2024, the Abu Dhabi Federal Appeals Court meted out sentences ranging from between 15 years to life in prison in the UAE's second largest unfair mass trial. It is not clear what sentence was handed down to al-Romaithi.

### Recommendations:

- Review existing regional legal frameworks, such as the Riyadh Arab Agreement for Judicial Cooperation and the Arab Convention for the Suppression of Terrorism, to align them with international human rights standards, specifically ensuring the protection of individuals from politically motivated extraditions;
- Establish clear and transparent procedures for evaluating states' extradition requests, ensuring they meet international human rights standards and that they do not violate the non-refoulement principle;
- Introduce independent oversight mechanisms to review extradition requests made under the frameworks of regional agreements like the Arab Interior Ministers' Council (AIMC), so as to ensure that extradition procedures are not misused for political repression or to violate the non-refoulement principle;
- Cease carrying out arrests and extradition proceedings on the basis of warrants issued by the Arab Interior Ministers' Council, as long as its functioning and legal framework do not comply with international human rights law;
- Ensure victims of unlawful extraditions, including Khalaf al-Romaithi, are provided with remedies, including reparation and guarantees of non-repetition
- Guarantee that individuals subject to extradition have access to fair legal processes, including the right to challenge extradition decisions before independent courts or tribunals, and ensure that these challenges suspend the enforcement of any deportation or extradition orders;
- Advocate for the inclusion of non-refoulement and other human rights safeguards in all regional and international judicial cooperation agreements to prevent the misuse of extradition for politically motivated purposes.

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<sup>88</sup> Human Rights Watch, *UAE: Unfair Trial of Rights Defenders*, 29 April 2024, <https://www.hrw.org/news/2024/04/29/uae-unfair-trial-rights-defenders> (accessed 30 September 2024).

# 5 Treatment of persons subjected to arrest, detention or imprisonment (article 11)

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## 5.1 Violent arrests

In Jordan, arrests are often carried out with excessive physical force and violence. These practices are routinely executed by members of Jordan's two primary security agencies: the General Intelligence Department (GID) and the Preventative Security branch of the Public Security Directorate (PSD).<sup>89</sup>

The PSD is composed of the police, prison, and border services and falls under the authority of the Ministry of Interior.<sup>90</sup>

The GID, established by Act No. 24 of 1964 (also known as the GID law), is notably tasked with carrying out "intelligence duties and operations to safeguard national security".<sup>91</sup> The GID General Director is appointed directly by the king and reports to the prime minister, and GID officers are appointed by royal decree and are considered members of the armed forces.<sup>92</sup>

The Committee has asked the State party to indicate steps taken to place all State security departments under civilian authority and oversight, particularly the GID.<sup>93</sup> Although the GID is not a law enforcement agency and therefore lacks formal powers of arrest or detention, it exercises such powers in practice.<sup>94</sup> GID officers regularly carry out arrests without warrants and in civilian clothing.<sup>95</sup>

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<sup>89</sup> Human Rights Watch, *Jordan: Government Crushes Civic Space*, 18 September 2022, <https://www.hrw.org/news/2022/09/18/jordan-government-crushes-civic-space> (accessed 5 September 2024).

<sup>90</sup> Alkarama, *Jordan: Shadow report to UN Human Rights Committee highlights human rights abuses in name of counterterrorism*, 18 September 2017, <https://www.alkarama.org/en/articles/jordan-shadow-report-un-human-rights-committee-highlights-human-rights-abuses-name> (accessed 23 September 2024), p. 6.

<sup>91</sup> Official website of the General Intelligence Directorate: <https://gid.gov.jo/gid-info/g-i-d-s-duties/> (accessed 25 September 2024).

<sup>92</sup> Alkarama, *Jordan: Shadow report to UN Human Rights Committee highlights human rights abuses in name of counterterrorism*, 18 September 2017, <https://www.alkarama.org/en/articles/jordan-shadow-report-un-human-rights-committee-highlights-human-rights-abuses-name> (accessed 23 September 2024), p. 9.

<sup>93</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, [https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4L\\_onUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4L_onUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB) (accessed 21 August 2024), para. 28.

<sup>94</sup> Alkarama, *Jordan: Shadow report to UN Human Rights Committee highlights human rights abuses in name of counterterrorism*, 18 September 2017, <https://www.alkarama.org/en/articles/jordan-shadow-report-un-human-rights-committee-highlights-human-rights-abuses-name> (accessed 23 September 2024), p. 10.

<sup>95</sup> "The GID staff hold military ranks and are committed to military laws. However, due to the nature of the job, GID officers are required to wear civilian clothing." See: <https://gid.gov.jo/topics-views/frequently-asked-questions/> (accessed 25 September 2024).

Between 2018 and 2021, Human Rights Watch documented 10 cases of activists arrested by members of the GID and the Preventive Security of the PSD wearing civilian clothing.<sup>96</sup>

On 13 November 2023, activist Kamil al-Zoubi was violently arrested in Ramtha city by members of the GID and the Preventive Security branch of the PSD. The arrest took place near the main Ramtha roundabout, following a march in support of Gaza. There, about five cars of the GID and the PSD arrived, and about 20 members from both agencies arrested him. He was beaten, pinned to the ground and dragged across the roundabout. Al-Zoubi was ultimately charged on the basis of the Cybercrime Law and sentenced to three months of imprisonment for a post on his Twitter (or “X”) profile.<sup>97</sup> The post included a short video showing trucks transporting American equipment to Israel from bases within Jordan, with text asking for accountability for the responsibility of the Jordanian government.<sup>98</sup>

Similarly, on 7 November 2023, activist Sameer Nemrawi was arrested on a street in Irbid governorate by members of the GID and the Preventive Security branch of the PSD, who dragged and beat him.<sup>99</sup> He had notably been calling for demonstrations in support of Gaza. He was ultimately charged with “unlawful gathering”, “spreading false news targeting the national security and community peace”, and “insulting a symbol of the state” under the Cybercrime Law and the Penal Code, and sentenced to one year in prison.

## 5.2 *Incommunicado* detention

Following arrests carried out by members of the GID, suspects are typically taken to GID headquarters in Amman, which operate as a detention facility, where they are held *incommunicado*, effectively placing them outside the protection of the law and depriving them of legal safeguards.<sup>100</sup>

Between 2018 and 2021, Human Rights Watch documented the cases of three activists who were held in solitary confinement at the GID headquarters in Amman. They were held with limited or no light, and irregular or no visits from families and lawyers.<sup>101</sup> In 2023, further reports indicated that arrested human rights activists were held *incommunicado* to hide evidence of physical abuse by security forces.<sup>102</sup>

A recent case involves activist Sameer Nemrawi, who was violently arrested in November 2023 by members of the GID and the Preventive Security branch of the Public Security Directorate (PSD) for his online advocacy in support of Palestine. Nemrawi was sentenced to one year of imprisonment and detained at Marka prison in Amman. While in detention, he was temporarily deprived of family visits, a tactic seemingly employed as a form of reprisal for his activism.

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<sup>96</sup> Human Rights Watch, *Jordan: Government Crushes Civic Space*, 18 September 2022, <https://www.hrw.org/news/2022/09/18/jordan-government-crushes-civic-space> (accessed 25 September 2024).

<sup>97</sup> See Twitter (or “X”) profile @Kameelalzoubi2, accessible here: <https://twitter.com/kameelalzoubi2?lang=fr> (accessed 6 March 2024).

<sup>98</sup> MENA Rights Group, *Jordanian activist Kamil al-Zoubi faces several charges in detention related to his freedom of expression*, 30 July 2024, <https://menarights.org/en/case/kamil-al-zoubi> (accessed 26 September 2024).

<sup>99</sup> MENA Rights Group has obtained consent to include the case of Sameer Nemrawi.

<sup>100</sup> MENA Rights Group, *Jordan: Universal Periodic Review*, July 2023, <https://menarights.org/en/documents/universal-periodic-review-jordan-report-submitted-un-human-rights-council> (accessed 23 September 2024), p. 10.

<sup>101</sup> Human Rights Watch, *Jordan: Government Crushes Civic Space*, 18 September 2022, <https://www.hrw.org/news/2022/09/18/jordan-government-crushes-civic-space> (accessed 25 September 2024).

<sup>102</sup> U.S. Department of State, *2023 Country Reports on Human Rights Practices: Jordan*, 2023, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/> (accessed 23 September 2024).

In April 2024, Nemrawi's elderly mother attempted to visit him at Marka prison, but members of the PSD and the prison administration denied her request. Throughout the entire month, Nemrawi was allowed to contact his family only once, during which he communicated that the denial of visits was a punishment for his vocal support of Gaza. In May 2024, Nemrawi's sister also tried to visit him at the prison, but the prison administration and Preventive Security branch informed her that Nemrawi had been charged with "resisting security personnel" while in detention. As a result, he was barred from receiving visitors, with no indication as to how long the ban would last.

Despite this, Nemrawi's sister persisted in her request, and the prison administrator eventually allowed her a brief visit. She was permitted to see her brother for no more than five minutes, under the condition that the visitation ban would remain in place until a final decision was issued by the prison administration. During the short visit, Nemrawi shared with his sister that he had not resisted the security personnel and that the charge of "resisting security personnel" was false, fabricated to justify his continued isolation.

### 5.3 Torture in detention

In response to the Committee's list of issues, the State party asserted that "beatings and ill-treatment of detained persons are prohibited, and are criminalized and punished under national law".<sup>103</sup> However, continued allegations of torture and ill-treatment of detainees by security forces undermine these claims.

For instance, in the case of activist Sameer Nemrawi, he alleged in May 2024 that he was severely beaten by members of the GID and of the Preventive Security branch of the PSD while in custody.

The Committee also requested updates from the State party regarding pending cases of deaths in custody, and measures taken to prevent such incidents.<sup>104</sup>

On 6 September 2022, street vendor Zaid Sudqi Ali Dabash died in custody in Marka prison.<sup>105</sup> According to the family's lawyer, "the body of Zaid Sudqi Ali Dabash showed signs of torture, including bruises on his arms, legs, back, stomach and ears."<sup>106</sup>

Following Dabash's death, the East Amman Prosecutor ordered a forensic autopsy led by a panel of three doctors, which reportedly confirmed internal and external bruising and found several injuries on Dabash's corpse, but Dabash's family raised concerns after the autopsy determined Dabash's death was not attributed to the injuries observed.<sup>107</sup> Before Dabash's

<sup>103</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZefv7JDfA8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 127.

<sup>104</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FmMh8QsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbt7x5z6tA%2FzVB> (accessed 21 August 2024), para. 27.

<sup>105</sup> DAWN, *Jordan: Government Retaliates Against Staff of National Council of Human Rights with Spurious Criminal Charges*, 28 September 2022, <https://dawnmena.org/jordan-government-retaliates-against-staff-of-national-council-of-human-rights-with-spurious-criminal-charges/> (accessed 23 September 2024).

<sup>106</sup> Amnesty International, *Report 2022/2023*, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/> (accessed 23 September 2024), p. 215.

<sup>107</sup> U.S. Department of State, *Jordan 2022 Human Rights Report*, 2022, <https://www.state.gov/wp-content/uploads/2023/02/JORDAN-2022-HUMAN-RIGHTS-REPORT.pdf> (accessed 26 September 2024), pp. 2-3.

burial on 12 September, the PSD agreed to the family's request for a second autopsy by five doctors the family handpicked. According to the family's lawyer, the second autopsy results proved that torture was the cause of Dabash's death.<sup>108</sup> It was reported that eight PSD officers were charged with crimes related to torture that resulted in Dabash's death,<sup>109</sup> and that the case was transferred to the military justice system for investigation raising concerns about the impartiality of the investigation.<sup>110</sup> Indeed, Military Court judges report directly to the supreme military command and can be transferred or dismissed upon the decision of their superiors. As a result, they clearly lack the necessary independence and impartiality. In addition, it has been reported that members of the military courts often lack adequate experience in procedural and legal matters.<sup>111</sup>

## 5.4 Prison overcrowding

In its list of issues, the Committee requested the State party to provide information on any interrogation rules, instructions, methods and practices or arrangements for custody,<sup>112</sup> and to provide information on measures taken to fully comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular to reduce prison overcrowding.<sup>113</sup>

In 2022, the Jordanian Minister of Interior stated that the Department of Rehabilitation and Correction Centers could accommodate 13,288 inmates, while the actual number of people in prisons in Jordan was of 19,140, making its occupancy rate 144 percent.<sup>114</sup>

## 5.5 Ratification of the Optional Protocol to the Convention

The Committee also requested the State party about steps taken to ratify the Optional Protocol to the Convention, which would give the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) the right to visit places of detention in Jordan and examine the treatment of people held there.<sup>115</sup> However, the State party asserted that it did not intend to undertake its ratification.<sup>116</sup>

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

<sup>110</sup> Amnesty International, *Report 2022/2023*, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/> (accessed 23 September 2024), p. 215; U.S. Department of State, *2023 Country Reports on Human Rights Practices: Jordan, 2023*, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/> (accessed 23 September 2024).

<sup>111</sup> Euromed Rights, *The Independence and Impartiality of the Judiciary - Jordan, 2008*, <https://euromedrights.org/wp-content/uploads/2018/03/JORDAN-The-Independence-and-Impartiality-of-the-Judiciary-EN.pdf> (accessed 30 September 2024).

<sup>112</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUqj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 23.

<sup>113</sup> *Ibid.*, para. 25.

<sup>114</sup> Jordan News, *Over 19,000 people detained in Jordan currently — Interior Minister*, 1 February 2022, <https://www.jordannews.jo/Section-109/News/Over-19-000-people-detained-in-Jordan-currently-Interior-Minister-12562> (accessed 25 September 2024).

<sup>115</sup> UN General Assembly, *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, 18 December 2002, UN Doc. A/RES/57/199, article 1.

<sup>116</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4,

## Recommendations:

- Ensure that all arrests are conducted in adherence to international standards, including the requirement for arrest warrants, and guarantee that clear instructions prohibiting the use of excessive violence or physical coercion are followed during arrests;
- Limit the powers of the GID, and criminalise the undertaking of acts outside their scope of work, including illegal arrests;
- Implement measures to reduce prison overcrowding;
- Expedite the investigations into all cases of death in custody, in accordance with international standards of investigation, bring the perpetrators to justice and punish them accordingly;
- Ratify the Optional Protocol to the Convention.

# 6 Coerced confessions and evidence obtained under torture (article 15)

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## 6.1 The practice of torture to obtain a confession

In its 2016 Concluding Observations, the Committee expressed concern about consistent reports of widespread torture and ill-treatment of suspects by security and law enforcement officials, particularly in detention facilities run by the GID, primarily to extract confessions or information to be used in criminal proceedings.<sup>117</sup>

GID officers regularly arrests and detain suspects in their headquarters *incommunicado*<sup>118</sup>. During these periods of *incommunicado* detentions, torture is systematically used as a means to extract confessions.<sup>119</sup>

For instance, in the case of Jordanian public figure Bassem Awadallah, arrested in April 2021 on accusations of participating in a plot against the King, he reported being interrogated without access to a legal counsel and subjected to physical and psychological coercion to force him to sign a self-incriminating confession. He was allegedly slapped, beaten, kicked, threatened with sexual violence and electric shocks, and harm to his family if he refused to cooperate. Under this duress, Awadallah was compelled to sign two written confessions without being allowed to read them or be informed of their content.<sup>120</sup>

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<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICaqhKb7yhsuoO1aAYJ6VmNP4LonUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVvk8kUOJb%2BBauqXGSNIarSqeb%2BP%2FZEFv7JDfA8DjlHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 123.

<sup>117</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/C/JOR/CO/3, para. 23.

<sup>118</sup> MENA Rights Group, *Jordan: Universal Periodic Review*, July 2023, <https://menarights.org/en/documents/universal-periodic-review-jordan-report-submitted-un-human-rights-council> (accessed 23 September 2024), p. 10.

<sup>119</sup> *Ibid.*

<sup>120</sup> Special Procedures, *AL JOR 1/2021*, 2 November 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26769> (accessed 26 September 2024).

## 6.2 Admissibility of coerced confessions before the State Security Court

As part of its list of issues, the Committee requested that the State party provide information on the admissibility of evidence and confessions obtained through torture, in particular before the State Security Court (SSC).<sup>121</sup>

In law, the Jordanian Constitution prohibits the admissibility of evidence obtained through torture, and article 159 of the Code of Criminal Procedure invalidates evidence or proof obtained by means of physical or moral coercion.<sup>122</sup> The Jordanian authorities have asserted that trials before the State Security Court are conducted with all criteria and safeguards to ensure due process,<sup>123</sup> and maintained that the SCC is bound by Article 159 of the Code, which provides that: “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.”<sup>124</sup>

Despite these legal protections, in practice, it has been reported that coerced confessions or self-incriminating statements obtained under torture are then relied upon by the prosecutor of the SCC to both charge the suspect and constitute incriminating evidence during trials before the court.<sup>125</sup>

The SSC operates as an exceptional jurisdiction with two military and one civilian judge, appointed by the prime minister, and therefore subordinated to the executive branch.<sup>126</sup> UN Treaty Bodies have repeatedly called for the abolishment of the court, emphasizing its lack of independence and impartiality and the violation of the right to fair trial, given the fact that it consistently tries civilians.<sup>127</sup>

<sup>121</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BxBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 32.

<sup>122</sup> See: Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/C/JOR/CO/3, para. 49.

<sup>123</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZefv7JdFA8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 36.

<sup>124</sup> *Ibid.*, para. 136.

<sup>125</sup> Freedom House, *Freedom in the World 2023: Jordan*, 2023, <https://freedomhouse.org/country/jordan/freedom-world/2023> (accessed 23 September 2024); Alkarama, *Jordan: Shadow report to UN Human Rights Committee highlights human rights abuses in name of counterterrorism*, 18 September 2017, <https://www.alkarama.org/en/articles/jordan-shadow-report-un-human-rights-committee-highlights-human-rights-abuses-name> (accessed 23 September 2024), p. 11..

<sup>126</sup> Alkarama, *Jordan: Shadow report to UN Human Rights Committee highlights human rights abuses in name of counterterrorism*, 18 September 2017, <https://www.alkarama.org/en/articles/jordan-shadow-report-un-human-rights-committee-highlights-human-rights-abuses-name> (accessed 23 September 2024), p. 11.

<sup>127</sup> Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of Jordan*, 4 December 2017, UN Doc. CCPR/C/JOR/CO/5, para. 26; Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/JOR/CO/3, para. 37; Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4,



In the case of Bassem Awadallah, his self-incriminating confession obtained under torture was reportedly used as supporting evidence for his conviction before the SSC, leading to a sentence of 15 years of imprisonment.<sup>128</sup>

### Recommendations:

- Implement and enforce effective measures to ensure that coerced confessions or statements obtained under torture are deemed inadmissible in all judicial proceedings in practice;
- Ensure that law enforcement officials, judges and lawyers receive training on how to detect and investigate cases in which confessions are obtained under torture;
- Abolish the SSC, or a *minima*, ensure that civilians are not brought before it.

## 7 Prompt and impartial investigation into torture complaints (articles 12-13)

### 7.1 Inadequacy and lack of independence of complaint mechanisms

Jordanian authorities have stated that suspects who allege that they have been coerced into confessing can appeal to the prosecutor or the court, and the latter will not admit the confession as evidence if they deem it to have been made under duress.<sup>129</sup>

However, the Committee had highlighted that existing complaints mechanisms and investigation bodies, particularly the public prosecutor, lack the necessary independence as they are in the same structure that employs the alleged perpetrators.<sup>130</sup> The Committee also expressed concern that only a few complaints of ill-treatment or torture had led to prosecution and none had resulted in a conviction.<sup>131</sup>

In this regard, the Committee asked the State party to provide information about the independence of the existing complaint mechanisms within the PSD, mentioning a possible hierarchical or institutional link between the alleged perpetrators and the investigators.<sup>132</sup>

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LOnUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZFEfv7JdFA8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 28.

<sup>128</sup> Special Procedures, AL JOR 1/2021, 2 November 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26769> (accessed 26 September 2024).

<sup>129</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LOnUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZFEfv7JdFA8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 136.

<sup>130</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/JOR/CO/3, para. 33.

<sup>131</sup> *Ibid.*

<sup>132</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LOnUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FfrMh8QqsqtzGhsW21L8Tz%2BxBotT7mChZucEBmnpWUuj6%2>

The Public Security Directorate (PSD), which falls under the authority of the Ministry of Interior, can receive complaints through its public prosecutors. According to the authorities, the latter enjoy “full independence under the law”.<sup>133</sup> However, these public prosecutors are appointed by the Public Security Director and are not overseen by the judiciary but by the PSD itself.<sup>134</sup> The Human Rights Committee had previously noted with concern a lack of independent complaint mechanism for receiving and dealing with cases of alleged torture or ill-treatment, as well as the low number of investigations and prosecutions relating to such cases.<sup>135</sup>

The Committee has also noted that existing complaints mechanisms lack confidentiality and fail to protect complainants and witnesses.<sup>136</sup> It has notably been reported that prisoners are often pressured not to lodge complaints or to withdraw their complaints to avoid reprisals.<sup>137</sup>

## 7.2 Special court system for torture cases

In Jordan, torture cases fall under the jurisdiction of specialised jurisdictions such as police courts and military courts.

The Committee has asked the State party to indicate efforts made to replace the special court system by a regular court system, in a view to fully guarantee independence and impartiality, in accordance with the Convention and other international fair trial standards.<sup>138</sup>

In its list of issues, the Committee requested the State party to amend relevant laws to give jurisdiction over torture cases to regular courts to ensure that such cases are impartially investigated and perpetrators are brought to justice.<sup>139</sup> However, the Code of Criminal Procedure has not been amended to give jurisdiction over torture cases to regular courts.<sup>140</sup>

The Police Court, which falls under the Ministry of Interior, is competent to consider the penal cases committed by persons working in the PSD. This court can be seized by the public prosecutor if they deem a torture complaint to be admissible. Its trial chambers are composed of a civil judge appointed by the head of Jordan’s Judicial Council – the judiciary’s highest

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[FaQhEPGbT7x5z6tA%2FzVB](#) (accessed 21 August 2024), para. 29.

<sup>133</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LOnUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZEFv7JDfA8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 124.

<sup>134</sup> Article 80 (b) of the Public Security Law No. 38 of 1965.

<sup>135</sup> Human Rights Committee, *Concluding observations on the fifth periodic report of Jordan*, 4 December 2017, UN Doc. CCPR/C/JOR/CO/5, <https://documents.un.org/doc/undoc/gen/g17/354/93/pdf/g1735493.pdf> (accessed 23 September 2024), para. 16.

<sup>136</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/JOR/CO/3, para. 33.

<sup>137</sup> *Ibid.*

<sup>138</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LOnUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FfrMh8QqsqtzGhsW21L8Tz%2BxBot7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 11.

<sup>139</sup> *Ibid.*, para. 28.

<sup>140</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LOnUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZEFv7JDfA8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 122.

administrative body – and two other judges appointed by the Public Security Director.<sup>141</sup> In other words, two thirds of the magistrates investigating and prosecuting acts of torture belong to the same administration as alleged perpetrators.<sup>142</sup> Moreover, human rights organisations have repeatedly voiced their inability to access information on the results of cases brought before police courts.<sup>143</sup>

The State party has claimed that the fact that members of the security services are tried before military courts in cases of torture does not mean that the investigations are inadequate, that torture cases are not dealt with impartiality, or that perpetrators are not brought to justice.<sup>144</sup> However, the Committee had already expressed concern about the lack of independence and impartiality of those courts in its 2016 Concluding Observation.<sup>145</sup>

Moreover, there is a complexity and confusion arising from overlapping legal frameworks governing the investigation and prosecution of acts of torture before military courts, which contributes to a lack of accountability for GID officers responsible for committing acts of torture.

On one hand, the GID Law provides that GID officers are prosecuted before a Military Tribunal of the GID, which is presided over by GID officials.<sup>146</sup> However, this tribunal only has jurisdiction over crimes falling under the State Security Court (SSC),<sup>147</sup> which does not include torture.<sup>148</sup>

On the other hand, the Military Code of Criminal Procedure,<sup>149</sup> which applies to members of military personnel such as the GID,<sup>150</sup> grants military court jurisdiction over crimes defined by the Military Penal Code and the Penal Code, including torture.<sup>151</sup>

As such, there is a legal conflict between the GID Law, which restricts the Military Tribunal of the GID's jurisdiction to SSC-related crimes – excluding torture –, and the Military Code of Criminal Procedure, which applies to GID members and grants military courts the authority to prosecute torture cases. This overlapping and unclear legal framework makes it difficult to determine which body is responsible for prosecuting torture committed by GID officers, making it harder to prosecute them effectively.

Finally, we affirm that investigations of torture allegation by military prosecutors who remain subordinate to their chain of command in the course of exercising their duties of investigating and prosecuting crimes alleged to have been committed by members of the security forces are unlikely

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<sup>141</sup> Public Security Law No. 27 (2010) amending the law No. 38 of 1965.

<sup>142</sup> Alkarama, *Jordan: Shadow report to UN Human Rights Committee highlights human rights abuses in name of counterterrorism*, 18 September 2017, <https://www.alkarama.org/en/articles/jordan-shadow-report-un-human-rights-committee-highlights-human-rights-abuses-name> (accessed 23 September 2024), p. 6.

<sup>143</sup> U.S. Department of State, *Jordan 2022 Human Rights Report*, 2022, <https://www.state.gov/wp-content/uploads/2023/02/JORDAN-2022-HUMAN-RIGHTS-REPORT.pdf> (accessed 26 September 2024), p. 3.

<sup>144</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVv8kUOJb%2BBauqXGSNIarSqeb%2BP%2FZEFv7JDfA8DjHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 122.

<sup>145</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/JOR/CO/3, para. 37.

<sup>146</sup> Article 7 of the General Intelligence Department Law No. 24 of 1964

<sup>147</sup> Article 7 of the General Intelligence Department Law No. 24 of 1964.

<sup>148</sup> Article 3 of the State Security Court Law No. 17 of 1959.

<sup>149</sup> Military Code of Criminal Procedure as amended by Law No. 34 of 2006.

<sup>150</sup> Article 5 of the General Intelligence Department Law No. 24 of 1964.

<sup>151</sup> Article 3 of the Military Code of Criminal Procedure.

to meet the requisite standards of independence and impartiality required by international standards.

Under the Minnesota Protocol on the Investigation of Potentially Unlawful Death:

Investigators and investigative mechanisms must be, and must be seen to be, independent of undue influence. They must be independent institutionally and formally, as well as in practice and perception, at all stages. Investigations must be independent of any suspected perpetrators and the units, institutions or agencies to which they belong. Investigations of law enforcement killings, for example, must be capable of being carried out free from undue influence that may arise from institutional hierarchies and chains of command. Inquiries into serious human rights violations, such as extrajudicial executions and torture, must be conducted under the jurisdiction of ordinary civilian courts. Investigations must also be free from undue external influence, such as the interests of political parties or powerful social groups.

We believe that military courts, as well as police courts, cannot be considered as “independent and impartial” within the meaning of the Minnesota Protocol.

### Recommendations:

- Amend relevant laws to give jurisdiction over torture cases to regular courts;
- Establish an independent complaint and investigation mechanism that guarantees institutional independence;
- Ensure that all complaints of torture or ill-treatment are promptly investigated in an impartial manner;
- Ensure that the authorities conduct investigations on their own initiative, whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed;
- Ensure that alleged perpetrators of torture and ill-treatment are immediately suspended from duty for the duration of the investigation;
- Ensure that complainants are protected against any ill-treatment, intimidation or reprisals as a consequence of their complaint.

## 8 Right to redress, compensation and rehabilitation (article 14)

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In its list of issues, the Committee requested the State party to provide information on steps taken to include in domestic legislation a provision that explicitly provides for the right of victims of torture and ill-treatment and their families to redress, including fair and adequate compensation and rehabilitation.<sup>152</sup>

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<sup>152</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 31 (a).

Yet, compensation and redress for damages are only addressed through general provisions contained in the Civil Code, and there remains no provision explicitly ensuring the right of victims of torture and ill-treatment and their families to redress in domestic legislation.<sup>153</sup>

### Recommendations:

- Introduce in domestic legislation a provision that explicitly provides for the right of victims of torture and ill-treatment and their families to redress, including fair and adequate compensation and rehabilitation.

## 9 Acts of cruel, inhuman or degrading treatment or punishment (article 16)

### 9.1 The death penalty

In its list of issues, the Committee requested information about executions carried out in Jordan, including plans to declare an official moratorium on the death penalty.<sup>154</sup>

Article 38 of the 1952 Jordanian Constitution states that “The King has the right to grant a special pardon or remit any sentence, but any general pardon shall be determined by special law”. He has discretionary power over sentences and may at any time decide to confirm or commute them.

Between 2017 and 2019, seven people imprisoned and sentenced to death were reported to have had their sentences commuted or to have received a pardon.<sup>155</sup>

In Jordan, the eight-year moratorium on the death has not been in force since 2014, and authorities restarted executing convicted prisoners.<sup>156</sup>

Over the past several years, the SSC has continued to hand down death sentences, often for terrorism-related offenses.<sup>157</sup>

<sup>153</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVvk8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZEfv7JDfA8DjlHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 133.

<sup>154</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LonUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 33.

<sup>155</sup> ECPM, *The death penalty in law and practice*, Jordan, 2023, <https://www.ecpm.org/app/uploads/2023/07/flyer-Jordanie-GB-280823-bd.pdf> (accessed 30 September 2024).

<sup>156</sup> Human Rights Watch, *Jordan Resumes Death Penalty, Executes 11*, 21 December 2014, <https://www.hrw.org/news/2014/12/21/jordan-resumes-death-penalty-executes-11> (accessed 25 September 2024).

<sup>157</sup> Human Rights Watch, *Jordan: Executions Won't End Terror Attacks, Murder*, 5 March 2017, <https://www.hrw.org/news/2017/03/05/jordan-executions-wont-end-terror-attacks-murder> (accessed 25 September 2024).

In 2017, 17 sentences were issued, in 2018, 23 were issued and in 2019, 19 sentences were issued. In 2021, 31 death sentences were issued and finalised.<sup>158</sup> In June 2022, it was reported that 239 individuals were on death row.<sup>159</sup> As of January 2022, the last execution was carried out took place on 4 August 2021.

Thirty-one provisions of the Penal Code provide for the application of the death penalty.<sup>160</sup> The vast majority of which concern offences against state security (treason, recruiting soldiers for a foreign state, espionage, attacks on the king, insurrection, and aggravated terrorism). Several ordinary crimes also carry the death penalty, including certain crimes against the person (premeditated murder), against public morals and ethics (rape of a girl under the age of 15) and against public order (arson). Some of the offences punishable by death do not fall into the category of the most serious crimes under international law.<sup>161</sup>

## 9.2 Crackdown on free assembly and violence against peaceful protestors

In the list of issues, the Committee requested information on the measures taken to investigate allegations of excessive use of force in dispersing demonstrations by law enforcement officials and to prosecute those found guilty.<sup>162</sup> The Committee has considered excessive use of force in such situations as a violation of Article 16.<sup>163</sup>

In response, the State party claimed to promote the right to opinion and expression,<sup>164</sup> and asserted ongoing efforts to train law enforcement agencies, including the PSD, in international standards governing freedom of opinion and expression.<sup>165</sup>

However, recently, particularly since the beginning of Israel's offensive in Gaza in October 2023, Jordanian authorities have conducted a violent crackdown against Gaza-related

<sup>158</sup> Jordan News, *31 prisoners face death sentence in Jordan*, 15 February 2023, <https://www.jordannews.jo/Section-109/News/31-prisoners-face-death-sentence-in-Jordan-27037> (accessed 25 September 2024).

<sup>159</sup> Middle East Monitor, *Jordan has 239 people on death row*, 27 June 2022, <https://www.middleeastmonitor.com/20220627-jordan-has-239-people-on-death-row/> (accessed 25 September 2024)

<sup>160</sup> ECPM, *The death penalty in law and practice*, Jordan, 2023, <https://www.ecpm.org/app/uploads/2023/07/flyer-Jordanie-GB-280823-bd.pdf> (accessed 30 September 2024).

<sup>161</sup> *Ibid.*

<sup>162</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4L0nUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QsqtzGhsW21L8Tz%2BXBoT7mChZucEBmnpWUgj6%2FaQhEPGbT7x5z6tA%2FzVB> (accessed 21 August 2024), para. 35.

<sup>163</sup> Zach, Birk, *Article 16 Cruel, Inhuman or Degrading Treatment or Punishment*, December 2019, <https://academic.oup.com/book/57891/chapter/472021962> (accessed 25 September 2024), p 467.

<sup>164</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4L0nUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVv8kUOJb%2BBauqXGSNIarSqeb%2BP%2FZFEfv7JDfA8DjlHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 152.

<sup>165</sup> *Ibid.*, para. 153.

protests.<sup>166</sup> As thousands of Jordanians participated in peaceful demonstrations in solidarity with Palestine, Jordanian authorities reacted with excessive force and violence.<sup>167</sup>

In October 2023, the police charged and fired tear gas into a crowd of peaceful protesters sitting and standing in front of a line of Jordanian police chanting “peaceful” near the Israeli embassy.<sup>168</sup>

As the sizes of the protests grew drastically during the month of Ramadan in 2024, with average between 6,000 and 10,000 participants daily before the Israeli Embassy alone,<sup>169</sup> Jordanian security forces violently attacked demonstrators and performed mass arrests.<sup>170</sup> According to Amnesty International, Jordanian security forces outside the Israeli Embassy on 25, 26 and 27 March broke up demonstrations using tear gas, violently dispersed protesters using batons, and chased and beat others as they removed them from the streets.<sup>171</sup>

### Recommendations:

- Abolish the death penalty or, *a minima*, re-install the moratorium on the death penalty;
- Carry out prompt, impartial, thorough and effective investigations into all allegations of excessive use of force, including torture and ill-treatment by law enforcement officials, and ensure that those suspected of committing such acts are immediately suspended from their duties for the duration of the investigation;
- Take immediate measures to eradicate all forms of excessive force, harassment and ill-treatment by law enforcement officials during demonstrations.

## 10 Other issues: counter-terrorism and human rights

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As part of the list of issues, the Committee requested the State party to describe how measures taken to respond to threats of terrorism have affected human rights safeguards in law and in practice, and how the State party has ensured that those measures are compatible with its obligations under the Convention and international law.<sup>172</sup>

<sup>166</sup> Human Rights Watch, *Jordan: Arrests, Harassment of Pro-Palestine Protesters*, 6 February 2024, <https://www.hrw.org/news/2024/02/06/jordan-arrests-harassment-pro-palestine-protesters> (accessed 5 March 2024).

<sup>167</sup> DAWN, *Jordan: End Assault on Pro-Palestine Protests*, 9 April 2024, <https://dawnmena.org/jordan-end-assault-on-pro-palestine-protests/>, (accessed 5 September 2024).

<sup>168</sup> Human Rights Watch, *Jordan: Arrests, Harassment of Pro-Palestine Protesters*, 6 February 2024, <https://www.hrw.org/news/2024/02/06/jordan-arrests-harassment-pro-palestine-protesters> (accessed 5 March 2024).

<sup>169</sup> Middle East Eye, *Jordan failed to stop pro-Palestine protests. Now it's accusing Hamas of leading them*, 6 April 2024, <https://www.middleeasteye.net/news/jordan-failed-stop-pro-palestine-protests-now-its-accusing-hamas-leading-them>, (accessed 5 September 2024).

<sup>170</sup> DAWN, *Jordan: End Assault on Pro-Palestine Protests*, 9 April 2024, <https://dawnmena.org/jordan-end-assault-on-pro-palestine-protests/>, (accessed 5 September 2024).

<sup>171</sup> Amnesty International, *Jordan: Stop cracking down on pro-Gaza protests and release those charged for exercising their freedoms of assembly and expression*, 11 April 2024, <https://www.amnesty.org/en/latest/news/2024/04/jordan-stop-cracking-down-on-pro-gaza-protests-and-release-those-charged-for-exercising-their-freedoms-of-assembly-and-expression/> (accessed 5 September 2024).

<sup>172</sup> Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan*, 13 June 2018, UN Doc. CAT/C/JOR/QPR/4,

## 10.1 Domestic legal framework

The Committee asked the State party to describe steps taken to review and amend the Anti-Terrorism Law of 2006, particularly the vague definition of terrorist acts, with a view to bringing it into line with international standards.<sup>173</sup> In response, Jordanian authorities stated that the Anti-Terrorism Law complies with its international counter-terrorism obligations, and that the characteristics of terrorist offences concerned are precisely defined.<sup>174</sup>

However, Jordan's Anti-Terrorism Law was amended in 2014 and severely broadened the "already vague"<sup>175</sup> definition of 'terrorism' by removing "the requirement of a connection to an act of violence, instead including a definition that references acts that 'sow discord' or 'disturb public order'."<sup>176</sup> This broadened definition is not limited to precise threats or clear types of violent attacks, leaving room for excessive and arbitrary interpretation.<sup>177</sup> The amendments notably added to the list of acts deemed as terrorism "acts that subject the kingdom to danger of hostile acts, disturb its relations with a foreign state, or expose Jordanians to danger of acts of revenge against them or their money."<sup>178</sup>

In 2021, UN Special Procedures expressed concern that the Anti-Terrorism Law provides "an overly broad definition of terrorism that encompasses a wide range of acts, the vagueness of which is inconsistent with the principle of legality."<sup>179</sup>

In practice, the Anti-Terrorism Law has undermined the exercise of peaceful and free expression under the pretext of terrorism. It has notably been used by the government to prosecute "[j]ournalists, political opponents, freedom of expression advocates and human rights defenders."<sup>180</sup> The Human Rights Committee expressed concerns about the Anti-

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<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LOnUL9sirGNBx0BDPQyIFzMNh%2BBP5a%2FrMh8QqsqtzGhsW21L8Tz%2BxBot7mChZucEBmpWUgj6%2FaQhEPGbt7x5z6tA%2FzVB> (accessed 21 August 2024), para. 37.

<sup>173</sup> *Ibid.*, para. 10.

<sup>174</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsuoO1aAYJ6VmNP4LOnUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrV8k8kUOJb%2BBauqXGSNIarSgeb%2BP%2FZEvf7JdFA8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 158.

<sup>175</sup> MENA Rights Group, *Jordan: Universal Periodic Review*, July 2023, <https://menarights.org/en/documents/universal-periodic-review-jordan-report-submitted-un-human-rights-council> (accessed 23 September 2024), p. 8; Alkarama, *Jordan: Shadow report to UN Human Rights Committee highlights human rights abuses in name of counterterrorism*, 18 September 2017, <https://www.alkarama.org/en/articles/jordan-shadow-report-un-human-rights-committee-highlights-human-rights-abuses-name> (accessed 23 September 2024), p. 9.

<sup>176</sup> Human Rights Watch, *Jordan: Terrorism Amendments Threaten Rights*, 17 May 2014, <https://www.hrw.org/news/2014/05/17/jordan-terrorism-amendments-threaten-rights> (accessed 23 September 2024).

<sup>177</sup> Alkarama, *Jordan: Shadow report to UN Human Rights Committee highlights human rights abuses in name of counterterrorism*, 18 September 2017, <https://www.alkarama.org/en/articles/jordan-shadow-report-un-human-rights-committee-highlights-human-rights-abuses-name> (accessed 23 September 2024), p. 9.

<sup>178</sup> Human Rights Watch, *Jordan: Terrorism Amendments Threaten Rights*, 17 May 2014, <https://www.hrw.org/news/2014/05/17/jordan-terrorism-amendments-threaten-rights> (accessed 23 September 2024).

<sup>179</sup> Special Procedures mandate holders, *AL JOR 1/2021*, 2 November 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26769> (accessed 23 September 2024).

<sup>180</sup> Open Democracy, *10 years on: Jordan's anti-terrorism law and the crackdown on dissent*, 31 October 2016, <https://www.opendemocracy.net/en/north-africa-west-asia/10-years-on-jordan-s-anti-terrorism-law-and-crackdown-on-dissent/> (accessed 23 September 2024).



Terrorism Law's provisions allowing for "authorities to detain and prosecute, among others, individuals who exercise their right to freedom of expression and peaceful assembly."<sup>181</sup>

Furthermore, it is the SSC, which lacks judicial independence, that has jurisdiction over terrorism crimes.<sup>182</sup> The Committee has noted that the law's vague provisions, combined with restrictive Penal Code provisions, have led to constraints on the work of journalists, many of whom have faced arbitrary detention and criminal prosecution before the SCC.<sup>183</sup>

## 10.2 Regional legal framework

In response to the Committee's list of issues, the State party noted that, in the absence of an internationally agreed definition of terrorism, a regional agreement reached within the framework of the LAS outlines a definition of terrorism which has been adopted by Jordanian legislators.<sup>184</sup> This regional agreement refers to the Arab CT Convention<sup>185</sup> adopted by the LAS in 1998.<sup>186</sup>

Article 1 (2) of the Arab CT Convention defines terrorism as "any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardise a national resource".<sup>187</sup>

This definition has been criticised for many of its elements being undefined and for generally being too broad.<sup>188</sup> It is of notable concern that the simple threat of an act can be constitutive of terrorism. As such, this definition leaves space for wide interpretation and abuse, and can lead to the criminalisation of acts falling under fundamental freedoms protected by international law.<sup>189</sup>

<sup>181</sup> Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of Jordan*, 4 December 2017, UN Doc. CCPR/C/JOR/CO/5, para. 12.

<sup>182</sup> MENA Rights Group, *Jordan: Universal Periodic Review*, July 2023, <https://menarights.org/en/documents/universal-periodic-review-jordan-report-submitted-un-human-rights-council> (accessed 23 September 2024), p. 8; Alkarama, *Jordan: Shadow report to UN Human Rights Committee highlights human rights abuses in name of counterterrorism*, 18 September 2017, <https://www.alkarama.org/en/articles/jordan-shadow-report-un-human-rights-committee-highlights-human-rights-abuses-name> (accessed 23 September 2024), p. 9.

<sup>183</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/JOR/CO/3, para. 29.

<sup>184</sup> Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019*, 21 December 2021, UN Doc. CAT/C/JOR/4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICaQhKb7yhsuoO1aAYJ6VmNP4LonUL9si%2F6BRpobGHFNy2xW5%2BmLqKH9vcnfYrVk8kUOJb%2BBauqXGSNIarSqeb%2BP%2FZEvf7JDfA8DjIHm3bys7hB5acwHqC> (accessed 21 August 2024), para. 158.

<sup>185</sup> League of Arab States, *The Arab Convention for the Suppression of Terrorism*, April 1998, <https://www.refworld.org/legal/agreements/las/1998/en/29059> (accessed 23 September 2024).

<sup>186</sup> See *supra* 4.1.

<sup>187</sup> Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, UN Doc. CAT/JOR/CO/3, para. 29.

<sup>188</sup> MENA Rights Group, *Transnational repression in the MENA: the role of regional organisations engaged in counter-terrorism*, 4 July 2024, <https://menarights.org/en/articles/transnational-repression-mena-role-regional-organisations-engaged-counter-terrorism> (accessed 24 September 2024); Amnesty International, *The Arab Convention for the Suppression of Terrorism: A serious threat to human rights*, 9 January 2002, <https://www.amnesty.org/en/documents/ior51/001/2002/en/> (accessed 24 September 2024).

<sup>189</sup> MENA Rights Group, *Understanding the Arab Interior Ministers' Council and its role in transnational repression*, 17 August 2023, <https://menarights.org/en/articles/aimc> (accessed 24 September 2024).

Additionally, article 1(3) of the Arab CT Convention defers to LAS Member States' domestic definitions of terrorism to define the scope of terrorism offenses. This is particularly concerning considering the issues arising from Jordan's domestic definition of torture,<sup>190</sup> as well as a number of Arab states' domestic CT laws which have been criticised by the former UN Special Rapporteur on CT and human rights for containing similarly problematic definitions of terrorism and for their overall lack of human rights compliance, including in Qatar,<sup>191</sup> Algeria,<sup>192</sup> Saudi Arabia,<sup>193</sup> the UAE,<sup>194</sup> Egypt,<sup>195</sup> Bahrain<sup>196</sup> and Tunisia.<sup>197</sup>

## Recommendations:

- Abolish the Anti-Terrorism Law, or amend it so as to ensure that the definitions of terrorism and terrorist act are concise and in line with the State party's obligations under the Convention;
- Ensure counter-terrorism laws and policies do not infringe upon the peaceful exercise of fundamental rights and freedoms protected by international human rights law.

<sup>190</sup> See *supra* 10.1.

<sup>191</sup> Special Procedures, OL QAT 1/2022, 8 February 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27053> (accessed 24 September 2024).

<sup>192</sup> Special Procedures, OL DZA 12/2021, 27 December 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26905> (accessed 24 September 2024).

<sup>193</sup> Special Procedures, OL SAU 12/2020, 17 December 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25726> (accessed 24 September 2024).

<sup>194</sup> Special Procedures, OL ARE 6/2020, 13 November 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25663> (accessed 24 September 2024).

<sup>195</sup> Special Procedures, OL EGY 4/2020, 28 February 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25072%C2%A0%C2%A0> (accessed 24 September 2024).

<sup>196</sup> Special Procedures, OL BHR 2/2023, 8 May 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28012> (accessed 24 September 2024).

<sup>197</sup> Special Procedures, OL TUN 4/2019, 26 August 2019, [https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/Legislation/OL\\_TUN\\_4\\_2019.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/Legislation/OL_TUN_4_2019.pdf) (accessed 24 September 2024).

MENA Rights Group is a Geneva-based legal advocacy NGO defending and promoting fundamental rights and freedoms in the Middle East and North Africa (MENA) region. Adopting a holistic approach, we work at both the individual and structural level. We represent victims of human rights violations before international law mechanisms. In order to ensure the non-repetition of these violations, we identify patterns and root causes of violations on the ground and bring key issues to the attention of relevant stakeholders to call for legal and policy reform.