



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

Maat for Peace' Report to Committee Against Torture Regarding the Hashemite Kingdom of Jordan

September 2024

Maat for Peace, Development and Human Rights submits this report to the Committee Against Torture to assess the extent of Hashemite Kingdom of Jordan's commitment to the provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This report follows the review of Jordan's fourth periodic report submitted to the Committee in February 2021, which addressed the list of issues raised by the Committee in June 2018. Maat's report focuses on monitoring Jordan's implementation of four key articles of the Convention, specifically Articles 1, 2, 10, and 13. These articles pertain to the consistency of the definition of torture in Jordanian domestic law with that in Article 1 of the Convention. Additionally, the report examines legislative, administrative, and judicial measures to prevent torture, the provision of educational and training programs aimed at prohibiting torture, and the mechanisms for filing complaints in torture cases.

Article 1 (Definition of Torture in Constitution and Local Laws)

Article 8, paragraph 2 of the Jordanian Constitution explicitly prohibits torture, stating that no one who is arrested, detained, imprisoned, or whose freedom is restricted in any way may be subjected to torture. It further specifies that any statement obtained under duress, torture, or threat shall not be considered valid.¹ Article 208, paragraph 2 of the Jordanian Penal Code defines torture in a manner that is consistent with, yet not identical to, the definition in Article 1 of the Convention, as it does not encompass inhumane or degrading treatment. Maat has observed that Jordanian laws, including the Penal Code, lack provisions that classify acts of torture as criminal offenses rather than misdemeanors. Furthermore, there are no explicit legal stipulations indicating that acts of torture are exempt from amnesty or statutes of limitations, unless such acts result in death or disability. In such cases, the offense is only classified as a criminal act. The most that the current law stipulates regarding torture is that its inclusion in any general amnesty law is contingent upon the victim waiving their personal rights, which is solely the victim's responsibility.²

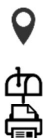
Maat has also documented the latest amendments to the Penal Code in 2018, which increased the minimum penalty for torture from one year to three years, revising the previous penalty of three months to a range of three years. However, Maat contends that the penalties for torture as outlined

¹ Constitution of the Hashemite Kingdom of Jordan, Article 8, for the rest of the articles see: <https://tinyurl.com/3b29rd3k>

² Jordanian Penal Code with all amendments, Article 208, for the rest of the articles see: <https://tinyurl.com/ms3c6sab>



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in this law are insufficient given the severity of the crime, which necessitates a more stringent deterrent.³

Article 2 (Legislative, Administrative, and Judicial Procedures to Prevent Torture)

Maat has identified significant deficiencies in the legislative, administrative, and judicial procedures aimed at preventing torture in Jordan over the past three years. Notably, Maat has observed a lack of legislative progress in combating torture during this period. The three primary issues in this area persist: first, the classification of torture as a misdemeanor rather than a felony, which allows it to be subject to amnesty provisions and statutes of limitations; second, the continued assignment of the investigation and prosecution of torture cases to the police, public prosecution, and special courts; and third, the inadequacy of the legal framework concerning compensation for torture victims,⁴ as Jordanian legislation lacks specific provisions addressing this issue.⁵

Maat sees a clear shortcoming in the effectiveness of the legislative, administrative, and judicial measures to prevent Jordanian authorities from committing acts of torture. During 2021 and 2022, four individuals died in Jordan as a result of torture while in custody. In that same period, 135 complaints were filed regarding torture, yet no convictions were made. Additionally, victims are often denied the right to legal representation, as lawyers face practical barriers that hinder their access to detention facilities, particularly during the initial investigation phase.⁶

Maat also noted that the recent amendments to the Criminal Procedure Code in 2022 did not include any changes to Article 63, paragraph 2, or Article 64, paragraph 3, which would ensure the right to legal counsel even in urgent cases.⁷

Article 10 (Education and Training to Prohibit Torture)

Maat has documented several training and educational programs aimed at reducing instances of torture and ill-treatment, as well as educating and training law enforcement officers and other public officials. The National Human Rights Plan (2016-2025) addresses training among its

³ Demand for Civil Judiciary, Not Conditional Judiciary to Try Torture Crimes in Jordan, Legal Agenda, June 19, 2018, <https://tinyurl.com/bdh7ay5x>

⁴ Summary of Nineteenth Annual Report on Status of Human Rights in Hashemite Kingdom of Jordan for 2022, National Centre for Human Rights, <https://tinyurl.com/4zr9zu4d>

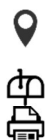
⁵ Torture, Encyclopedia of Guardians of Truth, August 5, 2022, <https://tinyurl.com/3unh8vfe>

⁶ Torture in Jordan... Crime Without Punishment, Independent Arabia, March 5, 2022, <https://tinyurl.com/y69rczm4>

⁷ Criminal Procedure Code No. (3) of 2001 and its amendments, <https://tinyurl.com/vhmxxx9t>



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various sub-activities, particularly those related to protecting the right to life, physical integrity, and freedom from torture. The National Centre for Human Rights regularly conducts awareness workshops across several governorates in the Kingdom. The most recent workshop was held in Tafilah Governorate, focusing on combating torture as part of the Karama Project, which aims to enhance participants' capabilities in this area.⁸

In August 2023, the National Centre for Curriculum Development and the National Centre for Human Rights signed a memorandum of understanding to promote coordination and collaboration in incorporating human rights into educational curricula. This partnership aims to develop curricula that align with human rights principles, effectively integrating these concepts into the educational materials. Maat has documented that the National Centre for Curriculum Development provided the National Centre for Human Rights with copies of the revised textbooks for the 2023-2024 academic year, ensuring that the educational content is consistent with fundamental human rights concepts.⁹

Article 13 (Filing Complaints in Torture Cases)

Maat has reviewed the amendments to the Jordanian Code of Criminal Procedure but found no changes that grant jurisdiction over torture cases to regular courts. Currently, Jordanian laws assign jurisdiction for cases of torture and ill-treatment by law enforcement officers and prison staff to special courts, specifically police and military courts.¹⁰ This arrangement does not fully ensure the integrity and independence of trials related to torture.

Jordan has not yet ratified the Optional Protocol to the Convention Against Torture. Maat expresses concern regarding the Kingdom of Jordan's explicit statement in its fourth periodic report to the Committee Against Torture, particularly in response to the issues raised in paragraph 29 of the list of concerns, indicating that it does not intend to ratify the Optional Protocol at this time.¹¹

Maat is troubled by allegations from citizens in Jordan claiming that their relatives have been subjected to torture without accountability for those responsible. For instance, detained Jordanian citizen A.A., through his lawyer F.A., has accused the Jordanian authorities of severe torture and sexual assault following his arrest from his home in August 2022. According to A.A., security

⁸ National Centre for Human Rights: Training workshop in Tafilah on combating torture within the activities of Karama Project, <https://tinyurl.com/3pw98efy>

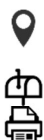
⁹ Memorandum of Understanding to include human rights in the process of developing educational curricula, August 28, 2023, National Centre for Curriculum Development, <https://tinyurl.com/bdh7ay5x>

¹⁰ Criminal Procedures Law No. (3) of 2001 and its amendments, <https://tinyurl.com/vhmxxx9t>

¹¹ Ibid, <https://tinyurl.com/4zr9zu4d>



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forces forced him to undress, photographed him naked, and sexually assaulted him by inserting plastic or wooden objects into his anus and urinating on him. Additionally, the case against eight Public Security Directorate officers, accused of crimes related to the torture and physical abuse resulting in the death of Jordanian citizen Z.A. in September 2022, remains under consideration. Z.A.'s family alleges that he was tortured to death by Public Security Directorate officers in Marka Prison.¹²

National Mechanism for Torture

Jordan has yet to establish a national mechanism to combat torture, primarily because it has not signed the Optional Protocol to the Convention Against Torture, which mandates the creation of a National Preventive Mechanism for Torture as outlined in Article 3.¹³ The body primarily responsible for receiving complaints of ill-treatment or torture is the Office of Transparency and Human Rights. This office collects complaints and reports from citizens or any entity regarding violations and misconduct by public security personnel, investigates these claims, and issues related decisions. It also coordinates with both official and unofficial entities, particularly governmental and civil society organizations focused on transparency and human rights, to achieve its objectives. Furthermore, the office is tasked with conducting periodic and surprise inspections of temporary detention facilities and rehabilitation centers to ensure compliance with transparency and human rights standards.¹⁴

In 2023, Maat documented that the Public Security Directorate's Transparency and Human Rights Office received 160 complaints of alleged misconduct against officers, resulting in 33 convictions, while 116 cases were dismissed due to insufficient evidence. The office also recorded 28 allegations of ill-treatment in prisons and rehabilitation centers throughout 2023, with six leading to convictions and 22 dismissed for lack of evidence. Maat notes that the office lacks sufficient independence, as it has been affiliated with the Public Security Judiciary Directorate since 2020.

In addition to the responsibilities of the Transparency and Human Rights Office, a key function of the National Centre for Human Rights in Jordan is to monitor the state's compliance with laws and articles related to the criminalization of torture. This includes adherence to both Jordanian domestic law and international treaties, such as the Convention Against Torture. The National Centre for Human Rights engages in various activities and events related to human rights and

¹² Torture, abuse and causing death of 8 security personnel in the case of Zaid Dabash, News Jordan, August 7, 2022,

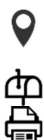
<https://tinyurl.com/yc4pasxn>

¹³ Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 3, for the rest of the articles see the following link: <https://tinyurl.com/bdlhmj4>

¹⁴ Public Security Judiciary Directorate/ Office of Transparency and Human Rights, <https://tinyurl.com/252c64j9>



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publishes annual reports on the human rights situation in Jordan. The Centre also conducts regular visits to numerous detention facilities. In 2022, it received 68 complaints pertaining to allegations of torture or ill-treatment by law enforcement agencies, compared to 61 complaints in 2021. Additionally, the Centre carried out 15 unannounced inspections of temporary detention centers in 2022 to assess law enforcement agencies' commitment to upholding detainees' rights and to monitor the quality of services provided to detainees in accordance with international standards.¹⁵ However, Maat notes that the Centre lacks complete independence from the executive authority, as its head and members are appointed by the King of Jordan based on the Prime Minister's recommendations. This structure means that the Centre's leadership is subordinate to the executive branch.¹⁶

Recommendations

Maat for Peace, Development and Human Rights recommends the following:

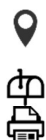
- Establishing a definition of torture that aligns with Article 1 of Convention Against Torture, ensuring it encompasses more than just the extraction of confessions under torture.
- Amending the Penal Code, specifically Article 208, to classify torture as a crime rather than a misdemeanor, and ensuring that torture is not subject to amnesty or statutes of limitations.
- Granting Public Prosecution and regular courts exclusive jurisdiction to handle torture cases, explicitly stating the right of torture victims to compensation, and establishing a special fund to support their psychological and physical rehabilitation.
- Amending the Jordanian Penal Code to increase both the minimum and maximum penalties for torture, recognizing it as a serious crime that warrants a deterrent penalty.
- Reforming the legal system to combat torture by removing the assignment of jurisdiction over torture investigations and prosecutions from the Public Prosecution and special courts, and by explicitly providing for compensation for torture victims.
- Amending the Criminal Procedure Code, particularly Article 63, paragraph 2, and Article 64, paragraph 3, to guarantee the right to legal assistance in urgent cases.
- Expanding the integration of human rights principles into educational curricula to instill these values in future generations.

¹⁵ Op. cit, <https://tinyurl.com/4zr9zu4d>

¹⁶ National Centre for Human Rights Law No. 51 of 2006 and its amendments, <https://www.nchr.org.jo/ar/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D9%85%D8%B1%D9%83%D8%B2/>



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- Establishing a national mechanism for the prevention of torture, rather than solely delegating responsibility for torture issues to the National Centre for Human Rights.
- Enhancing the National Centre for Human Rights' independence from the executive authority by allowing its members to be elected rather than appointed.
- Urging Jordan to promptly ratify the Optional Protocol to the Convention Against Torture.
- Investigating allegations that security forces tortured and sexually assaulted Jordanian citizen Abdul-Ilah Al-Majali.



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