



Jordan's Compliance with the Convention Against Torture: The Death Penalty

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

Adaleh Center for Human Rights Studies

and

The World Coalition Against the Death Penalty

for the 81st Session of the Committee Against Torture

28 October–22 November 2024

Submitted 30 September 2024

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

The Adaleh Center for Human Rights Studies is a non-governmental, non-profit organization founded on September 2003 and based in Amman, Jordan. Its mission is to enforce human rights values in Jordan and the Arab world, through building the capacity of non-governmental organizations and practitioners working in the field of human rights, democracy and justice. The center operates in accordance with all universal human rights declarations, principles, and charters issued by the United Nations. Its vision: to create a mindful society that enjoys basic human rights and freedoms, free from discrimination and violations against human rights, and where values of dignity, freedom, equality, tolerance, and respect are widely spread. Its objectives are: To elevate the respect towards freedom and human rights; To enhance democracy principles and the rule of law; To activate the role of the judiciary and to ensure its independence; To enhance the knowledge of the law and to ensure its independence; To spread awareness on human rights; and To invigorate the human rights situation and to document human rights violations.

EXECUTIVE SUMMARY

1. This report addresses Jordan's compliance with its international human rights obligations with regards to the death penalty and torture. Jordanian courts continue to sentence people to death, including for crimes that do not rise to the level of "most serious," and Jordan continues to carry out executions. Women in conflict with the law experience discrimination within the criminal legal system, placing them at risk of being sentenced to death and executed. The criminal legal system does not guarantee access to counsel for people suspected of committing capital crimes, and the court primarily responsible for handing down death sentences is neither independent nor impartial and adopts a broad interpretation of terrorism that sweeps up political speech and any behavior that authorities do not like. Authorities continue to engage in torture and courts admit evidence obtained through torture or other ill-treatment. Detention conditions do not comply with international standards.

Jordan fails to uphold its obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

I. Death Penalty (List of issues prior to reporting (LOIPR), para. 33)

2. In its List of issues prior to reporting, the Committee requested "detailed information about the 11 executions carried out in December 2014," which brought an end to the country's eight-year de facto moratorium on executions, and on the 15 executions in March 2017. The Committee also asked whether Jordan "plans to declare an official moratorium on the death penalty."¹
3. In its reply, Jordan asserts that "[a]ll the death penalties that were carried out were against persons convicted of very serious crimes such as murder, terrorism and rape."² Jordan does not directly respond to the Committee's question about the State Party's plans to adopt an official moratorium, but contends that "in the light of its concern to preserve human dignity, [Jordan] treats persons facing the death penalty in a humane and dignified fashion, in line with national and international law."³
4. Article 17(a) of the Jordanian Penal Code authorizes the death penalty for offenses such as "threatening national security, deliberate murder, or acts with a high likelihood of causing death."⁴ Crimes for which the death penalty is prescribed include, but are not limited to, crimes of treason; crimes against the Constitution; sedition; rape of a minor girl under 15

¹ Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan* (13 June 2018) CAT/C/JOR/QPR/4, ¶ 33.

² 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) CAT/C/JOR/4*, ¶ 139.

³ 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) CAT/C/JOR/4*, ¶ 147.

⁴ Sadam Abu Azam & Mohammad Airout, *The Death Penalty in Jordan: A critical Examination of its Application and Abolition Debate*, Pakistan Journal of Criminology (Sept. 2024), at 4, available at <https://www.pjcriminology.com/wp-content/uploads/2024/05/65-The-Death-Penalty-in-Jordan.pdf> (last visited Sept. 22, 2024).

years of age; willful murder; crimes outlined by articles 13, 36, 37, and 38 of the Jordanian Military Penal Code; and crimes outlined by articles 12 and 20 of Jordanian drugs law.⁵

5. Amnesty International reports that as of the end of 2023, at least 222 people were under sentence of death in Jordan,⁶ and approximately 22 of the people under sentence of death are women.⁷ In 2023, courts sentenced at least three people to death.⁸
6. Sentiments within Jordan may be moving away from the death penalty. Two Jordanian legal scholars contend that “[p]ublic opinion in Jordan increasingly opposes the death penalty,” and argue that “[a]bolishing the death penalty is part of Jordan’s efforts to modernize its criminal justice system.”⁹ In 2022, parliamentary rapporteur Ghazi Al-Thneibat confirmed that at the time there were 239 people on death row, but asserted that Jordan, like many other countries, “tend[s] to halt at the execution stage” and “freeze the implementation of the death penalty.”¹⁰
7. Despite these assurances, Jordan still carries out executions, with the most recent reported execution in August 2021.¹¹ Moreover, Jordanian courts sentence people to death for crimes that do not rise to the level of “most serious” under international human rights standards. For example, in 2021 a court sentenced six men to death for abducting and assaulting a teenage boy, even though the attackers neither killed nor intended to kill.¹² Also in 2021, the State Security Court sentenced an individual to death for the individual’s involvement in a terrorist knife attack against four foreign tourists, all of whom survived.¹³ As mentioned in paragraph 4, Jordanian law authorizes the death penalty for many crimes that do not entail an intentional killing by the person to be sentenced to death.

⁵ Jordan Penal Code of 1960. amend 2022, art. 17; Jordan Military Penal Code. art. 13, 36-38; Jordan Drug Law. art. 12, 20.

⁶ Amnesty International, *Death Sentences and Executions 2023* (2024), at 29, available at <https://www.amnesty.org/en/documents/act50/7952/2024/en/>.

⁷ *Pressure to enforce death penalty mounts in Jordan after brutal murders*, Arab News, July 4, 2022, available at <https://www.arabnews.com/node/2116496/middle-east> (last visited Sept. 22, 2024).

⁸ Amnesty International, *Death Sentences and Executions 2023* (2024), at 29, available at <https://www.amnesty.org/en/documents/act50/7952/2024/en/>.

⁹ Sadam Abu Azam & Mohammad Airout, *The Death Penalty in Jordan: A critical Examination of its Application and Abolition Debate*, Pakistan Journal of Criminology (Sept. 2024), at 6, available at <https://www.pjcriminology.com/wp-content/uploads/2024/05/65-The-Death-Penalty-in-Jordan.pdf> (last visited Sept. 22, 2024).

¹⁰ *Jordan has 239 people on death row*, Middle East Monitor, June 27, 2022, available at <https://www.middleeastmonitor.com/20220627-jordan-has-239-people-on-death-row/> (last visited Sept. 22, 2024).

¹¹ Khitam Al Amir, *Jordanian executed by hanging for burning wife to death*, Gulf News, Aug. 4, 2021, available at <https://gulfnews.com/world/mena/jordanian-executed-by-hanging-for-burning-wife-to-death-1.81303112> (last visited Sept. 22, 2024).

¹² *Jordan sentences six men to death for blinding teen, chopping his arms off*, Alarabiya News, Mar. 17, 2021, available at <https://english.alarabiya.net/News/middle-east/2021/03/17/Jordan-sentences-six-men-to-death-for-blinding-teen-chopping-his-arms-off-> (last visited Sept. 22, 2024).

¹³ *Jordanian sentenced to death for 2019 knife attack on tourists*, Aljazeera (Jan. 12, 2021), <https://www.aljazeera.com/news/2021/1/12/jordanian-sentenced-to-death-for-2019-knife-attack-on-tourists>.

II. The criminal legal system subjects women in conflict with the law to discrimination and places them at risk of execution (LOIPR, paras. 12, 14).

8. The Committee requested information on measures taken to combat all forms of violence against women and to criminalize marital rape, as well as support mechanisms for victims of violence against women.¹⁴ The Committee also asked about measures to combat abuse of migrant domestic workers.¹⁵
9. Jordan states that procedures for responding to cases of domestic violence have been established under the National Framework for the Protection of Families from Violence.¹⁶ Jordanian law does not expressly criminalize “marital rape,” but the reply asserts that prosecutors consider it as “abuse.”¹⁷
10. There is little information about the capital cases against the women who are currently under sentence of death, but almost all of those women were convicted of killing family members who likely wielded considerable authority over them, creating the potential for domestic violence.¹⁸ According to a 2018 report by the Cornell Center on the Death Penalty Worldwide, at the time all but two of the women under sentence of death “received a death sentence for killing their husband or fiancé (nine cases), mother-in-law or stepmother (three cases), or father (two cases).”¹⁹ The Cornell Center confirmed “that at least four of these women killed their husband or father following long-term abuse.”²⁰ Another woman on death row was a domestic worker from Bangladesh who had killed her employers.²¹
11. Jordanian courts typically do not recognize gender-based mitigating circumstances, with the exception of mitigation in favor of male defendants accused of murder if they committed the crime in the name of “defending the family honor” or if the male defendant committed the crime in a “fit of fury.”²² Women in conflict with the law receive no such

¹⁴ Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan* (13 June 2018) CAT/C/JOR/QPR/4, ¶ 12(a).

¹⁵ Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan* (13 June 2018) CAT/C/JOR/QPR/4, ¶ 14.

¹⁶ Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention*, ¶ 44.

¹⁷ 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) CAT/C/JOR/4*, ¶ 47.

¹⁸ The Advocates for Human Rights and the World Coalition Against the Death Penalty, *Jordan: Stakeholder report for the United Nations Universal Periodic Review: The Death Penalty*, 18 July 2023, ¶ 12.

¹⁹ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

²⁰ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

²¹ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

²² Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 22, 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

consideration, even in the context of prolonged gender-based violence.²³ The Cornell Center reports that, according to advocates in Jordan, “judges are hard pressed to accept the reality that women lose their tempers and are capable of acts of violence that contravene gender norms.”²⁴

12. According to the Cornell Center, “[a]ll of the women under sentence of death come from poor families, and around half of them received only a primary education.”²⁵ These constraints can impede a woman’s right to a fair trial. As the Cornell Center explains, “in conservative milieus men control the family’s financial resources and women cannot generally gain independent access to them. Because of the stigma associated with capital offenses, particularly in cases where the victim is also a member of the family, women’s families often withhold financial assistance. This exacerbates women’s difficulties in obtaining effective legal representation.”²⁶
13. Women in conflict with the law face compounded gender bias within tribal reconciliation mechanisms. According to the Cornell Center, people sentenced to death for murder may receive a reprieve if the victim’s family forgives the offender, often in exchange for a financial payment.²⁷ But “[t]ribal leadership is more often willing to negotiate, and disposed to mobilize more funds, to secure a pardon for male members sentenced to death.”²⁸ When Jordan resumed executions in 2014, for example, 44 men sentenced to death received commutations after relatives pushed for reconciliation as the threat of executions loomed, but “not a single woman benefitted from a family-backed pardon” during the same period.²⁹

²³ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

²⁴ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

²⁵ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

²⁶ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

²⁷ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

²⁸ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

²⁹ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

III. The criminal legal system lacks safeguards for people who are at risk of the death penalty (LOIPR paras. 33, 4, 10, 11).

14. The Committee requested that Jordan “describe all the procedural safeguards in place to guarantee the protection of the rights of those facing the death penalty,”³⁰ and also requested that Jordan report on “measures to guarantee that all detained persons . . . are afforded, in law and in practice, all fundamental legal safeguards from the outset of their deprivation of liberty,” including the right to an attorney and the right to be informed of the charges against them.³¹
15. In its reply, Jordan claims that “[d]eath sentences are handed down only after a fair trial conducted in accordance with safeguards that are consistent with international human [rights] standards.”³² The reply outlines the procedure for reviewing a death sentence, including referrals to the Minister of Justice, the Prime Minister, the Council of Ministers, and the King, the last of whom has the final authority to decide whether a person is executed.³³ With respect to all detained people, Jordan states that Article 100 of its Code of Criminal Procedure provides the necessary safeguards.³⁴ Moreover, Jordan explains, there are no laws or regulations “to prevent a person from appointing a lawyer from the moment of arrest.”³⁵
16. Notably, Jordan’s reply does not state that all persons subject to arrest or charged with a capital crime have the right to an attorney or other legal aid. According to the U.S. State Department, individuals are routinely tried in *absentia*, defendants—especially women in rural areas—face delays in accessing legal counsel, and authorities detain individuals for several days up to one year without a prosecutor’s authorization or and without coming before a judge.³⁶ Amnesty International reports that in the wake of recent pro-Palestinian activism and protests, Jordanian authorities have held people “for at least a month without access to their family or lawyer before being either released without charge or referred to the State Security Court.”³⁷ Moreover, Jordan’s State Security Court, a military court, “is

³⁰ Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan* (13 June 2018) CAT/C/JOR/QPR/4, ¶ 33.

³¹ Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan* (13 June 2018) CAT/C/JOR/QPR/4, ¶ 4.

³² 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) CAT/C/JOR/4*, ¶ 139.

³³ 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) CAT/C/JOR/4*, ¶ 140.

³⁴ 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) CAT/C/JOR/4*, ¶ 12.

³⁵ 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) CAT/C/JOR/4*, ¶ 13.

³⁶ U.S. Department of State, *2023 Country Report on Human Rights Practices: Jordan* (2023) < <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/#:~:text=Officials%20reported%20overcrowding%20at%20some,percent%20capacity%20as%20of%20September.>> (last accessed 19 September 2024).

³⁷ *Jordan: End draconian crackdown against pro-Palestinian activism*, Amnesty International, Feb. 6, 2024, available at <https://www.amnesty.org/en/latest/news/2024/02/jordan-end-draconian-crackdown-against-pro-palestinian-activism/> (last visited Sept. 22, 2024).

primarily responsible for issuing death sentences,”³⁸ even for civilians.³⁹ According to Human Rights Watch, the State Security Court “does not meet international standards of independence and impartiality.”⁴⁰ One Human Rights Watch expert who has attended numerous State Security Court trials since 2013 reports that the court’s trials “are often unfair,” and that the court’s interpretation of terrorism is often “so vague that [it] can be applied to nearly any political speech or behavior that the authorities dislike, and often [is].”⁴¹

17. Women are unfairly discriminated against in the context of Jordan’s tribal reconciliation mechanisms. Prisoners who have been sentenced to death will receive a reprieve if the family members of the victim they had killed grants them forgiveness, usually in exchange for payment. It has been observed that tribal leadership is far more likely and willing to negotiate and mobilize funds for male prisoners than for female prisoners. In 2014, when Jordan resumed executions, family members of those on death row pushed their tribes to mobilize funds and grant forgiveness, which ultimately lead to the commutation of 44 death sentences imposed on men. Not a single woman obtained a pardon during the same period.⁴²

IV. Jordan has failed to ensure that the prohibition against torture is absolute (LOIPR para. 3).

18. The Committee requested “information on measures taken to ensure that the prohibition of torture is absolute and non-derogable.”⁴³
19. Jordan states that there is no “immunity against criminal prosecution” for law enforcement officials alleged to have “committed an offence, including torture or ill-treatment.”⁴⁴
20. Despite the enshrinement of prohibitions against torture under Jordanian criminal law, the crime of torture remains widespread. The Adaleh Centre for Human Rights Studies reports that several detainees had died in the custody of Jordanian authorities with extensive documentation of severe beatings and traditional forms of torture. Several family members

³⁸ Sadam Abu Azam & Mohammad Airout, *The Death Penalty in Jordan: A critical Examination of its Application and Abolition Debate*, Pakistan Journal of Criminology (Sept. 2024), at 4, available at <https://www.pjcriminology.com/wp-content/uploads/2024/05/65-The-Death-Penalty-in-Jordan.pdf> (last visited Sept. 22, 2024).

³⁹ Hashemite Kingdom of Jordan, *Government: The Judicial Branch*, <http://www.kinghussein.gov.jo/government4.html>, last visited Sept. 22, 2024.

⁴⁰ *Jordan: Government Crushes Civil Space*, Human Rights Watch, Sept. 18, 2022, <https://www.hrw.org/news/2022/09/18/jordan-government-crushes-civic-space> (last visited Sept. 22, 2024).

⁴¹ Adam Coogle, *Jordan’s Sham ‘Sedition’ Trial Was Another Blow to the Rule of Law*, Human Rights Watch, Aug. 30, 2021, at <https://www.hrw.org/news/2021/08/30/jordans-sham-sedition-trial-was-another-blow-rule-law> (last visited Sept. 22, 2024).

⁴² Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

⁴³ Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan* (13 June 2018) CAT/C/JOR/QPR/4, ¶ 3.

⁴⁴ 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) CAT/C/JOR/4*, ¶ 9.

were not even able to recognize their own relatives when requested to identify their bodies.⁴⁵ The report quotes one detainee, A.H., who had been held for drug-related charges, who told his sister, that “he had been beaten and abused all night upon arrest.” He died a few days later.⁴⁶

21. A.E.M., a detained Jordanian, alleged security forces subjected him to severe torture, abuse, and sexual assault. He told his lawyer of the ill-treatment he had experienced, including that security forces forced him to take his clothes off, photographed him naked, sexually assaulted him by inserting plastic or wooden objects in his rectum, and urinated on him. He stated that during his first week in detention, security guards allowed one of the inmates to threaten him with a knife and denied him access to medication and medical treatment. In November 2023, A.E.M. submitted a complaint to the court complaining that medical staff at the Marka prison intentionally gave him the wrong medication to cause him harm.⁴⁷
22. In September 2022, family members of Z.S.A.D. received a call informing them of his death. His body showed signs of torture, which included bruises on his torso and extremities. The coroner’s office failed to provide the family with a forensic report and the case was transferred to the military justice system, not the civilian justice system, for investigation.⁴⁸

V. Authorities extract confessions through torture (LOIPR, para. 35).

23. The Committee requested that Jordan respond to reports of evidence, confessions and statements that are extracted through torture being admitted before Jordanian courts, especially the State Security Court.⁴⁹
24. Jordan asserts that courts do not accept coerced confessions, evidence, or statements, citing several rulings by the Court of Cassation that indicate coerced evidence or statements are inadmissible.⁵⁰

⁴⁵ The Jordan Times, Evidence of torture’ indicates detainees were abused while in police custody — report, accessed Jun. 9, 2023, available at: <https://jordantimes.com/news/local/%E2%80%98evidence-torture%E2%80%99-indicates-detainees-were-abused-while-police-custody-%E2%80%94-report>.

⁴⁶ The Jordan Times, Evidence of torture’ indicates detainees were abused while in police custody — report, accessed Jun. 9, 2023, available at: <https://jordantimes.com/news/local/%E2%80%98evidence-torture%E2%80%99-indicates-detainees-were-abused-while-police-custody-%E2%80%94-report>.

⁴⁷ Democracy for the Arab World Now (DAWN). “Jordan: Investigate Allegations of Torture, Sexual Assault, and Retaliatory Imprisonment by Government Security Forces,” *DAWN*, January 4, 2024. Accessed August 16, 2024. Available at: <https://dawnmena.org/jordan-investigate-allegations-of-torture-sexual-assault-and-retaliatory-imprisonment-by-government-security-forces/>.

⁴⁸ *Jordan 2022*, Amnesty International, <https://www.amnesty.org/en/location/middle-east-and-north-africa/jordan/report-jordan/>.

⁴⁹ Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan* (13 June ¶ 32).

⁵⁰ 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) CAT/C/JOR/4*, ¶ 137

25. The U.S. State Department reports that Jordanian courts generally accept as evidence coerced statements and confessions.⁵¹ Amnesty International's Samah Hadid confirmed that many confessions are obtained through torture or other forms of duress.⁵²

VI. Detention conditions do not comply with international standards, including for women under sentence of death (LOIPR, para. 25).

26. The Committee asked for information on measures taken to ensure compliance with the United Nations Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), particularly regarding prison overcrowding, sanitary conditions, and access to health care.⁵³
27. Jordan asserts that it has taken steps to reduce prison overcrowding by transferring prisoners to overflow centers, improving the capacities of correctional and rehabilitation facilities, as well as providing a general royal amnesty.⁵⁴ Jordan states that it has established procedures for prompt and accessible medical care.⁵⁵
28. Prisons nonetheless continue to face overcrowding, and people in detention face challenges in accessing the necessary care and services. The U.S. State Department reports that prisons across the country are at 170% capacity, with many lacking adequate medical resources, facilities, and staff.⁵⁶ Some non-governmental organizations report that prison authorities are denying people in detention contact with visitors or family members. Additionally, many people in detention, especially foreign nationals, do not have access to adequate legal counsel.⁵⁷
29. Moreover, detention conditions for women do not comply with the Bangkok Rules. The monthly allowance of 20 dinars (approximately \$28USD) is not sufficient for the purchase

⁵¹ U.S. Department of State, *2023 Country Report on Human Rights Practices: Jordan* (2023) <<https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/#:~:text=Officials%20reported%20overcrowding%20at%20some,percent%20capacity%20as%20of%20September.>> (last accessed 19 September 2024).

⁵² Jordan Hangs 15 for Rape and Terrorism in Mass Dawn Execution." *Middle East Eye*, 4 March 2017, <www.middleeasteye.net/news/jordan-hangs-15-rape-and-terrorism-mass-dawn-execution> (last accessed 19 August 2024).

⁵³ Committee Against Torture, *List of issues prior to submission of the fourth periodic report of Jordan* (13 June ¶ 25.

⁵⁴ 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) CAT/C/JOR/4*, ¶ 101.

⁵⁵ 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) CAT/C/JOR/4*, ¶ 104.

⁵⁶ U.S. Department of State, *2023 Country Report on Human Rights Practices: Jordan* (2023) <<https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/#:~:text=Officials%20reported%20overcrowding%20at%20some,percent%20capacity%20as%20of%20September.>> (last accessed 19 September 2024).

⁵⁷ U.S. Department of State, *2023 Country Report on Human Rights Practices: Jordan* (2023) <<https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/#:~:text=Officials%20reported%20overcrowding%20at%20some,percent%20capacity%20as%20of%20September.>> (last accessed 19 September 2024).

of sanitary pads, other hygiene products, and other supplies that women need in detention.⁵⁸ According to the Cornell Center, prison authorities subject some women under sentence of death to solitary confinement.⁵⁹

30. According to the Cornell Center, as a result of social stigma, women under sentence of death rarely receive family visits, and therefore they have limited contact with their children.⁶⁰ A prison psychologist reports that when Jordan resumes executions, women under sentence of death experience frustration, depression, and “lack of attachment to life.”⁶¹

VII. Suggested recommendations for the Government of Jordan

31. The coauthors suggest the following recommendations for the Government of Jordan:

- Abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
- Ratify the Second Optional Protocol to the ICCPR.
- In the interim:
 - Establish an official moratorium on executions.
 - Amend the Penal Code of Jordan to limit the death penalty to the most serious crimes, defined as crimes in which the defendant had the intent to kill, and did in fact kill.
 - Ensure that detention conditions for women under sentence of death comply with the Bangkok Rules and the Nelson Mandela Rules, particularly regarding solitary confinement.
 - Provide sufficient resources and funding to ensure that all persons charged with capital crimes have the assistance of competent lawyers with experience and training in capital cases and have sufficient funds to gather evidence for the defense and to retain expert testimony, regardless of the region where the case is tried.
 - On at least an annual basis, publish data about death sentences, executions, and people under sentence of death, disaggregated by nationality, sex, age, occupation at the time of arrest, crime of conviction, sentencing authority, relationship to any

⁵⁸ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 22, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

⁵⁹ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 22, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

⁶⁰ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

⁶¹ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

victims or codefendants, age of any dependent children, current location, and status of any appeals or mercy proceedings.

- Ensure that all foreign nationals charged with capital offenses are informed of their right to consular notification.
- Provide financial stipends and logistical support to facilitate prison visits by dependent children of women under sentence of death.
- Commute the sentence of any woman sentenced to death for killing a family member if there is evidence that the woman experienced prolonged domestic violence, and of any woman sentenced to death for a drug-related offense or other crime that did not entail an intentional killing committed by the woman.
- Commute the death sentence of any person sentenced to death for a crime that did not entail an intentional killing carried out by the person under sentence of death.
- Ensure that sentencing authorities take full account of any mitigating factors related to a woman's background, including evidence of trauma, economic pressures, child marriage, domestic and gender-based violence, as well as psychosocial and intellectual disabilities.
- Collaborate with civil society organizations to ensure that all judges and prosecutors receive training on gender-based discrimination and violence, pathways to crime, and gender-sensitive mitigation.
- Ratify the Optional Protocol to the Convention against Torture.
- Ensure that any allegations of torture by security officials, including by police and authorities in detention facilities, are referred to civilian courts rather than police courts.
- Conduct credible, independent, and impartial investigations into all allegations of torture, prioritizing allegations raised by persons who are charged with crimes that are eligible for the death penalty.
- Intensify efforts to ensure that national prison rules and policies are in line with the Nelson Mandela and Bangkok Rules.
- Create an external, independent inspection body that has access to all categories of prisoners in all places of detention that are under the purview of the Ministry of Justice in line with Rules 83-85 of the Nelson Mandela Rules.
- Collaborate with civil society organizations to conduct a comprehensive public awareness-raising campaign to educate the public about international human rights standards as they pertain to the death penalty and about alternatives to the death penalty, with the aim of shifting opinions of the public and lawmakers in favor of abolition.
- Direct law enforcement to provide all persons accused of a crime with timely access to counsel, prior to any interrogation, including any person suspected of having committed a capital crime.