

Document #2016502

HRW – Human Rights Watch

Jordan: Hundreds Displaced Based on Family Ties

September 17, 2019 5:00AM EDT

Enforcement of Local Practice Outside Rule of Law

(Amman) – Jordanian (<https://www.hrw.org/middle-east/n-africa/jordan>) authorities have forced about 200 people to leave their home governorate because of their extended family ties to an accused murderer, Human Rights Watch said today.

Jordanian security authorities expelled members of the extended al-Shahin family based on an order of the local governor, a high-ranking Interior Ministry official, under a local practice known as *jalwa*, which was removed from Jordanian law in 1976. Under that practice, authorities could temporarily displace family members of accused murderers from their homes to deter potential revenge attacks. Authorities continue the practice and in recent years have sought to reintroduce the concept into law.

“Jordanian authorities should prevent revenge attacks, but forcibly expelling innocent people from their homes is not the way,” said Michael Page (<https://www.hrw.org/about/people/michael-page>), deputy Middle East director at Human Rights Watch. “Practices that violate basic rights do not belong in Jordanian law nor should local officials enforce them.”

By imposing collective punishment on people not responsible for any crime, *jalwa* constitutes arbitrary punishment and contravenes Jordan’s human rights obligations and constitution. Jordanian state authorities, including the police, should immediately stop the use and enforcement of *jalwa* to forcibly displace family members. The authorities should allow the displaced family members to return, Human Rights Watch said.

On July 12, 2019 a member of the al-Shahin family killed another man from the Abu al-Ghanam family following a traffic altercation. Al-Shahin family members told Human Rights Watch that security officials then expelled over 200 members of the family from the Madaba governorate. Human Rights Watch spoke with ten of the people expelled, all of whom said that they were distantly related to the alleged killer and did not know him. The family members said that this *jalwa* was applied to people within five degrees of kinship of the person who allegedly committed the crime – that is, anyone with the same great-great-great-grandfather.

In September 2018, government-owned al-Mamlaka TV quoted a security official (<https://www.almamlakatv.com/news/%D8%A7%D9%84%D8%AC%D9%84%D9%88%D8%A9-%D8%B9%D8%B1%D9%81-%D8%B9%D8%B4%D8%A7%D8%A6%D8%B1%D9%8A-%D9%8A%D8%AD%D8%A7%D9%88%D9%84-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86-%D8%A5%D8%B5%D9%84%D8%A7%D8%AD%D9%87-5342>) who said there had been 36 *jalwacases* between 2010 and 2012. In 2016, the *Jordan Times* reported (<http://www.jordantimes.com/news/local/eviction-entire-clan-murder-suspect-outrageous-violation-human-rights%E2%80%99>) on a *jalwacase* in al-Karak governorate that displaced dozens of people. People displaced under this practice return to their homes only after a settlement between the two families. Al-Shahin family members told Human Rights Watch that they had been subjected to a previous *jalwa* in 2017 that lasted for 20 months.

The people Human Rights Watch interviewed said they were forced to leave the Madaba governorate between July 12 and 15, 2019. Some of them live in al-Faisaliyah subdistrict.

Human Rights Watch visited seven of the people, who were temporarily living sharing a small, cramped apartment with ten other family members on the outskirts of Amman. Another said he was temporarily living with multiple members of the extended family in another apartment. All of those interviewed asked not to be named, fearing government reprisals.

One family member said the governor of Madaba told him he ordered the displacements to protect the al-Shahin family from revenge attacks. The police could detain the family members administratively if they try to return without the governor's permission, family members said. A Human Rights Watch researcher, driving through al-Faisaliyah in late August, saw an armored personal carrier, a police van, and two police cars guarding the area where al-Shahin family lived.

"Conditions are very difficult for us now," the family member said. "People don't have money, and they cannot go to work [in Madaba] to earn money to live."

One woman described her expulsion. "They pounded on the door saying, 'You must leave now,'" she said. "It was 8 p.m. and I said, 'Where should I go? I have no place to go.' But they said, 'Deal with it, leave now.'"

Another woman said that police told her, "If you don't leave, we'll use teargas to force you to leave."

One of the men said: "You can't imagine the size of the tragedy – my cousin is sick with cancer and another one is disabled. [The police] had to carry him out. My daughter now should be going to first grade, but I can't enroll her because I can't get her school acceptance [in Madaba], so [the kids here] are going to miss this academic year."

Jordanian lawmakers formally removed *jawa* from the legal system in 1976 when they repealed the Tribal Courts Law. In August 2016, Jordan's ministerial legal committee approved amendments (<http://alrai.com/article/1008929/%D9%85%D8%AD%D9%84%D9%8A%D8%A7%D8%AA/%D8%A7%D9%82%D8%B1%D8%A7%D8%B1-%D8%A7%D9%>

82%D8%AA%D8%B5%D8%A7%D8%B1-%D8%A7%D9%84%D8%AC%D9%84%D9%88%D8%A9-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D8%AC%D8%A7%D9%86%D9%8A-%D9%88%D8%A3%D8%A8%D9%86%D8%A7%D8%A6%D9%87-%D9%88%D9%88%D8%A7%D9%84%D8%AF%D9%87) to the Crime Prevention Law to legalize *jalwa* but limit its application to the person who allegedly committed a crime, their children, and father, and to not exceed one year unless the Interior Ministry approves an extension.

The proposed amendments were not passed, but in 2019 Jordan's Interior Minister announced (<http://jordantimes.com/news/local/specialists-meet-%E2%80%98soon%E2%80%99-reframe-jalwa-other-tribal-traditions>) that authorities would convene a panel of experts (<https://royanews.tv/news/186080?title=1563182682>) on custom and Islamic law to develop a “national code of honor” that would limit the application of certain local customs, especially *jalwa*.

Article 9.2 of Jordan's constitution states, “No Jordanian may be prohibited from residing at any place; be prevented from movement; or be compelled to reside in a specified place, except in the circumstances prescribed by law.”

Acts amounting to collective punishment are by definition arbitrary, and thus in violation of the International Covenant on Civil and Political Rights (ICCPR), to which Jordan is a state party. The UN Human Rights Committee, the independent experts who review state compliance with the ICCPR, said in their General Comment on article 4 (<https://www.refworld.org/docid/453883fd1f.html>) of the ICCPR that a country cannot use a state of emergency “as justification for acting in violation of humanitarian law or peremptory norms of international law, for instance [...] by imposing collective punishments.” This prohibition would certainly hold outside of state of emergency, Human Rights Watch said.

“Instead of trying to limit the negative consequences of *jalwa*, Jordanian leaders should end the practice of arbitrary forced relocations and require the police to protect potential victims of revenge attacks,” Page said.

ecoi.net summary:

Authorities force about 200 people to leave their home province because of their extended family ties to an accused murderer



Country:

Jordan

Source:

[HRW – Human Rights Watch](#) (</en/source/11207.html>)

Original link:

<https://www.hrw.org/news/2019/09/17/jordan-hundreds-displaced-based-family-ties> (<https://www.hrw.org/news/2019/09/17/jordan-hundreds-displaced-based-family-ties>)

Document type:

Appeal or News Release

Language:

English

Published:

17 September 2019

Document ID:

2016502

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

