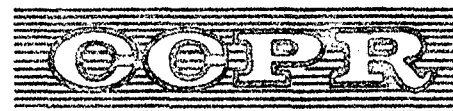


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HUMAN RIGHTS COMMITTEE

Fourteenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC) \*/ OF THE 332nd MEETING

held at the Wissenschaftszentrum, Bonn-Bad Godesberg,  
on Thursday, 29 October 1981, at 3 p.m.

Chairman: Mr. GRAEFRATH

later: Mr. MAVROMMATIS

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(continued)

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\*/ The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.332/Add.1.

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GE.81-17459

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT  
(agenda item 4) (continued)

Morocco (continued) (CCPR/C/10/Add.2)

1. At the invitation of the Chairman, Mr. Iraqui (Morocco) took a place at the Committee table.
2. Mr. IRAQUI (Morocco) said that the diversity of questions put by members in connection with his Government's report (CCPR/C/10/Add.2) and the comments made had shown how closely the Committee was following his Government's efforts to make Morocco a perfect democracy, which was the best guarantee of the enjoyment and promotion of human rights.
3. Morocco's ratification of the Covenant on 3 August 1979 had been followed by the adoption, on 8 November 1979, of Dahir No. 1-79-186 concerning publication of the Covenant. As a result, the Covenant had become an integral part of the Moroccan internal public order. That integration had not given rise to any difficulties, since the provisions of the Covenant were in harmony with Morocco's pre-existing positive law.
4. With regard to the Moroccan legal system, he said that during the 13 centuries of its existence as a State, Morocco had developed rules of law largely based on Muslim law which, from the outset, had proclaimed respect for human life, human rights, equality of individuals without distinction based on race or colour, and freedom of worship.
5. With regard to civil rights, Muslim jurists had over several centuries developed a theory and jurisprudence which had made Muslim law a truly modern body of law whose normative importance had been recognized and confirmed by several international legal conferences. The modern character and validity of those civil rights had been explicitly recognized by the European States which in 1913 had renounced the application in Morocco of their national legislation, in favour of the application of Morocco's Code of Obligations and Contracts, of which Muslim law constituted the essential basis.
6. With regard to political rights, Muslim public law had affirmed from the outset the fundamental principles of modern democracy through Choura, which involved direct consultation of the representatives of the Muslim community, and the Baia, which was the act through which the head of the community was recognized by the representatives of the people as the spiritual and temporal head of the nation. As a result, there was a direct legal and spiritual link of allegiance between the members of the community and the monarch. That link had, moreover, been recognized by the International Court of Justice in its advisory opinion of October 1975 concerning the question of the Sahara. The sovereign was therefore entrusted with a religious, national and political mission. He ensured respect for Islam, guaranteed the independence of the nation, represented the unity of the State and saw to it that the Constitution was observed. The King's responsibilities and his role as arbiter of the nation could be exercised only if the King's person was secure from any partisan or sectarian attack, a requirement met by article 23 of the 1972 Moroccan Constitution. Moreover, the Constitution had established a system based on the separation of powers and had guaranteed the judiciary independence from the legislative and executive powers.

7. It should be noted that, under article 31 of the Constitution, treaties which might affect constitutional provisions were approved in accordance with the procedure laid down for amendment of the Constitution, in other words, by means of a referendum. On the other hand, international instruments which did not affect the provisions of the Constitution were approved without recourse to a special procedure. The fact that the Covenant had been ratified without a referendum demonstrated that it did not affect the provisions of the Constitution.

8. The equality of men and women in Morocco was ensured by article 5 of the Constitution, which provided that all Moroccan men and women were equal before the law. That general rule was confirmed by the solemn proclamation, in article 5, of equality in the field of political rights, a statement which was not without significance when it was recalled that even in some developed countries, women did not yet enjoy full political rights. With regard to the civil rights of Moroccan women, he referred members to pages 10-13 of his Government's report.

9. As to freedom of religion, article 6 of the Constitution guaranteed freedom of worship for everyone. Articles 220 and 221 of the Criminal Code prescribed punishment for any person who hampered the exercise of that freedom. Members would find further details on pages 28 and 29 of the report.

10. The requirements of article 1 of the Covenant concerning self-determination were fully met within Morocco by the constitutional provisions referred to in pages 5-8 of the report by the administrative structure of Parliament, Provincial Assemblies and Communal Assemblies, by the multi-party system in force, by the multiplicity of trade union organizations, and by the enjoyment of freedom of association and freedom of expression.

11. As to the international application of that principle, Morocco had always been one of the foremost defenders of oppressed peoples and advocates of the right to emancipation of nations suffering under the yoke of colonialism and foreign occupation, particularly in the Arab world and on the African continent. In 1960, for instance, Morocco had hosted the Casablanca Conference which had given rise to the Organization of African Unity. Moreover, it was in Morocco that all the authentic liberation movements in Africa had originated. His country continued to support actively and unreservedly the liberation movements in southern Africa, where the most elementary rights of Africans were constantly violated. Morocco had been one of the sponsors of General Assembly resolution 1514 (XV), which constituted the basic platform for the right of peoples to determine their own future, as well as establishing the principle of the defence of national unity and territorial integrity of States.

12. Servitude, slavery and forced labour did not exist in Morocco. Such practices were incompatible with the fundamental principles of Moroccan law and the Muslim religion.

13. Since Morocco had ratified the Covenant, neither a state of siege nor a state of emergency had been declared in the country; Morocco continued to live under the democratic, parliamentary system set up by the 1972 Constitution. In any event, the proclamation of a state of emergency under article 35 of the Constitution or a state of siege under the Dahir of 1 September 1939 would not affect the provisions of article 4 of the Covenant, since they would not involve discrimination based on colour, race, language, etc.

14. As to whether certain provisions of the Criminal Code were inconsistent with the Covenant, his delegation had already replied that there was no conflict between the internal public order in Morocco and the Covenant.

15. There were no ethnic minorities in Morocco. The religious minority of persons of the Jewish faith enjoyed full rights recognized not only by article 6 of the Constitution but also by the provisions of the Hebraic Code of Personal Status. In all other fields which did not involve freedom of religion or which were related to personal status, the principle of the equality of all Moroccans before the law, embodied in article 5 of the Constitution, constituted the rule.

16. The general principle of the responsibility of the State was laid down in articles 79 et seq. of the Code of Obligations and Contracts, under which the State and the local authorities were liable for material or moral damage caused to others. The State was required to pay compensation where the liability was criminal or quasi-criminal or where the damage resulted from an ultra vires decision by an administrative authority. As to compensation for persons wrongly convicted, article 620 of the Code of Criminal Procedure provided that the new judgement establishing the innocence of the convicted person might, at his request, award him damages which were borne by the State and were paid as legal costs.

17. With respect to the legal status of aliens, he said that Morocco had been one of the first countries to codify the principal rules of private international law. Thus, the Dahir of 12 August 1913 regulated all matters pertaining to the personal status of aliens, including marriage, divorce and inheritance.

18. As to economic rights such as the possession of farmland and the exercise of certain activities or professions by aliens, it should be pointed out that the question did not come within the purview of the International Covenant on Civil and Political Rights but within that of the International Covenant on Economic, Social and Cultural Rights, article 2 (3) of which stated that "Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals".

19. With regard to articles 12 and 13 of the International Covenant on Civil and Political Rights, an alien lawfully in Morocco had the right to freedom of movement and free choice of residence and was free to leave and return to the country. Any alien who was unlawfully in Morocco could be the subject of an expulsion order in accordance with articles 3 and 12 of the Dahir of 15 November 1934. However, persons against whom such a measure was taken could

lodge an appeal with the Directorate-General of the Sûreté Nationale. Any one harmed by an administrative measure subsequent to the lodging of the appeal with the competent authority could apply to the Administrative Division of the Supreme Court for the act to be annulled.

20. With regard to the right of asylum, the 1951 Geneva Convention was implemented in Morocco by the Dahir of 26 August 1957 and the Decrees of 28 August 1957 and 8 October 1970. Judicial and administrative protection was ensured by the Office of Refugees and Stateless Persons placed under the authority of the Minister of State for Foreign Affairs. Fuller information on that point was given on pages 26 and 27 of the report. It should also be noted that Morocco had ratified the Protocol relating to the Status of Refugees of 18 November 1966, as well as the 1969 OAU Convention governing the Specific Aspects of Refugee Problems in Africa.

21. In Muslim law, a woman retained her legal personality even after marriage, independently of her husband. She could contract marriage freely. Forced marriages were prohibited and subject to annulment pronounced by a magistrate. No marriage was valid without the consent of the woman. The age for marriage was 18 years for men and 15 years for women. Details were given on pages 30 and 31 of the report.

22. As to abandonment of the family, parents had a legal obligation to protect their children, and a parent who left the family home for a protracted period and without justification was liable to punishment under article 479 of the Moroccan Criminal Code.

23. With regard to the nationality of the child, under article 1 of the Dahir of 6 September 1958 the provisions of international treaties and conventions took precedence over the internal law. To avoid any conflicts with respect to nationality, the Dahir in question had sought to give each child a single nationality. Thus, a child born in Morocco of foreign parents was granted the nationality of his father; the child of a Moroccan mother and an unknown or stateless father or a child found in Morocco were given Moroccan nationality in order to ensure that the requirements of article 24 of the Covenant were met.

24. Various measures existed to safeguard the child's property and to supervise his education through a minors' judge and a special procedure laid down in articles 81 to 211 of the Code of Civil Procedure. Minors were also protected by sections 2, 4 and 7 of the Criminal Code.

25. With regard to offences committed by children, the Code of Criminal Procedure provided for special rehabilitation measures for juveniles under 16 years of age, and children of less than 12 years of age were regarded as not responsible for criminal acts. It was prohibited to arrest a child in flagrante delicto if he had not reached the age of 16 years.

26. Moreover, each child had to be given a name within one month of the date of his birth, the declaration of birth being made to the civil registrar of the district concerned by the father, or failing him, by the doctor, midwife, health officer or other person present at the birth.

27. A number of questions had been raised concerning guarantees of individual liberties. Administrative arrest was prohibited by law; only the judicial authority was competent to order arrest under the law. Torture and ill-treatment of persons under detention were also prohibited, and article 231 of the Criminal Code provided for the punishment of any public officer who, without legitimate reason, committed or caused to be committed acts of violence against persons in the exercise of his duties. In that connection, it should be noted that no distinction was made on the ground of prevailing circumstances such as state of war or political unrest.

28. The criminal police could hold for the requirements of an investigation one or more persons whose identity it was necessary to determine or verify. It could not, however, detain them for more than 92 hours, which could be extended for a single additional period of 48 hours upon the approval of the King's prosecutor. If the case involved an attack against the security of the State, the period was doubled. The criminal police had to enter in the record of the proceedings relating to any person held in custody the day and hour on which he was taken into custody and the date and hour on which he was either released or brought before the competent judge. The entry had to be accompanied by either the signature of the person concerned or a statement indicating his refusal to sign; a similar entry had to be made in a special record, initialled by the King's prosecutor and maintained for that purpose in any police station in which a person might be held in custody.

29. Those provisions were applicable in cases of flagrante delicto in respect of which the law provided for imprisonment. Where, for the requirements of a preliminary investigation, the criminal police had to hold a person in custody for more than 92 hours, it had, in order to secure an extension of 48 hours, to bring the person in question before the King's prosecutor who, after hearing that person, could grant that extension.

30. Detention pending trial which generally followed the period of police custody, was an extremely serious measure, which was ordered by the examining magistrate only in certain circumstances. The Code of Criminal Procedure provided that when the penalty for the offence alleged was less than two years' imprisonment, the accused could not be detained for more than one month. If the penalty was higher than two years' imprisonment, the period of time in detention could not exceed four months, which could be extended for further four-month periods only by order of the examining magistrate, accompanied by a statement of reasons. At any point in the proceedings, the accused could request conditional release and the examining magistrate must decide upon that request within five days; if he did not, the accused could apply directly to the chamber of correctional appeal, which must then hand down a decision within 15 days.

31. The Code further provided that a prisoner must be released immediately, notwithstanding any appeal that might have been lodged, if he had been acquitted, given a suspended sentence or fined, or when the sentence imposed by the court of first instance had been completed. When committal had been ordered by the King's prosecutor in cases of flagrante delicto, the detainee had to be brought before the court within three days and the court must decide either to release him or to confirm his detention. The prosecutor was prohibited from ordering the detention of a prisoner who had committed a political offence or an offence under the press laws or of a minor less than 16 years of age.

32. With regard to collective trials, he said that in cases where a number of people had been involved in the commission of a particular crime, it was legitimate for them to appear before the same court at the same time.

33. There was only one permanent military court, which was competent to try members of the armed forces charged with the commission of offences.

34. The Code of Criminal Procedure affirmed the rights of the defence at all stages of criminal proceedings. When an accused person appeared before the examining magistrate, he was advised that he could decline to make a statement and that he had the right to choose counsel. The judge could appoint a lawyer for him if he so wished. Immediately after that first appearance, the accused could communicate freely with his counsel, and in no circumstances could such communication be prohibited. The accused and the party claiming damages could be heard only in the presence of their lawyers, who were summoned at least two clear days before each hearing. The day before each hearing, at the latest, the proceedings had to be made available to the accused's counsel and the party claiming damages. The counsel for the accused and the party claiming damages were advised of all jurisdictional orders. According to the Code, the judge could base his decision only upon evidence adduced in court and after full oral argument on both sides. At all stages of the proceedings, the accused had the right to the assistance of a defence counsel and, if necessary, an interpreter paid for by the State. In all cases where the law provided for prison terms, a prisoner had the right of appeal.

35. Capital punishment was provided for in Moroccan law. Recently several persons facing the death sentence had been pardoned by the King. There were currently two persons facing death sentences in Moroccan prisons; they had asked to be pardoned. No capital sentence could be executed unless its execution had been preceded by a petition for reprieve and that reprieve had been refused. There were no women facing death sentences in Morocco.

36. Since Morocco had opted for a system of re-education of prisoners and their reintegration in society, education and vocational training were provided for prisoners. The Dahir of 26 June 1930 prohibited prison officers from committing acts of violence against prisoners, insulting them or employing them in their own service. Prison conditions were monitored by Prison Supervisory Committees which were composed of private and independent individuals and civil servants, and were under the chairmanship of the governor, who was in the best position to find ways of reintegrating prisoners into society after their release.

37. No authorization was required to establish political parties, trade unions or associations; a simple statement or the registration of articles of association and related documentation were sufficient to acquire the necessary legal personality.

38. Furthermore, article 9 of the Constitution guaranteed to all citizens the freedom of association and the freedom to belong to any political or trade-union organization. If the association was based upon an illicit cause or illicit objective contrary to the law and morality, or designed to impair the integrity of the territory of the nation or the monarchical form of the State, that association was null and void.

39. Freedom of the press was regulated by the Dahir of 15 November 1958, which imposed restrictions on that freedom only in respect of crimes and offences committed through the press or any other kind of publication. According to article 77 of that Dahir, the Minister of the Interior could order the administrative seizure of any issue of a newspaper or periodical whose publication was likely to disturb the public order or undermine the political and religious institutions of the Kingdom.

40. In conclusion, he said that the field of application of the Covenant was extremely broad, and that the Committee's questions had touched upon practically all aspects of public and private life in Morocco. It had unfortunately been impossible, in the short time available, to reply to all the questions. He pointed out that his country had shown its support for the international community's efforts to promote and guarantee human rights by ratifying the Covenant and publishing it in record time, and that it had prepared and submitted its report less than 18 months after the Covenant had entered into force for Morocco. In that short period of time, the Moroccan authorities had not observed any difficulties in applying the Covenant; the report had thus not made reference to any such problems or to any conflicts between the Covenant and the internal public order. He thanked the Chairman and the members of the Committee for their attention and said that his delegation would remain available to provide further clarifications if necessary.

41. Mr. Mavrommatis took the Chair.

42. The CHAIRMAN thanked the representative of Morocco for the hard work that had gone into the preparation of his oral replies. Additional information could be provided at a later date if the Moroccan delegation felt that it had not had sufficient time to prepare answers to certain points. He asked that delegation to convey the Committee's appreciation to the Moroccan Government.

43. Mr. Iraqui (Morocco) withdrew.

44. The meeting was suspended at 4.15 p.m. and resumed at 4.40 p.m.

Jordan (continued) (CCPR/C/1/Add.55)

45. At the invitation of the Chairman, Mr. Khouri and Mr. Kiswani (Jordan) took places at the Committee table.

46. The CHAIRMAN noted that the representatives of Jordan had volunteered to submit further information in writing. In view of the Committee's decision on periodicity, he suggested that, if they did so by January 1982 at the latest, the date of presentation of Jordan's second report should be calculated on the basis of the date of that submission.

47. It was so decided.



48. Mr. KISWANI (Jordan), replying to a question put by Mr. Prado Vallejo concerning the rights of women, said that, under Jordanian law, women had equal rights with men in all areas of employment and education, and that there was a woman minister in the Cabinet, namely the Minister for Social Development. The provisions of the Civil Service Code and the Labour Code did not differentiate between men and women, although the Labour Code did grant women certain privileges based on their physical characteristics.

49. In reply to a question put by Sir Vincent Evans, he stated that the National Consultative Council had been formed two years before in order to fill a gap in legislative authority created by the suspension of the Chamber of Deputies. The Council was composed of representatives from different sectors of Jordanian life, and its role was to advise the Government on legislation and to help formulate Government policy in the social, economic and political fields. Five of the Council's 60 members were women. The Council had temporary status pending the holding of further elections.

50. In reply to another point raised by Mr. Prado Vallejo, he said that the Jordanian Government had often stated that after the liberation of the West Bank from Israeli occupation, the Palestinian people would be able to practise self-determination.

51. Mr. KHOURI (Jordan), replying to a point raised by Mr. Prado Vallejo, said it was not true that a state of emergency had been in force in Jordan for the past 23 years. The emergency regulations introduced in 1957 had been lifted in 1958. They had been reintroduced in 1967 at the time of the war with Israel. When there had been no justification for emergency measures, during the period from 1958 to 1967, they had not been applied. With regard to the duty of States parties to the Covenant to notify the Secretary-General when emergency regulations were enforced, he said that such notification was being considered by the Council of Ministers.

52. Noting that women were active in government at the national level, he said that the restrictions on the employment of women in municipal positions had to be seen in the context of the widespread illiteracy that existed at the local level. In any event, legislation had been prepared to remedy the situation.

53. In reply to a question put by Mr. Prado Vallejo, he said that there was nothing to prevent any Jordanian citizen from gaining access to the courts, from the Magistrate's Court up to the Court of Cassation.

54. In reply to Mr. Bouziri's question as to whether Jordanian legislation was consistent with the provisions of the Covenant, he stated that Jordanian criminal law had been enacted well before the Covenant had been adopted, but that most of the provisions of the Covenant were embodied in Jordanian legislation to a certain extent. No discrepancy between that legislation and the articles of the Covenant had been noted.

55. With regard to schooling for women, he said that all education in Jordan was open to both males and females, and that 15 or 18 per cent of those taking the secondary examination were girls, many of whom obtained high marks and were given scholarships to study in educational institutions throughout the world.

56. In reply to questions put by Mr. Hanga, he said that Jordanian courts gave international agreements precedence over domestic laws except when public order was in danger. Moreover, no customary law existed in Jordan, since Bedouin law had been repealed four or five years earlier. The Bedouins could, however, observe their rites and traditions as long as they were not in violation of the law.

57. In reply to a question by Mr. Tarnopolsky, he said that according to the Constitution, when defence law was not considered to be sufficient for the protection of the country, the King could proclaim martial law. Martial law had been in force in Jordan since 1967, but nobody had suffered unjustifiably from its application.

58. With regard to detention, he said that a person arrested by the police could not be held in custody for more than 48 hours. If a serious crime was involved, the case was taken over by the public prosecutor, who except in cases of premeditated murder, could order the person released at his discretion. Petty crimes had to be judged within 24 hours.

59. In reply to the points raised by Sir Vincent Evans, he repeated that the Covenant took precedence over domestic law in Jordan. The sheer volume of legislation in Jordan had made it impossible to provide a special translation office. In his view it was not really necessary to translate the Covenant into Arabic, since everyone in the courts understood English.

60. In conclusion, he stressed the fact that the people had the opportunity to participate in municipal elections every four years.

61. Mr. HERDOCIA ORTEGA noted that the report stated that article 6 of the Covenant posed no difficulty for Jordan and that the death penalty was imposed only for the most serious crimes. He had been pleased to learn from the Jordanian representative that there had been only four executions in recent years. Under article 6, paragraph 2, of the Covenant, the death penalty could only be carried out pursuant to a final judgement rendered by a competent court. He inquired whether Jordanian Criminal Law No. 16 of 1960 provided for such a guarantee and whether provision was also made for the possibility of amnesty, pardon or commutation, as required by article 6, paragraph 4, of the Covenant. He also inquired whether there were, in Jordan, any movements favouring the abolition of the death penalty and, if so what was the attitude of the Government towards them.

62. With regard to article 7 of the Covenant, the Government of Jordan had recognized in its report that excesses were sometimes committed by some public security personnel but had stated that those excesses were not institutionalized and had always been condemned and outlawed. It would be useful if the Committee could have some information on specific cases in which such excesses had been penalized.

63. It would also be helpful to know whether aliens facing expulsion could have their case reviewed by a competent authority and could submit the reasons against their expulsion, as required by article 13 of the Covenant.

64. Article 16 (1) and (2) of the Jordanian Constitution guaranteed the right of assembly and freedom of association. However, he noted that, whereas Jordan had ratified ILO Conventions Nos. 29, 98 and 105, it had not ratified the very important ILO Convention No. 37 concerning Freedom of Association and Protection of the Right to Organise. The Committee would be interested to know what difficulties had been encountered with regard to the ratification of that Convention.

65. Mr. BOUZIRI noted that in Jordan women could be executed three months after giving birth. In his view that was not in accordance with the spirit of the Covenant, which tended towards the abolition of the death penalty. In any case, it seemed cruel to execute a young woman and to deprive a child of its mother. Had the Government of Jordan considered the possibility of repealing that provision?

66. The information given in the report with regard to article 9 of the Covenant was very brief. He would like to know whether an individual who had been arbitrarily arrested or detained was entitled to compensation. The report also gave little information on article 13 of the Covenant concerning the protection of aliens. In that connection, some further information on the Aliens Law No. 23 of 1973 would be appreciated.

67. Mr. TOMUSCHAT said that the information given with regard to the remedies required by article 2, paragraph 3 (a), of the Covenant was rather scant. He would like to know, for instance, whether there were any special tribunals to deal with complaints by individuals that their rights under the Covenant had been violated, and in general to have more detailed explanations of the facilities available to aggrieved persons who invoked the Covenant.

68. The report indicated that in Jordan no one could be arbitrarily deprived of his freedom. He would like to know whether there were any provisions for the preventive detention of politically suspect persons and whether it was possible to detain a person for reasons not contemplated by the criminal law. Some information regarding the arrangements for dealing with the mentally sick would also be appreciated.

69. As Mr. Bouziri had pointed out, the report gave little information on the status of aliens. Article 13 of the Covenant required States parties to grant aliens, in the event of an expulsion order being issued against them, the right to submit the reasons against their expulsion and to be represented by counsel. Did such a right exist in Jordan, and what was the substantive position of aliens there? A reading of the Jordanian Constitution - articles 15 and 16, for instance - gave the impression that some rights were deliberately withheld from aliens. Of course, the Covenant reserved certain political rights for nationals, but everyone, both nationals and aliens, had a right to freedom of opinion. What was the position in Jordan in that respect? The Committee also needed a detailed description of Jordanian legislation with regard to the guarantees provided for in article 14, paragraph 3, of the Covenant. Since those guarantees were vital to anyone accused of an offence, particulars on each of them would be highly desirable.

70. The report indicated that freedom of religion was observed within the limits of the Islamic Sharia and that the Christian communities in Jordan practised freedom of religion within the limits and boundaries of their denominations. The position was not very clear. Was the Sharia also applicable to the Christian communities or did it apply only to Muslims? Was there any discrimination on grounds of religion, and what was the legal relationship between the Islamic and Christian communities?

71. Sir Vincent EVANS said that in almost all countries prisoners were occasionally ill-treated and the passage in the Jordanian report regarding the excesses sometimes committed by public security personnel was the only frank statement on the subject that he remembered seeing in any submission by a State party. In any event, it was important that there should be adequate arrangements for supervisory bodies to monitor conditions in prisons and adequate procedures for receiving and investigating

complaints by prisoners, it being desirable that the members of those supervisory bodies should be independent of both the police and the prison authorities. He would like to know what kind of arrangements and procedures existed in Jordan in that respect and whether, for instance, the International Committee of the Red Cross had been given an opportunity to visit prisons in Jordan and, if so, with what results.

72. A state of emergency prevailed in Jordan and under it military courts had jurisdiction to try civilians. Jordan was not, of course, the only country where such a situation occurred. However, the Committee generally considered it undesirable for military courts to exercise jurisdiction over civilians, in so far as they tended to proceed in a summary manner and often there was no normal right of appeal. Did the Government of Jordan really consider that in the existing circumstances it was essential to give military courts jurisdiction over civilians, and would it not be more satisfactory to have offences by civilians dealt with by the ordinary courts?

73. Mr. TARNOPOLSKY expressed his appreciation of the Jordanian delegation's offer to appear before the Committee again and to submit a supplementary report. He could not remember any other case in which such an offer had been made. There were a number of points of special interest to him which the Government of Jordan might wish to deal with in that report.

74. Since martial law was in force, the Committee needed some further information on how it affected the provisions of the Covenant as a whole, especially those contained in articles 6 to 25. Some information on the provisions obtaining under both the regular law and martial law with regard to the family contacts of detained or sentenced persons and their access to counsel would be particularly appreciated.

75. The need for solitary confinement arose in all countries and sometimes gave rise to abuse. Some information on the legal provisions regulating solitary confinement in Jordan, the period of time for which it was permitted, whether it could be renewed and the physical conditions in which it was practised would thus be welcome.

76. Article 8 of the Jordanian Constitution prohibited arbitrary arrest and detention, but the article was very brief. The texts of other relevant laws were therefore needed. He could appreciate the difficulties which arose when a State party had to submit its report in an official United Nations language other than the language in which its laws were expressed. To solve the problem, a number of States parties had chosen to have translated only the pertinent parts of their criminal laws, and the Government of Jordan might wish to follow their example. Some material on the measures taken to implement article 9 of the Covenant would be most welcome.

77. The report stated that most of the principles contained in article 14 of the Covenant were reflected in the Constitution of Jordan, Criminal Law No. 16 of 1960 and Criminal Procedure Law No. 9 of 1961. It would be helpful if the Committee could have some further details of those provisions. One important aspect was the independence of the judiciary. Article 98 of the Jordanian Constitution appeared to give the King the power to dismiss judges. Some further information on the legal provisions governing the circumstances in which judges could be appointed and dismissed by royal decree would therefore be appreciated, as would some details of the Jordanian Criminal Law No. 16 of 1961 with regard to double jeopardy and some examples of relevant court decisions.

78. The Committee had no information at all on the measures taken to implement article 15 of the Covenant, and the Government of Jordan might wish to remedy that situation, particularly as far as the prohibition of retroactive punishment was concerned.
79. In connection with article 18 of the Covenant, it was stated that the children of a Muslim were always Muslims according to the Sharia. Did that mean children up to a certain age, or did it mean that a child of Muslim parents could not change his religion? If the latter was the case, there might be some conflict with the Covenant, which, in article 18, provided for the freedom to have or to adopt a religion or belief of one's choice. In any event an explanation of the situation would be appreciated.
80. It would be useful for the Committee to be given full details of the laws restricting the freedoms provided for in articles 17, 19, 21 and 22 of the Covenant so that it could ascertain whether the restrictions fell within the permissible limits.
81. It appeared that under Jordanian law children held the nationality of their father. Such a provision might contravene article 23, paragraph 4, of the Covenant, which, taken in conjunction with articles 3 and 26, suggested that nationality should be transmitted equally through both the father and the mother.
82. Mr. AL DOURI, referring to article 1 of the Covenant, noted that Jordan believed that self-determination was a continuous process and did not end with the declaration of independence. That was a very important statement, which showed that the Government was conscious of its duties towards Jordanian society.
83. The report was characterized by a frankness which was not found in many other reports from States parties, especially in the developing world. The Jordanian Government was aware of its difficulties in implementing the Covenant and was not afraid to admit to them.
84. With respect to article 6 of the Covenant, he asked whether Jordan was contemplating the abolition of the death penalty. Since not many executions were carried out in Jordan, the Government was particularly well placed to envisage such a step.
85. With regard to article 7 of the Covenant, the report recognized that excesses had sometimes been committed by public security personnel. In that connection, he requested details of specific cases in which individuals had been sentenced for inflicting torture and asked whether the victims of torture were entitled to compensation.
86. With reference to article 9 of the Covenant, the report stated that no one could be deprived of his liberty except in accordance with the laws of the nation. It would be useful if the Committee could be provided with the text of those laws so that it could determine whether article 8 of the Jordanian Constitution was consistent with the provisions of the Covenant.
87. He would appreciate further information regarding the implementation of article 14 of the Covenant and the relevant rules and procedures in Jordan. The statement that "Most of the principles contained in article 14 of the Covenant are reflected in the Constitution of Jordan and Criminal Law No. 16 of 1960 and the Criminal Procedure Law No. 9 of 1961" inevitably raised the question of the status of the remaining principles embodied in article 14.

88. On page 4 of the report, it was stated that the guarantees provided for in article 17 of the Covenant were afforded to "any person lawfully resident in Jordan". What was the position as far as unlawful residents were concerned? He wondered whether article 17 of the Covenant did not go too far in the coverage it extended.

89. Noting the reference, in connection with article 18 of the Covenant, to the principle of "La Ikraha Fil Deen", he said that it would be desirable for Jordan, as well as other Muslim States parties, to give far fuller information concerning the principles of Islam and the relations between Muslims and persons of other religions in order to correct any misconceptions on the part of non-Muslims.

90. In connection with article 20 of the Covenant, he could understand why Jordan, which had been in a state of war with Israel since 1948, should have no legislation formally forbidding war propaganda. However, the establishment of such a prohibition by Jordan or other Arab countries would not, in his view, be inconsistent with the principle of self-defence in response to aggression.

91. In conclusion, he said that the developing countries should not be afraid to state that, in view of the difficulties they were facing and the internal and external aggression to which they were daily exposed, they were unable fully to implement certain provisions of the Covenant.

92. Mr. KHOURI (Jordan) said that his delegation had benefited greatly from the deliberations of the Committee and looked forward to being given the opportunity to reply at a later stage to the various questions which it had been unable to answer.

93. The CHAIRMAN thanked the delegation and the Government of Jordan and expressed the hope that the supplementary report which had been promised would be submitted as soon as possible. The Committee would then be able to continue its fruitful dialogue with Jordan at its spring 1982 session.

94. Mr. Khouri and Mr. Kiswani (Jordan) withdrew.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

95. The CHAIRMAN said that, in accordance with General Assembly resolutions 33/100 and 34/24 and in the context of the Decade for Action to Combat Racism and Racial Discrimination, the Secretary-General was organizing, at the level of the Economic Commission for Latin America, a Regional Seminar on recourse procedures and other forms of protection available to victims of racial discrimination and activities to be undertaken at the national and regional levels, which was to be held at Managua, Nicaragua, from 14 to 22 December 1981. In view of the Committee's activities, it had been invited to send a representative to the Seminar. He suggested that the host Government should be officially informed that the Committee would be represented at that meeting and that he should subsequently hold consultations through the Division of Human Rights with a view to designating a representative of the Committee.

96. It was so decided.

The public meeting rose at 6.20 p.m.