



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
26 November 2015

Original: English

Committee against Torture

Fifty-sixth session

Summary record of the 1377th meeting

Held at the Palais Wilson, Geneva, on Monday, 23 November 2015, at 3 p.m.

Chair: Mr. Tugushi (Vice-Chair)

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(continued)

Third periodic report of Jordan (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-20800 (E) 251115 261115



Please recycle 



In the absence of Mr. Grossman, Mr. Tugushi took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Third periodic report of Jordan (continued) (CAT/C/JOR/3; CAT/C/JOR/Q/3; HRI/CORE/1/Add.1/Rev.1)

1. *At the invitation of the Chair, the delegation of Jordan took places at the Committee table.*

2. **Mr. Alhudban** (Jordan), replying to a series of questions asked at the 1374th meeting, said that efforts were under way to refurbish detention facilities and bring detention conditions into line with international standards. Facilities that could not be renovated had been shut down. In addition, the Public Security Directorate had installed video surveillance in order to monitor facilities remotely. The goal of the inmate classification system was to make appropriate decisions regarding inmates at all stages of proceedings with a view to their future rehabilitation. The system ensured that men were segregated from women, and pretrial detainees from convicted prisoners and that age, charges and sentence were taken into account.

3. The Directorate worked transparently with all citizens without discrimination. Persons arrested were informed of their rights and duties and the police were required to ensure that they understood the charges against them. On detention, a suspect had the right immediately to contact a family member and a lawyer, who could be present during the preliminary police investigation. By law, an arrested person could not remain in custody for more than 24 hours without seeing a judge. Whenever an injury was observed on a suspect or the suspect made a complaint of ill-treatment, he or she could not be placed in custody unless deemed fit by a doctor. If found unfit, the suspect was transferred to a hospital. All information regarding a detainee was entered in a register.

4. The Directorate had recently established an excellence prize for good treatment, and a body responsible for handling cases of torture or ill-treatment by officials had been set up as well as a police appeals court. If there was insufficient evidence of torture, a lesser charge might still apply. The public was aware of the complaints mechanism, which was open to anyone. A person who claimed to be the victim of abuse or of a human rights violation, or a relative of that person, could bring a case to the public prosecutor or the Office of Transparency and Human Rights. Furthermore, all places of deprivation of liberty had a complaints box and all complaints placed in it were followed up. The Office had been established in 2007 under the Public Security Directorate and its staff included public prosecutors.

5. Measures were in place to screen applicants for law enforcement jobs to ensure that they were physically and morally fit to serve the population. They were trained in international human rights instruments, and a number of courses on non-violent methods were run jointly with international organizations. Dozens of lectures and training courses had been held in 2014 and 2015 and had had a positive impact on incidents of ill-treatment. The drop in cases was therefore not due to the public's reluctance to come forward owing to fears of retaliation. A code of conduct had been developed and distributed to all the branches of the Directorate. The manual on torture described the procedure to be followed whenever an act of torture was reported. It required that the victim should be interviewed and that a record should be kept of the investigation. The police court acted on all complaints received from the National Centre for Human Rights and was obliged to inform the Centre of the outcome of its investigations.

6. Some 90 complaints of ill-treatment had been referred to trial in 2014 and 35 in the first half of 2015. In the Al-Khatatbah case, an investigation had been launched immediately into the inmate's death. The National Centre for Human Rights and the Office of Transparency and Human Rights had both visited the facility where he had died and had determined that he had fallen on his own and had not been harmed by staff.

7. Over 300 visits of rehabilitation and corrections centres had been conducted in 2014 by public prosecutors, diplomatic staff and the National Centre for Human Rights. Pursuant to the Code of Criminal Procedure and the law on rehabilitation and corrections centres, the Public Security Directorate, presiding judges and public prosecutors were authorized to visit centres to ensure that no one was being held illegally, that the law, court decisions and sentences were correctly implemented and that registers were duly kept. They had the right to meet with any detainee and could not be impeded in their work. Any complaints by inmates were examined and whenever an act of torture was disclosed during such visits, legal proceedings were initiated. Anyone aware of an illegally detained or arrested person was required to notify the public prosecutor, who went to the place of detention immediately, conducted an investigation, ordered the release of the person concerned and produced a report. Accomplices to unlawful detention were charged along with those responsible.

8. Regarding the competence of prison wardens, he said that the law provided that inmates who committed specific acts, such as disobedience, violence or attempted violence, material damage and possession of banned objects, could incur sanctions from the director of the facility. Penalties included loss of visiting rights for 20 days and solitary confinement for up to 7 days; however, no penalty could be imposed without an investigation into the incident.

9. **Mr. Alnsour** (Jordan), responding to a question on legal aid for persons in detention, said that the Ministry of Justice had a specialized unit that appointed defence counsel, provided by the Bar Association, where necessary. Working with the National Human Rights Centre, the Public Security Directorate and civil society, the Ministry had drawn up a system governing the allocation of legal aid. A committee composed of judges and lawyers decided on the support to be offered, taking account of the individual's economic and social conditions. The Code of Civil Procedure specified that defendants in cases where the sentence might be one of hard labour must have legal assistance. The ongoing legislative review attached the greatest importance to legal aid and the intention was to ensure that all persons had legal counsel.

10. Concerning the implementation of article 208 of the Criminal Code, which established torture as an offence, the legislation was being properly applied, thus guaranteeing respect for human rights. It now covered any acts of physical, psychological or moral aggression that constituted elements of an offence, together with the intent to perpetrate an offence. It would be possible to provide detailed information through the appropriate authorities. A proposal to amend article 208 to increase the possible sentence for torture to between 3 and 7 years was currently being considered by Parliament during its review of the Criminal Code; some unacceptable wording had already been excluded and the word "moral" included in 2014. Article 208 currently provided for sentences ranging from 6 months to 3 years, with the possibility of hard labour and without any possibility of suspension. It also specified that all persons linked to acts of torture, whether instigators, accomplices or other persons who had covered up the offence, were subject to prosecution and sentencing in the same way as perpetrators. Victims had received compensation, as in the case of an Egyptian national who had been awarded 2,000 dinars.

11. With the review of the Criminal Code, detainees' rights were to be guaranteed at all stages of proceedings: in line with new legislation, lawyers were allowed to accompany their clients in court or in dealings with the police, and the Criminal Code guaranteed a detained person's access to legal counsel. There were no delays now in the system: judgements were sent directly to the rehabilitation centre where the person was detained. Judges could consult the database which contained information according to types of offence and perpetrators. Evidence was collected and sent electronically, helping to avoid any mistakes, for instance, in names, and ensuring that release orders were transmitted in a timely manner. An amendment to the Civil Code specified that any citizen over the age of 18 must declare an address and update it when necessary; supplying false information was considered an offence.

12. The Ministry of Justice had a national training strategy to build capacity among judges from different courts. The training centre offered seminars on human rights, including experience from other countries. Jordan had hosted the second regional conference on combating torture in June 2015 and training sessions had been held in the regions for judges with different specializations, providing information on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

13. Under the Constitution, there were three types of courts: ordinary, sharia and special courts. The latter were set up pursuant to a law and with legislative guarantees; their procedures were similar to those of the ordinary courts. The Ministry had a programme that set out the time frame for periods of custody. There was also a colour-coding system that helped alert the courts to a detainee's status and when the term of custody would expire; it was monitored on a daily basis.

14. Prisoners could have their representatives present at all interrogations unless a judge deemed it necessary that the questioning be conducted without them, in order to establish the facts, in which case the Prosecutor-General was obliged to inform all parties concerned. Article 66 of the Code of Criminal Procedure also mentioned the possibility that the Prosecutor-General might prohibit any contact with a detainee's family during the first 10 days of detention.

15. Statistics could be provided subsequently regarding honour or revenge crimes, and the answer to the question concerning diplomatic assurances could be found in the State party's responses. Jordan was a State governed by the rule of law, with institutions that respected human rights in line with international norms and the Convention. It had acceded to the Convention in 1991, as well as to other human rights instruments. The Ministry of Foreign Affairs ensured that the country played a leading role in protecting and promoting human rights at the international level.

16. In respect of witness protection, legislation adopted in 2012 provided for protection for persons who reported prohibited acts. Their identity was protected and they could be placed in safe centres; anyone revealing their identity or whereabouts could be sentenced to 6 months' imprisonment and a fine. Regarding the possibility of acceding to the Optional Protocol to the Convention, which was not obligatory, Jordan already had a national preventive mechanism in its National Centre for Human Rights, which organized monitoring visits to places of detention. The International Committee of the Red Cross and Red Crescent and other international observers could also monitor prisons. The Ministry of Justice had appointed lawyers to carry out inspection visits to rehabilitation centres according to an established timetable: 85 such visits had been made in 2015 up to mid-November and the relevant recommendations made.

17. **Mr. Al Smeirat** (Jordan) said that the Government took the issue of human rights very seriously; it had established the Office of Transparency and Human Rights, which had a human rights coordinator. The report produced by the National Centre for

Human Rights had been considered by a committee set up under the Directorate of Human Rights that included representatives of a number of ministries and members of the judiciary. The committee had forwarded the report to government offices with human rights responsibilities, and measures had been taken on all the issues raised in it by, among others, the Ministry of Social Development and the Public Security Directorate. The resultant report had been approved by the Prime Minister before being forwarded to regional governors with competence in the area of human rights.

18. There were six remand centres and social centres for juvenile offenders. No young person could be arrested without a warrant signed by the prosecutor for juvenile affairs.

19. **Ms. Attia** (Jordan) said that the Ministry of Labour provided training for labour inspectors at all levels and aimed to increase their numbers from 160 to 200. Inspections were monitored by a committee, and quality assurance for the training was provided by a dedicated unit in the Ministry. A regional training centre for the labour inspectorate had been set up in conjunction with the International Labour Organization (ILO). In 2015, several workshops had been organized together with civil society organizations on human trafficking, dealing with inspections and detection, for 40 inspectors, and on general security, for a further 20. There had also been one-day basic training courses for a total of 60 new recruits and five events focusing on public security and labour inspection. A campaign to make Jordan a country free from child labour had been organized with civil society organizations and international agencies; it included training for labour inspectors. Training had also been provided in occupational health and safety, including study of the relevant legislation and an ILO course on the evaluation of premises to ensure their compliance with international standards.

20. **Mr. Sarayra** (Jordan) said that the State Security Court was a special court permitted under article 89 of the Constitution, with its competencies and prerogatives established in accordance with article 100. It had both civil and military judges, who worked in full independence; their decisions had the same weight as those taken by an ordinary court and could be appealed before the Court of Cassation. Civilians could only be tried before a military court in cases of high treason, espionage, terrorism, narcotics offences and forgery of money.

21. The 2006 Prevention of Terrorism Act was aimed at preventing acts of terrorism and the financing of terrorism and included measures to protect citizens' right to life and security. It did not allow violations of human rights and included guarantees of due process. There was no consensus on the definition of terrorism, but the concept used by the Jordanian legislator was that set out in the regional convention adopted by the League of Arab States. Any measures taken under the Act must be decided by the public prosecutor and could be appealed before the special courts. The Court of Cassation was the supreme court in Jordan. The legislation was based on the principle that there could be no crime or punishment without a legal basis.

22. **Ms. Belmir** (Country Rapporteur) said that, while recent legal reforms had certainly been a step in the right direction, the amendments to article 208 of the Criminal Code still did not reflect the seriousness of the offence of torture. It was to be hoped, therefore, that legal reforms would continue with a view to full harmonization with the Convention. Similarly, those reforms presented an opportunity to improve the situation of women and girls, particularly with regard to forced child marriage and especially in cases where a rapist forced his victim to marry him in order to escape punishment. The Criminal Code should be amended to ensure that rapists were properly punished.

23. The Committee was concerned that governors were empowered to authorize detention without charge or hold in protective custody women and girls at risk of violence. The State party should ensure that the separation of powers between the executive and judicial branches was absolute.

24. The Committee had heard allegations that police and security officers under the Public Security Directorate routinely subjected persons to ill-treatment and torture and that complaints lodged in 2014 were still pending. She wondered why the resolution mechanism was so slow to process complaints and why so many complaints had been dropped. In that connection, she would welcome specific examples of cases in which perpetrators of torture had been brought to justice.

25. Regarding the situation of women migrant workers, she said that the Committee had heard that many were routinely held in detention without knowing why, were denied access to lawyers or interpreters and were treated inhumanely, tortured or forced to carry out domestic chores in their place of detention.

26. As to the justice system in general, a complete overhaul was required. In particular, judges should have the necessary power and support to enable them to work without interference. Noting the delegation's statements that the military courts only tried civilians for certain types of cases, she said that civilians should only ever be tried in the ordinary courts. The jurisdiction of military courts should be confined to matters directly related to military activities.

27. Lastly, the prison population was living in very difficult conditions and the vast majority of prisoners were foreigners. In that connection, she urged the State party to do more to ensure that the separate issues of nationality and migration were not dealt with in combination, particularly in view of cases in which nationality had been withdrawn from nationals of Palestinian origin.

28. **Mr. Zhang** (Country Rapporteur) said that he welcomed the progress made in, inter alia, providing training for judges; installing video surveillance in prisons to prevent violations of the Convention; building new detention facilities which were in line with international standards; and ensuring that pre-trial detainees were held separately from convicted persons.

29. He asked whether the Office of Transparency and Human Rights was involved in the appointment of public prosecutors; how many victims had received the compensation of 2,000 dinars in the previous five years and how much that was worth in US dollars; whether the requirement for persons to report their change of address to the authorities within 30 days was a counter-terrorism measure; and whether the decision to prosecute under the 2006 Prevention of Terrorism Act was solely at the discretion of the public prosecutor.

30. Lastly, he sought clarification on the functions of the religious tribunal and how its mandate differed from that of the civilian courts.

31. **Mr. Bruni** said that the country's own monitoring mechanism, affiliated to the National Centre for Human Rights, had visited places of detention and had heard claims that the torture and ill-treatment of persons deprived of liberty were widespread in certain facilities. He asked whether those allegations of torture had been verified and, if so, what specific action had been taken. In that connection, he wished to know what the conclusions and recommendations had been in relation to the 236 judicial inspections that the General Intelligence Department had received during the period 2009-2014. Time and again, the General Intelligence Department had been linked to the practice of torture and for that reason the delegation should provide specific information on the matter.

32. **Mr. Domah**, while welcoming the establishment of the Office of Transparency and Human Rights, said that instituting it under the Public Security Directorate seemed to directly contradict and undermine the principle of transparency.

33. Although the State party had implemented a multitude of measures and actions, there seemed to be a significant gap between those measures and how they were put into practice. The Committee was particularly interested to hear about the reality on the ground rather than what such measures were intended to achieve. In that connection, and in the spirit of transparency, the delegation should indicate how many people had been held in incommunicado detention, for how long and on what grounds.

34. Under the Constitution, the civil and military courts were separate entities. That being the case, he wondered how and why the State party had decided to combine them, since the scope of military courts should be limited to disciplinary matters involving military personnel. While acknowledging that terrorism was difficult to define, he expressed concern that the vague definition in the 2006 Prevention of Terrorism Act made it possible to charge people with committing acts of terrorism for a wide variety of crimes.

35. He wondered whether the fall in the number of reported cases of torture reflected underreporting and the absence of witness protection legislation more than any real reduction in the use of that practice. In that connection, and in the light of the fact that human rights violations were defined as criminal offences in the Constitution, he would welcome specific information on the number of State officials prosecuted for rights violations and on how that provision worked in practice.

36. **Mr. Gaye**, while welcoming the fact that the Family Protection Department provided protection to victims of domestic violence, said that he would be interested to hear about the number of investigations, prosecutions and convictions for domestic violence. He would also welcome information on the current status of the bill on protection against domestic violence.

37. **Mr. Modvig** requested information on the urgent measures that the State party would take to ensure that complaints could be lodged against the police, the General Intelligence Department and prison staff with a competent body that was independent of the Ministry of the Interior and without risking reprisals. Information should be provided on the follow-up to the cases of alleged torture and ill-treatment referred to in paragraphs 100 and 101 of the State party's report and whether that follow-up was made public. He would appreciate more information on the planned rehabilitation centres for victims of torture and when the centres were expected to open. The delegation should clarify how the State party would ensure that detention facilities and the interrogation procedures followed by the General Intelligence Department adhered to international standards and whether the National Centre for Human Rights would be provided with unhindered access to all detention facilities, including those managed by the General Intelligence Department. An example should be provided of a recommendation made following visits to places of detention that had improved detention conditions.

38. **The Chair** asked whether NGOs were able to access places of detention. Information should be provided on the reasons behind the high numbers of pretrial detainees and on the time frame for closing the six old prisons that remained in use. The delegation should indicate the percentage of sentences handed down by the courts that made use of alternatives to imprisonment. He wished to know how the State party intended to improve the system for investigating and prosecuting crimes committed by law enforcement officials, given the low number of convictions achieved by the existing system. He asked who was responsible for investigating crimes committed by

prison officials and how many prison officials had been prosecuted within the previous five years for torture and ill-treatment.

The meeting was suspended at 5.05 p.m. and resumed at 5.25 p.m.

39. **Mr. Armoti** (Jordan) said that the acquisition and withdrawal of nationality was governed by article 5 of the Constitution and the Nationality Act. The Government only withdrew nationality with the approval of the Council of Ministers, in coordination with an interministerial commission and following the necessary enquiries. The persons concerned must be informed of the decision to revoke their nationality, which could be reversed by the Prime Minister. The National Centre for Human Rights had reported that it had not received any complaints about the withdrawal of nationality in 2014. Palestinians whose Jordanian nationality had been withdrawn had been able to recover that nationality on appeal, although some had opted voluntarily for Palestinian nationality instead and therefore held documents issued by the Palestinian Authority. The persons concerned worked for the Palestinian administration in Gaza or the West Bank.

40. **Mr. Alnsour** (Jordan) said that the separation of government in his country was set out in the Constitution and was relative, rather than absolute. The different branches of government were viewed as complementary, with each branch acting without interference from the others. With regard to the justice system, deadlines for certain judicial measures were specified in the Code of Criminal Procedure and must be observed. A committee had been established under the Ministry of Justice to examine certain articles of law, especially those on human rights, and met weekly. Articles 308 and 340 of the Criminal Code were among those under review. A project on justice system reform was also under way.

41. Religious courts, as provided for in article 104 of the Constitution, and faith-based councils were able to hand down justice in accordance with their religious law. Religious courts administered Islamic law and could dispense justice on the following issues: personal and family matters, blood money, religious endowments and everything linked to sites reserved exclusively for religious use. Faith-based councils for other recognized religious groups were able to decide on personal and family matters, religious endowments and religious property and related matters. The methods available to faith-based councils were regulated by law.

42. The Council of Ministers had adopted a project to introduce a pretrial electronic monitoring system to ease prison overcrowding. Studies to ensure that the system was technically and financially feasible and to assess its legal and social impact had arrived at positive findings.

43. **Mr. Al Smeirat** (Jordan) said that, following the necessary constitutional measures, the bill on protection against domestic violence would become law. With regard to violence against women, in 2014 his country had joined an international initiative to combat violence against women and the topic was a priority for the Ministry of Social Development, which had introduced a plan of action on violence against women for the period from 2014 to 2016. A handbook on justice and domestic violence and violence against women had been made available to staff at the Ministry and judges from the religious and ordinary courts had received training on the topic.

44. **Mr. Alhudban** (Jordan) said that public prosecutors and the Director of the Office of Transparency and Human Rights were appointed in accordance with the Public Security Act. The Director of the Public Security Directorate was permitted to appoint public prosecutors in accordance with that Act. Complaints from all sources were examined through cooperation between the Office of Transparency and Human Rights and all other bodies that received complaints, including the National Centre for Human Rights. If it was determined that a criminal offence had taken place, the

complaint was forwarded to the public prosecutors, while persons seeking assistance were directed to the appropriate body.

45. The Public Security Directorate was working to combat drug trafficking and protect citizens from the harmful effects of drugs by establishing new units throughout the country, increasing staff numbers and introducing modern equipment. In 2013, there had been more than 6,000 drug seizures, while in 2014 the number had exceeded 10,000. Programmes to prevent drug trafficking had been introduced in schools and universities, a permanent exhibition on drugs had been set up at the Public Security Directorate and multiple radio and television broadcasts had been made with the aim of combating drug addiction.

46. **Mr. Sarayra** (Jordan) said that the intelligence authorities adhered to international law and stringent regulations on the treatment of persons who were taken into custody. All such persons were examined by a doctor to determine their health status prior to detention and their health was monitored during the period of detention. Detention centres were regulated by the same laws as correction and rehabilitation centres and many had received visits from civil society bodies, including the National Centre for Human Rights and Human Rights Watch. Detainees who alleged that they had suffered torture or ill-treatment could contact a lawyer and could file a complaint about the conditions of detention and interrogation with a public prosecutor. Their complaints were examined by special courts within the legal system, rather than by the Ministry of the Interior or the executive branch, and detainees were able to appeal decisions made regarding their cases in the Court of Cassation. The National Centre for Human Rights, through its focal points, monitored all cases of torture, ill-treatment and restriction of personal freedoms, documented those complaints and recorded them in its annual report.

47. **Ms. Attia** (Jordan) said that female domestic workers were able to contact the embassy of their country of origin and that each domestic worker's case was referred to the Ministry of the Interior. Female domestic workers were permitted to leave the country and would be issued with a new travel document if the original had been lost. A memorandum from the Ministry of the Interior set out the procedures for inquiries into cases of abuse of female domestic workers, which included the provision of an interpreter. A draft manual clarified the treatment of female domestic workers who had left their employers and the Council of Ministers had adopted an order regulating the work of domestic workers and providing for them to either return to their country of origin or move to a different employer.

48. **Mr. Ayyad** (Jordan) reaffirmed his delegation's interest in all remarks and questions by Committee members, which would be taken into consideration by his country with a view to promoting and protecting human rights and combating torture and other cruel, inhuman or degrading treatment or punishment.

49. **The Chair** thanked the delegation for its responses to the questions of Committee members. He recalled that the delegation had 48 hours in which to submit additional information, preferably in English because the Committee's schedule did not allow much time for translation.

The meeting rose at 6 p.m.