



Sixth Periodic Report on the Conditions of Correctional and Rehabilitation Centers

**in
Jordan
for the Year 2008**

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Jordanian Prisons: Reality and Aspiration

"The mission of correctional and rehabilitation centers is to keep inmates in custody, to secure the care necessary for them, and to implement correctional programmes assisting them to return to society and other rehabilitative programmes enabling them to live in dignity."

Article (4) of the Correction and Rehabilitation Centres Law No. 9 of 2004

Jordanian Prisons: Reality and Aspiration

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Summary

The conditions of prisons in Jordan continue to head the list of the Jordanian Government's priorities, in harmony with the Royal directives. This year witnessed a series of positive measures taken by the Public Security Directorate, which have been recorded in this report and the most prominent of which centre upon the construction of new prisons to specifications consistent with international standards, as an alternative to the old prisons, and likewise in the field of the implementation of certain correction and rehabilitation programmes, cultural and sporting programmes, and other programmes for the training and qualification of the human resources working in the prisons.

The report was prepared within a methodology which the National Centre for Human Rights has consistently followed, resting upon its unannounced and semi-unannounced field visits; the study of the reports relating to each of the centres; meetings with current and former inmates and members of their families and with civil society activists, in addition to those responsible for the administration; and, in addition, the information provided by the Correction and Rehabilitation Centres Administration and the Office of Grievances and Human Rights, and the complaints and requests for assistance received by the National Centre for Human Rights.

The report described the custodial environment in terms of buildings, installations and service facilities and the standard of the services provided, and shed light on some of the problems from which the prisons continue to suffer, such as the problem of the limited service facilities, the problems of the sanitary infrastructure and of the infrastructure generally, the absence of continuous maintenance in some prisons, and the repercussions of the problem of overcrowding, which have made it impossible to apply the criteria of classification in some prisons and have been reflected negatively upon the various aspects of the prisoners' lives, giving rise to a series of phenomena which have become prevalent in some prisons, such as the right to use equipment, the "sale of services", bribery and favouritism (the right to use a bed, exemption from service in the rooms, the shower, etc.). The report also referred to the new prisons, among them Al-Muwaqqar 2 prison, which is a maximum-security prison. The National Centre drew attention to this model of prison, which is designated for "dangerous or violent" prisoners, and recommended the necessity of reconsidering the mechanism of its operation in the light of the data it set out.

The report also referred to, described and analysed the form, quality and standard of the services provided to prisoners in ten Jordanian prisons, whose average number during the year reached between (7,000-7,500) prisoners according to the statistics of the Public Security Directorate; and among the difficulties from which the prisons continue to suffer are the weakness of health and psychological care services, the continuing acute shortage of medical and psychiatric staff working in the prisons, the continuing shortage in the standard of social care services and the absence of aftercare programmes; legal and judicial assistance services likewise remain limited, in addition to water problems, the shortage of cleaning materials and the spread of narcotic pills.

The problems of administrative detention came to the fore as the most prominent problem among the problems of prisons and prisoners, with the rise in the number of Jordanian administrative detainees to (11,870) administrative detainees from the beginning of the year up

to 30/8/2008, and approximately (1,313) foreign detainees. The report also drew attention to the totality of the legal and practical difficulties resulting from administrative detention, such as the problems of prison overcrowding and consequently the failure to apply the criteria of classification, extending to problems of rioting in some prisons and hunger strikes by prisoners, and reaching as far as the inmate's family, and to the financial and administrative burdens borne by the State treasury in the light of administrative decisions issued on many occasions by the administrative governors without following the legal procedures applied before the courts, which is regarded as a clear breach of the provisions of the Crime Prevention Law; or the issuance of administrative decisions after the issuance of a court decision of acquittal or of no responsibility, in a manifest encroachment upon judicial decisions.

The report also referred to the length of judicial detention, which is among the problems in respect of which the National Centre recommended the necessity that the judicial authorities study the reasons for the failure to expedite the determination of the cases brought before the courts and the public prosecutors, in the light of the rise in the number of judicial detainees over convicted persons inside the prisons from the beginning of the year up to 30/12/2008: the number of judicial detainees reached (26,088) judicial detainees, while the number of convicted persons during the same period reached (24,176) convicted persons.

The report also recorded the other problems from which prisoners inside the prisons continue to suffer, including the low wages of prisoners employed in cooking and other work, the problems of transport to hospitals and courts, and the problem of beating and ill-treatment which remains prevalent as do the other problems — although the pace of those complaints declined this year by comparison with previous years, in terms of the decline in the numbers of complaints received by the National Centre for Human Rights and those received by the Office of Grievances and Human Rights and the Legal Affairs Department at the Public Security Directorate: the number of complaints this year, 2008, reached (37) complaints, compared with last year, 2007, when they reached (41) complaints.

This year's report highlighted the deficiencies in the national remedy mechanisms relating to cases of torture and ill-treatment, and dealt likewise with the deficiency of the legislation and its general ineffectiveness in holding accountable those responsible for torture and referring them to the judiciary, and the other deficiencies consisting in the failure to provide protection programmes for witnesses or victims of torture and the failure to establish specialised centres for the rehabilitation of victims of torture. The report called for the necessity of amending Article 208 as amended of the Jordanian Penal Code and of increasing the severity of the penalty imposed upon the perpetrators of the crime of torture.

The report also referred to the role of the administrations responsible for the prisons and to the preparation, qualification and training programmes implemented during 2008, and to the correction and rehabilitation programmes and projects targeting the staff. Under the heading of observations, the report dealt with the problems of rioting from which some prisons suffered during this year, namely Al-Muwaqqar, Swaqa, Qafqafa and Jweideh/men prisons, in the middle of the month of April 2008, which resulted in the death of three prisoners and the injury of more than (93) prisoners at Al-Muwaqqar prison and (42) prisoners at Swaqa prison. The riot events at both Qafqafa and Jweideh/men prisons were brought under control. The total

material losses resulting from those events amounted, according to the media spokesman of the Public Security Directorate, to (450) thousand dinars. A report issued by the National Centre for Human Rights concerning those events concluded that the causes of the rioting at Al-Muwaqqar prison were due to ill-treatment by some of the prison personnel, which coincided with the ill-considered transfer operations carried out by the Public Security Directorate within its plan for the application of the system of separation and classification. The Public Security Directorate, for its part, affirmed that the causes of all those events were the prisoners' objection to the application of the system of separation and to the transfer of prisoners to prisons far from the residence of their families. The investigation committees formed by the Public Security Directorate (three committees) concluded, against the background of those events, on 1/7/2008, by referring (60) inmates to the judiciary on charges of incitement to acts of rioting and insubordination, arson and the destruction of property, and no officer or member of the Public Security establishment was tried for want of proof of anything incriminating them. Following those events and the report issued by the National Centre for Human Rights (published), the National Centre for Human Rights was prevented from carrying out its visits to the prisons for a period extending from the middle of the month of April until the beginning of the month of August 2008.

The report expressed concern at the rise in suicide attempts inside the prisons to (93) attempts, all of which were foiled by those responsible for those prisons. Cases of death inside the prisons reached (24) cases, of which (21) were natural deaths; as for the three other cases, they were one case of suicide at Qafqafa prison and the death of two prisoners in the same prison as a result of consuming cologne at Ma'an prison. The report called for the subject of inmates' suicide attempts to be accorded importance in terms of attending to the psychological aspect of the prisoner.

As regards hunger strikes by inmates, they reached (1,112) strikes this year, distributed across ten Jordanian prisons. The report attributed the causes of inmates' strikes in general to protest either against the deterioration of their living conditions inside the prison, or against administrative decisions or judicial detention decisions. The report drew attention to the necessity of activating judicial oversight of prisons, and likewise valued the initial signs of the Government's move towards transferring the powers of supervision over prisons from the Ministry of the Interior to the Ministry of Justice, in fulfilment of the international obligations to which Jordan has committed itself, which point to the importance of supervision over prisons by a civil authority. Within this framework the National Centre for Human Rights recommended the necessity of conducting a comprehensive review of the legislation relating to criminal and penitentiary reform, harmonising that legislation with the international conventions to which Jordan is committed, working on its development, and introducing alternative penalties and the system of a judge for the execution of penalties into those laws.

At its close, the report shed light on the most prominent positive developments during 2008, among them the opening of a human rights office affiliated to the National Centre for Human Rights at Swaqa prison, to be the first of other offices in the remaining prisons; the convening of the Higher Committee for Correction and Rehabilitation twice during this year after an interruption exceeding three years; the appointment of seven public prosecutors in the prisons;

and other measures relating also to religious reform programmes and the preparation of a draft of the incentive-treatment instructions with a view to their approval by the Higher Committee for Correction and Rehabilitation. Through this report the National Centre called for the necessity of making amendments to the draft incentive-treatment instructions in accordance with the observations expressed by civil society organisations and the bodies concerned, and likewise the observations of the National Centre for Human Rights.

The report also drew attention to certain negative developments which emerged during this year, consisting in the riot events in the prisons and the prevention of the team of the National Centre for Human Rights from visiting the prisons for the period extending from the middle of the month of April to the beginning of the month of August 2008, following the issuance by the National Centre for Human Rights of its report on the events at Al-Muwaqqar and Swaqa prisons.

The report concluded, as is its custom and following the pattern of the previous reports, with the totality of the recommendations which the National Centre for Human Rights has consistently addressed to the executive bodies with a view to improving the conditions of prisons and prisoners, developing the work and performance, and achieving reform in this establishment, in the light of the clear absence of the features of a national strategy for penitentiary reform — in the hope that those recommendations will be adopted, most of them still being far from implementation, by means of realistic steps along the lines of the positive and realistic steps pursued by the Public Security Directorate and recorded by this report for the year 2008.

Introduction

The Sixth Periodic Report on the conditions of correction and rehabilitation centres seeks, following the pattern of the previous periodic reports, to shed light on the developments which have occurred in the conditions of prisons in the Kingdom in 2008, and to determine whether the compass of official orientation in this regard is pointing towards the positive or otherwise.

The National Centre for Human Rights issues this report conscious of the scale of the challenges facing this establishment, and perhaps changing the form of the treatment of prisoners so as to be consistent with the laws and international principles in this field is the greatest challenge, since changing the staff's view of the nature of their work and their understanding of the humanitarian role which they ought to assume requires exceptional efforts in the field of the selection, training and qualification of those working in the prisons. From the same perspective, the criminal policy pursued must be replaced by a judicial and correctional policy which takes into consideration the criminal act and its motives, in accordance with constitutional principles, human values and the international instruments, all of which are concerned to preserve human dignity. This calls for a study of the extent to which it is possible to apply judgments alternative to imprisonment, to adopt the system of a judge for the execution of penalties, and to transfer supervision over the prisons from the Ministry of the Interior to the Ministry of Justice.

This comprehensive reformist perspective undoubtedly requires the availability of a genuine will to review the prison systems at both the legislative and the legal levels.

This year's report refers to the totality of the problems from which the prisons continue to suffer, such as the violations to which prisoners are subjected and the dysfunctions which impede the processes of correction and rehabilitation, the most prominent of which are overcrowding, the aggravation of the problems of administrative detention, the length of judicial detention and its repercussions upon the daily life of prisoners, the deficiency in the standard of social, health and psychological care, and the clear absence of supervision and oversight of the prisons by the judicial agencies and certain other governmental oversight mechanisms, such as the human rights directorates at the Ministry of the Interior and the Ministry of Justice.

This report also refers to the totality of the developments which have occurred this year with regard to the custodial environment, in the field of the implementation of certain correction and rehabilitation programmes in some prisons, and in the qualification and training of the human resources employed.

The National Centre for Human Rights values and supports all the development projects implemented by the Correction and Rehabilitation Centres Administration in the light of the limited material and human resources, the deficiency of the efforts of the other bodies concerned with prison affairs, the clear absence of the features of a national strategy for penitentiary reform drawn up by all the bodies concerned, and the weakness of effective procedures and measures to address human rights violations and to strengthen and safeguard rights in a manner consistent with Jordan's obligations under the conventions — foremost among them the Convention against Torture — and the national laws in force. In such

circumstances the efforts exerted will remain scattered and, on their own, insufficient to achieve the dream of comprehensive reform in the prisons.

Notwithstanding the repeated recommendations which the National Centre for Human Rights has consistently submitted to the bodies concerned in order to improve the conditions of prisons and prisoners, many of those recommendations regrettably remain where they were, which indicates the weakness of the seriousness displayed by some of the relevant bodies. They will be repeated within this year's report in order to prompt those bodies anew to discharge their legal responsibilities towards this establishment.

In this brief compass we can only extend our thanks to our partners at the Office of Grievances and Human Rights at the Public Security Directorate for the efforts they have exerted and for their fruitful cooperation with us in the performance of our task of following up the conditions of the prisons and issuing the reports relating thereto.

The Commissioner General

Dr Muhyieddeen Touq

Methodology of the preparation of the report

The National Centre for Human Rights has consistently followed a clear methodology and clear bases for the preparation of its reports, through which the conditions of correction and rehabilitation centres and of inmates, and the weaknesses and dysfunctions from which these establishments suffer and which this report reveals, are assessed. This methodology rests upon:

- 1- Unannounced and semi-unannounced field visits to those places, in cooperation and coordination between the Office of Grievances and Human Rights / Public Security Directorate and the team of the Correction and Rehabilitation Centres Unit at the National Centre for Human Rights.
- 2- The documentation reports relating to each of the centres spread throughout the Kingdom.
- 3- Meetings with inmates, detainees and those responsible for the administration.
- 4- Observation of the practices, the services provided and the manner of treatment received by inmates and detainees.
- 5- Meetings with former inmates and detainees, with the families of some current inmates and detainees, and with civil society activists.
- 6- Use of certain information provided by the Correction and Rehabilitation Centres Administration, the Office of Grievances and Human Rights and certain security departments.
- 7- Study and analysis of the complaints and requests for assistance submitted to the National Centre for Human Rights during 2008.

Assessment of the existing situation in correction and rehabilitation centres

The assessment of prison conditions, the verification of the form of treatment and care received by prisoners, the recording of violations and needs, and the assessment of the efficiency of performance are matters requiring more than the mere method of visits; it is likewise essential

to examine the training curriculum for those working in the prisons and to conduct an individual assessment of their performance and a periodic survey of their needs, on the one hand, and to ascertain the size of the budget allocated to the prisons and the manner of its expenditure and to study the relationship between the adequacy of the appropriations and the adequacy of performance, on the other.

During the period covered by the report the National Centre for Human Rights carried out a series of unannounced visits to the correction and rehabilitation centres, numbering ten prisons, within its continuing programme of visits, with a view to inspecting the conditions of those centres and assessing the developments therein (with the exception of the period extending from the middle of the month of April until the beginning of the month of August 2008, when the National Centre for Human Rights was prevented from carrying out its visits after the issuance of its report on the conditions of rioting in the prisons in the middle of the month of April 2008), since the issuance of the Fifth Periodic Report on the conditions of those centres during 2007. These visits were carried out in direct cooperation and coordination with the Office of Grievances and Human Rights at the Public Security Directorate, the Centre's team having carried out (32) visits, the duration of each visit ranging between three hours and six hours.¹

The following are the most prominent observations and findings reached by the Centre.

A precise assessment of the conditions of prisons and prisoners ought to be objective and comprehensive and to be conducted according to a sound scientific methodology. This report will therefore cover most, if not all, of the aspects relating to prisons and prisoners, as follows:

First: The prison environment, comprising buildings, installations, service facilities and their equipping, and the standard of the services provided.

Second: Conditions of prisoners.

Third: Problems of prisoners.

Fourth: Prison administrations.

Fifth: Observations relating to special events, comprising prison riots, deaths in prisons and cases of suicide, prison strikes, judicial oversight of prisons, and the transfer of supervision over prisons from the Ministry of the Interior to the Ministry of Justice.

Sixth: Findings and recommendations.

¹All the centres visited come under the Public Security Directorate and are administered by the Correction and Rehabilitation Centres Administration. They number ten (10) centres located in six of the Kingdom's governorates, namely: (Qafqafa – Jerash Governorate), (Al-Balqa – Balqa Governorate), (Birein – Zarqa Governorate), (Jweideh/men – Capital Governorate), (Jweideh/women – Capital Governorate), (Swaga – Capital Governorate), (Al-Karak – Karak Governorate), (Ma'an – Ma'an Governorate), (Aqaba – Aqaba Governorate), (Al-Muwaqqar – Capital Governorate). The terms (prison/prisons) and (prison administration) are used in this report to denote (correction and rehabilitation centre/centres) and (the administration of a correction and rehabilitation centre/centres), this being for ease of drafting and in order to preserve the legal, linguistic and humanitarian connotations of the term (prison) as a place designated for the deprivation of liberty within the conditions determined by law. The term (prisoners) has also been used in the report as a synonym for the term (inmates) in several places, with the same connotations, while taking into consideration the requirements of the distinction between pre-trial detainees and convicted persons.

First: The prison environment — buildings, installations, service facilities and their equipping, and the standard of the services provided

The prison system in Jordan consists of ten prisons — old, moderately modern and modern (see Annex No. 1). It is to be observed that some prisons were established by converting buildings not designed for the purpose and turning them into prisons, such as Al-Balqa. During 2007-2008, however, the Public Security Directorate has consistently built modern prisons in accordance with the relevant international standards, to be alternatives to the old prisons such as Jweideh/men and Al-Balqa. During 2008 the construction of two prisons was completed, namely Salhoub and Al-Muwaqqar 2, out of five prisons. The two prisons are expected to begin receiving prisoners at the beginning of 2009, and the other four prisons — Al-Zarqa, Al-Rumaimin, Marka and Ma'an — are expected to be completed within two years, together with the rehabilitation of some of the old prisons. It is to be observed that Al-Muwaqqar 2 prison is a maximum-security prison, or what is known as (Supermax), consisting of cells the area of each of which does not exceed (2x3) and which contain a lavatory, bedding and a bath basin, each cell having an external balcony of limited area for standing. These cells do not afford the opportunity of contact between prisoners, their purpose being to isolate dangerous or violent prisoners.

In truth, these prisons are solitary confinement in themselves, but for periods longer than the period permitted for keeping prisoners in breach of the rules in solitary confinement under Article 38 of the Correction and Rehabilitation Centres Law No. 9 of 2004, namely one week. Among the repercussions of keeping prisoners in this type of prison is their being afflicted with psychiatric illnesses and personality disorders. The National Centre hopes that this centre will not be used for the purpose of isolating prisoners, and that the mechanism of its operation will be reconsidered, so that the isolation of the inmate does not become another penalty imposed by the law exceeding seven days, should the said provision be amended. The Centre has learned that the Correction and Rehabilitation Centres Administration has requested the Ministry of Health to assign a resident psychiatrist in order to begin operating the said centre at the beginning of 2009.

- Some prisons suffer from the problem of limited service facilities because of the small size of their buildings and the restricted total area allocated to them. Examples of this are the unavailability of a library, of literacy programmes or of any sporting or recreational programmes at Al-Karak prison; likewise the absence of any sporting, recreational or rehabilitative activities at Ma'an prison; and the limited exercise yards at Aqaba prison. These problems in these prisons have led to preventing the application of the criteria for the classification and separation of inmates, as is the case at Al-Karak prison, or to limited classification in the other prisons, as is the case at the prisons of Al-Balqa, Ma'an and Aqaba.
- Most prisons lack the sanitary infrastructure and the appropriate facilities and equipment, and most of them suffer from the absence of the necessary maintenance, which is reflected negatively upon the health of prisoners, since the infrastructure in most prisons is in no way commensurate with the number of prisoners: most of them hold numbers exceeding their accommodation capacity and sometimes several times

that capacity — quite apart from the qualitative aspect of the infrastructure, the facilities and the buildings. Consequently it is not possible to apply the criteria of classification and separation, and the result of overcrowding has been directly reflected in the various aspects of the prisoners' lives. As we indicated in our previous reports, certain phenomena remain prevalent in those prisons, such as the "sale of the right to use equipment", the "sale of services", bribery and favouritism (the right to use a bed, exemption from service in the rooms, the shower, etc.). Nor is it surprising to find many poor prisoners serving other prisoners in their rooms in such work as washing clothes, cleaning and the like.

It is to be observed that the determination of the holding capacity still rests upon the criterion of the number of beds existing in the centre, or the size of the areas allocated for the accommodation of inmates, and this criterion, as we indicated in our previous reports, is incorrect or imprecise from a practical standpoint.

Moreover, even if this criterion were sound, it is not complied with, inasmuch as the occupancy rate of some facilities exceeds the places determined by this criterion, as we indicated above. Several factors must therefore be taken into account in determining the holding capacity of a prison, such as the number of beds, the size of the areas allocated for accommodation, the inmate's share of the sporting, sanitary and educational facilities and dining halls, his share of the rehabilitative and training activities, and his share of the total area. If these factors are taken together in determining the holding capacity, we find that there is overcrowding in most prisons.

It was likewise observed that the principle and criteria of classification among prisoners on the basis of age, type of offence, degree of the criminal dangerousness of the offence committed, and length of sentence are not complied with when accommodating inmates inside their dormitories (the collective accommodation system). This phenomenon is widespread in most prisons, where persons convicted of felonies and misdemeanours are placed together on the one hand, and persons with previous convictions and recidivists together with those committing an offence for the first time on the other.

In a new step, the Public Security Directorate in 2008 separated and isolated convicted persons from pre-trial detainees, by designating certain prisons for convicted persons — namely Swaqa, Al-Muwaqqar and Umm al-Lulu prisons — the remaining prisons being designated for pre-trial detainees. This measure is regarded as a positive initiative within the measures for the application of the criteria of classification, which must begin to be activated with a view to establishing an effective system for the classification of inmates in preparation for the design of specialised rehabilitation programmes. This measure nevertheless gave rise to cases of rioting in some prisons (reference will be made to them under the heading of prison riots) because of the transfer of prisoners to prisons far from the residence of their families.

This year (2008) a series of developments occurred in the prisons at the level of the educational, recreational, cultural and sporting programmes implemented by the Public Security Directorate with certain bodies, as follows:

1- The implementation of two cultural seasons for prisoners by the Correction and Rehabilitation Centres Administration over six months and in all the prisons. Its materials comprised awareness lectures on the subjects of communicable diseases, AIDS, psychiatric medicine and others. The two cultural seasons were implemented in cooperation with the Ministry of Social Development, the Department of the Chief Justice, the Ministry of Health, the National Centre for Human Rights and the Anti-Narcotics and Counterfeiting Department.

2- The printing and distribution of six thousand copies of the guide to the rights and duties of the inmates of correction and rehabilitation centres under national legislation, in cooperation and coordination with the National Centre for Human Rights.

3- The presentation of theatrical performances for prisoners at Swaqa Correction and Rehabilitation Centre during the months of May and June.

4- The implementation of a sporting season over five months comprising football, basketball and handball matches. During this year some prisons were supplied with sports equipment provided by the International Committee of the Red Cross, and exercise yards were established at Al-Muwaqqar prison.

As for the level of vocational training and rehabilitation programmes or the workshops, they remain extremely modest, inasmuch as those programmes and workshops are still concentrated in five prisons only — namely Birein, Swaqa, Qafqafa, Jweideh/women and Al-Muwaqqar — the last-mentioned centre having been supplied with the equipment and machinery necessary for the purposes of activating the craft workshops during the last quarter of 2008.

Swaqa prison has plant and animal production projects, a shoe factory project, a dyeworks, a chemical detergents factory, a confectionery works and carpentry. Jweideh/women prison has sewing, embroidery and knitting work and a women's salon. Birein prison has a brick works and another for confectionery. Qafqafa prison has a carpentry workshop and a confectionery works. These workshops, however, regrettably still serve only a small category of prisoners, the greater number of them deriving no benefit from any of those programmes because of the acute shortage in the number of courses implemented in comparison with the number of prisoners, and in view of certain psychological circumstances from which the prisoners suffer.

Second: Conditions of the prisoners / inmates

The average number of prisoners in correction and rehabilitation centres ranges from 7,000 to 7,500 prisoners, according to the statistics of the Public Security Directorate as at 30/12/2008, distributed across ten prisons (see Annex No. 2). The following is a description and analysis of the conditions of prisoners in terms of the form, quality and standard of the services provided to them in the light of the relevant international standards and the national laws in force.

1- A large number of prisoners suffer from illiteracy in its various degrees because of the limited number of literacy courses implemented inside the prisons generally. During 2008 a total of (14) literacy courses were implemented in the various prisons, and the number of beneficiaries of those courses reached (493) inmates. Al-Tawba School for literacy was also opened at Al-Muwaqqar prison, along the lines of the Evening Studies Centre at Swaqa prison,

which was opened in 2005 (Al-Muwaqqar and Swaqa prisons have been designated for convicted inmates).

During 2008 the Public Security Directorate also permitted (42) detainees from all the prisons to sit the General Secondary Examination. The Public Security Directorate facilitated the task of those sitting the examinations and provided the facilities and appropriate conditions inside the prison to ensure that they were able to study.

2- The limited nature of the legal and judicial assistance services provided to prisoners generally, with the exception of the limited legal assistance services provided by the Mizan Law Group for Human Rights to the female inmates of Jweideh/women prison, and the limited legal assistance provided by the team of the Correction and Rehabilitation Centres Affairs Unit at the National Centre for Human Rights, consisting of legal advice only. In truth, the material circumstances of prisoners play the pivotal role in the failure to provide legal assistance services to them (obtaining a lawyer for the purposes of representation before the courts or for the purposes of taking the legal steps relating to the follow-up of bail procedures, the consolidation of penalties or the payment of fines). We hope that civil society organisations and the Bar Association will play a greater role in this important field. A human rights office affiliated to the National Centre for Human Rights was opened at Swaqa prison on 3/2/2008 to undertake, as part of its tasks, the provision of legal assistance consisting of advice. We hope that this office will be the first of other offices to be opened in the remaining prisons.²

In this context we must point to the unsuitability of the lawyers' visiting halls in some prisons (Swaqa, Qafqafa, Birein and Al-Karak prisons) on the one hand; and on the other, lawyers are subjected during their visits to prisoners to forms of search and security scrutiny, according to certain reports received by the National Centre for Human Rights during 2008 from a number of lawyers.

The role of the Bar Association in providing legal assistance to prisoners unable to afford it must be activated, in implementation of the Basic Principles on the Role of Lawyers.

3- Strict monitoring of prisoners' correspondence and communications.

The prisoner does not enjoy the right to the preservation of the confidentiality of his correspondence. We refer positively to the step taken by the Public Security Directorate consisting in increasing the number of telephone booths in the prisons to enable prisoners to make telephone calls to their relatives at short intervals; these devices are nevertheless insufficient in practice, and the time allowed for a call is very limited. The available information indicates the presence of mobile telephones in the possession of some inmates in some prisons, which have reached them by unlawful means, and the administrations of those prisons continually endeavour to seize them promptly.

4- The continuing acute shortage of social care services in most prisons. In truth, social services are not provided in the required manner and are inadequate in all their forms and circumstances.

²Principle (6), which provides that: "Any such persons who do not have a lawyer shall, in all cases in which the interests of justice so require, be entitled to have a lawyer of experience and competence commensurate with the nature of the offence assigned to them in order to provide effective legal assistance ... without payment by them if they lack sufficient means to pay for such services."

The tasks of the delegates of the Ministry of Social Development inside the prisons remain unclear, their role being confined to providing certain services relating to the inmate's family obtaining an allowance from the National Aid Fund. As for the tasks relating to ensuring the inmate's contact with his family so as to facilitate his return to society and remove his criminal dangerousness, they remain absent; nor does the available information indicate any intention on the part of the Ministry of Social Development to implement aftercare programmes in cooperation with civil society organisations, notwithstanding the importance of those programmes in preparing the inmate for the stage following his release.

There are likewise no specialised studies to identify the causes of crime, the manner of treatment, or the causes of reoffending (recidivism). We hope, now that the instructions regulating the work of the social service offices have been issued, that the performance of those offices and of their employees working in the prisons will improve.

5- The weakness of health care services, this service still suffering from the following problems:

a- The acute shortage of medical staff working inside the medical units in the prisons in which medical units equipped commensurately with the number of prisoners and the requirements of treatment are available. The physician at Jweideh/men prison still provides his services also to Jweideh/women prison, examining more than one hundred male and female prisoners daily; with such a number it is inconceivable that this service should be provided to the required standard. The same applies to the dermatologist and the dentist (one weekly visit only). There is also an acute shortage in the services of specialist physicians generally in most prisons, and the absence of a gynaecologist to follow up the conditions of the female prisoners at Jweideh/women prison. It is to be noted that the number of medical staff working in the prisons is estimated at (50) persons, and the following table shows the numbers of physicians in the prisons by specialisation:

Specialisation	General practitioner	Dentist	Nursing	Health monitor	Pharmacist assistant	Technical assistant
Number	14	9	17	3	6	1

During 2008 a dental clinic was opened at Jweideh/women prison and a dentist was appointed.

- b- Most prisons lack fully equipped medical clinics facilitating the process of examination and screening, and likewise lack the equipment necessary for that purpose.
- c- The failure to carry out surgical operations for prisoners whose condition so requires at the appointed times, because of the acute shortage in the number of beds allocated to the inmates of correction and rehabilitation centres in the government hospitals — (24) beds.
- d- The spread of certain skin diseases such as scabies and skin allergies, and of certain chest diseases, in the overcrowded prisons.
- e- The absence of periodic examination of prisoners.
- f- The weakness of health supervision over the food, cleanliness and clothing of prisoners.

- g- The shortage of certain high-priced medicines and treatments, which are secured at the inmate's own expense, prisoners not being permitted to bring in their medicines with them.
- h- The improper and poor treatment of some prisoners by prison and hospital physicians, without regard to the humanitarian mission entrusted to them, far removed from any considerations relating to the prisoners' offences.
- i- The absence of the guarantee of medical release of prisoners under the Correction and Rehabilitation Centres Law in force; certain very serious medical cases are nevertheless dealt with by releasing them pursuant to a special pardon.

An evaluative study (unpublished) conducted by the International Committee of the Red Cross described the health care of prisoners as acceptable (Al-Ghad newspaper, 12/8/2008).

6- The weakness of psychological care and the limited nature of the services provided by psychiatrists, this service still suffering from severe weakness for the following reasons:

- a- The small number of medical staff working within this specialisation at the Ministry of Health (35 physicians).
 - b- The limited number of beds allocated to prisoners at the National Centre for Psychiatric Medicine, which has been reflected in the continued presence of psychiatric patients in most prisons, bearing in mind that the holding capacity of the centre is (55) beds.
 - c- The unavailability of psychological specialists working in all the prisons with a view to rehabilitating psychiatric patients in terms of behavioural therapy and the correction of their conduct in preparation for their reform.
- 7- The unavailability of libraries in some prisons, which diminishes the importance of seeking to refine and educate the prisoner; and some of the available libraries consist of a modest wooden cupboard containing a simple collection of books which do not satisfy all wishes, some of the books being dilapidated and torn and in need of binding. During 2008 a number of prison libraries were supplied with a number of books and various publications through coordination with the public and private universities.
- 8- The scarcity of water and the shortage of cleaning materials provided by the administration in some prisons, which has led to the spread of foul odours.
- 9- The spread of narcotic pills among prisoners in some prisons, notwithstanding the efforts made by the administrations of those prisons to seize those pills and to ensure that they do not reach the prisoners.
- 10- The shortage of clothing for prisoners, both convicted persons and pre-trial detainees, and the unsuitability of that clothing in many cases to their sizes.
- 11- Poor ventilation in some prisons and the existence of problems in the sewage network (Jweideh/men prison), which has led to the spread of certain insects and reptiles.
- 12- The shortage of blankets, mattresses and coverings, in the overcrowded prisons.
- 13- The failure to activate the system of conjugal privacy notwithstanding the existence of the places designated for that purpose, owing to the unwillingness of prisoners to accept this system

according to the survey conducted by the Public Security Directorate of (3,000) inmates convicted in various cases.

Third: Problems of the prisoners

1. Administrative detention

This problem is regarded as one of the most prominent phenomena conflicting with the system of human rights and freedoms guaranteed by all the international instruments and the national laws. The number of administrative detainees has risen since the beginning of this year up to 30/12/2008 to reach (11,870) administrative detainees among Jordanian citizens, and approximately (1,313) foreign detainees for breach of the Residence Law or other laws pending their deportation. It is to be noted that a large number of them have been in detention for lengthy periods without approval being given for their release, notwithstanding their readiness to furnish the requisite bail; among them are those unable to furnish the requisite judicial bail for want of a guarantor; and a large number of them await deportation procedures.

In truth, the problem of administrative detention is among the problems which trouble the National Centre for Human Rights, in view of the totality of the legal and practical difficulties resulting from it. Alongside the problems of overcrowding and the additional financial and administrative burdens borne by the State treasury, or prisoners' hunger strikes or the stirring up of problems and rioting, its economic, social and psychological effects extend on many occasions to the prisoner's family.

When speaking of administrative detention the question arises as to the legal powers entrusted to the administrative governors and the extent of their observance of the legal procedures followed in proceedings before the courts of first instance, since administrative detention is in itself a penalty imposed by the administrative governor, and this is a power which ought to be entrusted to the public prosecution and the judiciary alone. The Centre has recorded that the administrative governors do not follow the legal procedures and formalities before issuing administrative detention warrants in most cases, and this is regarded as a breach of the provisions of the Crime Prevention Law itself and an abuse of authority.

Among the questions also raised concerning the subject of administrative detention is the matter of the continued keeping of these persons in the prisons in order to protect society, preserve security and other justifications — as though we were saying that prison is the last resort after all efforts to reform them have failed, while at the same time we speak of our prisons as centres for correction and rehabilitation and of there being correctional, rehabilitative and vocational programmes for prisoners. We ask which rehabilitative programmes these persons have undergone and failed, such that we continue to punish them by keeping them in detention in prison.

The subject of criminal records held by the security agencies is also a related subject, since it is not permissible, within the sound application of the provisions of the law, to resort to applying the provisions of the Crime Prevention Law merely on suspicion that this person may commit an offence, or that he is about to commit it, on the basis of criminal records held by those agencies. Rather, the administrative governors must require those agencies to attach the decisions of the courts confirming the person's habitual commission of this type of offence,

which calls for the prompt establishment of a criminal record register at the Ministry of Justice based upon final judicial judgments, instead of reliance upon criminal records held by the security agencies; and we ask what reasons have prevented the establishment of this criminal record register at the Ministry of Justice until now.

Among the policies which increase the suffering of administrative detainees is the continued housing by the administrative governors of detainees in places far from the residence of their families (the policy of isolation). Notwithstanding the distribution of prisons across most of the governorates of the Kingdom, the administrative governors, within this policy, do not punish the prisoner alone; rather this punishment extends to his family as well, entailing an additional material cost when visiting him.

The administrative detention decision is regarded as a flagrant encroachment upon the decisions of the courts of acquittal or of no responsibility, when those in whose favour such judicial judgments have been issued are returned to prison in the light of administrative detention warrants issued by the administrative governors, on the ground that they have previous convictions or are recidivists and that they constitute a danger to society, and they are not released save upon giving an undertaking or bail or discharging social or legal obligations. The National Centre for Human Rights has previously called, in its earlier reports, for a reconsideration of the applications of the Crime Prevention Law in the light of the recommendations of the committee formed of the Ministry of the Interior, the Ministry of Justice, the Public Security Directorate and a delegate of the National Centre for Human Rights, which submitted its recommendations to the chairman of the committee (the Minister of Justice) on 30/8/2006 (see the prisons report 2006-2007). We hope that those recommendations will be adopted and acted upon in order to limit the effects resulting from administrative detention. Several decisions releasing administrative detainees were recorded, particularly after the events at Al-Muwaqqar, Swaqa and Qafqafa prisons: the Governor of the Capital released (98) administrative detainees on 7/5/2008, and the Governor of Al-Zarqa released (75) administrative detainees. An announcement was also made of the formation of a committee to study and classify cases of administrative detention. On the occasion of the month of Ramadan, Eid al-Fitr and Eid al-Adha, the Governor of the Capital released a total of (132) administrative detainees out of 250-300 administrative detainees, among them (50) female administrative detainees against the background of various cases in the Capital Governorate alone. During this year police-supervision restrictions were also lifted from (615) persons after a specialised committee had completed the study of all police-supervision decisions, in harmony with the principle of the rehabilitation and assistance of prisoners, according to what was stated by the Governor of the Capital on 10/6/2008 (Al-Dustour newspaper).

2. The length of judicial detention

The number of judicial detainees has risen since the beginning of this year up to 30/12/2008 to reach (26,088) judicial detainees, in addition to (3,290) foreign judicial detainees, held to the order of the courts and the public prosecutors. The number of persons detained to the order of the Public Prosecutor of the State Security Court reached (7,676) judicial detainees. Among the detainees are persons whose detention has exceeded seven months without their having been served with an indictment, or brought to trial, or their cases considered (those detained to

the order of the State Security Court and the Grand Criminal Court). The number of judicial detainees has risen above the number of convicted persons during the period extending from the beginning of this year up to 30/12/2008, the number of convicted persons reaching (24,176) convicted persons.

The direct cause of the rise in the numbers of judicial detainees is the expansive resort to detention by the public prosecutors, the detention decision being issued at the beginning of the stages of the investigation; or other causes, among them the extreme slowness of trial procedures and the notification of witnesses, or the attendance of the accused, or the deliberate prolongation of the trial by some lawyers. This calls for the judicial authorities to study the reasons for the failure to expedite the determination of the cases brought before the judiciary in the light of the international standards and the national laws, since it has become common for detention to continue for long periods sometimes exceeding the term of the penalty, or for detention and its renewal to be used at times as a means of pressure upon persons in order to induce them to reconcile with their opponents.

The detention of certain persons for periods exceeding three years was also recorded, the competent court eventually issuing decisions acquitting them or finding them not responsible. All these cases require review by the judicial authorities so that judicial detention should not become a penalty and a clear breach of the guarantees of a fair trial and of the totality of the legal guarantees secured by the Constitution and the relevant national laws, and so as not to negate the constitutional and legal principle that the accused is innocent until proved guilty. It is essential to amend the legislation by providing for compensation as a result of judicial detention where judgments of acquittal or of no responsibility are issued.

3. Return requests are a genuine human hardship. They are a practice customarily followed by the security centres and police directorates, consisting in placing a note on the prisoner's file by the security centre which initially arrested the wanted person, to the effect that the prisoner is to be returned from the correction and rehabilitation centre and handed over to the security centre after his release if he was a detainee, or after his discharge if he was a convicted person, for the purposes of recommending that an administrative measure be taken against him, or of transferring him in order to place him in custody in another case. If he is referred to the administrative governor, he is required to give an undertaking or to conclude a reconciliation, or an apprehension measure is taken against him (subjection to house arrest) — all of which are procedures constituting a grave violation in the application of the law, and this is among the consequences of the powers of the administrative governor under the Crime Prevention Law.

Those procedures must be studied and all the violations resulting from them halted, within a clear mechanism which would avoid any breach in the application of the law and be far removed from the abuse of authority.

4. Work in prison and low wages.

Some inmates perform cleaning work, cooking work and the service of those in charge of the centre without remuneration, notwithstanding that they have not been sentenced to hard labour. Some of them are also employed in cooking, in the bakery and in other facilities of the

correction and rehabilitation centre for a wage far below the minimum wage (14-15) dinars per month and for working hours exceeding those permitted under the Labour Law. It is to be observed that the wage is in no way commensurate with the hours of work and the effort exerted.

5. Disciplinary penalties.

Some prisoners complained of disciplinary penalties being imposed upon them by the administration without the investigation required by law being conducted, without hearing the inmate's defence, and without following the course prescribed by law.

6. Transfer to hospitals.

Prisoners still suffer from delay in their transfer to hospitals in case of illness because of administrative procedures, and they are transported by cell vehicle while restrained. Transporting a prisoner in this manner involves cruelty and humiliation, in addition to being painful for persons suffering from chest diseases or spinal problems; the method of restraint (according to dangerousness) also exposes them to bruising as a result of sliding inside the vehicle (the cell) upon sudden stops or upon encountering bumps.

7. A number of inmates complained of being subjected to beating and ill-treatment inside some prisons at the hands of members of their administrations themselves and of members from outside those administrations, namely the Gendarmerie forces, during the prison events (reference will be made to this under the heading of prison riots). Certain individual complaints of ill-treatment by the guards responsible for guarding them during transfer to the courts and hospitals also continued. Some complaints took the form of collective complaints as regards complaints of ill-treatment, and some the form of individual complaints as regards complaints of beating. It must be pointed out that there was a decline in the numbers of individual complaints relating to beating recorded by the team of the National Centre for Human Rights during its visits (with the exception of the period during which the National Centre was prevented from carrying out its visits to the prisons after the prison events during the period extending from the middle of the month of April to the beginning of the month of August 2008) or received by it.

- It is to be observed that the Public Security Directorate investigated all the complaints received by it in 2008 and did not disregard any of them, and some of them were followed up and referred to the Police Court. The complaints received by the Office of Grievances and Human Rights and the Legal Affairs Department at the Public Security Directorate reached (28) complaints: (6) complaints were shelved at the request of the complainants; (6) complaints were tried before the unit commander, in simple cases falling outside the jurisdiction of the Police Court, including cases relating to breach of orders and instructions; and (16) complaints were referred to the Police Court, where the accused were convicted and sentenced to the penalties prescribed by law, ranging between imprisonment and a fine — bearing in mind that no person among them was tried under Article 208 as amended of the Penal Code. The complaints and reports received by the National Centre for Human Rights reached (9) complaints; the preliminary investigation was conducted by the Centre and the Public Security

Directorate was then addressed in their regard: (1) complaint was shelved at the request of the complainant, (1) was closed for want of proof of the violation, (1) was referred to the Police Court, (4) complaints were tried before the unit commander in simple cases relating to breach of orders and instructions, and (2) complaints remain under follow-up. The table below shows the decline in the numbers of complaints for 2008 by comparison with 2007, received by the National Centre for Human Rights and the Public Security Directorate.

Complaints in 2007	Complaints in 2008
41	37

In truth, when speaking on the subject of torture and ill-treatment it is also necessary to speak of Jordan's failure to fulfil its obligations under the Convention against Torture and of its failure to take a series of legal reforms aimed at embedding human rights standards within the national laws. In practice we find that there is a clear deficiency in the totality of the national remedy mechanisms available in cases of torture, beginning with the deficiency of the legislation notwithstanding the latest amendment to Article (208) of the Jordanian Penal Code, and its ineffectiveness in holding accountable those responsible for torture and referring them to the judiciary on a charge of torture. This calls for the necessity of reviewing the grievance and investigation mechanisms in respect of complaints of torture and of studying their effectiveness as well, in order to ensure that the perpetrators of torture are held accountable and do not escape punishment, and so that the legal procedures may be effective in confronting and combating torture. Jordan's contractual obligations under the Convention (against Torture) extend beyond merely combating torture when it occurs and providing protection to victims and witnesses or even rehabilitating them (there are no specialised centres for the rehabilitation of victims of torture or witness protection programmes in Jordan); rather, the Convention requires States to take preventive measures to prevent the occurrence of torture. The preventive obligation is likewise necessary in order to guarantee the right to physical integrity and not to be subjected to torture, and this calls for a series of procedures and measures. It also requires the taking of legislative measures ensuring that the perpetrators of crimes of torture are held accountable within the jurisdiction of the regular courts rather than the special courts, in which the guarantees of a fair trial are not available, given that the judges of the Police Court are appointed as judges by the Director of Public Security; and likewise the formation of an independent judicial committee to investigate all cases of torture in order to ensure that the perpetrators of crimes of torture do not escape punishment. All of this calls for further amendments to Article 208 of the Penal Code No. 16 of 1960, which was amended during the month of October 2007 so as to include the definition of torture and its criminalisation for the first time under national law.

- It is to be mentioned that Human Rights Watch issued a report on 8/10/2008 entitled (Torture and Impunity in Jordan's Prisons: Reforms Fail to Tackle Widespread Abuse), in which it affirmed that the torture of prisoners remains widespread and routine in the prisons. Divergent reactions to the report were recorded: the response issued by the Public Security Directorate on 9/10/2008 accused the said organisation's report of being unscientific and of containing many contradictions, and described it as a political

instrument whose purpose was not to focus on human rights issues. The response set out the procedures and measures taken by the Public Security Directorate concerning attention to human rights inside the prisons, among them the appointment of public prosecutors in seven prisons to receive and follow up prisoners' complaints, the opening of a human rights office affiliated to the National Centre for Human Rights, the training and qualification of staff in dealing with prisoners, and a series of reforms within the policy of the Public Security Directorate for the advancement of the prisons. The National Centre, for its part, affirmed in a statement issued by it (published on 22/10/2008) that the totality of the recommendations set out in the report issued by Human Rights Watch had previously been set out by the National Centre for Human Rights in its earlier reports of 2005-2006-2007 (they will be mentioned under the heading of findings and recommendations). It called upon the Government to adopt the totality of the recommendations and executive measures relating to the protection of the right to physical integrity and not to be subjected to torture, among them the drawing up of a national strategy to reduce torture, ensuring the activation of the role of the public prosecution to perform its role in protecting victims, and likewise ensuring that persons accused in cases of torture do not remain at the head of their work so that they may not exercise any influence over the victims.

8. Other problems

Prisoners suffer from the unfitness of water for drinking in most prisons and the inadequacy of the breakfast and dinner meals; from cold in the winter season in some prisons because of the acute shortage of blankets and heating; and from the unavailability of hot water for bathing in the winter season. Prisoners also suffer from the problem of missing trial sessions because they are not sent at the time of their convening, as a result of the large number of inmates in the prison vehicle, who are distributed to different courts and to a number of hospitals.

Fourth: Prison administrations / correction and rehabilitation centres

Some correction and rehabilitation centres in the Kingdom are administered by a number of competent officers in terms of preparation, training and diversity of previous professional experience. Some officers and other ranks have likewise received basic training for those working in correction and rehabilitation centres within the training programmes implemented by the Office for the Development of Correction and Rehabilitation Centres. It is nevertheless clear that the training they have received cannot be regarded as sufficient to enable them to discharge their functions in the fullest manner, since work in correction and rehabilitation centres requires specialised training at the level of the administrations, the officers and the other ranks, extending to the guards responsible for the security and guarding of the prison. Nor can the accumulation and diversity of professional experience in various departments at the Public Security Directorate be regarded on its own as a decisive criterion of competence and good management. In general the following points may be recorded:

1- As regards training and qualification at the level of the directors of the centres, workshops were held for the directors of correction and rehabilitation centres in cooperation and coordination with the International Committee of the Red Cross and the National Centre for

Human Rights. At the level of the personnel employed, the Office for the Development of Correction and Rehabilitation Centres has, since the beginning of 2008, held basic courses with the aim of preparing and qualifying those working in correction and rehabilitation centres, and (314) officers and non-commissioned officers benefited from those courses.

2- Those working in the prison administrations enjoy no advantages commensurate with the special care required of them (with the exception of certain ranks), and no one can deny that their work involves a degree of danger. Service in correction and rehabilitation centres does not constitute a sufficient incentive for the best elements to compete for it; on the contrary, a large proportion of police officers ordinarily shun service in the prisons and regard it as diminishing their capacities and their opportunities of assuming more important positions. It is therefore essential to adopt a policy of incentives for work inside the prisons through material incentives or promotion, taking into account the availability of a genuine desire on the part of these elements and their absolute belief in the correctional and rehabilitative role which they will perform inside these centres.

3- There are no clear criteria for determining the staff (officers, other ranks and civilian employees) in the various correction and rehabilitation centres by reference to the holding capacity of each centre, which affects the quality of the care and service provided in each prison, there being a clear disparity in the level of the services provided in each of them.

4- During 2008 opportunities were afforded to certain administrations to become acquainted with the experiences and expertise of States which apply the international standards for the treatment of prisoners and detainees. This calls for work on developing the specialised training programmes in the field of the correctional and rehabilitative process for the administrations, and likewise for those working in correction and rehabilitation centres, together with the establishment of a mechanism of periodic assessment. The stability of prison directors in their posts during 2008 was also recorded.

5- During 2008 the Public Security Directorate began implementing a twinning project with the Republic of Austria with a view to developing and strengthening the institutional and administrative capacities of correction and rehabilitation centres in order to establish an effective system for the classification of inmates and for the qualification and training of personnel; and implemented a tender with the European Union for the purchase of equipment, computers and communications systems for correction and rehabilitation centres. The system of incentives and allowances for those working in the prisons, both officers and other ranks, was also developed with a view to improving their performance. Another project will be implemented in cooperation with the Rehabilitation and Research Centre for Torture Victims in Denmark and a number of Jordanian partners, namely the Ministry of Justice, Mizan and the National Centre for Human Rights. The project bears the name (Karama) and aims, within one of its components relating to the Public Security Directorate, to hold training and qualification workshops for the staff working in the prisons with a view to raising their institutional capacities within the objective of combating torture in Jordan.

Fifth: Observations relating to special events

For the purposes of completing the description of the situation relating to prisons and prisoners, we find it necessary to refer to a number of subjects which appear to be of a degree of importance, namely prison riots, deaths in prisons and cases of suicide, strikes, judicial oversight of prisons, and the transfer of supervision over prisons from the Ministry of the Interior to the Ministry of Justice.

1. Prison riots

During 2008 the National Centre for Human Rights recorded an escalation in the pace of riot events among prisoners, rioting having become the prisoners' most prominent weapon for protesting against any of the procedures or decisions or even the treatment inside the prison. The first riot events began at Birein prison on 26/2/2008 among a number of administrative detainees, who used certain sharp implements of their own making (from the prison beds and windows), which resulted in the injury of (25) inmates. The principal cause behind those events was protest against the administrative detention decisions of the administrative governors and the linking of their release to financial bail of a high value which they were unable to furnish, thus keeping them in administrative detention.

Then the Qafqafa riot events occurred on 4/4/2008, carried out by a number of inmates in protest against their transfer from various prisons to Qafqafa prison in implementation of the plan of the Public Security Directorate to separate convicted persons from pre-trial detainees; they injured and slashed themselves and were given first aid at Jerash Government Hospital.

The most prominent riot events during 2008, however, were those which began at Al-Muwaqqar prison on 14/4/2008 and resulted in the death of three inmates as a result of burning and the injury of more than (93) inmates. The events subsequently extended to Swaqa, Qafqafa and Jweideh/men prisons. A report of the National Centre for Human Rights (published) on the events at Al-Muwaqqar prison concluded that the ill-treatment received by inmates from some members of the prison establishment, which coincided with the ill-considered transfers of inmates for the purposes of applying the system of separation and classification, was what led to those events, the inmates having slashed themselves and set fires inside the dormitories. The report also referred to its team's inability to record the circumstances of the death of the three inmates (burning to the point of carbonisation) and the measures taken by the prison administration and the Civil Defence team to control the fire and to give first aid to the inmates during those events, as a result of its team being prevented from meeting the inmates of the same dormitory, numbering (18) inmates, because they had been placed in solitary confinement rooms, which prevented their statements from being heard. At its close the report of the National Centre for Human Rights relied upon the forensic medical reports and the reports of the investigation committees formed to reveal the causes of death.

The report of the National Centre for Human Rights was met with severe criticism from the Government and the Public Security Directorate; the Parliamentary Freedoms Committee likewise expressed reservations about what was stated in it, and the Public Security Directorate described it as a "hasty and truncated" report according to one of the officials in the Public Security apparatus (Al-Rai newspaper, 18/4/2008). In the same connection, a report issued by Human Rights Watch on 8/6/2008 called upon His Majesty King Abdullah to form an independent investigation body to investigate those events, given that the investigation bodies

formed by the Public Security Directorate and the members of the Police Court are members of the police apparatus. The said organisation's report also concluded that the ill-treatment of prisoners by one of the officers of the said prison led to the occurrence of those events (Jordan: Prison Deaths by Burning Need Independent Investigation). Those events extended to Swaqa prison on 15/4/2008 and resulted in the injury of (42) inmates, two of whom suffered asphyxiation as a result of fires being set in the corridors, while the injuries of the remaining forty were the result of their injuring themselves ("slashing"). During those events a total of (400) inmates were evacuated to the outer yards (it being noted that the team of the National Centre was not permitted to enter the prison). As for the events at Qafqafa prison, (5) inmates set fire to (a blanket and a coverlet) on 16/4/2008, but those events were brought under control by the security teams and ended at that point. At Jweideh/men prison, precautions were taken to halt any rioting: the prisoners were evacuated to the outer yards and the security teams were able to establish control and to prevent the occurrence of injuries among the inmates or the security forces.

The events at those prisons witnessed the intervention of forces from outside the administration of the Public Security Directorate, namely the Gendarmerie forces, in order to control those events and put an end to the state of rioting. The use of violence by those forces against the prisoners, even during their transfer to hospitals, was recorded. The Public Security Directorate estimated its losses as a result of the events at Al-Muwaqqar and Swaqa prisons at (450) thousand dinars, while the Public Security Directorate, through its media spokesman, affirmed that the causes of all those events were the prisoners' objection to the application of the system of separation and to the transfer of prisoners to prisons far from the residence of their families, whereupon they set fires and slashed themselves with sharp implements of their own making (beds and windows); and that the extension of those events from Al-Muwaqqar prison to the remaining prisons was the result of coordination among the prisoners through the visitors who frequent the prison at the times of the weekly visits. The investigation committees formed by the Public Security Directorate (three committees) concluded, against the background of those events, on 1/7/2008, by referring (60) inmates to the judiciary on charges of incitement to acts of rioting and insubordination, arson and the destruction of property, and no officer or member of the Public Security establishment was tried for want of proof of anything incriminating them.

Following those events and the report issued by the National Centre for Human Rights (published), the National Centre for Human Rights was prevented from carrying out its visits to the prisons for a period extending from the middle of the month of April 2008 until the beginning of the month of August 2008.

2. Prison deaths and cases of suicide

The causes of death in prisons are due in their entirety to advancing age, or to being afflicted with serious illnesses, or to medical neglect, or to the absence of seriousness in dealing with the prisoner's health condition in terms of failing to provide him with first aid in the required manner and at the appropriate time, or to torture. Prison deaths during 2008 reached (24) cases of death, including the death of two prisoners after they had consumed perfume (cologne) in large quantities in order to become intoxicated, having collected it in plastic containers after purchasing it from the prison shop. The deaths of (18) of them were considered natural in the

light of the forensic medical reports and the decisions of the investigation committees formed, and the existence of a medical history for some of them according to those reports.

The following table shows the distribution of deaths across the various prisons:

Prison	Deaths
Swaqa prison	(3) natural deaths
Al-Muwaqqar prison	(7) deaths, of which 3 by carbonisation + 1 viral hepatitis + 3 natural deaths
Al-Balqa prison	(1) natural death
Al-Karak prison	-
Ma'an prison	(3) deaths, of which 1 suicide + 2 consumption of cologne
Aqaba prison	(1) natural death
Jweideh/women prison	(1) natural death
Birein prison	(3) natural deaths
Jweideh/men prison	(3) natural deaths
Qafqafa prison	(2) natural deaths

As regards cases of suicide inside the prisons, which reached (1) case this year — preceded by two cases at Qafqafa prison in 2007 — in addition to the foiling of numerous attempts in the prisons amounting to (93) suicide attempts, the prisoner who commits suicide does so by hanging, by tying a piece of clothing or a bed sheet to the ceiling. In truth, it is essential to be alert to and to observe changes and suicidal tendencies among inmates, including depression, withdrawal or refusal to enjoy the exercise period, and other symptoms which may be noticed by the psychiatrist or even by the individuals responsible for the administration of correction and rehabilitation centres, so as to avoid the spread of suicide in the prisons. It is likewise essential to accord the psychological aspect of the prisoner further attention through psychiatrists and to improve the quality of the prisoner's life through cultural and sporting activities and the like.

As regards deaths under suspicion of torture, and in the light of the international standards, the role of the forensic physician is regarded as a pivotal role in the process of the effective documentation of torture in cases of its occurrence and in its detection. Regrettably, the National Centre for Forensic Medicine still refrains from providing the National Centre for Human Rights with those reports, and the communications of the National Centre during the past years have met with no response from the National Centre for Forensic Medicine up to the present date, those reports still being obtained through the Public Security Directorate — notwithstanding the powers of the National Centre for Human Rights under Article (9) of its Law, which granted it the power of the right to request the information or data necessary to achieve its objectives from the bodies concerned and obliged those bodies to provide the Centre therewith without delay or procrastination.

3. Strikes

The year 2008 witnessed (1,112) strikes. The causes of the strikes are due in general to the deterioration of inmates' living conditions inside the prison (food, heating, telephone calls,

water, exercise, the prohibition of newspapers, books and pens, the treatment of their visitors, the procedures for searching them, not being permitted to have clothing brought in, and the shortness of the duration of calls). The escalation of this phenomenon is due to the prisoners' desire to inform public opinion of their poor conditions inside the prison, or to protest against certain unjust administrative decisions by some administrative governors, or to the suffering endured by them and their families as a result of the length of the periods of judicial and administrative detention. This weapon has contributed to breaking the blackout imposed upon the world of the prisons, and prisoners have thereby been able to make use of the media and public opinion with regard to certain issues which had long remained imprisoned within the walls of the prison. In fairness, the team of the National Centre for Human Rights recorded the cooperation of the prison administrations in dealing with those cases positively and with a high degree of professionalism, in terms of ensuring the follow-up of the health condition of the strikers, securing daily medical supervision, responding to some of the inmates' demands which do not conflict with the international and national standards, and intervening with certain bodies to resolve some of the prisoners' problems.

* Those strikes were distributed across the prisons as follows:

Prison	Number of strike cases
Swaga prison	61
Jweideh/men prison	249
Qafqafa prison	175
Birein prison	116
Al-Muwaqqar prison	223
Al-Karak prison	35
Ma'an prison	36
Aqaba prison	57
Al-Balqa prison	100
Jweideh/women prison	61

4. Judicial oversight of prisons

The role entrusted to the judicial bodies remains formal and ineffective and lacks the clear mechanism which would render this supervision periodic and make it effective, for a series of reasons, among them the deficiency of the legislator's approach in failing to provide expressly for the obligation to carry out inspections instead of making it merely a right and a power (Article 8 of the Correction and Rehabilitation Centres Law No. 9 of 2004). The other reason may be the multiplicity of the professional burdens resting upon the members of the judicial authority, such that those burdens prevent the carrying out of effective inspections. The number of visits by public prosecutors and judicial bodies to correction and rehabilitation centres this year, 2008, reached (53) visits.

5. Transfer of supervision over prisons from the Ministry of the Interior to the Ministry of Justice

In a clear development during 2008, the Ministry of Justice, in cooperation with the Ministry of the Interior, the Ministry of Health, the Public Security Directorate and the National Centre for Human Rights, began to study the importance and feasibility of carrying out the process of transferring supervision over the prisons from the Ministry of the Interior to the Ministry of Justice, in line with the international obligations in respect of which Jordan has charted a clear course, with a view to embedding the international standards, which contain provisions pointing to the importance of the task of supervision over prisons being assumed by civil agencies. Among those are the Standard Minimum Rules for the Treatment of Prisoners of 1957 (Rule 64/3), and likewise Rule 45/2 of the European Prison Rules and the European Code of Police Ethics. The need for a civil prison system is regarded as an essential condition in the human rights instruments, with a view to humanising prison conditions and to the correction and rehabilitation of inmates. This objective cannot, however, be achieved through this measure alone, since it requires other conditions alongside this measure, such as conducting a comprehensive review of the legislation relating to criminal and penitentiary reform, harmonising that legislation with the international conventions to which Jordan is committed, working on its development, and introducing alternative penalties and the system of a judge for the execution of penalties into those laws.

Developments in 2008

A number of positive and negative developments occurred in 2008, which may be summarised as follows:

1. Positive developments

- The completion of the building and construction of two prisons in accordance with the relevant international standards and specifications, to be alternatives to the old prisons, namely Al-Muwaqqar 2 prison and Salhoub.
- The issuance of the Royal Will granting a special pardon to (325) inmates in respect of the remainder of the term of their sentences, to the exclusion of other inmates, on the occasion of the blessed Eid al-Fitr.
- The opening of a human rights office at Swaqa Correction and Rehabilitation Centre affiliated to the National Centre for Human Rights on 3/2/2008, with a view to following up all the requests and complaints of prisoners from all legal, health and social aspects and in cooperation with the bodies concerned. This office was opened to be the first of other offices to be opened in the remaining centres.
- The convening of the Higher Committee for Correction and Rehabilitation twice during 2008, on 3/1/2008 and 10/11/2008, and the announcement by the Minister of the Interior (chairman of the Higher Committee for Correction and Rehabilitation) during the second meeting on 10/11/2008 concerning the designation of employees from the ministries holding membership of the Higher Committee for Correction and Rehabilitation as delegates to the Correction and Rehabilitation Centres Administration, with a view to coordination between the Public Security Directorate and those bodies in the provision of religious, health, educational and other assistance.

- The announcement of the appointment of four childcare workers to work in the nursery equipped at Jweideh/women prison to receive the children of female inmates up to the age of three years. That nursery is expected to be opened at the beginning of 2009. In the same connection the Director of Public Security announced that a female prisoner would be permitted to keep her newborn child with her.
- The creation of a website for the Correction and Rehabilitation Centres Administration: WWW.CRC.PSD.GOV.JO.
- The announcement by the Minister of Culture of the implementation of various cultural programmes targeting prisoners, comprising theatrical and cinematic performances, and the supply of the Correction and Rehabilitation Centres Administration with (120,740) cultural books. The National Society for the Care of Prisoners also provided (10) thousand books.
- Agreement on the formation of a joint committee between the National Centre for Human Rights and the Public Security Directorate on 20/8/2008, with a view to drawing up a joint plan of action, in particular in the fields of promoting and developing human rights concepts among all those working in the police field and improving performance in correction and rehabilitation centres.
- The appointment of seven public prosecutors in the prisons to receive prisoners' complaints and grievances, attached to the Legal Affairs Department at the Public Security Directorate, in seven Jordanian prisons.
- The commencement of a positive step with regard to certain reform programmes, including:
 - * The religious programme in some prisons, which aims at individual reform, in cooperation with certain preachers, counsellors and specialists and professors of Sharia from the Jordanian universities and the Awqaf. Those programmes began at Jweideh prison, specifically with certain inmates numbering (36) who hold takfiri views. These persons underwent seven sessions of religious dialogue during the period extending from after Eid al-Fitr and ending before the blessed Eid al-Adha.

Two reports issued by Al-Rai newspaper on 25/2/2008 and 16/12/2008 described the inmates who had undergone those programmes as "repentant" of extremist takfiri ideas, after those programmes had brought about jurisprudential revisions.

Consequently these persons will be transferred to the other prisons in order to integrate them with the remaining inmates who are not classified in dangerous cases, while being subjected to intensive monitoring in order to ascertain the extent of the changes which have occurred in their conduct, their pattern of thinking and their dealings with the remaining inmates, according to statements by the Director of the Correction and Rehabilitation Centres Administration.

- The preparation of a draft of the incentive-treatment instructions laying down the bases relating to the provision of incentives to inmates pursuant to Articles 34 and 35 of the Correction and Rehabilitation Centres Law No. 9 of 2004, which allow the inmate to be released before the end of the term of the sentence with a quarter of the term deducted, from which, under the present system, all inmates benefit upon their

admission to prison regardless of their conduct. Under the proposed draft incentive-treatment instructions, a distinction will be drawn between inmates of good record and conduct and those who stir up rioting inside the prisons. That draft met with severe criticism from some civil society organisations in its proposed form during the workshop held by the Public Security Directorate at the Police Academy on 20/8/2008, in particular as regards the chairmanship of the incentive-treatment committee (the director of the centre) and likewise the composition of its members (Article 6 of the proposed incentive-treatment instructions), and likewise as regards discrimination between the prisoners benefiting from the deducted term (Article 13 of the proposed incentive-treatment instructions), and other observations. The Centre hopes that those instructions will not be adopted by the Higher Committee for Correction and Rehabilitation in their proposed form, and that the required amendments will be made to them in the light of the observations of all the bodies concerned with this establishment and with a view to preserving the right of the prisoner guaranteed by Article (34) of the Correction and Rehabilitation Centres Law No. 9 of 2004.

A number of negative developments also occurred during 2008, which may be summarised as follows:

2. Negative developments

- 1) Prison riots, to which reference has been made above.
- 2) The prevention of the National Centre for Human Rights from carrying out its visits to the prisons during the period extending from mid-April 2008 until the beginning of the month of August 2008, to which reference has been made.

Findings and recommendations

In the light of the conditions described above, the National Centre for Human Rights considers it necessary to take effective legislative, executive and judicial measures to improve the conditions of prisons and the treatment of prisoners in the Kingdom, as follows:

- 1- The establishment of an independent administration for correction and rehabilitation centres attached to the Ministry of Justice, together with the introduction of a judicial police system, entrusting to it the functions of judicial apprehension and all the tasks which assist the course of justice and the execution of judgments.
- 2- Conducting specialised scientific and field studies and research on the situation of the staff with a view to improving their conditions and raising the level of their qualification.
- 3- Selecting the appropriate number of staff in the centres after the adoption of a national criterion for determining the number of personnel according to the number of inmates and according to their roles, in order to raise the level of performance in the field of rehabilitation, while ensuring that they receive appropriate training and granting the staff and guards financial incentives and an occupational-risk allowance.

4- The necessity of adopting a qualitative criterion for determining the holding capacity of prisons which takes into consideration a range of factors, circumstances, relationships and material and legal conditions, such as:

the total area of the prison; the area allocated to the service facilities; the area allocated to the prison administration; the area allocated for the accommodation of each inmate; the size of the centre's administration in relation to the number of inmates; the quality and standard of the facilities and services and the forms of care provided to inmates; the duties of the bodies concerned with prison conditions; the periods of detention (of the sentence); and likewise social customs and values and other factors which make it possible to apply the international standards in the construction and administration of prisons and the treatment of prisoners.

5- Limiting short-term custodial penalties and replacing them with precautionary measures, financial penalties and employment outside the prison, following the introduction of legislation on non-custodial alternative measures, in a number of contraventions and misdemeanours, with a view to addressing the problem of overcrowding inside the prisons.

6- Modernising the existing prisons or replacing them with others designed in accordance with standard bases enabling the provision of care, protection and rehabilitation; and considering the establishment of new patterns and models of prisons (open prisons and semi-open prisons) consistent with modern penological thinking, which would reduce the problem of overcrowding, in addition to reducing the exorbitant costs borne by the State treasury in spending on closed prisons; activating the legislative provision relating to the suspension of the execution of the penalty; and likewise adopting the principle of the individualisation of the execution of the penalty, together with the introduction of the system of a judge for the execution of penalties and the system of conditional release within the criminal legislation.

7- The construction of a specialised centre inside the prison for the rehabilitation of drug addicts and addicts of other intoxicants in order to treat them before the end of the term of their sentence; this may be substituted by the designation of a section for the treatment of convicted addicts at the National Centre for Addiction.

8- Addressing the subject of judicial detention and the length of judicial detention before and during trial, by seeking to adopt a national criterion for the reasonable period for the conduct of a trial; working to develop legislation and judicial practices with a view to expediting trial procedures; reducing the problems of notification between the courts and the prisons; determining a clear mechanism, with emphasis on the renewal of detention warrants within the statutory time limits and on not resorting to renewal as a matter of course; and activating the mechanism of inspection of prisons by the judicial authority.

9- Addressing the subject of administrative detention and the increase in the number of administrative detainees in the prisons, by means of:

- a. Extending judicial oversight to administrative detention decisions and to the apprehension powers of the administrative governors.
- b. Ensuring respect for judicial decisions and final judgments of acquittal or of no responsibility and compliance therewith.

- c. Adopting the principle of the proportionality of the apprehension measure to the criminal dangerousness when imposing house arrest by the administrative governors.
- d. Transferring the power to impose house arrest to the judicial authority.
- e. Lifting the umbrella of the administrative governor from the investigation procedures conducted by the police, so that it is not permitted to continue to hold persons and interrogate them for long periods on the basis of detention warrants issued by the administrative governors.
- f. The necessity of referring accused persons and suspects to the public prosecution within the period specified in the Code of Criminal Procedure.
- g. The necessity that administrative governors abide by the terms of Article (4) of the Crime Prevention Law as regards the procedures to be followed when resorting to administrative detention, namely as regards issuing the apprehension warrant, hearing the statements of the persons concerned, and then issuing the administrative detention warrants.
- h. Studying and analysing the Crime Prevention Law and seeking its prompt amendment or repeal.

10- The necessity of addressing the recurrent complaints concerning a category of violations by police personnel, consisting of subjection to beating and to cruel, inhuman and degrading treatment — a matter which calls for the adoption of the following legislative and procedural proposals:

- a. Ratification of the Optional Protocol to the Convention against Torture, and the declaration recognising the competence of the Committee against Torture to determine complaints submitted by States and individuals relating to States' violation of their obligations set out in the Convention against Torture, pursuant to Articles (21 and 22).
- b. Enabling detainees to have the opportunity of contact with the outside world, whether with their families or with their lawyers.
- c. Ensuring the adherence of officials responsible for the enforcement of the laws, and of those working in the medical sector who participate in the custody of any person deprived of his liberty, to the absolute prohibition of torture.
- d. Making the legislative amendments capable of affording the victim, or the person harmed by torture, the opportunity of bringing his action before the competent judiciary directly.
- e. Introducing a system of regular medical examinations by physicians for all persons in prison or custody, and activating this medical file.
- f. Providing prisoners, upon their admission to prison, with written information concerning the regulations applied and the rules of discipline in the prison and the permitted means of requesting information and submitting complaints.
- g. Establishing an independent judicial committee to investigate incidents of torture and bring those responsible before the judiciary and impose penalties upon them, while ensuring that victims obtain fair compensation.

- h. Denouncing acts of torture and ill-treatment officially and publicly through visual, audio and print media campaigns.
- i. Launching media programmes to raise awareness of lawful and civilised methods of dealing with prisoners and detainees, with emphasis on the unlawfulness of any practices contrary to the law, including torture in its various forms and manifestations.
- j. The necessity that the State undertake to compensate and rehabilitate victims of torture, whether or not the perpetrator has been identified.
- k. Establishing specialised centres for the rehabilitation of victims of torture and implementing programmes for the protection of witnesses and victims of torture.
- l. Making the necessary legislative amendments to Article 208 as amended of the Jordanian Penal Code so as to be consistent with the Convention against Torture.

11- The necessity of improving the medical and psychological care provided by the Ministry of Health to inmates inside the prisons, by means of:

- a. Attending to the conduct of examinations (a comprehensive medical examination) of the inmates of correction and rehabilitation centres and of all those in custody.
- b. Increasing the number of beds allocated to the inmates of correction and rehabilitation centres in the government hospitals and the National Centre for Psychiatric Medicine.
- c. The necessity of providing a general practitioner and a gynaecologist at Jweideh/women prison.
- d. Increasing the number of medical staff working in the prisons (general/dental/dermatological/psychiatric).
- e. Opening fully equipped health units in the prisons in which such health units are not available.
- f. Increasing the number of psychiatrists who follow up the conditions of inmates suffering from psychiatric illnesses, and appointing psychological specialists to perform the task of behavioural therapy.
- g. Making the legislative amendments to the Correction and Rehabilitation Centres Law so as to permit the guarantee of the medical release of certain prisoners afflicted with serious illnesses.

12- The necessity of improving the social care of prisoners by means of:

- a. Strengthening the effectiveness of the role of the social worker in the prisons.
- b. Increasing the effectiveness of the social care services inside correction and rehabilitation centres, so that the concept of the case study is broadened and social studies are conducted to address the problem of recidivism (reoffending), the rate of reoffending among women and among men being (33%) according to the studies of the Public Security Directorate for this year.
- c. Strengthening aftercare programmes and preparing the inmate for release, in partnership between the Ministry of Social Development and civil society organisations.

13- Taking the measures necessary to ensure the preservation of the rights of the inmates of correction and rehabilitation centres, by means of:

- a. Addressing the problem of visits in terms of the long waiting time for visitors and the manner of searching them.
- b. Devising a mechanism to resolve the problem of correspondence and telephone calls.
- c. Addressing the subject of food meals and their adequacy, in particular the breakfast and dinner meals.

14- Activating the role entrusted to the Higher Committee for Correction and Rehabilitation so that it may discharge the tasks provided for in Article (32) of the Correction and Rehabilitation Centres Law.

15- Raising public awareness of the role of correction and rehabilitation centres and of those working in them in the process of correction and rehabilitation, with emphasis on the role of society in this continuing process after the release of the inmate from prison, by means of the various media.

Annex (1)

Prisons in the Kingdom

Prison	Date of establishment and holding capacity
Jweideh/men prison	1986, holding capacity 1,072 inmates
Jweideh/women prison	2000, holding capacity 450 female inmates
Birein prison	1988, holding capacity 608 inmates
Qafqafa prison	1987, holding capacity 1,212 inmates
Ma'an prison	1987, holding capacity 200 inmates
Aqaba prison	2004, holding capacity 200 inmates
Al-Karak prison	1998, holding capacity 102 inmates
Al-Muwaqqar prison	2007, holding capacity 806 inmates
Al-Balqa prison	2001, holding capacity 448 inmates
Swaqa prison	1988, holding capacity 2,400 inmates

Annex No. 2

Statistics on the numbers of convicted persons and detainees among prisoners as at 30/12/2008

Prison	Convicted persons	Judicial detainees	Administrative detainees	Number of prisoners in each prison
Swaqa prison (convicted)	1,913	2	31	1,946
Al-Muwaqqar prison (convicted)	717	34	—	751
Qafqafa prison (for detainees)	175	1,049	36	1,260
Al-Jweideh prison (for detainees)	62	1,025	22	1,309
Birein prison (for detainees)	14	544	20	578
Al-Balqa prison	22	479	13	514
Al-Karak prison	64	44	8	116
Aqaba prison	94	41	24	159
Jweideh/women prison	53	109	65	227
Ma'an prison	129	35	7	171
Total	(3,243) convicted	(3,362)	(426)	(7,031) prisoners