



**Fifth Periodic Report**  
**on the Conditions of**  
**Correctional and Rehabilitation Centers and Places of Temporary**  
**Detention**  
**In Jordan**  
**for the Year 2007**

**Issued by the Correctional and Rehabilitation Centers Affairs Unit**  
**The National Centre for Human Rights**

# Disclaimer

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## **Conditions of Correction and Rehabilitation Centres in the Kingdom**

### **Fifth Periodic Report**

As the National Centre for Human Rights issues its Fifth Periodic Report on the conditions of correction and rehabilitation centres and places of temporary detention in the Kingdom, it values all the efforts exerted by those responsible for the administration of the prison establishment, and likewise the contributions and initiatives of certain civil society institutions which have worked, and continue to work, in this direction. It nevertheless feels profound regret at the policy of complete disregard displayed by certain bodies concerned with respect to the recommendations set out in all its previous periodic reports, which will be repeated in the present report out of a desire to emphasise the importance of adopting those recommendations in order to ensure the success and sustainability of reform projects in prison institutions and to prompt those bodies to discharge their legal responsibilities. Notwithstanding the issuance of four reports before the present one on the conditions of correction and rehabilitation centres by the National Centre for Human Rights, and the issuance of reports by international and national organisations on the conditions of those places, the Higher Committee for Correction and Rehabilitation has not convened in implementation of the provisions of Article (32) of the Correction and Rehabilitation Centres Law No. 9 of 2004, which entrusts to it the task of laying down the general policy for the treatment of inmates and their correction and rehabilitation, and of drawing up correction plans, inmate training and employment programmes, and the bases for the provision of social care, aftercare and health care.

On this occasion the National Centre for Human Rights affirms that the efforts exerted in all fields relating to prison reform will remain deficient so long as there continues to be no clear strategy taking into account the general context of criminal justice in Jordan in its legislative and social dimensions, in addition to the relevant international standards.

We would not wish to let this occasion pass without extending our thanks to our partners at the Office of Grievances and Human Rights at the Public Security Directorate for their sincere and transparent efforts in facilitating the task of the National Centre for Human Rights in monitoring and following up the conditions of prisons and places of temporary detention.

### **Methodology of the preparation of the report**

The basis upon which this report was prepared, for the purpose of assessing correction and rehabilitation centres and inmates and places of detention and detainees, and the weaknesses and defects from which these establishments suffer and which this report reveals, rests upon the unannounced field visits (numbering (53) visits this year, 2007) to those places, in cooperation and coordination between the Office of Grievances and Human Rights / Public Security Directorate and the team of the National Centre for Human Rights charged with the visits, and likewise upon the documentation reports relating to each of the centres spread throughout the Kingdom, through

which meetings were held with inmates, detainees and those responsible for the administration, and through which the practices and the manner of treatment received by inmates and detainees were observed. The bases of the assessment also rested upon meetings with former inmates and detainees, with the families of some current inmates and detainees, and with civil society activists. Use was also made of certain information provided by the Correction and Rehabilitation Centres Administration and some of the security departments, and likewise of the complaints and requests for assistance submitted to the National Centre for Human Rights.

### **Methodology of the conduct of the visits**

- The visits began with a meeting with the directors of the centres and some of their staff, after which the living conditions of the inmates inside those centres were observed, as well as the conditions of those centres by comparison with international and national standards. During the visits the inmates were met individually and their complaints and requests were heard, in addition to the examination of the registers and records relating to the inmates in order to verify that the presence of pre-trial detainees and convicted persons in those prisons was consistent with the provisions of the laws and regulations in force.

- It should be noted that the registers and records do not include the social history of the inmates and do not permit effective verification of the periods of detention and their expiry. The visits concluded with a meeting with the directors of those prisons in order to inform them of the team's observations and to address certain matters capable of being addressed within the limits and powers of those administrations (telephone calls, the exercise hour, procedures for transferring inmates to hospitals and courts, and meals).

### **Assessment of the conditions of prisons and places of temporary detention**

#### **\* Section One: Correction and rehabilitation centres in the Kingdom.**

- 1- The prison environment (buildings, installations, service facilities and their equipping, and the standard of the services provided).
- 2- The conditions of prisoners in the prisons and their problems.
- 3- The administrations responsible for the prisons.
- 4- Observations.

(a- Prison riots. b- Prison deaths. c- Prison strikes. d- Inspection of prisons. e- The principal events relating to prisons during 2007).

#### **\* Section Two: A - Places of temporary detention**

- 1- The environment of places of temporary detention (buildings, installations, service facilities and their equipping, and the standard of the services provided).
- 2- The conditions of detainees and the principal violations in places of temporary detention.

3- Deaths in places of temporary detention.

B - Places of detention at the General Intelligence Directorate.

**\* Section Three: Findings and recommendations**

**Section One: Correction and rehabilitation centres in the Kingdom**

During the period covered by the report, the National Centre for Human Rights carried out a series of unannounced visits to correction and rehabilitation centres, numbering ten prisons (following the closure of Al-Jafr prison and the opening of Al-Muwaqqar prison on 2/5/2007), within the (fifth) programme of periodic visits, with a view to inspecting the conditions of those centres and assessing the developments therein since the issuance of the Fourth Periodic Report on the conditions of those centres covering the period extending from 31/10/2005 to 31/10/2006. These visits were carried out in direct cooperation and coordination with the Office of Grievances and Human Rights at the Public Security Directorate, the duration of the visits ranging between three hours and six hours.<sup>12</sup>

**1. The prison environment (buildings, installations, service facilities and their equipping, and the standard of the services provided)**

- Most of the prisons are located within geographical areas close to the urban agglomeration and to residential communities, and all of them are readily accessible by means of the public transport network, with the exception of the prisons of Aqaba and Al-Muwaqqar (the latter having been opened on 2/5/2007 and having received the first batch of inmates, numbering (50) inmates, on 7/5/2007). These two centres are situated in places remote from residential communities and from the public transport network, and there is real hardship for visitors and lawyers when visiting them, whether because of the high financial cost of transport fares or because of the remoteness of the distance.
- Some prisons suffer from the problem of the small size of their buildings and the restricted total area allocated to them, as is the case in the prisons of Al-Karak, Ma'an, Al-Balqa and Aqaba. This has been directly reflected in the limited service facilities (the absence of a library, of literacy programmes or of any sporting or recreational programmes in Al-Karak prison; likewise the absence of any sporting, recreational or rehabilitative activities in Ma'an prison; and the limited exercise yards in Aqaba prison). This problem in these

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<sup>1</sup>All 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), (Swaqa – Capital Governorate), (Al-Karak – Karak Governorate), (Ma'an – Ma'an Governorate), (Aqaba – Aqaba Governorate), (Al-Muwaqqar – Capital Governorate).

<sup>2</sup>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.

prisons has also led to preventing the application of the criteria for the classification and separation of inmates, as is the case in Al-Karak prison, or to limited classification in the other prisons, as is the case in the prisons of Al-Balqa, Ma'an and Aqaba.

- The buildings of some prisons suffer from the spread of damp, as is the case in Al-Balqa prison, Jweideh/men, Birein, Qafqafa and some of the dormitories in Swaqa, Ma'an and Al-Karak. In addition, the absence of healthy ventilation and lighting has led to the emission of foul odours from some dormitories, particularly in prisons which do not comply with standards of cleanliness, which is consequently reflected negatively upon the health and safety of the inmates, and in the absence of the necessary continuous maintenance as well.
- Some prisons lack the sanitary infrastructure and the appropriate facilities and equipment, such as Jweideh/men prison and Qafqafa. The dilapidation of the infrastructure in Jweideh/men prison has made its closure an urgent necessity in the light of the report issued by the team of the National Centre for Human Rights charged with the visits on 18-7-2007, which called for the prompt closure of this prison because of the deterioration of humanitarian conditions resulting from the age of the buildings and the dilapidation of the infrastructure.
- Most prisons likewise suffer from the phenomenon of overcrowding, for a variety of reasons. The criterion currently applied for determining the holding capacity is confined to 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 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 which this criterion provides. The criterion for determining the holding capacity of a prison ought, however, to be linked to a number of factors, namely: a- the number of beds; b- the size of the areas allocated for accommodation; c- 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 and that they hold numbers exceeding their accommodation capacity, all the prison facilities being used to accommodate those numbers. Overcrowding is thereby directly reflected in the various aspects of the prisoners' lives — accommodation, sleep, cleanliness, health, treatment and other matters.
- Overcrowding has also contributed to the emergence of a marked phenomenon consisting in 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.). Overcrowding is likewise regarded as a direct cause of the failure to apply separation between prisoners on the basis of criminal dangerousness and the type of offence committed, pre-trial detainees being placed together with convicted persons on the one hand, persons convicted of felonies with those convicted of misdemeanours on the other,

and persons with previous convictions and recidivists with those committing an offence for the first time on yet another.

- The prisons have this year, 2007, suffered a real setback in educational, sporting and cultural programmes. Educational programmes (literacy courses) have declined in most prisons and have not been implemented in others (the prisons of Al-Karak, Birein, Aqaba and Ma'an). As for vocational training programmes or craft workshops, they remain concentrated in the prisons of Swaqa, Qafqafa, Jweideh/women and Birein, and serve only a small category of inmates. This is due to the unwillingness of the inmate to enrol in any of those courses on account of the poor psychological and social circumstances of some of them, or to the shortage in the number of courses and programmes implemented in comparison with the number of prisoners.

## **2. Conditions of the prisoners / inmates**

1- The spread of illiteracy in its various degrees among the different inmates and in all prisons. The National Centre for Human Rights recorded the failure to hold literacy courses in a number of prisons (Jweideh/men, Al-Karak, Aqaba), such courses being held in the remaining prisons. The number of beneficiaries of those courses during 2007 reached (257) inmates, as follows: Swaqa prison (109) inmates, Ma'an prison (39) inmates, Birein prison (20) inmates, Qafqafa prison (22) inmates, Al-Balqa prison (49) inmates, Al-Muwaqqar prison (21) inmates. It is to be noted that the numbers of beneficiaries of those courses have declined markedly.

2- The complete absence of legal assistance (advice or judicial representation) provided to prisoners, with the exception of Jweideh/women prison (where the Mizan Law Group for Human Rights provides the service of legal advice and assistance to the female inmates). This is due either to their poverty or to their ignorance of the importance of such assistance and of the possibility of obtaining it, civil society organisations not providing this service inside the prisons. The National Centre for Human Rights had previously addressed the Bar Association on 29-7-2007, following the receipt of requests for assistance submitted by the inmates of correction and rehabilitation centres to the team of the National Centre for Human Rights charged with the visits, with a view to providing legal assistance consisting in 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. The Association has not responded to the requests submitted by those prisoners up to the present date.

3- The deterioration of the social care services provided to prisoners generally in all prisons, and their limited nature in the prisons of Jweideh/men and Jweideh/women, in the following respects:

- a- Social care is still unavailable to the inmates of each of the prisons of (Aqaba, Ma'an and Al-Muwaqqar).
- b- The social services provided through the development delegates working in the prisons are still confined to working to provide spectacles or a medical chair for an inmate unable to afford them, or to conducting certain case studies for a number of prisoners with a view to assisting

the prisoner's family to obtain a monthly allowance from the National Aid Fund, bearing in mind that the volume of financial assistance provided to the families of inmates is provided only in very few cases.

c- The Ministry of Social Development has not conducted any social studies on the inmates in order to identify the causes of crime or the causes of reoffending (recidivism), nor have any programmes relating to aftercare been implemented with a view to preparing the inmate for the stage following his release.

4- The deterioration of the health care services provided to inmates. Most prisons lack fully equipped medical clinics enabling the medical teams to examine and screen sick inmates, and where such units exist they lack the equipment necessary for this purpose. Health care shows a clear decline in the standard of the service provided to inmates, in terms of the shortage of medical staff working inside the medical units, in addition to the acute shortage in dental and dermatological services, the acute shortage in the number of beds allocated to prisons in the public hospitals, the weakness of health supervision over the cleanliness of the centre and over the inmates' food and clothing, the failure to provide certain medicines and treatments to prisoners, the delay in carrying out surgical operations owing to the unavailability of beds, in addition to the spread of certain skin diseases and chest infections in the overcrowded prisons.

- The team of the National Centre for Human Rights concerned with the visits recorded the failure of some prison physicians to perform their humanitarian duty in some prisons (the failure to provide medical care to certain inmates who had injured themselves following the events at Swaqa prison on 26-8-2007), notwithstanding the presence of the prison physician.

As for medicines and treatments, they are dispensed inside the health units to the inmates, whereas high-priced medicines are not secured by the Ministry of Health but are at the inmate's own expense. It is to be noted that specific types of medicine (Panadol or Brufen) are provided to inmates for a variety of different illnesses.

- As for the psychological care provided to prisoners, it is virtually non-existent in some prisons (Al-Karak, Ma'an, Aqaba, Al-Muwaqqar) and is confined in other prisons to a weekly visit by a government psychiatrist, or to referral by the general practitioner in the prison, or by the health centre or the government hospital, to the National Centre for Psychiatric Medicine — this being the position in prisons in which the service is not available.

We must also point out that the limited number of beds allocated to prisoners at the National Centre for Mental Health (55 beds) contributes fundamentally to the continued presence of a number of psychiatric patients inside the prisons instead of their being placed at the National Centre for Mental Health, on the pretext that no beds are available for them. There are (80) inmates at Swaqa Correction and Rehabilitation Centre who need to be placed at the National Centre for Mental Health and who remain inmates of the said prison because of the unavailability of beds. (We

learned on the date of the visit to the National Centre for Psychiatric Medicine on 3/10/2007 that there is an expansion project to increase the number of beds at this centre to (150) beds instead of (55) beds.)

It is also worthy of note that there are approximately (200) inmates of correction and rehabilitation centres who take psychiatric medication and do not receive psychological counselling from psychological specialists inside the prisons, as none are available except at Jweideh/women prison. The psychiatric services provided in the prisons remain confined to curative medical services and have not entered the stage of services aimed at correction and rehabilitation. Among the causes preventing this, the most important are:

- a- The acute shortage of psychiatric medical staff at the Ministry of Health, the number of psychiatrists in the Ministry not exceeding 35 physicians.
- b- The failure to provide psychological specialists working in the prisons to follow up the psychological conditions of inmates alongside the psychiatrist.

According to the statistics of the National Centre for Psychiatric Medicine, 30% of the inmates of correction and rehabilitation centres suffer from personality disorders, particularly (the recidivists among them). If programmes must be implemented with the aim of rehabilitating inmates psychologically alongside the other aspects, then inmates must be followed up by a psychological specialist performing the task of behavioural therapy alongside the physician who performs the task of pharmacological treatment.

It is to be noted that the National Centre for Human Rights addressed His Excellency the Minister of Health with the totality of the observations set out above on 29-7-2007.

5- The low standard of cleanliness in most prisons and the spread of certain infectious skin diseases owing to the failure to provide cleaning and disinfecting materials, the scarcity of water and the failure to provide hot water.

6- The acute shortage of clothing for inmates, whether convicted persons or pre-trial detainees, and the unsuitability of such clothing to their sizes, together with the failure to distinguish pre-trial detainees from convicted persons in terms of dress in a number of prisons.

7- The spread of foul odours in some prisons owing to the low standard of cleanliness, poor ventilation and the spread of damp in a number of prisons, in addition to the existence of problems in the sewage network (Jweideh/men Correction and Rehabilitation Centre).

8- The shortage in inmates' needs in terms of blankets, mattresses and coverings in most prisons.

9- The absence of libraries in a number of prisons, which diminishes the importance of seeking to refine and educate the inmate; and where such libraries exist in some prisons, they consist of a wooden cupboard containing a modest collection of books, in a lamentable state in some prisons.

10- The unavailability of facilities for sporting, cultural and recreational activities in a number of prisons to occupy the inmates' leisure time in a manner beneficial to them and to divert them from

dwelling on the past, recounting tales of delinquency, or engaging in certain harmful sexual practices (sodomy), which have unfortunately become a widespread habit among a number of prisoners.

- Among the solutions proposed are the activation of programmes enabling those with hobbies to pursue their hobbies and develop their capacities in many fields, and the activation of the system of conjugal privacy provided for in the Correction and Rehabilitation Centres Law, in the light of the availability of the necessary places in most prisons.

11- The spread of certain insects and reptiles, owing to the sewage channels in (Jweideh/men) prison, or to the high temperature and the low standard of cleanliness.

12- The unjustified mixing of inmates inside the various centres and the failure to comply with the principle of classification under a series of justifications relating to the inadequacy of the buildings and the shortage of facilities. The classification of inmates and the separation of each category from the others (convicted persons from pre-trial detainees), (persons with previous convictions from those convicted for the first time), (felonies from misdemeanours) and the other criteria of classification (age, type of offence, degree of dangerousness and length of sentence) are not strictly complied with in practice.

### **3. The principal violations and infringements to which prisoners are subjected**

#### **1- Beating, torture and cruel or inhuman treatment.**

The year 2007 witnessed significant events and serious developments in the field of the occurrence of torture violations and of confronting them by the Public Security Directorate, particularly during the last quarter of this year, 2007, and specifically after the riot events at Swaqa prison on 26/8/2007 (and the issuance of the report of the National Centre for Human Rights on those events); and likewise after the issuance of international reports (the report of the Special Rapporteur on Torture, Mr Manfred Nowak), reports by international organisations (the report of Human Rights Watch, after it had been permitted to visit five prisons during this year) and reports by national civil organisations (the Parliamentary Freedoms Committee and the Arab Organisation for Human Rights).

In truth, when speaking of allegations of beating and torture in the prisons, we observed that there is a connection between this subject and the subject of prison riots and prison strikes (this will be dealt with under the heading of observations within this report). One of the principal causes of prison riots and prison strikes is the form of treatment received by inmates inside the prison. Cruel and inhuman treatment and the subjection of inmates to beating were the principal cause of the events at Swaqa prison (26/8/2007) and of the strikes by the inmates belonging to unlawful organisations (a strike refusing to receive visitors at Swaqa prison during the first month of this year); and ill-treatment was the principal cause of the riot events at Birein prison and of the strikes by the unlawful organisations at Jweideh prison (collective hunger strikes).

- We also observed that there is a connection of another kind, in terms of the numbers of complaints and the administration responsible for the prison establishment: it became apparent that there is an increase in the numbers of complaints where the administration in charge is not competent and skilled in dealing with inmates, and a decrease in those numbers where such a competent administration exists. Moreover, the change in the policies of dealing with inmates adopted by some prison administrations towards prisoners (Swaqa and Jweideh) following the escape of two inmates from Jweideh prison on 19/6/2007 led to an increase in allegations of subjection to beating and ill-treatment by the inmates (of the unlawful organisations) at Swaqa and Jweideh prisons.
- The team of the National Centre for Human Rights likewise recorded, through its unannounced visits and through the complaints received by it since the beginning of this year, the continued receipt of certain individual complaints of ill-treatment by inmates against prison personnel, and the continuation of ill-treatment complaints submitted by the inmates of the unlawful organisations against the guards responsible for guarding them, until the middle of the beginning of the month of September, when those complaints declined markedly during the last quarter of this year. It must also be emphasised that the National Centre for Human Rights likewise recorded the seriousness of the Public Security Directorate in investigating all those complaints, its refusal to remain silent regarding any of those violations, its investigation and follow-up of them, its referral of the accused to the Police Court, and its adoption of the measures necessary to address those complaints and to remove their effects immediately, and to improve the living conditions of inmates, in particular the inmates of the unlawful organisations and the inmates of Swaqa prison following the events (to which reference will be made).

The Director of Public Security also issued a memorandum concerning the use of force by Public Security personnel to the extent necessary for the performance of the duties specified by the Public Security Law and so that they should not be exposed to criminal liability. In his memorandum (dated 13/8/2007) he emphasised the importance of complying with the relevant laws, of training personnel in the use of force, and of conducting investigations where resort is had thereto. The Public Security Directorate is also careful to ensure that all amendments made to the laws are circulated to all its personnel, the latest being the amendment made to Article 208 of the original law pursuant to the amendment by Temporary Law No. (49) of 2007, on 6/12/2007.

- The events at Swaqa prison: these events occurred on 26-8-2007 during the visit of a delegation of Human Rights Watch to the said prison, by reason of the deterioration of humanitarian conditions inside the prison since 22-8-2007, that is, since the then prison director assumed his duties. A collective disturbance broke out among the inmates as a result of their injuring themselves with pieces of ceramic tile, on account of their subjection to beating and torture with electric cables and sticks, together with the shaving of the hair of the head and the beard and the use of threatening and provocative expressions by the director, officers and personnel of the said centre against the inmates of this prison. Those

events resulted in the injury of more than 360 inmates. Following the visit of the team of the National Centre for Human Rights to the said prison on 27-8-2007, the prison director was relieved of his duties by the Director of Public Security and an investigation board was formed. The director of the centre and a number of officers and personnel were referred to the Police Court, where the said prison director was convicted and sentenced to the penalties prescribed by law (the National Centre for Human Rights learned that the penalty was imprisonment for two months only).

It should be noted that the National Centre for Human Rights addressed His Excellency the Prime Minister, the ministries and the bodies concerned regarding those events on (28/8/2007).

- Following the events at the said prison and the appointment of a new director for it, the National Centre for Human Rights recorded a radical change in the policies of dealing with prisoners at Swaqa prison and in all Jordanian prisons. Complaints of subjection to beating and ill-treatment declined and were indeed absent in a number of prisons; only the complaints of the inmates of the unlawful organisations concerning ill-treatment by the (Special Security Forces) responsible for guarding remain outstanding and continuing.
- The number of complaints received by the Office of Grievances and Human Rights and the Legal Affairs Department at the Public Security Directorate relating to cases of beating and ill-treatment reached (15) complaints, of which (6) complaints were referred to the Police Court, (5) complaints were the subject of a decision barring trial, and (4) complaints were tried before the unit commander.
- The complaints received by the National Centre for Human Rights relating to prisons reached (38) complaints, of which (3) complaints were outside its jurisdiction, (1) complaint was tried before the Police Court, (11) complaints reached a satisfactory outcome and (23) complaints are under follow-up — this excluding the collective complaints submitted by inmates during the riots and strikes, the complaints of the inmates of the unlawful organisations at Jweideh and Swaqa prisons, and the complaints of the inmates of Swaqa prison concerning subjection to torture on 26/8/2007.

## **2- The length of the period of judicial detention and the rise in the numbers of judicial detainees**

Jordanian prisons are witnessing a rise in the numbers of judicial detainees, their number during the period of the visits of the team of the National Centre for Human Rights charged with the visits having reached (3260) judicial detainees among Jordanian citizens, in addition to (402) detainees holding Arab and other foreign nationalities, held to the order of the courts and the public prosecutors.

A continued rise is observed in the numbers of persons held in judicial detention to the order of the courts, this figure having risen by (79) judicial detainees over the previous report, the number of judicial detainees in the previous report having been (3181) judicial detainees. The periods of detention of these persons range from one week to three years (1- the detainee A.N. and 2- the

detainee S.B., held to the order of the Public Prosecutor of the State Security Court, both being inmates of Swaqa Correction and Rehabilitation Centre; and 3- the detainee M.A., held to the order of the Public Prosecutor of the State Security Court at the General Intelligence Department). Persons were met whose detention had exceeded seven months without their having been served with an indictment, or brought to trial, or their cases considered (the State Security Court and the Grand Criminal Court), notwithstanding that continued detention affects negatively all the economic, social and psychological aspects of the life of the inmate and his family.

- The primary cause of this situation is the expansive resort to detention by the public prosecutors, although the law indicates that the public prosecutor or the person acting in his place issues the detention order where he finds grounds making it probable that the accused committed the offence attributed to him. In reality, however, the detention order is issued at the beginning of the stages of the investigation, and only in a small proportion of cases is no detention imposed. In addition, the use of detention and its renewal as a means of pressure upon persons in order to induce them to reconcile with their opponents has become widespread. It is observed that there is great ease in litigants obtaining medical reports after alleging before the police that they have been subjected to injury, with the aim of having the other party detained, which has also contributed to the marked rise in the numbers of judicial detainees.
- Accordingly, we find that the judicial authority must promptly study this subject in the light of the international and national standards which would ensure that detainees enjoy legal guarantees and the guarantees of a fair trial during the period of the trial, and must devise appropriate solutions and study the reasons for the failure to determine promptly the cases brought before the judiciary, since the periods of detention exceed the term of the penalty, and sometimes, after such a long period, the competent court issues a decision of acquittal or of no responsibility. Detention also imposes a burden upon the State treasury and constitutes an additional financial burden.
- The second situation is that of remaining in prison after the expiry of the period. This is due to the fact that the administrations of correction and rehabilitation centres do not exercise their legal function of releasing a person whose period of detention or sentence has ended; rather, they await a release letter from the body which issued the detention or imprisonment order. From another standpoint, one of the causes may be the failure of those administrations to use the computer, notwithstanding its availability, so that those charged with the work need not take the trouble of searching the period of the inmates' or detainees' stay. This problem becomes apparent in the case of persons who have no one to follow up their affairs outside the prison.

### **3- Administrative detention**

a- A rise was observed this year in the numbers of administrative detainees during the period of the visit of the team of the National Centre for Human Rights, reaching (707) detainees among Jordanian citizens and (179) foreign detainees. A rise is observed in the numbers of administrative

detainees over the previous report by (117) administrative detainees, the number of administrative detainees in the previous report having been (590) administrative detainees.

- In a clear development this year, 2007, an increase was also observed in the number of female administrative detainees: the number of women administratively detained on the date of the visit to Jweideh/women Correction and Rehabilitation Centre on 1/10/2007 reached (81) female administrative detainees, against the background of a variety of cases.
- The rise in the numbers of administrative detainees at Jweideh/men Correction and Rehabilitation Centre on the date of the visit, 18/7/2007, to (313) administrative detainees, of whom (32) were foreign administrative detainees, has created a series of legal and practical difficulties owing to the problem of overcrowding — bearing in mind that the periods of administrative detention of (291) of them ranged between one week and four months, the cause of detention being the inability to furnish the required bail, whereas (32) foreign detainees, some of whom had been in detention for three years, were held either because of the inability to furnish bail, or pending deportation procedures, or pending the determination of the detainee's case. All of this results in imposing multiplied costs upon the State treasury.

**b- The policy of remoteness: an additional hardship for prisoners and their families.**

Notwithstanding the distribution of prisons across most of the governorates of the Kingdom, which means that there is at least one prison in the area in which the prisoner's family resides, quite apart from the existence of prisons in nearby governorates, some administrative governors and the administrations of some prisons have persisted at times in housing administrative detainees, for lengthy periods, in areas remote from the place of residence of their families, routinely and continuously moving them from one prison to another, which entails an additional material and moral cost for the inmate's family. Their families are moreover sometimes not notified in advance of the sudden transfer of prisoners from one prison to another.

c- Abuse by the administrative governors of the power of detention, in terms of the length of the periods of detention, which in Jweideh/women prison exceeded (fifteen years) for one female inmate. This makes administrative detention a punishment imposed by the administrative governor without his possessing the legal power to impose it, and constitutes a grave violation in the application of the law. We also point to the phenomenon of returning persons who have served their terms of imprisonment to detention once again in the correction centre on the basis of detention warrants issued by the administrative governors, on the ground that such persons have previous convictions or are recidivists and that they constitute a danger to society, so that they are not released save upon giving an undertaking or bail or discharging social or legal obligations (a tribal reconciliation deed).

**d- The unjust detention of certain detainees by administrative decision**

In addition to what has been set out above concerning administrative detention, other cases of administrative detention have been recorded, examples of which are:

- The detention of vegetable traders who protested against the treatment they received from market inspectors.
- The detention of street vendors after their arrest.
- The detention of persons on account of cases pending before the court.
- The detention of persons in order to compel them to reconcile with their opponents notwithstanding their non-recognition of their opponents' claims.

The National Centre for Human Rights addressed the Minister of the Interior by its letter dated 22/7/2007 concerning the necessity of reconsidering the applications of the Crime Prevention Law in the light of the recommendations issued by the committee formed for that purpose, comprising the Minister of Justice (chairman of the committee) and, as members, the Minister of the Interior, the Director of Public Security, the Governor of the Capital and a delegate of the National Centre for Human Rights, which submitted its recommendations to the chairman of the committee on 30/8/2006. Among the most prominent of those recommendations were:

- 1- The call for administrative governors not to resort to applying the provisions of the Crime Prevention Law on the mere suspicion or belief that a person is about to commit an offence or to assist in its commission, pursuant to the power granted to the administrative governor under this Law (Article 3, paragraph 1), but rather on the basis of confirmed information and strong suspicion that the person is about to commit serious offences, and to confine this also to serious offences against the person only.
- 2- The call for the necessity that administrative governors abide by the terms of Article (5) of the Crime Prevention Law of 1954, in terms of the necessity of following the same procedures as are followed before the courts of first instance, so that their decisions should not be vitiated by defects rendering them liable to annulment by the administrative judiciary.
- 3- The call for the establishment of a criminal record register at the Ministry of Justice based upon final judicial judgments, instead of reliance upon previous records held by the security agencies, for the sound implementation of the provisions of the law. Pending the establishment of this register, the committee recommended that administrative governors should not resort to applying the provisions of the Crime Prevention Law merely on the possibility that a person may commit an offence again, but rather that administrative governors should require the security agencies to attach the decisions of the courts confirming the person's habitual commission of this type of offence.
- 4- The call for administrative governors not to resort to applying the provisions of the Crime Prevention Law to any person on the basis that he constitutes a danger to society. In this framework the committee recommended the necessity of holding courses for administrative governors through which the legal point relating to this subject and the extent of its effect upon the rights of crime victims would be explained. The committee also called for the necessity of activating the powers of the members of the public prosecution so that they may exercise their role of investigating directly with the accused.

- It was also observed during this year that the inmates of correction and rehabilitation centres resorted to hunger strikes in all Jordanian prisons in protest against the unjust administrative decisions taken against them; reference will be made to this under the heading (prison strikes).

#### **4- Missed court sessions**

Cases were recorded in which a detainee does not attend the sessions of his trial because there is no place for him in the vehicle on that day, or because there is no vehicle allocated on that day to proceed to the court in which his session is held, or because the notification papers have not reached the prison, or as a result of the large number of inmates in the prison vehicle who are distributed to different courts or to hospitals.

#### **5- The return request**

The return request is a practice on the part of the security centres and police directorates consisting in attaching a note to the inmate's file by the security centre which initially arrested him, to the effect that the inmate 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.

The worst feature of the return request is that it destroys the morale of the inmate awaiting his freedom, since during the return he is escorted to the police directorate in order to be received by the security centre, which considers his case: it either releases him or refers him to the administrative governor, who in turn requires from him an undertaking or a reconciliation — all of which entail an admission of an offence which he has seldom committed. Worse than these two situations is that of the person who obtains a judgment of acquittal and from whom such an acknowledgement is required.

#### **6- Unpaid and paid employment**

Some inmates complained that they perform cleaning work, cooking work and the service of those in charge of the centre without remuneration; and some also complained that they are 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.

#### **7- Raising the prices of necessities inside the centre**

The canteen of the correction and rehabilitation centre sells underwear, cigarettes and shaving implements at a price higher than the market price to inmates who have no other options.

#### **8- Deprivation of political rights**

- It is not open to inmates to cast their votes in any elections, even before judgments have been issued against them while they are pre-trial detainees, which infringes the principle

of the presumption of innocence until guilt is proved and the right to participate in political life. No inmate participated in the municipal or parliamentary elections held during 2007.

9- The shortness of the exercise period in some prisons and the failure to allow prisoners exercise in some prisons owing to the unavailability of exercise yards (Al-Karak prison) or to high temperatures (Al-Muwaqqar and Aqaba prisons).

10- The problem of restraint during transfer to the courts and hospitals. Transporting a prisoner in this manner involves cruelty and humiliation and is, moreover, painful for persons suffering from chest complaints 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, together with the suffering caused by the time taken to transport inmates from their prisons to the courts, which may extend to many hours because of the number of destinations visited by the vehicles allocated for their transport (the cell), prisoners being delivered to the various courts throughout the Kingdom — all of this by reason of the acute shortage in the number of vehicles allocated for transporting these wanted persons to the various authorities.

11- The unfitness of water for drinking in some prisons, and the inadequacy of the meals provided.

12- Provocative search procedures for some prisoners (stripping), whether collectively (the inmates of the unlawful organisations) or individually, upon leaving for and returning from the courts or hospitals, and upon the storming of rooms; and likewise the procedures for searching the female visitors of the inmates of the unlawful organisations.

13- Depriving prisoners of visits by friends and relatives, with the exception of foreign inmates, who are permitted such visits.

14- The shortness of the period allowed to the inmate for making telephone calls and their subjection to strict monitoring; postal correspondence is also subject to monitoring and the confidentiality of such correspondence is not preserved.

### **The administrations responsible for the prisons**

The administrations responsible for the prisons vary in the professional experience and qualification required for the administration of the prison establishment. Notwithstanding that some officers have received basic training for work in this establishment and enjoy competence and good management, the absence of a desire to work stands as an obstacle to the sustainability of the process of development and modernisation pursued by the Public Security Directorate.

- During 2007 the National Centre for Human Rights recorded a continual change of prison administrations, and the instability of some administrations which had achieved good results was reflected in the conditions of the prisons generally. A competent administration plays the greatest role in improving the conditions of those establishments and in humanising prison conditions, whereas the opposite occurs where an incompetent administration takes charge. In truth, a number of directors have assumed the posts of administering those establishments, some of them remaining at the head of their work and

some of them enjoying high professional and occupational expertise alongside good management.

- Regrettably, service in this establishment still does not constitute a sufficient incentive for the best competences and elements to compete for it; on the contrary, a large proportion of police officers still shun service in prisons and regard it as diminishing their capacities and their opportunities of assuming leadership positions. Notwithstanding the granting of certain privileges to those working in this establishment, they remain incommensurate with the volume of responsibility resting upon the staff in terms of the nature of their work, which involves a considerable degree of danger and psychological exhaustion.

As regards training and qualification for work in this establishment at the level of the personnel employed, the Correction and Rehabilitation Centres Administration has, since the first month of 2007, held basic courses with the aim of preparing and qualifying those working in correction and rehabilitation centres, in cooperation and coordination with the International Committee of the Red Cross and the National Centre for Human Rights.

The Public Security Directorate also created the project of an Office for the Development of Correction and Rehabilitation Centres during the month of June 2007, with the aim of laying down strategies and preparing modern plans and mechanisms to achieve the objective of correction and rehabilitation, in partnership with a specialised company, with a view to training those working in correction and rehabilitation centres; reconsidering the bases and criteria relating to the selection of the personnel of correction and rehabilitation centres; developing the training programmes of the centres in accordance with the relevant international standards; developing and rehabilitating the infrastructure of the existing correction and rehabilitation centres; and reviewing and jointly preparing, with experts, the buildings to be erected or under construction.

The said Office, in cooperation with the Office of Grievances and Human Rights and the National Centre for Human Rights, implemented the first training workshop for the directors of correction and rehabilitation centres on 28/10/2007.

#### **4. Observations**

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 us to be of a degree of importance, namely:

##### **a. Prison riots.**

During 2007 the National Centre for Human Rights recorded the occurrence of cases of rioting among prisoners, at both Birein prison and Swaqa prison.

- The events at Birein prison: these events occurred on 10-3-2007, when a group of inmates numbering (50) engaged in disturbance and insubordination and used pieces of ceramic tile to slash themselves, on account of the ill-treatment they received, the strictness in applying the instructions — including not permitting inmates to wear sports clothing and not

allowing sufficient exercise time — and the poor quality of the food. This resulted in the injury of more than 35 inmates, who were provided with medical care at the government hospitals at the time and obtained medical reports stating that their general condition was good.

An investigation board was formed into these events, and the prison director was assigned to take the legal and administrative measures against the officers and personnel relating to their failure to perform their duty, and to try all the inmates on charges of mutiny, insubordination and self-inflicted harm.

- The events at Swaqa prison (reference has been made to them).

The National Centre for Human Rights considers that the subject of prison riots is one of the subjects which must receive attention from officials, experts and specialists in this field. It is observed that prison riots and the inmates' resort to disturbance and to injuring themselves, or even their resort to hunger strikes, are the result of inevitable and familiar reactions to the conditions prevailing inside the prisons, and occur when the bodies concerned do not heed their complaints, or when they find no way of conveying those grievances to those concerned outside the prison walls.

#### **b. Prison deaths**

Prison deaths during 2007 reached (17) cases of death, including two cases of suicide at Qafqafa centre. The deaths of 16 of them were considered natural (with the exception of the circumstances of the death of the inmate (F.Z.) from Aqaba prison), in the light of the forensic medical reports and the decisions of the investigation committees formed, a medical history being available for them according to those reports.

For its part, the National Centre for Human Rights considers that there are three other deaths, in addition to (the circumstances of the death of the inmate F.Z.) from Aqaba prison, which ought to have been investigated more extensively, namely:

- 1- The circumstances of the death of the inmate (A.T.) at Swaqa prison during the month of August 2007, which were attended by certain suspicions according to the testimony of the prisoners of the said centre; the forensic physician's report (obtained from the Public Security Directorate and not from the National Centre for Forensic Medicine, which refused to provide the Centre with the forensic medical reports) nevertheless stated that the death was natural, and the investigation committee formed into the circumstances of the death of the said inmate likewise reached this conclusion.
- 2- The circumstances of the death of the two inmates who committed suicide at Qafqafa prison — a case calling for further examination and investigation.

And the circumstances of the death of the inmate (F.Z.) at Aqaba prison, into the causes of which an investigation board was formed, the accused from the establishment of the said prison having

been referred for trial before the Police Court on charges of (beating leading to death, abuse of authority and negligence in the performance of duty); the case is still under consideration.

The deaths were distributed among the prisons as follows: Swaqa (9) deaths, Birein (1) death, Aqaba: the death of (F.Z.), Qafqafa (5) deaths, of which (2) were suicides, Jweideh/women (1) death.

It should be noted that cases of death inside prisons are due in their entirety either to advancing age, 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. What is required is forensic medical reports and investigation boards that are more specialised and more impartial.

- Since we are convinced that medical documentation relating to the condition of a detainee or a prisoner ultimately aims at combating torture, and that this is a role entrusted also to physicians, the National Centre for Human Rights renews its call to the National Centre for Forensic Medicine to cooperate with regard to the communications addressed to it by the National Centre for Human Rights for the purpose of obtaining the forensic medical reports needed to document those cases — communications previously addressed to the said centre without any response, contrary to the provisions of Article (8) of the National Centre for Human Rights Law No. 51 of 2006, which gave the Centre 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.

### **c. Prison strikes — hunger strikes and strikes refusing to receive visitors**

During 2007 the pace of these strikes escalated. This year had scarcely begun when approximately (50) inmates from among the inmates of the unlawful organisations at Jweideh/men prison declared an open-ended hunger strike until their demands were met, in protest at their living conditions inside the prison. Swaqa prison also witnessed a strike of another kind, namely a strike refusing to receive visitors, in which (119) inmates went on strike because of the poor prison conditions and the treatment received by their visitors, in particular the women (search procedures). 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.

- Through its visits, its meetings with the strikers and its observation of their living conditions inside the prison and of the form of treatment received by them or by their visitors, the National Centre for Human Rights found that there is a real problem faced by these prisoners when resorting to a strike, since the result is that some of their demands — which are regarded as legal and fundamental — are met (particularly as regards living conditions inside the prison and the form of treatment with which they must be treated, especially the inmates of the unlawful organisations at Jweideh and Swaqa prisons).

- The National Centre for Human Rights also recorded this year an increase in the volume of strikes and their extension to all prisons: those strikes reached (867) strikes up to 31/10/2007, the causes being in the main the determination of the inmate's case, his release, or his transfer to another centre. This excludes the strikes of the inmates of the unlawful organisations at Jweideh prison (two collective strikes during the first month and the last month of 2007) and at Swaqa (three collective strikes: the first refusing to receive visitors, by (119) inmates during the first month of 2007; the second a hunger strike by (5) inmates on 31/1/2007; and the third a strike by (25) inmates during the months of June and July, on account of the form of treatment (ill-treatment and their being beaten by the personnel responsible for guarding them and by members of the Special Police establishment, following the escape of two of the inmates of Jweideh prison belonging to the unlawful organisations on 19/6/2007, when the personnel of the Centres Administration and the Preventive Security Department took over dealing with the inmates of this dormitory)). The causes of their strikes are also due in general to the deterioration of their 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 and searching their female visitors, not being permitted to have clothing brought in, and the shortness of the period of telephone calls). As a result of these strikes the Public Security Directorate responded to their lawful demands, and an improvement was observed in their living conditions inside those prisons (Swaqa) during the last quarter of 2007. It remains for the conditions of the inmates of those dormitories at Jweideh/men prison to be improved, their living conditions still being poor, which is what prompted (10) inmates of those dormitories to go on hunger strike on 14/12/2007.

Those strikes were distributed among the prisons as follows: Jweideh/men (289), Birein (92), Swaqa (119), Ma'an (87), Al-Karak (28), Aqaba (53), Qafqafa (93) — including the strikes of the four prisoners during the month of November of this year, 2007 (on account of their being deprived of leave) — Al-Balqa (29), Al-Muwaqqar (53), Jweideh/women (24).

- Because of the measures taken by the administrations of those prisons in dealing with the strikers, the National Centre for Human Rights addressed the Public Security Directorate concerning the necessity of reconsidering the procedures for dealing with striking inmates, in terms of placing them in solitary confinement until they abandon the strike for long periods exceeding a week (contrary to the provisions of Article 38 of the Correction and Rehabilitation Centres Law No. 9 of 2004), and of securing medical supervision. Instead of this measure, the Centre recommended the necessity of dealing with these cases through experts and psychological and social specialists, with the aim of preserving their psychological and physical equilibrium by making use of their energies in a manner that preserves order inside the prisons and reduces the negative and hostile reactions which may issue from inmates as a result of the penalty of solitary confinement. Those administrations have been accustomed to dealing with this subject on the basis that it is an infraction requiring the imposition of a penalty upon the inmate for breach of the instructions relating

to the correction and rehabilitation centre (contrary to Article 37/s of the Correction and Rehabilitation Centres Law No. 9 of 2004) — bearing in mind that the Correction and Rehabilitation Centres Law has not addressed the subject of strikes. As appears from the foregoing, strikes have objective and genuine causes; consequently, dealing with striking persons on the basis that they are in breach of the instructions of correction and rehabilitation centres and placing them in solitary confinement for periods exceeding the statutory periods has become unacceptable, and constitutes a violation of the law and of the international standards, foremost among them Principle (7) of the Basic Principles for the Treatment of Prisoners of 1990, which encourages the abolition of the penalty of solitary confinement or the restriction of its use. General Comment No. (20/44) on Article 7 of the International Covenant on Civil and Political Rights also indicated that prolonged solitary confinement may fall within the prohibited acts, while the European Committee for the Prevention of Torture went further, considering that this measure amounts to inhuman and degrading treatment.

#### **d. Inspection of prisons**

The number of visits by public prosecutors and judicial bodies to correction and rehabilitation centres this year, up to 31-10-2007, reached (49) visits, as follows: Jweideh prison (9) visits, Swaqa (4) visits, Birein (2) visits, Ma'an (5) visits, Al-Karak (10) visits, Aqaba (4) visits, Qafqafa (4) visits, Al-Balqa (5) visits, Al-Muwaqqar (2) visits, Jweideh/women (4) visits.

The National Centre for Human Rights observes a decline in the number of judicial visits to the prisons, notwithstanding the powers granted to the judiciary by Article (8) of the Correction and Rehabilitation Centres Law No. 9 of 2004 in terms of oversight of prisons, combating torture, inspecting the records and the separation of each category from the others. This role nevertheless remains ineffective in the required manner, as is clear from the statistical figures set out above; for notwithstanding the existence of the legal text which guarantees and establishes this supervision, it still lacks the clear mechanism which would render it periodic supervision.

- The National Centre for Human Rights had previously addressed His Excellency the President of the Judicial Council concerning the necessity of activating this power, on 29-7-2007, with a view to confronting the problems of prisoners relating to the length of judicial procedures, the length of the periods of judicial detention before and during trial, the problem of the failure to attend court sessions on their appointed dates and the problems of notification between the courts and the prisons, in addition to monitoring and following up the conditions of prisoners.

#### **e. The principal positive and negative developments which occurred in the prisons during 2007**

##### **a- Positive:**

1- The opening of the doors of the two centres of Swaqa and Al-Muwaqqar to the delegates of the local and foreign media (Ain al-Haqq) on 27 March 2007.

2- The opening of Al-Muwaqqar Correction and Rehabilitation Centre, at a distance of (55) km and over an area of (90) dunums, on 7/5/2007, and the transfer of (1000) inmates to it. It should be noted that this prison is a model prison built to high specifications. Work has also begun on building a new prison in the area of Umm al-Lulu / Al-Mafraq.

3- The transfer of four Jordanian prisoners serving life sentences in Israeli prisons since 1990 to Qafqafa prison during the month of July 2007. The treatment they receive, which is regarded as different from that of the remaining inmates (leave outside the prison, not being required to wear prison clothing), was monitored. These persons went on hunger strike during the month of November of this year because of their being deprived of leave, and the National Centre addressed both the Minister of Foreign Affairs and the Director of Public Security in order to ascertain the legal status of these prisoners in the light of the transfer agreement between the Jordanian Government and the Israeli Government and in the light of the provisions of the Correction and Rehabilitation Centres Law No. 9 of 2004.

4- The placing of complaint boxes in all correction and rehabilitation centres, supervised by the Office of Grievances and Human Rights / Public Security Directorate.

5- Permitting Human Rights Watch to visit five prisons (Al-Muwaqqar, Swaqa, Al-Balqa, Qafqafa, Aqaba) and to meet inmates individually.

6- The opening of the Office for the Development of Correction and Rehabilitation Centres (reference has been made to its role).

7- Supplying prison libraries with foreign books for foreign inmates and providing the libraries with new books.

8- Vaccinating all inmates with the hepatitis vaccine at the expense of the Ministry of Health, at a cost of (47) thousand dinars.

9- Commencing the distribution of leaflets to inmates upon their admission setting out their rights and duties.

10- Issuing instructions prohibiting the use of castor oil on inmates suspected of possessing narcotic substances.

11- Permitting postgraduate students to bring in books and references and to prepare their academic studies.

12- Issuing instructions to the directors of the centres to provide sports grounds, to facilitate the pursuit by inmates of their sporting and artistic hobbies, to develop production lines in the craft trades (carpentry, blacksmithing) and animal production activities.

#### **b- Negative:**

1- The escape of two inmates from Jweideh/men prison on (19/6/2007), namely the Jordanian (M.N.), sentenced to ten years for the offence of planning a terrorist operation, and the Iraqi (S.N.), sentenced to life imprisonment for the possession of explosive materials and conspiracy to carry

out military operations. The Jordanian inmate was arrested, and (17) policemen from the establishment of Swaqa prison were referred to the Police Court (on charges of negligence in the performance of duty, negligence in failing to lock the doors, negligence in searching inmates' deposits, and breach of orders and instructions), while the principal accused, holding the rank of corporal, was charged with (bribery, facilitating the escape of a convicted person, engaging in commercial activities, abuse of the authority vested in him, and breach of orders and instructions).

2- The riot events at Birein (reference has been made to them).

3- The riot events at Swaqa (reference has been made to them).

## **Section Two: Places of temporary detention**

### **a. Places of temporary detention at Public Security**

These are the lock-ups of the security centres and police directorates, the lock-ups of the security departments (the Anti-Narcotics and Counterfeiting Department, the Criminal Investigation Department, the Preventive Security Department, the Family Protection Department) and the Aliens Detention Centre.

Security lock-ups and the lock-ups of police directorates are spread throughout all the governorates of the Kingdom. These places are regarded as places of custody in which arrest and apprehension orders are executed. The law permits the detention of persons in security centres for a period of 24 hours, and the judicial police are also permitted the power to arrest persons and to keep them for a period of seven days, where necessary, where they are suspected of having committed any of the offences falling within the jurisdiction of the State Security Court — bearing in mind that this power is regarded as contrary to the general rule laid down by the Code of Criminal Procedure, namely a period of 24 hours, after which they are to be referred to the competent judicial authorities (to the order of the courts and the public prosecutors). Detainees are also kept for a period exceeding a week to the order of the administrative governor under the Crime Prevention Law of 1954.

What actually happens in practice is that there are transgressions of, and circumventions of, the provision relating to the statutory period of arrest, namely (24) hours: accused persons continue to be held for long periods exceeding a week on the basis of the Crime Prevention Law, and sometimes without reliance upon that Law. The team of the National Centre for Human Rights concerned with the visits recorded that there is a situation to which people have become accustomed, namely the existence of detention warrants at the security centres and security departments issued by the administrative governor to extend the custody of persons week after week on the pretext of the investigation, and the issuance of an order by the administrative governor for the continued custody of the persons wanted by him beyond this period. On many occasions the detainee is also moved to a number of security centres in order to circumvent the provision relating to the statutory period of arrest.

### **The Aliens Detention Centre**

This centre is located in the capital, Amman, and is designated for the custody of aliens pending their deportation. They are held on the basis of warrants issued by the administrative governors pending their deportation to their States, either for breach of the conditions of residence within the Kingdom or pending the provision of a guarantor.

- It is worthy of note that many of the cases involved persons who were not bound by the conditions of residence; there are a number of persons whose custody continued for a long period for want of a guarantor; and most of the procedures to which these persons are subjected arise from the expansive use by the police, the administrative governor and certain security bodies of their powers. The number of aliens of both sexes deported from the Kingdom reached (6240) persons during this year.

### **1- The environment of places of temporary detention (buildings, installations, service facilities and their equipping, and the standard of the services)**

- Buildings: most of these buildings are regarded as old and damp is widespread in most of them; they are also of limited area, which leads to the overcrowding of those places with detainees.
- Location of the lock-ups: the majority of the lock-ups are located on the ground floor (basement) of the building of the security centre, the police directorate or the security departments, which affects negatively the temperature and ventilation in summer and winter; natural lighting is likewise virtually non-existent in most of them.
- Cleanliness and sanitary facilities: cleanliness is regarded as acceptable in most of the lock-ups of the security centres and police directorates, and good in the lock-ups of the security departments (the Anti-Narcotics and Counterfeiting Department, the Criminal Investigation Department, the Preventive Security Department, the Family Protection Department) and the Aliens Detention Centre. As for the sanitary facilities, most of them are not available inside the lock-ups but outside them, which makes it difficult for detainees to reach them easily.
- Food: one meal is allocated to detainees in all the lock-ups; as for the breakfast and dinner meals, the detainee bears their cost at his own expense.
- Bedding and coverings: available in most lock-ups, consisting of foam mattresses and blankets; as for the lock-ups for women and juveniles, beds and blankets are available inside them in a number of police directorates.
- Lock-ups for women and juveniles: these places are not available in a large number of police directorates and security centres, women being held at the Women's Detention Centre / Jweideh, while juveniles are held at Al-Zuhour Security Centre / Amman, Al-Hassan Security Centre / Al-Zarqa and Aqaba Security Centre; as for female juveniles, they are held at Al-Khansa Centre.

- Places designated for the performance of religious rites: there are no places designated for the performance of religious rites and acts of worship, prayers being performed inside the lock-ups.
- Health care: provided where necessary through the government hospitals within the area of jurisdiction.
- Records and the safekeeping of deposits: in all the lock-ups there are organised registers setting out the custody, its date and the name of the officer who issued the custody order; there are also special places for the safekeeping of deposits.
- Water: drinking water is not available inside the lock-ups.
- Classification: none of the criteria of classification guaranteed by the international and national standards is followed when holding detainees on the basis of criminal dangerousness.

- During 2007 the Public Security Directorate established model temporary custody places (Tariq Security Centre / Tabarbour, Suweileh Security Centre, and Rehab Security Centre / Al-Mafraq). These centres were established in accordance with the relevant international and national standards in terms of the buildings erected, the readiness and diversity of the facilities, and having regard to the provision of special places for holding juvenile and female detainees and the provision of special rooms for those attending the security centre to wait in.

## **2- The conditions of detainees in places of temporary detention and their problems**

As a result of the shortcomings from which the environment of places of temporary detention suffers, alongside certain transgressions which may occur in some places by those responsible for the administration, and alongside the deficiency of certain national legislation, the National Centre for Human Rights has recorded certain violations which are regarded as transgressions against the rights of detainees guaranteed by the relevant international and national standards, including:

- 1- The acute shortage in the services provided to detainees in terms of the meal provided and the bedding and coverings with which the detainee is supplied inside the lock-up, as a result of overcrowding in those places.
- 2- The detainee's loss of contact with the outside world and of the receipt of visits by members of his family and his friends, and his deprivation at times of making a telephone call to his family to inform it of his whereabouts, at certain security departments, on the pretext of the confidentiality of the investigation.
- 3- His deprivation of the right to be assisted by a lawyer, since the relevant Jordanian laws have not provided this right to the accused save at the stage of the preliminary investigation and the trial only, thereby giving the judicial police officers of the police the right to investigate with the accused without his having the right to be assisted by a lawyer during the period of the initial investigation.

4- Holding the accused in a solitary confinement cell devoid of a sanitary facility and lacking natural lighting and healthy ventilation, for long periods exceeding two weeks (pursuant to a detention warrant issued by the administrative governor at certain security departments during the stage of the initial investigation).

- It is observed that resort to the Crime Prevention Law in the field of judicial apprehension has become a disturbing phenomenon and a measure threatening the right to liberty and personal security. The application of the Crime Prevention Law in the manner in which it takes place therefore constitutes a clear breach of the international and national standards and an abuse by the administrative governors — bearing in mind that the total number of persons detained pursuant to administrative decisions up to 31-10-2007 reached (12,178), of whom (10,214) were Jordanian citizens and (1,964) of other nationalities.

5- The breach by certain judicial police officers of the law and their exceeding of the powers granted to them under Article (100) of the Code of Criminal Procedure, and their exercise of the power of the public prosecutor to interrogate accused persons instead of adhering to their legally defined power, which is to hear the statements of accused persons and to refer them to the competent public prosecutor within a period of (24) hours.

This breach is perhaps the most prominent of the violations to which a detainee is subjected, and constitutes an infringement of the guarantees of a fair trial which must be provided to the detainee at the stage of the initial investigation (inquiry and evidence-gathering).

6- The failure to deposit with the public prosecution — which is the competent investigating authority — the investigation papers and apprehension records (case files) drawn up by judicial police officers during the period of the initial investigation, for long periods; persons' liberty and the investigation papers are held by the police and the public prosecution is not notified, owing to the absence of a deterrent measure for breach of Article (49) of the Code of Criminal Procedure. Certain security departments have become accustomed to this on several grounds, foremost among them the preservation of the security and safety of citizens from those who break the law.

7- Resort to submitting the cases of wanted persons with previous records to the judiciary successively, and pending the execution of the prison sentence in each case separately, on the pretext of protecting the security of society and defending "national interests".

8- Resort to depriving persons of their liberty and ordering apprehension measures to be taken against them on the pretext of security considerations and the preservation of the security of society, under the Crime Prevention Law and by means of return requests.

9- Subjection to beating, torture and ill-treatment (insult, abuse and humiliation) during the stage of the preliminary investigation (inquiry and evidence-gathering) at certain security departments. This matter remains one of the matters which are difficult to prove and which require the taking of immediate measures to ensure the referral of those responsible for such transgressions to the competent judiciary. Notwithstanding the legislative amendments made to Article 208 pursuant to Temporary Law No. 49 of 2007, the question of proving the fact of torture before those bodies

remains one of the important procedural elements which are difficult to establish in practice, in the light of the following factors:

- 1- The prolongation of the period of detention pursuant to administrative detention decisions.
- 2- The disappearance of the traces of physical violence owing to the length of the periods of detention at those bodies pursuant to administrative detention warrants.
- 3- The impossibility of the existence of witnesses or forensic medical reports, as a result of the loss of contact with the outside world and the confidentiality which accompanies the stage of the preliminary investigation (inquiry and evidence-gathering).
- 4- The difficulty for victims of identifying the perpetrators from among the judicial police officers, since the person who exercises coercion does not take charge of recording the statement, and consequently that statement is regarded as lawful and as conclusive evidence after hearing the statements of the officer who recorded it to the effect that the person gave it voluntarily and of his own choice.
- 5- The absence of effective judicial oversight of places of detention (the lock-ups) contributes to a large extent to exposing detainees to ill-treatment and to physical and psychological coercion; and even where such oversight is available, the continued referral of perpetrators to the Police Court would prevent their being brought before the independent regular courts.

Although the provisions of the Penal Code and the Code of Criminal Procedure and the jurisprudence of the Court of Cassation are clear as to the impermissibility of basing a conviction upon a statement or confession obtained by coercion, there remains the deprivation of the right to submit a grievance to the competent bodies and to lodge complaints during the period of the initial investigation before the police, given the complete confidentiality which prevails over the investigation, the fear of the representatives of the police lying in wait for them a second time if they lodge a complaint, and the conviction of some of them of the futility of lodging complaints with the security agencies, these being the bodies competent to conduct the investigation, so that judicial police officers will not issue decisions incriminating their colleagues.

The practical reality in places of temporary detention, in the absence of effective judicial oversight of those places and with detainees losing contact with the outside world during the periods of the initial investigation, contributes to the availability of the circumstances and factors which would permit the commission of the crime of torture (Article 208 of the Penal Code pursuant to Temporary Law No. 49 of 2007).

- Through its unannounced visits to places of temporary detention, its meetings with detainees or members of their families, and the complaints received by it, the National Centre for Human Rights recorded that there are individual transgressions committed by officials charged with the enforcement of the law at certain security departments, and that there are various forms of torture practised upon accused persons or detainees held to the

order of those departments (defamation and humiliation, beating on the soles of the feet, suspension, etc.), with the aim of obtaining a statement or a confession.

By contrast, it must be pointed out that the National Centre for Human Rights also recorded during 2007 that there are administrative measures (the circulation of the Convention against Torture to all Public Security personnel and its inclusion in the basic curricula, lectures and promotion examinations) taken within the Public Security apparatus with the aim of preventing torture, alongside the legal measures taken by the departments concerned within this apparatus to investigate complaints relating to ill-treatment or torture, whereby investigation boards are formed with the aim of pursuing the accused, referring them to the Police Court and imposing the legal penalties upon them.

The National Centre for Human Rights has observed a tangible decline and reduction in the numbers of complaints and allegations of subjection to beating and ill-treatment during the last quarter of this year, 2007.

- During this year, 2007, the National Centre for Human Rights received a number of complaints amounting to (45) complaints and reports against the various security centres and security departments at the Public Security Directorate. The preliminary investigation into them was conducted by the Centre and the bodies concerned were addressed in their regard: (2) complaints were shelved at the request of the complainants, (16) complaints were closed for want of proof of the violation, (3) complaints were referred to the Police Court, (5) complaints reached a satisfactory outcome, while (19) complaints remained under follow-up.

The numbers of complaints received by the Public Security Directorate relating to injury and ill-treatment during 2007 reached (405) complaints, as follows: a- the Office of Grievances and Human Rights (87) complaints, as follows: (14) complaints the subject of a decision barring trial, (2) complaints tried before the unit commander, (21) complaints shelved, (8) complaints referred to the Police Court, and (42) complaints still under follow-up.

b- The Legal Affairs Department received (318) complaints, of which (57) complaints were referred to the Police Court, the remainder still being under follow-up.

The National Centre for Human Rights also recorded the subjection of the relatives of detainees and of individuals to certain unlawful procedures and conduct consisting in ill-treatment when attending the various security centres and security departments, consisting in the following:

- 1- Inhuman treatment consisting of insult, abuse and humiliation at times, or the adoption of a policy of ignoring those attending and failing to provide the necessary answers. This phenomenon is widespread at most security centres and the various security directorates.
- 2- The difficulty of ascertaining the fate of the detainee on many occasions, because of his transfer between the lock-ups of the various security centres or police directorates.

3- Subjecting the relatives of the inmate to cruel, inhuman or degrading treatment, together with depriving them of their liberty at times, in order to compel the detainee at certain security departments to provide the information relating to the course of the investigation so as to protect his family from those violations.

4- The phenomenon of withholding the personal documents of wanted persons or their guarantors contrary to the law, at the various security centres and security departments.

#### **- Deaths inside places of temporary detention**

Deaths at places of temporary detention during 2007 reached (5) deaths, including one case of suicide (A.J.) in the lock-up of Al-Bayader Security Centre. (4) deaths were considered natural (including the case of suicide) in the light of the forensic medical reports and the decisions of the investigation committees formed, while the circumstances of the death of the inmate (A.A.), who died on 5/4/2007 inside the lock-up of Al-Ghuwairiyeh Security Centre / Al-Zarqa, remain under investigation.

#### **b- Places of temporary custody at the General Intelligence Directorate**

A team from the National Centre for Human Rights carried out three visits to the places of detention belonging to that Directorate, on 10/4/2007, 13/8/2007 and 25/10/2007. In the course of these visits, the conditions of the places of custody and the legal status of the detainees were examined, together with the forms of care, the specifications of the prison environment, the quality of the food and the manner of its preparation and presentation, and the standard of health care and mental health services. The team met all the detainees individually and listened to their demands and complaints.

The number of detainees in the first visit was (15), in the second visit (22) and in the third visit (12). The periods of their detention varied, ranging between one week and three years for one of the detainees (the detainee M.A.). All the detainees interviewed had been detained pursuant to detention warrants issued by the Public Prosecutor of the State Security Court. The Centre's team also received (3) complaints of ill-treatment and subjection to beating inside the detention centre at the General Intelligence Directorate, during the second visit to the Department; the Department was addressed concerning those complaints at the time (they were followed up among the complaints received by the Centre in 2007).

The complaints of the detainees at the General Intelligence Directorate may be summarised as follows:

- 1- The state of isolation in the individual rooms inside the detention centre.
- 2- The length of the periods of detention, ranging between one week and seven months, with the exception of the detainee (M.A.), whose period of detention exceeded three years.
- 3- Not permitting detainees to make telephone calls to their relatives.
- 4- Not permitting inmates to be alone with their visitors during the visit.

The General Intelligence Department responded to a number of the observations and recommendations submitted by the National Centre for Human Rights with a view to improving the conditions of the detainees there, including:

- 1- Increasing the number of books in the library.
- 2- Supplying detainees with daily newspapers and with pens and paper.
- 3- Increasing the duration of the weekly visit to half an hour instead of a quarter of an hour.
- 4- Extending the period of exposure to the sun (exercise) to half an hour.

The Intelligence Department also opened a dental clinic to serve the detention centre with a view to ensuring the provision of complete medical care to the detainees at the detention centre, alongside psychiatric medical services as well, all of which are provided by the Royal Medical Services.

- Alongside the visits of the National Centre for Human Rights, the International Committee of the Red Cross carries out regular visits to the detention centre at the Department and meets inmates individually.
- In an unprecedented step, the General Intelligence Directorate permitted Human Rights Watch and representatives of a number of national civil organisations to visit its detention centre during the month of August of this year, 2007, interviews being conducted with the detainees individually, according to the reports of those bodies.
- During 2007 the National Centre for Human Rights also received (28) complaints against the General Intelligence Department, as follows: (13) complaints reached a satisfactory outcome, (8) complaints are under follow-up, (2) complaints were outside the Centre's jurisdiction, (3) complaints were shelved for want of a violation, and (2) complaints did not reach a satisfactory outcome, the injured parties having been deported outside Jordan.

### **Section Three: 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 prison conditions 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.

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- The reclassification of prisons (dangerous, highly dangerous) by reference to the situation of the convicted person, the extent of his dangerousness to society, his personality, his age and his sex.

6- 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.

b- 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; and activating the legislative provision relating to the suspension of the execution of the penalty, together with the introduction of the system of a judge for the execution of penalties within the criminal legislation.

7- 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.

8- 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.

9- 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- Enabling detainees to have the opportunity of contact with the outside world, whether with their families or with their lawyers.

b- Ensuring the compliance 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.

c- 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.

d- Introducing a system of regular medical examinations by physicians for all persons in prison or custody, and activating this medical file.

e- 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.

f- 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.

g- Denouncing acts of torture and ill-treatment officially and publicly through visual, audio and print media campaigns.

h- 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.

10- 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.
- 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, together with the opening of a dental clinic inside this 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- Equipping the health unit at Aqaba prison with medical apparatus and medical staff so that health care may be provided to the inmates of the centre.
- g- Providing all medicines of every type and price to all inmates free of charge.
- h- 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.

11- 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 by holding awareness lectures concerning the social care services provided by the Ministry of Social Development inside the prisons, together with the provision of introductory leaflets given to every inmate upon his admission to any of the correction and rehabilitation centres, setting out the nature of these services.
- b- Increasing the effectiveness of the social care services inside correction and rehabilitation centres, so that the concept of the case study conducted by the social worker for the inmate and his family is broadened, and the results of the process of this study and its importance within the framework of the reintegration of the inmate into his community anew after his release from prison are set out, together with the creation and securing of suitable work opportunities for him after release and ensuring his reintegration with his family anew; and conducting social studies to address the problem of recidivism (reoffending), the rate of reoffending among women being (42%) and among men (32%), according to studies by the Public Security Directorate.
- c- Strengthening aftercare programmes and preparing the inmate for release, in partnership between the Ministry of Social Development and civil society organisations.

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

a- Activating the system of conjugal privacy for the inmates entitled thereto in the prisons in which the places designated for this purpose have been equipped, in all prisons.

b- Addressing the problem of visits in terms of the long waiting time for visitors and the manner of searching them.

c- Devising a mechanism to resolve the problem of telephone calls.

d- Addressing the subject of providing the lunch and dinner meals together to inmates in the large prisons (Swaqa, Birein, Qafqafa, Jweideh).

13- Activating the role of 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.

14- 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.