



THE NATIONAL CENTRE FOR HUMAN RIGHTS

Report on the Conditions of Places of Temporary Detention in the Kingdom for the Year 2013

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Introduction

During 2013, the National Centre for Human Rights carried out (123) visits to the places of temporary detention¹ distributed throughout the Kingdom, whereby the security lock-ups and the lock-ups of the police directorates in all governorates of the Kingdom were visited. These places are regarded as detention premises in which orders of arrest and apprehension are executed. The law permits the detention of persons at the security centres for a period of 24 hours; the judicial police likewise have the power to arrest persons and to keep them in custody for a period of seven days where necessary, particularly where they are suspected of having committed any of the five crimes² falling within the jurisdiction of the State Security Court — it being noted 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 the expiry of which the matter is referred to the competent judicial authorities (at the disposal of the courts and the public

¹Places of temporary detention are the lock-ups of the security centres and of the police directorates, and the lock-ups of the other security directorates, such as the Anti-Narcotics and Counterfeiting Department, the Criminal Investigation Department, the Preventive Security Department and the Family Protection Department, as well as the Aliens Detention Centre.

²These crimes comprise: terrorism, espionage, treason, narcotics and counterfeiting of currency.

prosecutors). In many cases, detainees are also kept in custody for a period exceeding one week at the disposal of the administrative governor under the Crime Prevention Law of 1954.

What in fact occurs on the ground is that there are transgressions of, and circumvention of, the provision relating to the lawful period of arrest, namely (24) hours. Accused persons are frequently kept in custody for lengthy periods exceeding one week on the basis of the Crime Prevention Law of 1954. The team of the National Centre for Human Rights responsible for visits has observed that there are detention memoranda at the security centres and the security directorates, issued by the administrative governor, extending the detention of persons week after week on the pretext of investigation, and that an order is issued by the administrative governor for the continued detention of wanted persons beyond that period. Frequently, the detainee is transferred from one security centre to another (“ka’b dayer” — doing the rounds) so as to circumvent the legal provisions governing the lawful period of arrest.

The methodology followed in preparing the report

The National Centre for Human Rights has consistently adhered to a rigorous methodology in preparing its reports on temporary detention centres, as well as on correction and rehabilitation centres, whereby those facilities are examined from their various aspects in order to ascertain the extent of their conformity with the relevant standards, including the points of weakness and deficiency from which these facilities suffer. In its monitoring of the places of temporary detention for 2013, this report relied upon the following:

1. Surprise and semi-surprise field visits to those places, in cooperation and coordination with the Office of Grievances and Human Rights / Public Security Directorate, together with the documentation reports specific to each of the centres distributed throughout the Kingdom that are prepared by the visiting teams.
2. Meetings with inmates, detainees and those in charge of the administration.
3. Examination of the practices and the services provided, and of the manner of treatment received by inmates and detainees.
4. Meetings with former inmates and detainees, with the families of some of the current inmates and detainees, and with civil society activists.
5. Recourse to certain information provided by the Office of Grievances and Human Rights at the Public Security Directorate and by other security directorates.
6. The complaints and requests for assistance received by the National Centre during 2013.

1. The environment of places of temporary detention (buildings, premises, service facilities and their equipment, and the level of services)

- **Buildings:** The majority of the buildings used as premises for temporary detention are old, by way of example: the lock-ups of Karak Police Directorate, East Amman Police

Directorate, Ma'an Governorate Police Directorate, the lock-up of Quwayrah Security Centre, Ajloun Governorate Police Directorate and West Irbid Police Directorate. By contrast, the team responsible for visits observed that model temporary holding facilities have been established (Tariq/Tabarbour Security Centre, Suwaylih Security Centre, Rehab/Mafraq Security Centre and Shafa Badran Security Centre), and that the relevant international and national standards were taken into account in the establishment of these centres in terms of the buildings erected, the readiness and diversity of the facilities, the existence of places designated for holding detainees from among the categories of juveniles and women, and likewise the existence of rooms designated for persons awaiting attendance at the security centre concerned.

- **The locations of the lock-ups:** The majority of the lock-ups are located on the basement floor of the building of the security centre, the police directorate or the security directorates, which adversely affects temperature and ventilation in both summer and winter.
- **Damp:** The spread of damp was also observed at a number of lock-ups, such as the lock-ups of the Criminal Investigation Section / Zarqa Governorate Police Directorate, the lock-up of South Shuna Security Centre / West Balqa Police Directorate, the lock-up of Bayader Security Centre / South Amman Police Directorate, and the lock-up of Madina Security Centre, Ma'an Police Directorate.
- **Space and equipment:** The rooms are of medium size and heating is available at most of them. As for the solitary confinement rooms, they are cramped and very small in area at most of the lock-ups of the police directorates and the security centres. Most of them are overcrowded and require expansion, particularly the lock-ups of Zarqa Governorate Police Directorate and the lock-up of Madina Security Centre at Russeifa District Police.
- **Ventilation:** Ventilation is regarded as acceptable at most lock-ups. Ventilation is, however, poor at the lock-ups of the following centres: Karimeh Security Centre / Irbid Governorate; Madina Security Centre and Hattin Security Centre / Russeifa Police Directorate; Ain Al-Basha Security Centre / Balqa Governorate Police Directorate; Deir Alla Security Centre / West Balqa Police Directorate; Muhajireen Security Centre / Central Amman Police Directorate; Nasr Security Centre / East Amman Police Directorate; Bayader Security Centre / South Amman Police Directorate; Qasr Security Centre / Karak Governorate; and Madina Security Centre / Ajloun Governorate. It was observed that the extractor fans at those lock-ups require urgent maintenance.
- **Lighting:** Lighting is regarded as acceptable at most of the lock-ups of the police directorates and the security centres, with the exception of some of them, such as the lock-up of Ain Al-Basha Security Centre at Balqa Governorate Police Directorate and the lock-up of Bayader Security Centre at South Amman Police Directorate. It is, however, poor inside the solitary confinement rooms at those lock-ups.

- **Food:** A single meal is allocated to detainees at all lock-ups, namely the lunch meal. As for the breakfast and dinner meals, the detainee bears their cost at his own expense, or those meals are purchased at the expense of the administration where the detainee is unable to pay their price. The team observed a failure to comply with the provision of this meal to a detainee where he arrives after the time of distribution of the food meal in the late afternoon or at night, particularly at the lock-ups of the police directorates.
- **Cleanliness:** Cleanliness is regarded as acceptable at most of the lock-ups of the security centres and the police directorates, and as good at the lock-ups of the various security directorates, such as the Anti-Narcotics and Counterfeiting Department, the Criminal Investigation Department, the Preventive Security Department and the Family Protection Department. It is, however, poor at the lock-up of Badiyat Sama Al-Sarhan Police Centre in the northern Badia region.
- **Sanitary facilities (toilets) and their location:** Sanitary facilities exist inside most of the lock-ups and are regarded as acceptable at most of them. Some of them, however, require maintenance, such as the lock-up of Nasr Security Centre at East Amman Police Directorate and the lock-up of Marj Al-Hamam Security Centre at South Amman Police Directorate. It was also observed that the sanitary facilities at some lock-ups are located outside them, such as the lock-ups of the Criminal Investigation Section at Zarqa and Capital Police Directorates and the lock-ups of Irbid Governorate Police Directorate, which creates difficulty for detainees in reaching them. It was likewise observed that sanitary facilities are unavailable at some lock-ups, where the facilities designated for the lock-up personnel are used, such as the lock-ups of South Shuna Security Centre / West Balqa Police Directorate.
- **Drinking water:** Drinking water is not available inside the lock-ups, but rather outside them, and it may be secured at the detainee's expense at some places.
- **Bedding and blankets:** These are available at the lock-ups and consist of sponge mattresses or blankets. The lock-ups of the security centres, however, generally suffer from a shortage of bedding and blankets. As for the lock-ups of women and juveniles, beds and blankets are available inside them in appropriate measure at a number of police directorates. The team also observed the age and/or the unfitness of some of the bedding and blankets and their need for replacement, particularly at the lock-up of Hattin Security Centre / Russeifa District Police, the lock-up of Deir Alla Security Centre / West Balqa Police Directorate, and the lock-up of Quwayrah Security Centre / Aqaba Region.
- **Health care:** Health care is provided where necessary through the government hospitals within the area of jurisdiction. Medical records specific to each detainee are not available at the places of detention.

- **Places designated for the performance of religious rites:** There are no places designated for the performance of religious rites and acts of worship; prayers are performed inside the lock-ups.
- **Lock-ups for women and juveniles:** Lock-ups for detained women and detained juveniles are unavailable at Balqa Governorate Police Directorate, West Balqa Police Directorate, Jerash Governorate Police Directorate, Ajloun Governorate Police Directorate and West Irbid Police Directorate. Women are held at the Women's Detention Centre / Juwaida. As for detainees from among juveniles, there are (6) lock-ups distributed across six governorates of the Kingdom, namely: the lock-up of Zuhour Security Centre / Amman, the lock-up of Hassan Security Centre / Zarqa, the lock-up of Aqaba Security Centre / Aqaba, the lock-up of Madaba Security Centre / Madaba, the lock-up of Mafraq Security Centre / Mafraq, and the lock-up of Kufr Yuba Security Centre / Irbid. As for female juvenile detainees, there is only one lock-up, namely the lock-up of Hussein Security Centre / Amman. The detention conditions of detained women at the Women's Detention Centre / Juwaida are regarded as poor in terms of overcrowding, which is accompanied by a shortage in the services provided and a lack of cleanliness.
- **Registers and the safekeeping of property:** All lock-ups maintain organised registers relating to detainees' belongings (deposits) and others recording their names, the authority ordering their detention, the date of detention, the time and place of arrest, and the measures taken in their regard until their transfer to the judiciary or to prison. These registers, however, are usually inaccurate, since they do not include the state of health of the person upon his arrival at the place of detention, the time at which the family and the lawyer were contacted, the time of the visit to the detained person, and information concerning the medical examinations upon his arrival at the centre and upon his transfer therefrom for the purposes of judicial and administrative proceedings.
- **Classification:** None of the classification standards guaranteed by the international and national standards are applied in holding detainees, whether on the basis of criminal dangerousness, age or otherwise. Rather, the matter is confined to separating adults from juveniles and women from men in designated places, as indicated above.
- **Waiting rooms:** Waiting rooms are available at most police directorates and security directorates. As for family visits, they are generally not permitted, although they may be allowed depending on the type of case and its circumstances at the various police directorates, the Criminal Investigation Department, the Preventive Security, the Anti-Narcotics and Counterfeiting Department and the Family Protection Department. These rooms are not available at the security lock-ups.

2. The conditions of detainees at places of temporary detention and their problems

As a result of the shortcomings from which places of temporary detention suffer in terms of buildings and premises, the transgressions that may occur at certain places on the part of those in charge of the administration, and the deficiency of certain national legislation, the National Centre for Human Rights recorded during its visits, and in reliance upon the methodology it has followed, a number of violations and problems that are considered transgressions of the rights of detainees guaranteed under national legislation, including the following:

- (a) The acute shortage in the food meals provided and in the bedding and blankets with which the detainee is supplied inside the lock-up, as a result of the overcrowding at those places set out in detail above.
- (b) The detainee's loss of contact with the outside world; the difficulty of receiving visitors from among the members of his family and his friends; and his being deprived at times, by certain security directorates, of making a telephone call to his family to inform them of his whereabouts, on the pretext of the confidentiality of the investigation.
- (c) Failure to enable the detainee to engage a lawyer, since the relevant Jordanian laws have not afforded this right to the accused save at the stage of the preliminary investigation and the trial alone, having granted judicial police officers of the police the right to investigate the accused without his having the right to engage a lawyer during the period of the initial investigation³. This period may at times extend to lengthy durations by virtue of the administrative detention memoranda issued by the administrative governors on the basis of the Crime Prevention Law of 1954.
- (d) The holding, by certain security directorates during the stage of the initial investigation, of accused persons for lengthy periods exceeding two weeks, by virtue of a detention memorandum issued by the administrative governor, in solitary confinement cells that may be devoid of any sanitary facility and equally lacking natural lighting and healthy ventilation.
- (e) The violation 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, frequently by exercising the power of the public prosecutor to interrogate accused persons, instead of adhering to the powers legally prescribed for them, namely hearing the accused's statement and referring him to the competent public prosecutor within a period of (24) hours.

This violation is perhaps the most prominent of the violations to which the detainee is exposed, and it constitutes a breach of the fair trial guarantees that must be

³An amendment has been introduced to the Bar Association Law granting the detainee the right to engage a lawyer during the initial investigation before the police, pending its passage through the constitutional stages necessary for it to enter into force.

afforded to the detainee at the stage of the initial investigation (inquiry and evidence-gathering).

- (f)** Failure to deposit with the Public Prosecution — which is the competent investigating authority — for lengthy periods, the investigation papers and the records of apprehension (the holding of cases) drawn up by judicial police officers during the period of the initial investigation, whereby the liberty of persons and the investigation papers are held by the police without the Public Prosecution being notified thereof, owing to the absence of any deterrent measure for breach of Article (49) of the Code of Criminal Procedure. Certain security directorates have habitually done so on a number of grounds, foremost among them the preservation of the security and safety of citizens from those who breach the law.
- (g)** Resort to referring the cases of wanted persons with prior records to the judiciary successively, and until the sentence of imprisonment is executed in each case separately, on the pretext of protecting the security of society and defending the “public interest”.
- (h)** Resort to restricting the liberty of persons and directing that apprehension measures be taken against them by means of requests for their return to custody, on the pretext of security considerations and the preservation of the security of society, under the Crime Prevention Law of 1954.
- (i)** The subjection of the detainee to beating, torture and ill-treatment in certain cases during the stage of the initial investigation (inquiry and evidence-gathering). The team observed the continuation of complaints by detainees of exposure to beating and to other forms of cruel, inhuman and degrading treatment prejudicial to dignity, and of allegations of exposure to torture, particularly at the stage of the initial investigation before certain security directorates such as the Criminal Investigation Department and the Anti-Narcotics and Counterfeiting Department. Among the forms of torture referred to by a number of detainees are: beating on all parts of the body by punching, slapping and kicking, using the hands, sticks or a whip; falaqa (beating on the soles of the feet); shabh (suspension); burning...; and threatening the victim (the detainee) with the detention of one of his relatives (a man or a woman) in order to compel him to confess.

The question of proving allegations of torture and other forms of ill-treatment remains among the matters the proof of which is characterised by difficulty, and which require the taking of immediate measures to enable the victim to document the same, while ensuring the referral of those responsible for such transgressions to the competent judiciary. Notwithstanding the legislative amendments introduced to Article 208 by Temporary Law No. 49 of 2007, the question of proving the incident of torture before those bodies remains among the important procedural considerations, which are difficult to satisfy on the ground in light of the following factors:

1. The prolongation of the period of detention by virtue of administrative detention decisions, and the existence of detention memoranda prepared and signed in advance by the administrative governors at the security centres and the security directorates for the extension of the detention of persons on the pretext of investigation and without adherence to the provisions of the Crime Prevention Law — in breach of Article 49 of the Code of Criminal Procedure — by the holding of the investigation papers at certain security directorates and the failure to deposit with the Public Prosecution the records of apprehension drawn up by judicial police officers during the period of the initial investigation.
2. The disappearance of the traces of physical violence owing to the length of the periods of detention before those bodies by virtue of administrative detention memoranda.
3. The impossibility of the existence of witnesses or of forensic medical reports, as a result of the loss of contact with the outside world and of the confidentiality that accompanies the stage of the preliminary investigation.
4. The difficulty for victims of identifying the perpetrators from among the members of the judicial police. The person who practises coercion does not usually take down the statement; accordingly, that statement is regarded as lawful and as conclusive evidence following the hearing of the statements of the officer who recorded it to the effect that the person gave it of his own free will and choice, notwithstanding that he may have been subjected to physical or psychological coercion.
5. The absence of effective judicial oversight of the places of detention (lock-ups) contributes to a large extent to exposing detainees to ill-treatment and to physical and psychological coercion. Moreover, even were such oversight available, the continued bringing of the perpetrators of the crimes of torture before the Police Court would preclude the victim from confronting the person who tortured him, whereas were they to be brought before the independent regular courts, the judgments of those courts would be more impartial and more effective.

Although the provisions of the Penal Code and of 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 a confession obtained under coercion, detainees are nevertheless deprived in practice of the right to lodge grievances with the competent authorities and to submit complaints during the period of the initial investigation before the police, in view of the complete confidentiality that prevails over the investigation, the fear of the representatives of the police lying in wait for them a second time should they submit a complaint, and the conviction of some of them of the futility of submitting complaints to the security agencies, these being the bodies competent to conduct the investigation, such that judicial police officers will not issue decisions incriminating their colleagues.

The practical reality at the 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 that would permit the commission of the crime of torture with a view to obtaining a statement or a confession. During 2013, the National Centre for Human Rights received allegations of the commission of the crimes of torture and other forms of ill-treatment against citizens by members of certain security directorates and security centres, amounting to (77) complaints, of which (13) complaints were shelved at the request of the complainant and (15) complaints were closed for want of proof of the violation, while (48) complaints remain under follow-up and (1) one complaint was referred to the Police Court. The case of (S.KH.), who died in 2013 at one of the lock-ups of the security directorates, remains pending before that court.

Regrettably, cases of torture are referred to the Police Court under criminal characterisations such as (beating leading to death; contravention of orders and instructions...; simple assault), and only one case has been referred to the Police Court under Article 208 of the amended Penal Code, as a criminal characterisation added to certain of the criminal characterisations set out above.

The reality of the matter is that this calls upon the Public Security Directorate to increase its oversight and accountability efforts in order to curb the transgressions of the members of certain security directorates and to pursue the perpetrators of the crimes of torture and bring them before the Police Court, in addition to putting in place training plans that would embed the substance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment among all Public Security ranks by incorporating it into the foundational curricula, the lectures and the promotion examinations, with a view to strengthening the culture of the prevention of torture; alongside strengthening the legal procedures undertaken by the departments concerned within this apparatus for the investigation of complaints relating to ill-treatment or torture, and the issuance of instructions concerning the holding of detainees and the protection of their rights.

Recommendations

- The necessity for the Public Security Directorate to take all measures that curb the transgressions of the members of certain security directorates and to pursue the perpetrators of the crimes of torture and bring them before the judiciary, in addition to putting in place training plans that would disseminate the Convention against Torture among all Public Security ranks and incorporate it into the foundational curricula, the lectures and the promotion examinations, with a view to achieving the prevention of torture.

- Confining jurisdiction to hear the crimes of torture to the regular courts, instead of the special courts in which the fair trial guarantees required under international standards are not available. Until such time as this is done, all judgments issued by the courts competent to punish law enforcement officials who commit the crimes of torture must be made subject to review by the Court of Cassation.
- Amending the Penal Code in such a manner as to render the officials in charge of correction and rehabilitation centres or of detention centres responsible for the safety of detainees where it is not possible to identify the person who committed the offence.
- Repealing the Crime Prevention Law of 1954; and pending its repeal, the Centre emphasises the necessity of respecting and complying with judicial decisions and final judgments of acquittal or of no responsibility, and of following the principle of proportionality between the apprehension measure and the criminal dangerousness when imposing house arrest. Administrative governors should likewise comply with the procedures to be followed under Article (4) of the Crime Prevention Law when resorting to the issuance of an arrest memorandum and the hearing of the statements of persons, and thereafter the issuance of administrative detention memoranda.
- Lifting the umbrella of the administrative governor from the investigation procedures undertaken by the police to pursue the perpetrators of crimes, in a manner that ensures that persons are not kept in continued detention, for the purpose of investigating them, for lengthy periods on the basis of detention memoranda issued by the administrative governors.
- Upgrading the places of detention at the existing security centres in accordance with standards that guarantee the provision of care and protection to detainees, and in a manner consistent with the relevant international standards.
- Expediting the amendment of national legislation so as to guarantee the contact of detainees with their families, their presentation to a physician, and their obtaining the necessary legal assistance from the moment of arrest and throughout the periods of the initial investigation.
- Adopting special procedural regulations and instructions that would protect the rights of detainees in light of international and national standards, and in a manner that guarantees the provision of fair trial guarantees to detainees.
- Activating the mechanism for the inspection of places of temporary detention by the judicial authority.
- Taking the measures that would separate detainees held at the pre-trial detention facility from the investigators, such that they are not subject to the latter's supervision for longer than the time prescribed by law for obtaining a judicial authorisation for pre-trial detention.

- Maintaining accurate registers at the places of detention that include the recording of the time and place of arrest, the identification of the officials concerned, the actual place of detention, the state of health of the person upon his arrival at the place of detention, the time at which the family and the lawyer were contacted, the time of the visit to the detained person, and information concerning the medical examinations upon his arrival at the centre and upon his transfer therefrom.
- Providing places of detention for women and juveniles at the directorates that lack them.
- Carrying out maintenance works at all lock-ups that require them.
- Providing cleanliness, food and suitable bedding at the lock-ups that suffer from these problems.