المركز الوطني لحقوق الإنسان
The National Centre for Human Rights

Report on the Conditions of Places of Temporary Detention in the Hashemite Kingdom of Jordan

for the year 2016

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The National Centre for Human Rights
Jordan – Amman
2016

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Introduction

During 2016 the National Centre for Human Rights carried out sixty (60) visits to the places of temporary detention[1] distributed throughout the Kingdom, in the course of which the holding facilities of the security administrations and those of the police directorates in all governorates of the Kingdom were visited, in cooperation and coordination with the Office of Transparency and Human Rights at the Public Security Directorate, which played a prominent role in facilitating the task of the National Centre by coordinating the visits and following up the complaints received by the Centre.

Places of temporary detention are premises in which arrest and apprehension orders are executed. The law permits the detention of persons at security centres for a period of twenty-four (24) hours, and the judicial police are empowered to apprehend persons and to hold them for a period of seven days where necessary, in particular where they are suspected of having committed any of the five offences[2] falling within the jurisdiction of the State Security Court — it being noted that this power constitutes a departure from the general rule, namely the period of twenty-four (24) hours prescribed by the Criminal Procedure Law, following which the matter must be referred to the competent judicial authorities (for the account of the courts and the public prosecutors). In many instances, detainees are likewise held for periods exceeding one week for the account of the administrative governor pursuant to the Crime Prevention Law of 1954.

The visits of the National Centre have contributed to tangible improvements in the custodial environment of these places, a number of places of administrative detention having been renovated as part of the upgrading of the custodial environment. Such works include attention to ventilation, lighting and sanitary facilities; the enlargement of the holding area in some of these places; the provision of the necessary sleeping equipment (coverings and mattresses); and the orderly maintenance of records, in particular those relating to health care, telephone calls and visits. Within this same approach, the Public Security Directorate closed eight (8) temporary detention centres at security centres in order to carry out maintenance works so as to bring them into conformity with the international and national standards relating to places of temporary detention. The Public

Security Directorate has likewise issued a code of practice, circulated to all its ranks, on dealing with detainees (the Code of Practices governing and regulating the detention of persons).

Notwithstanding the attention given by the Public Security Directorate to the conditions of places of detention and to their development, a number of observations remain concerning the conditions of those places, of the detainees held in them, and of the services provided to them during 2016. The most significant of these are set out below:

[1] Places of temporary detention are the holding facilities of the security centres and police directorates, and the holding facilities of the other security administrations, such as the Anti-Narcotics and Counterfeiting Department, the Criminal Investigation Department, the Preventive Security Department, the Family Protection Department, and the Aliens' Detention Centre.

[2] These offences comprise terrorism, espionage, treason, narcotic drugs, and currency counterfeiting.

1. The Environment of Places of Temporary Detention (Buildings, Facilities, Service Amenities, their Equipment and the Standard of Services)

- **Buildings:** The majority of the buildings used as premises for temporary detention suffer from the age of their construction — examples being the holding facilities of the East Amman Police Directorate, the Ma'an Governorate Police Directorate, and the holding facility of Quweira Police Station. By contrast, the visiting team observed that model temporary holding facilities have been constructed (Tariq/Tabarbour Police Station, Sweileh Police Station, and Shafa Badran Police Station). The relevant international and national standards were taken into account in the construction of these centres as regards the buildings erected and the readiness and diversity of their amenities, the existence of dedicated areas for holding detainees from among the categories of juveniles and women, and likewise the existence of dedicated rooms for persons awaiting attendance at the security centre concerned.
- **Location of the holding facilities:** Most holding facilities are situated in the basement of the building of the security centre, the police directorate or the security administration, which affects adversely the temperature and ventilation in summer and winter alike.

Damp was likewise observed to be widespread in a number of holding facilities, such as those of the Criminal Investigation Section / Zarqa Governorate Police Directorate; the holding facility of Bayader Police Station / South Amman Police Directorate; the holding facility of Madina Police Station / Ma'an Governorate Police Directorate; and the holding facility of Philadelphia Police Station / Central Amman Police Directorate.

- **Area and equipment:** The rooms are of medium size and most are equipped with heating. The solitary confinement rooms, however, are cramped and their area is very small. Most of the holding facilities of the police directorates and security centres suffer from overcrowding and require expansion — in particular the holding facilities of the Zarqa Governorate Police Directorate and the holding facility of Madina Police Station at Rusaifa District Police.

- **Ventilation:** Ventilation is acceptable in most holding facilities. It is, however, poor in the holding facilities of the following centres: Madina Police Station; Hattin Police Station / Rusaifa Police Directorate; Ain al-Basha Police Station / Balqa Governorate Police Directorate; Nasr Police Station / East Amman Police Directorate; Bayader Police Station / South Amman Police Directorate; and Madina Police Station / Zarqa Police Directorate. The extractor fans in those holding facilities were likewise observed to require urgent maintenance.

- **Lighting:** Lighting is considered acceptable in most of the holding facilities of the police directorates and security centres, with the exception of certain of them, such as the holding facility of Philadelphia Police Station / Central Amman Police Directorate and the holding facility of Bayader Police Station / South Amman Police Directorate, **save that it is poor within the solitary confinement rooms in those holding facilities.**

- **Food:** A single meal, namely lunch, is allocated to detainees in all holding facilities. As for breakfast and dinner, the detainee bears their cost at his own expense, or they are purchased at the expense of the administration where the detainee is unable to pay for them. It was observed that this meal is not consistently provided to the detainee where he arrives after the time of distribution of the food ration, in the afternoon or at night, particularly in the holding facilities of the police directorates; and likewise that no dedicated register of food rations is maintained in most centres of the Kingdom.

- **Cleanliness:** Cleanliness is considered acceptable in most of the holding facilities of the security centres and police directorates, and good in the holding facilities of the various security administrations, such as the Anti-Narcotics and Counterfeiting Department, the Criminal Investigation Department, the Preventive Security Department and the Family Protection Department — **save that it is very poor in the holding facility of the Zarqa Police Directorate and the holding facility of the North Amman Regional Command.**

- **Sanitary facilities (bathrooms) and their location:** Sanitary facilities exist within most holding facilities and are considered acceptable in the majority of them; some, however, require maintenance, such as the holding facility of the Zarqa Police Directorate and the holding facility of the North Amman Regional Command. It was further observed that the sanitary facilities in certain holding facilities are located outside them — such as the holding facilities of the Criminal Investigation Section at the Zarqa Police Directorate and at the Capital Police Directorate — which makes access to them difficult for detainees. The absence of sanitary facilities was likewise observed in certain holding facilities, where the facilities designated for the ranks of the holding facility are used instead, as in the holding facilities of Southern Shuna Police Station / West Balqa Police Directorate.

- **Drinking water:** Drinking water is not available inside the holding facilities but is rather located outside them, and in most places it is procured at the expense of the detainee.

- **Mattresses and coverings:** These are available in the holding facilities and consist of sponge mattresses or blankets. The holding facilities of the security centres nevertheless suffer from a general shortage of mattresses and coverings. As for the holding facilities for women and juveniles, beds and blankets are appropriately available within them. The team likewise observed the age and/or unfitness of some mattresses and coverings, and the need for their replacement, in particular in the holding facility of the Zarqa Police Directorate, the holding facility of Deir Alla Police Station / West Balqa Police Directorate, the holding facility of Quweira Police Station, and the holding facility of Aqaba Police Station / Aqaba Region.

- **Health care:** Health care is provided where necessary through the government hospitals within the area of competence. No medical records specific to each detainee are maintained in places of temporary 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 holding facilities.

- **Holding facilities for women and juveniles:** There are no holding facilities for detained women and juveniles at the Balqa Governorate Police Directorate, the West Balqa Police Directorate, the Jerash Governorate Police Directorate or the Ajloun Governorate Police Directorate; women are held at the Women's Detention Centre / Juwaideh. As for detained juveniles, there are six (6) holding facilities distributed across six governorates of the Kingdom, namely: the holding facility of Zuhour Police Station / Amman; the holding facility of Hassan Police Station / Zarqa; the holding facility of Aqaba Police Station / Aqaba; the holding facility of Madaba Police Station / Madaba; the holding facility of Mafraq Police Station / Mafraq; and the holding facility of Kufr Yuba Police Station / Irbid. As for detained female juveniles, there is a single holding facility only, namely that of Hussein Police Station / Amman. The custodial conditions for detained women at the Women's Detention Centre / Juwaideh are considered poor as regards overcrowding, which is accompanied by a deficiency in the services provided and by poor cleanliness.

- **Records and the safekeeping of property:** In all holding facilities there are orderly registers dedicated to the property of detainees (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 up to their transfer to the judiciary or to correction and rehabilitation centres. These registers are not, however, usually accurate, in that they do not include the state of health of the person upon his arrival at the place of detention, the time at which contact was made with the family and the lawyer, the time of any visit to the detained person, or information concerning the medical examinations carried out upon his arrival at the centre and upon his transfer from it for the purposes of judicial and administrative proceedings.

- **Classification:** None of the classification criteria guaranteed by the international and national standards is applied when holding detainees, whether on the basis of the gravity of the offence, age or otherwise. Confinement is limited merely to the separation of adults from juveniles, and of women from men, in the places designated for that purpose as indicated above.
- **Waiting rooms: Waiting rooms are available in most police directorates and security administrations. Family visits, however, are generally not permitted, although they may be allowed depending upon the nature of the case and its circumstances in the various police directorates, in the Criminal Investigation Department, the Preventive Security Department, the Anti-Narcotics and Counterfeiting Department, and the Family Protection Department. Such rooms are not available in the security holding facilities.**

2. The Conditions of Detainees in 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 facilities, of the excesses that may occur in some places on the part of those in charge of their administration, and of the deficiencies in certain national legislation, the National Centre for Human Rights has recorded during its visits — and in reliance upon the methodology it follows — certain violations and problems that constitute infringements of the rights of detainees guaranteed under national legislation. These include the following:

(a) **The recurrence of security raids and of arbitrary conduct in the use of force upon arrest:** Complaints from citizens concerning the forcible storming of homes have increased of late, and at late hours of the night in most instances, giving rise to the terrorising of women, children and residents in a number of areas of the Kingdom when persons wanted in particular security cases, in narcotics cases, and in certain cases of major theft and embezzlement and cases of fraud are arrested.

(b) **The inability of the detainee to obtain the assistance of a lawyer:** The relevant Jordanian laws afford this right to the complained-against person only at the stage of preliminary investigation and trial, since they have granted the judicial police officers of the police the right to interrogate the complained-against person without his enjoying the right to the assistance of a lawyer during the period of initial investigation. This period may at times extend to lengthy durations by virtue of administrative detention orders issued by the administrative governors pursuant to the Crime Prevention Law of 1954.

(c) **The holding of complained-against persons at certain security administrations during the stage of initial investigation for lengthy periods that may exceed two weeks** pursuant to a detention order issued by the administrative governor, in solitary confinement cells that are devoid of sanitary facilities and equally lack natural lighting and healthy ventilation.

(d) **Deficiencies in the meals provided and in the mattresses and coverings** furnished to the detainee within certain holding facilities, as a result of the overcrowding in the places detailed above.

(e) **The referral to the judiciary, in successive order of priority, of the cases of persons wanted in respect of several matters,** and, pending the execution of the custodial sentence in each case separately, on the pretext of protecting the security of society and defending "the public interest".

(f) **Recourse to depriving persons of their liberty and directing that judicial police measures be taken against them** in respect of requests for the reopening of matters, on the pretext of security considerations and the preservation of the security of society, pursuant to the Crime Prevention Law of 1954.

(g) **The persistence of complaints and allegations by detainees of being subjected to beating and to other forms of cruel, inhuman and degrading treatment offensive to dignity, and allegations of being subjected to torture,** particularly at the stage of initial investigation and specifically within administrative settings (the Criminal Investigation Department and the Anti-Narcotics and Counterfeiting Department). It is to be noted that proving allegations of torture and of other forms of ill-treatment is among those matters that are difficult to establish and that require the taking of immediate measures to enable the victim to document them, while ensuring that those responsible for such violations are referred to the competent judiciary. Notwithstanding the legislative amendments made to Article (208) by virtue of amending Law No. (9) of 2014, the question of proving the occurrence of torture before those authorities remains among the important procedural matters that are difficult to secure in practice, in light of the following factors:

1. The prolongation of the period of detention pursuant to administrative detention decisions, and the existence of ready-made detention orders signed in advance by the administrative governors at the security centres and administrations for the purpose of extending the detention of persons on the pretext of investigation, without adherence to the provisions of the Crime Prevention Law — in breach of Article (49) of the Criminal Procedure Law — by holding investigation papers at certain security administrations and failing to deposit the records of judicial police measures drawn up by the officers of the judicial police during the period of initial investigation with the Public Prosecution.

2. The disappearance of the traces of physical violence as a result of the length of the periods of detention before those authorities pursuant to administrative detention orders.

3. The impossibility of securing witnesses or forensic medical reports, as a result of the loss of contact with the outside world and of the confidentiality that generally attends the stage of preliminary investigation.

4. The difficulty for victims of identifying the perpetrators from among the members of the judicial police. The person who applies coercion does not, as a rule, take the statement, and that statement is accordingly regarded as legally valid and as conclusive evidence, being taken after the officer recording it has heard the statements of the person concerned to the effect that he gave them voluntarily and of his own choice, notwithstanding that he may have been subjected to physical or psychological coercion.

5. The absence of effective judicial oversight of places of detention (the holding facilities) contributes to a considerable degree to detainees being subjected to ill-treatment and to physical and psychological coercion. Furthermore, notwithstanding the investigation and prosecution measures undertaken by the Public Prosecution of the Public Security apparatus, and the judgments issued by the Police Court — which are at times considered severe — they nevertheless do not satisfy the conditions required by the international human rights standards as regards the independence and impartiality of the authority responsible for imposing them. This position further deprives victims of torture of obtaining compensation consistent with Article (14) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.

During 2016 the National Centre for Human Rights received allegations of the commission of the crime of torture and of other forms of ill-treatment against citizens by members of certain security administrations and security centres, amounting to sixty-three (63) complaints. Of these, three (3) complaints were shelved at the request of the complainant, twenty (20) complaints were closed for want of proof of the violation, forty-three (43) complaints remain under follow-up, and three (3) complaints were referred to the Police Court.

Regrettably, torture cases are referred to the Police Court under other criminal characterisations (beating leading to death, breach of orders and instructions, simple assault, and so forth). Over the past six years only three cases of torture have been referred to the Police Court under Article (208) of the Penal Code as amended, as an additional criminal characterisation appended to certain of the criminal characterisations set out above, and no judicial ruling has to date been issued in any of them.

Notwithstanding the increased efforts of oversight and accountability on the part of the Public Security Directorate to curb the excesses of certain members of the security administrations, to pursue the perpetrators of the crime of torture and to bring them before the Police Court, and notwithstanding the training plans devised with a view to embedding the substance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment among all ranks of the Public Security by incorporating it within the foundation curricula, the lectures and the promotion examinations, with a view to strengthening the culture of the prevention of torture — alongside the strengthening of the legal procedures undertaken by the administrations

concerned within this apparatus for the investigation of complaints of ill-treatment or torture — and

notwithstanding the progress achieved in the field of providing the requisite safeguards to persons whose liberty is restricted from the moment of arrest, a number of principal gaps nevertheless persist. These relate to the following safeguards: the assistance of a lawyer; the conduct of an independent medical examination; the notification of the detainee's relatives; the informing of detainees of their rights, of the time of their detention and of the accusations directed against them; and their being brought before a judge within a short period. In this connection it must again be affirmed that the national legislation — and in particular the Criminal Procedure Law — contains no express provision granting the person the right to the assistance of a lawyer from the moment of his detention by the police; moreover, the Criminal Procedure Law has permitted public prosecutors, exceptionally, to interrogate detainees without lawyers in urgent cases only.

Recommendations

- The necessity that the Public Security Directorate adopt all measures limiting the excesses of certain members of the security administrations, pursue the perpetrators of the crime of torture and bring them before the judiciary, and, in addition, devise training plans designed to disseminate the Convention against Torture among all ranks of the Public Security and to incorporate it within the foundation curricula, the lectures and the promotion examinations, with the aim of achieving the prevention of torture.
- The necessity of confining jurisdiction over the crime of torture to the ordinary courts, in place of the special courts in which the safeguards of a fair trial under the international standards are not available; and, until that is achieved, all judgments issued by the courts competent to punish law enforcement officials who commit the crime of torture must be made subject to review by the Court of Cassation.
- The necessity of removing from the umbrella of the administrative governor the investigative measures undertaken by the police in pursuing the perpetrators of offences, in a manner ensuring that persons are not kept in custody for lengthy periods for the purpose of investigation in reliance upon detention orders issued by the administrative governors.
- The necessity of upgrading the places of detention in the existing security centres in accordance with standards guaranteeing the provision of care and protection to detainees and consistent with the relevant international standards.
- The necessity of expediting the amendment of national legislation so as to guarantee detainees' contact with their families, their examination by a physician, and their obtaining the necessary legal assistance from the moment of arrest and during the periods of initial investigation, since

many detention centres have failed to maintain the registers required (the register of telephone calls, the register of health care, the register of visits and the register of food rations).

- The necessity of adopting regulations and procedural instructions specifically designed to protect the rights of detainees in the light of the international and national standards, and in a manner ensuring the provision of fair-trial safeguards to detainees.
- The necessity of activating the mechanism for the inspection of places of temporary detention by the judicial authority.
- The necessity of taking measures to separate detainees held in pretrial detention from those under investigation, so that the former are not subject to the supervision of the latter for longer than the time prescribed by law for obtaining a judicial order for pretrial detention.
- The necessity of maintaining accurate registers in places of detention, recording the time and place of arrest, the identity of the officials, the actual place of detention, the state of health of the person upon his arrival at the place of detention, the time at which contact was made with the family and the lawyer, the time of any visit to the detained person, and information concerning the medical examinations carried out upon his arrival at the centre and upon his transfer from it.
- The necessity of providing places of detention for women and juveniles in those directorates that lack them.
- The necessity of carrying out the maintenance works required in all holding facilities that need them.
- The necessity of providing appropriate cleanliness, food and bedding in the holding facilities that suffer from these problems — in particular the Zarqa Police Directorate and the North Amman Region — owing to the complete absence of minimum health and safety conditions in them.
- The necessity of taking the measures required, as a matter of urgency, to improve the conditions of detention in the holding facilities of the Zarqa Police Directorate, the holding facilities of the South Amman Police Directorate, Philadelphia Police Station and Madina Police Station / Wasat al-Balad, these being regarded as the worst in terms of cleanliness, ventilation and overcrowding, and as unfit, from a humanitarian standpoint, for the detention of any person.
- The enactment of the legal amendments necessary to provide expressly for the right of victims of torture to direct compensation from the State, and the necessity of obliging the State to compensate victims of torture and to rehabilitate them.

Acknowledgement

The National Centre for Human Rights extends its thanks to the Office of Transparency and Human Rights at the Public Security Directorate for its valued efforts in facilitating the task of the members of the Centre's team in the preparation of this Report, which comprises the monitoring of places of temporary detention, the follow-up of complaints and the verification procedures undertaken in their regard.