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## U.S. Department of State

### Jordan Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

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#### JORDAN

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Hussein since 1952. The Constitution concentrates a high degree of executive and legislative authority in the King, who determines domestic and foreign policy. The Prime Minister and the Cabinet manage the daily affairs of government. The Parliament consists of a 40-member Senate appointed by the King and an 80-member Chamber of Deputies elected by the people. Since the elections of 1989 the Lower House has increasingly asserted itself in the areas of domestic and foreign policy. Reflecting this trend, the Cabinet appointed in February included 22 deputies from the lower house, the highest number ever. The judiciary is independent.

The General Intelligence Directorate (GID) and the Public Security Directorate (PSD) share responsibility for maintaining internal security and have broad authority to monitor the activities of persons believed to be security threats. The State Security Court and broad police powers remain in place as vestiges of martial law, which was in place from 1967 to 1991. The security forces continue to commit human rights abuses.

Jordan has a mixed economy with significant government participation in industry, transportation, and communications. The country has few natural resources and is financially dependent on foreign assistance and remittances from citizens working abroad. Because of the Government's policies during the 1990-91 Gulf crisis, some Arab Gulf state governments discontinued foreign assistance, expelled many Jordanian guest workers, and placed restrictions on imports of Jordanian goods. The domestic economy has been buffeted by high unemployment since the late 1980's. Traditional exports to Iraq

dropped off sharply due to United Nations sanctions against that country and Jordanian initiatives to reduce the export of nonsanctioned goods under the bilateral trade protocol with Iraq. As part of a structural adjustment program mandated by the International Monetary Fund, the Government removed subsidies on bread and animal feed in August, resulting in a doubling of the price of bread and other price rises. The price increase was followed by riots in the south of the country. Some local commentators estimate that the standard of living for the average Jordanian has dropped by over half in the past 10 years. Per capita gross domestic product was estimated at \$1,500 in 1996.

Since the revocation of martial law in 1991, there has been a steady improvement in the human rights situation. Nonetheless, problems remain, including: Arbitrary arrest; abuse and mistreatment of detainees; prolonged detention without charge; lack of due process; harassment of opposition political parties; restrictions on the freedoms of speech, press, assembly, and association; official discrimination against adherents of the Baha'i faith; and restrictions on women's rights. Opposition allegations of human rights abuses in 1996 peaked following August riots in southern Jordan. Human rights activists protested detentions, the arrest of journalists and opposition party members, and the harassment of political parties. Discrimination against the Bedouin, violence against women, and abuse of foreign servants are also problems. Citizens do not have the right to change their form of government, although in recent years the King has taken steps to increase participation in the political system, such as legalizing political parties. Parliamentary elections in 1993 and nationwide municipal elections in 1995 were largely free and fair although there were opposition accusations of government misconduct.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Political and Other Extrajudicial Killing**

There was one report of death in custody. Younis Mahmoud Abu Dawleh was arrested by officers of the PSD for his alleged involvement in the December 24 shooting of Hamzeh Nazzal, in what has been described in press reports as a dispute among former Democratic Front for the Liberation of Palestine members. He reportedly resisted arrest and police knocked him down a flights of stairs, sat on him, and beat him. He died of a heart attack on December 24 while enroute to the police station. His body reportedly showed signs of repeated blows to the genital area.

No progress was made in the Attorney General's review of the case of the death of Mahmud Khalifeh and wounding of his brother Bashir by security forces in June 1995. Opponents of the Government charge that security forces used excessive force against the two after the pair used firearms to resist arrest. The Khalifeh brothers were wanted for shooting at police patrol cars and sending faxes critical of the Government and the King to prominent citizens.

#### **b. Disappearance**

There were no reports of politically motivated disappearance.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the Legal Code provides prisoners with the right to humane treatment, security and other police forces abuse detainees physically during interrogation. Torture allegations are difficult to verify because security officials frequently deny detainees timely access to lawyers. The most frequently alleged methods of torture are sleep deprivation, beatings, and extended solitary confinement.

Defendants in high-profile cases before the State Security Court claim to have undergone physical and psychological abuse while in detention. Government officials reject allegations of torture.

There were a number of allegations of torture in connection with those detained after the disturbances in the south. Human rights monitors charge that two doctors who were treating detainees for injuries sustained at the hands of government authorities were detained themselves. The doctors were reportedly taken into custody for sending detainees to the hospital to be treated for a bullet lodged in the spine in one case, and broken hands in another. Credible sources alleged that the doctors were then abused. In another case, opposition deputies charged the Government with detaining and torturing Essam Al-Najjar, a Hamas supporter, for two weeks. They alleged that Al-Najjar was beaten in the stomach, throat, and on the soles of his feet, was cursed by guards, and had excrement wiped in his face.

The Court of Cassation overturned the June 1995 death sentences of defendants in the so-called "Udwan Mills" case, ruling that the criminal court could not base its sentencing solely on the defendants' confessions, which defense lawyers claimed were extracted under duress. The convictions were based solely on confessions.

Local police detention facilities are spartan but generally clean. Prisons generally meet minimum international standards. Prisoners detained on national security grounds are often kept in separate maintained by the GID.

The International Committee of the Red Cross (ICRC) is permitted unrestricted access to prisoners and prison facilities. In August members of Parliament's Public Freedoms Committee visited Suwaqa Prison to assess the condition of Layth Shubaylat and Ata Abu Rishtah (see Section 1.e.). Following the disturbances in the south, however, the Committee was not permitted to inspect prisons or assess the condition of detainees until October 15, 7 weeks after the first arrests. In September representatives of the Arab Organization for Human Rights (AOHR) were given permission by the court to visit the detainees but were not permitted by prison officials to tour the facility.

#### d. Arbitrary Arrest, Detention, or Exile

Under the Constitution citizens are subject to arrest, trial, and punishment for the defamation of heads of state, dissemination of "false or exaggerated information outside the country which attacks state dignity," or defamation of public officials.

The Criminal Code requires legal authorities to file formal charges within 10 days of arrest. The courts routinely grant requests from prosecutors for 15-day extensions as provided by law. This practice generally extends pretrial detention for lengthy periods of time. In cases involving state security, the authorities frequently hold defendants in lengthy pretrial detention, do not provide written charges, and do not allow defendants to meet with their lawyers until shortly before the trial. Security defendants usually meet with their attorneys 1 or 2 days prior to the trial.

Testimony in July in the case of the Bayat Al Imam defendants, charged with plotting to carry out extremist attacks and illegally possessing and manufacturing of explosives, revealed that they had been detained by security forces for 5 months without charge and without access to an attorney, before being transferred to a military prosecutor for questioning.

According to the Ministry of Information a total of 572 people were detained following August's disturbances in southern Jordan; 521 were released, without being charged. All those remaining in custody were released and charges against them dropped under a general amnesty in honor of the King's

birthday on November 14.

The Government detains persons, including journalists, for varying amounts of time for what appear to be political reasons (see Sections 2.a. and 2.b.). During the year all such detainees were released within 3 months. Observers estimate that in previous years approximately 400 people were detained each year for national security reasons, of whom all but a few were released after questioning.

The Government does not use forced exile.

#### e. Denial of a Fair Public Trial

The Constitution provides for an independent judiciary. Court rulings against the Government, including the Udwan Mills case (see Section 1.c.), indicate that the judiciary functions independently.

There are several types of courts. Most criminal cases are tried in the civilian courts, which include appeals courts, the Court of Cassation, and the Supreme Court. Cases involving sedition, armed insurrection, financial crimes, and drug trafficking are tried in the State Security Court, a remnant of the pre-1991 martial law period. Islamic, or Shari'a, courts, have jurisdiction over marriage and divorce among Muslims and inheritance cases involving both Muslims and non-Muslims (see Section 5). Under Shari'a law, a woman's testimony is only equal to half that of a man (see Section 5).

Most trials in the civilian courts are open. Defendants are entitled to legal counsel, may challenge witnesses, and have the right to appeal. Defendants facing the death penalty or life imprisonment must be represented by legal counsel. Public defenders are provided in such cases.

The State Security Court is comprised of panels of three judges, who may be either civilians or military officers. It frequently restricts public attendance at its trials. Defendants tried in the State Security Court are often held in pretrial detention without access to lawyers, although they are visited by representatives of the ICRC. In the State Security Court, judges have inquired into allegations that defendants were tortured and have permitted the testimony of physicians regarding these allegations. To date the Court has not invalidated confessions obtained under duress, but on review, the Court of Cassation has ruled that the State Security Court cannot issue a death sentence on the basis of such a confession alone (see Section 1.c.). Defendants in the State Security Court have the right of appeal to the Court of Cassation, which is authorized to review the testimony, evidence, and judgment. Appeals are automatic for cases involving the death penalty.

Defense attorneys have challenged the appointment of military judges to the State Security Court to try civilian cases as contrary to the concept of an independent judiciary. Military judges appear to receive adequate training in civil law and court procedure, and State Security Court decisions are reviewed by the Court of Cassation. At least partly in response to these charges, a panel of civilian judges was appointed to the court for the first time in December 1995 to try the case of Layth Shubaylat for slandering the King. The panel was dissolved in September and was replaced by military judges.

A number of the cases brought before the State Security Court in 1995 resulted in convictions. In the case of six members of the Islamic Revival Movement, three were sentenced to 7 1/2 years at hard labor for possession of explosives. The other three defendants were acquitted due to a lack of evidence. In two separate cases involving free speech, Ata Abu Rishtah and Layth Shubaylat were convicted of slandering the King and sentenced to 3 years in prison, the maximum sentence for this crime. Both sentences were upheld by the Court of Cassation on appeal. On November 8, the King ordered the release from prison of Shubaylat after he had served 7 months of his sentence.

In the case of an attack on the office of the GID at Al Baqaa refugee camp in 1994, five men were found guilty of plotting to carry out an extremist attack and were sentenced to 15 years' imprisonment at hard labor. The five and another defendant were acquitted of charges of distributing pamphlets slandering the King. During the trial the defendants retracted their confessions, saying that they were extracted under duress.

In the case of two men accused of shooting a French diplomat in February 1995, the defendants were found innocent of attempted murder in criminal court, but were convicted of plotting to carry out extremist attacks and the manufacture and possession of illegal arms and explosives. The two men were sentenced to 10 years in prison at hard labor. Both men claimed that they were tortured while in custody.

In the "Bayat Al Imam" case, 4 of the 13 the defendants were found innocent, and 9 were convicted. Seven had been charged with plotting to carry out extremist attacks, illegal manufacture and possession of explosives with illicit intent, and slandering the King. The remaining six were accused with slandering the King. Of the seven charged with manufacturing explosives, two were found not guilty, four were convicted of the lesser charge of possession of explosives, and the seventh was found guilty of all charges. Three of the four were sentenced to 15 years at hard labor; the fourth was sentenced to 10 years at hard labor. The one defendant convicted on all charges was sentenced to death, but his sentence was commuted to life imprisonment at hard labor. Among those accused only of slander, one was found not guilty while the remaining five received sentences ranging from 2 to 3 years in prison.