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Jordan: Stop executions and investigate all allegations of torture made by detainees

Amnesty International condemns the executions of two prisoners on 11 March 2006 and is calling on the Jordanian authorities to extend clemency to other prisoners under sentence of death.

Salem Sa'ad Bin Sweid and Yasser Fathi Ibrahim Freihat were both executed at Swaqa prison. They were sentenced to death in 2004 after being convicted of involvement in the killing of Laurence Foley, a US diplomat who was shot dead in Amman in October 2002. They were tried before the State Security Court (SSC) but, according to reports, did not receive a fair trial. Both defendants alleged in court that they had been tortured to extract "confessions" while they were held incommunicado for more than a month at the General Intelligence Department (GID) detention centre in Wadi Sir, Amman. Five prison inmates also reportedly provided corroborating evidence that the two defendants and three co-accused who received prison sentences, had been tortured, testifying that they had seen marks from torture on their bodies. However, the SSC convicted the defendants despite the evidence of torture and apparently in breach of the Jordanian Penal Code requirement that the courts ensure, whenever a confession is the only evidence, that it was not obtained by force or duress. Similarly, the Court of Cassation also appears to have failed adequately to address the torture allegations in considering, and dismissing, the defendants' appeals.

Amnesty International is concerned that a third man could also be sentenced to death in connection with the killing of the US diplomat. Mu'amar Ahmed Yusuf al-Jaghbir was apparently returned to Jordan by US forces following his arrest in Iraq which according to media reports took place during 2004. He is now on trial before the SSC. He alleges that he was forced to sign a "confession" without being allowed to read it while he was held in solitary, incommunicado detention by the GID for at least three months. He said that he was tortured including by being repeatedly kicked and beaten with sticks while handcuffed.

Amnesty International is also urging the government to commute the death sentences on Khader Abu Hoshier and Usama Husni Kamel Sammar, who have been held since the end of 1999. In January 2005 the SSC upheld their death sentences for the fourth time after the case was returned to the court by the Court of Cassation; the latter instructed the SSC to re-consider the case on the grounds that the men could be eligible to benefit from a 1999 Royal Amnesty. Khader Abu Hoshier and Usama Husni Kamel Sammar were among ten men convicted in 2000 of plotting to carry out bomb attacks and other violent offences in Jordan, including manufacturing explosives and recruiting people to carry out attacks on Jewish and American targets. They allege that they were forced to make "confessions" under duress during interrogation while being held incommunicado by the GID. Their bodies reportedly showed marks of torture when relatives and lawyers saw them for the first time. During the trial, Khader Abu Hoshier stated that he had been subjected to "very tough interrogation methods", and that other defendants were

“tortured and terrorised” into testifying against him. Other defendants in the same case, including Sa’ed Hijazi, also stated that they had been subjected to prolonged torture and ill-treatment, and that “confessions” had been extracted under duress. The methods of torture reportedly included severe beatings while detainees’ feet were shackled. To Amnesty International’s knowledge, no medical examinations or investigations into the torture allegations were ever ordered.

Amnesty International opposes the death penalty under all circumstances as the ultimate form of cruel, inhuman and degrading treatment. At the same time, the organisation believes that the problems inherent in the death penalty are compounded in situations where defendants may be subjected to torture and furthermore may be denied the right to a fair trial. Procedures before the SSC fall short of international standards. During 2005, tens of defendants tried before the court claimed their “confessions” were extracted under torture. Such claims are frequently ignored by both the SSC and the Court of Cassation. According to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in her report to the UN Commission on Human Rights in 2002, “[d]efendants facing the imposition of capital punishment must fully benefit from the right to adequate legal counsel at every stage of the proceedings, and should be presumed innocent until their guilt has been proved beyond a reasonable doubt. These safeguards must be implemented in all cases without exception or discrimination (UN document No. E/CN.4/2002/74, 9 January 2002, paragraph 119).

Eleven people were executed in Jordan in 2005 and at least three have been executed this year. Amnesty International welcomes news that King ‘Abdallah told an Italian newspaper in November 2005 that Jordan could soon abolish the death penalty. In another positive move, the Jordanian government stated on 15 December 2005 that it would examine allegations that two men were sentenced to death for the same murder although in two completely unrelated trials (see *Jordan: Commute death sentences and put an end to executions*, MDE 16/003/2005, 8 July 2005). The organisation hopes that these positive statements will lead to a moratorium on all executions with a view to abolition of the death penalty in Jordan.

Amnesty International does not in any way condone violent crime and recognizes the right of governments to ensure that anyone suspected of involvement in criminal acts, including the killing of Laurence Foley, is brought to justice. However, the death penalty has never been shown to deter crime more effectively than other punishments. It can contribute little to alleviating the suffering of the families and friends of murder victims, for whom the organisation has the greatest sympathy and consideration. Moreover, the death penalty is irreversible and can be inflicted on the innocent.