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Jordan's anti-terrorism law opens door to new human rights violations

Jordan's new Prevention of Terrorism Act (PTA) became law on 1 November 2006, despite concerns domestically and internationally about its overly broad scope, after it was formally approved by Head of State King 'Abdullah bin al-Hussein. The new law does not conform to international human rights law and defines "terrorist activities" in such a way that it could be used as a basis for the arrest and detention of non-violent critics of the government or others peacefully exercising their right to freedom of expression. The new act also enhances the already excessive powers of Jordan's security officers to arrest and detain people they suspect may be involved in terrorism.

One concern is that the PTA criminalises "support through actions or financing of terrorism either directly or indirectly" but does not stipulate that an accused knew or intended that their action or financial contribution would assist terrorism. This raises the possibility that an individual who donates money innocently or otherwise assists what they believe to be a charitable organization, but is actually a "front" organization assisting terrorism, could be prosecuted under the act.

The PTA also empowers the public prosecutor of the State Security Court to order surveillance of a suspect's home, movements and means and methods of communications; to ban the individual from travel; to search the place where the suspect is residing and impound any item "relevant to terrorist activities"; and to confiscate any money connected with planned terrorist activities. Such powers, according to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, "effectively negate the right to privacy, freedom and movement and the presumption of innocence".

A further concern is that the PTA could be used to penalise peaceful critics and opponents of the government, on the grounds that their activities – such as holding a peaceful demonstration, which might result in some minor damage to property – could cause "damage to infrastructure," and be seen to be intended as "disruption of public order" or be seen as "endangering of public safety," all of which fall under the definition of "terrorist acts" contained in the new act.

The PTA's definition of "terrorist acts" makes no reference to existing international conventions and protocols relating to terrorism. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism noted that "counter-terrorism must be limited to the countering of offences within the scope of, and as defined in, the international conventions and protocols relating to terrorism, or the countering of associated conduct called for within resolutions of the Security Council, when combined with the intention and purpose elements identified in Security Council resolution 1566 (2004). That an act is criminal does not, by itself, make it a terrorist act".

The PTA also does not afford sufficient certainty about applicable punishments, and thus is inconsistent with the principle of legality. It states that “terrorism” -related offences will be punishable by life imprisonment with hard labour unless a more severe penalty is outlined in any other law, but does not list the other laws to which it refers or indicate according to which criteria those offences should be punished. This lack of clarity does not exclude that those convicted of such offences would be subject to the death penalty. Amnesty International opposes the death penalty under all circumstances as the ultimate form of cruel, inhuman and degrading treatment. At the same time, Amnesty International believes that the problems inherent in the death penalty are compounded in situations where defendants may be subjected to torture or other ill-treatment and furthermore may be denied the right to a fair trial.

Amnesty International is calling upon the Jordanian government to repeal the Prevention of Terrorism Law or amend it to bring it in line with the obligations of Jordan under international law and reiterates its call for the ratification of the Optional Protocol to the UN Convention against Torture which allows for independent monitoring of all places of detention.

Background

In November 2005, bomb attacks were carried out at three Amman hotels resulting in the killing of 60 people and injuries to many others and was followed in June 2006 by the publication of a draft Prevention of Terrorism Law. The organization condemns this attack and recognizes fully the responsibility of the Jordanian government to maintain public security and to bring the perpetrators of such crimes to justice. In doing so, however, it must abide by its obligations under international human rights law, including the prohibition of arbitrary arrests, torture and other ill-treatment and the obligation to ensure that all persons accused of crimes – even those accused of the most heinous crimes – are accorded a fair trial according to international law..

Amnesty International has longstanding concerns about the detention of political and terrorism suspects in Jordan, allegations of torture and other ill-treatment, unfair trials and the death penalty. These were most recently described in *Jordan: “Your confessions are ready for you to sign” - Detention and torture of political suspects*, MDE 15/005/2006, July 2006 at link: <http://web.amnesty.org/library/Index/ENGMDE160052006?open&of=ENG-JOR>)

The organization is concerned now that the PTA will reinforce the powers of the General Intelligence Department (GID), responsible for the arrest, detention and interrogation of political or “security” suspects and is widely accused of responsibility for torture. The Jordanian government should be taking steps to rein in the GID and ensure that all persons who are detained are treated in accordance with their fundamental human rights and are safeguarded against possible torture or ill-treatment. Terror suspects in Jordan are often subjected to torture and other ill-treatment during interrogation and face hearings which fall far short of international obligations of fair trial. In particular, Amnesty International has repeatedly raised its concerns that procedures before the State Security Court (SSC), before which offences named in the Law will be tried, are unfair. In the last decade more than 100 defendants stated before the SSC that they were tortured to make them “confess”. The SSC has shown itself unwilling to order or mount proper investigations into such allegations. According to Amnesty International’s information, a number of defendants have been convicted by the SSC where the only evidence against them was a “confession” which they claim was taken from them during incommunicado detention and under torture or other ill-treatment.

Amnesty International is concerned that the new Law appears only to exacerbate the problems already prevalent in the action against “terrorism” suspects - from arrest and detention, to trial before the SSC. For example, it will lead to increased powers for the GID. The organization has repeatedly raised its concerns about the fact that GID officials already benefit from extensive powers and near total impunity, acting virtually as a law unto themselves, holding suspects in secrecy, generally in prolonged incommunicado detention, during which some of them have reportedly been subjected to torture and other ill-treatment. The UN Special Rapporteur on torture, at the close of his visit to Jordan in June 2006, stated that “torture

is systematically practiced" at the GID.