

PUBLIC

AI Index: MDE 16/002/2004

12 October 2004

Further Information on UA 45/02 (MDE 16/005/2002, 13 February 2002) and follow-ups (MDE 16/016/2002, 30 October 2002; MDE 16/001/2003, 9 January 2003; MDE 16/013/2003, 10 July 2003; MDE 16/022/2003, 10 December 2003) - Death penalty/Torture/Unfair trial

JORDAN

Ra'ed Muhammad Hijazi (m)

Ra'ed Muhammad Hijazi's death sentence was commuted to 20 years' imprisonment with hard labour on 4 October, by the Court of Cassation (an appeal court). The four years he has already spent in prison will apparently count towards his sentence.

His lawyers had appealed after the State Security Court (SSC) sentenced him to death for a third time in December 2003. Each time he was convicted of charges relating to "terrorist" activity, and illegal possession of explosive material and an unlicensed automatic weapon. After his first two appeals the Court of Cassation had sent his case back to the SSC for a retrial, but this time its decision is final.

The Court of Cassation reportedly explained its decision to reduce Ra'ed Muhammad Hijazi's sentence on the basis that he did not carry out plans to use the weapons and explosives he allegedly possessed. The court were also said to have taken into consideration the fact that he cooperated in the investigations and subsequent hearings.

Ra'ed Muhammad Hijazi was extradited to Jordan from Syria in October 2000, as an alleged member of Osama bin Laden's *al-Qa'ida* network. He was allegedly tortured in both countries. At trial he withdrew his "confessions", saying he had made them under torture. Although he was acquitted of membership of *al-Qa'ida*, he was still convicted of plotting to carry out "terrorist" activities. To Amnesty International's knowledge there has been no investigation into the allegations that he was tortured.

Until recently the government has persistently ignored allegations of torture in custody. However, it did order an investigation into the death of a prisoner in Jweideh Prison around September 2004. Eleven police officers assigned to the prison have been charged in connection with the killing. The case of Ra'ed Muhammad Hijazi has been widely reported in Jordan, and pressure on the authorities now could be crucial in obtaining an independent investigation, which would be a step towards the eradication of torture in the country.

RECOMMENDED ACTION: Many thanks to all those who sent appeals. If possible, please send a final round of appeals to arrive as quickly as possible, in English, Arabic or your own language:

- welcoming the decision to commute Ra'ed Muhammad Hijazi's death sentence;
- reminding the Jordanian authorities that "confessions" made under duress are inadmissible as evidence in trials and are a violation of international law;
- calling for an immediate and independent investigation into the allegations that Ra'ed Muhammad Hijazi was tortured in custody.

APPEALS TO:

His Majesty King 'Abdallah bin Hussein
Office of HM the King
Royal Palace
Amman
The Hashemite Kingdom of Jordan

Fax: + 962 6 462 7421
Email: info@nic.gov
Salutation: Your Majesty

Saleh al-Bashir
Minister of Justice and Minister of State for Cabinet Affairs
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The Hashemite Kingdom of Jordan
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Salutation: Your Excellency

COPIES TO: diplomatic representatives of Jordan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 23 November 2004.