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Jordan: Amnesty International calls for investigation into alleged torture and ill treatment of detainees

Amnesty International is calling on the Jordanian government to establish immediately an impartial and independent investigation into continuing reports of torture and ill-treatment of political suspects by the General Intelligence Department (GID), the main security service concerned with the arrest of political detainees.

The organization is making this call in response to persistent complaints of torture in incommunicado detention by the GID in its detention centre near Wadi Sir in Amman. Amnesty International continues to receive reports of detainees being forced to sign "confessions" which are then used against them in trials before the State Security Court (SSC), a special court whose proceedings breach international fair trial standards. According to reports, the court frequently fails to investigate complaints by defendants that they were tortured in pre-trial detention or to reject evidence allegedly obtained under torture.

Amnesty International fully recognises the Jordanian authorities' duty to bring to justice those who perpetrate acts of terrorism or other crimes, but in doing so they must comply with their obligations under international human rights law to ensure that suspects are not subject to torture or ill-treatment and that they benefit from due process.

Amnesty International has been concerned about torture and ill-treatment by the GID for many years. Only three weeks ago the Jordanian Liberties Committee¹ published a report on visits it was permitted to make to six prisons between October and December 2005. According to the report, Islamist prisoners expressed "extreme anger and frustration ... at their ill treatment during interrogation at the GID, and unfair sentences by the SSC ... There is a collective complaint from the inmates of the *Tanzimat* (groups') wings which the committee visited, concerning the severe beatings suffered by the inmates, and the insults and humiliation they endure at the GID (in what is called the *saha*, or courtyard²), before they are transferred to the prisons. Some are also prevented from sleep and have water poured over them. Their families are prevented from visiting them, and the beaten inmates are hidden from view when the Red Cross representative visits. ... Some inmates have reported relatives being brought and beaten in front of them."

Earlier, Amnesty International delegates who visited Jordan in February 2006 were told by several lawyers that defendants they had represented in trials before the SSC were convicted of terrorist offences by the court on the basis of statements they alleged had been extracted from them under duress and which they repudiated in court.

¹ Part of the Professional Associations, an umbrella group of trade unions

² Amnesty International has received a number of complaints over the years of the use of a "courtyard" in the GID detention centre in which extensive torture takes place

Such defendants have the right to appeal their convictions and sentences to the Court of Cassation and some cases have apparently been overturned on account of what the court concluded were “improper methods of investigation”. However, even at the appeal stage, before the Court of Cassation, the courts regularly give inadequate attention to defendants’ torture allegations when considering their cases, including in cases involving the death penalty.

Among cases reported to Amnesty International are:

- Salem Sa’ad Bin Sweid and Yasser Fathi Ibrahim Freihat, who were hanged on 11 March 2006, were convicted by the SSC in April 2004. They denied the charges and told the court that they had been detained incommunicado by the GID for more than one month during which they were tortured to make them “confess” to involvement in the murder of US diplomat Laurence Foley, who was shot dead on 28 October 2002 in Amman. They alleged that they were beaten during questioning. Salem Sa’ad Bin Sweid described to the Liberties Committee how during his questioning by a number of officers, one asked him about the colour of Laurence Foley’s car. When he said it was white he was called to go outside the room where he was beaten and told to say it was red. Their cases were appealed before the Court of Cassation. However, neither the SSC nor the Court of Cassation conducted a thorough investigation into their allegations. They were convicted on the basis of their repudiated “confessions”³.

- Mu’amer Ahmed Yusuf al-Jaghbir, a third man charged in connection with the killing of Laurence Foley, also faces a possible death sentence. He is currently on trial before the SSC, having been returned to Jordan after being detained in Iraq by US forces apparently in 2004. He alleges that he was detained incommunicado and in solitary confinement for three months by the GID following his return to Jordan and that during this period he was tortured until he agreed to sign a statement that he was not permitted to read. He alleges that he was repeatedly kicked and beaten with sticks while handcuffed; kept for prolonged periods in hand and leg cuffs; threatened that his family would be harmed; and disoriented by being subjected to bright light or total darkness for 24 hours at a time. He is also accused of plotting an attack on the Jordanian embassy in Baghdad in August 2003 which killed 17 people, including five Iraqi policemen, and injured dozens of others. Mu’amer al-Jaghbir said that he was brought before the Public Prosecutor and told what to say in his testimony by a person whom he did not know but had seen once or twice during interrogation. He has denied the charges against him.

- Mustafa Siyam was also detained by US forces in Iraq. He was held for a time at Baghdad’s Abu Ghraib prison but returned to Jordan in April 2004. For the first three weeks, during which no-one knew of his return, he was held incommunicado by the GID and interrogated. He told his lawyer later that he had been deprived of sleep for two or three days; beaten and subjected to *falaqa* (beating with a stick on the soles of the feet, often while restrained in a severely uncomfortable position); that he had been punched in the face, causing his nose to be broken; and that he was threatened that his Jordanian wife and two children living in Iraq would not be allowed back into Jordan unless he gave a full “confession”. He alleges that he was made to make many written statements while still detained by the GID and before he was brought before the Public Prosecutor, to whom he “confessed” to involvement in a bomb attack in February 2002 in which two people were killed. He was permitted access to his family and a lawyer only after he had been detained for seven weeks. Subsequently, at his trial before the SSC, his lawyer called for the written statements which Mustafa Siyam alleged he had made during his first three weeks in detention to be laid before the court, but this was refused. The SSC appears to have taken no steps to investigate his allegation that he was tortured to make him “confess”. He was sentenced to death by the SSC in September 2005 but the court immediately commuted the sentence to life imprisonment.

³ During 2005 eleven people were executed in Jordan. Since the beginning of 2006 at least three people have been executed and at least 24 death sentences passed (at least six of which were commuted) including against 22 political prisoners

- Hamdi Ahmed, Loui' Sherif, Muhammad 'Omar and Muhammad Tamari, four men from Salt, also allege that they were tortured while detained incommunicado by the GID for up to two weeks. They are currently being tried by the SSC on subversion charges. Following their arrest in September 2005, all four are reported to have been tortured and ill-treated by the GID to extract "confessions". Methods alleged include prolonged beatings with fists and sticks; threats of rape against them and members of their families; and a threat of indefinite detention by the GID. Hamdi Ahmed said he was particularly badly treated sustaining a number of obvious physical injuries. He told his lawyer that when a delegation from the International Committee of the Red Cross (ICRC) was allowed to visit the GID detention centre he was concealed by the authorities so that he could not be seen by or have access to the ICRC delegates. Amnesty International has received several reports that detainees have been hidden during visits by ICRC delegations because they bore the signs of physical abuse.

- Khalil Osama Zalloum, his brother Muhammad Anwar Zalloum and their cousin Mu'atez Hatem Zalloum, all aged in their early 20s, were arrested on 10 January 2006 reportedly while entering a mosque during the Muslim festival, 'Eid al-'Adha. For some five days, their families had no news of them as they were being detained incommunicado by the GID. They allege that they were deprived of food for 18 hours and tortured or ill-treated by being made to stand beside a wall for eight hours, standing on one leg and with their arms either raised or outstretched so that they could just touch the wall, and subjected to beatings while in this position. They allege that they were then made to put their names to confession statements that had already been prepared by their interrogators. They are currently on trial before the SSC, charged with belonging to an illegal organisation, Hizb al-Tahrir (Islamic Liberation Party). According to their lawyer and relatives, they all testified in court that they had been beaten in pre-trial detention to force them to "confess" but the court ignored their claims.

On 13 April 2006, the day after the Liberties Committee published its report which included some details of prisoners' complaints of torture and ill treatment by the GID, there was a major incident at Qafqafa prison. A large force of anti-terrorist police, carrying firearms, reportedly entered prisoners' cells in what the authorities say was a search for drugs and weapons but that prisoners and their families assert was an operation to remove two inmates. One prisoner, Khaled Fawzi 'Ali Bishtawi, died following the police intervention; he reportedly died while being taken to hospital after suffering gun shot wounds. The cause of his death is being investigated by the National Institute of Forensic Medicine.

Reports of the incident differ but families of the prisoners, and news reports based on a mobile phone call from an inmate, say the police fired shots injuring a number of prisoners and beat them. For their part, prisoners reportedly took two police officers hostage. Tens of prisoners and security officials were said to have been injured. Following the disturbance, the Liberties Committee asked the authorities to allow it to visit the prisoners again, but at the time of writing they had not received a response.

The violence at Qafqafa prison in April followed earlier, serious clashes there and at Swaqa and Jweideh prisons on 1 March 2006. These broke out when inmates held in the political wing of Swaqa prison attempted to prevent the removal by security forces of Salem Sa'ad Bin Sweid and Yasser Fathi Ibrahim Freihahat (see above) in the belief that they were being taken for execution. There were then disturbances in support of them by inmates held in the political wings of Jweideh prison and Qafqafa prison. A number of prison officials were reportedly held hostage for some hours and several prisoners and officials were apparently injured in the clashes. The two prisoners who were the focus of the protests were hanged on 11 March. On 21 March, the government-backed human rights organisation, the National Centre for Human Rights (NCHR), attempted to visit Swaqa prisoners but were told by the prison authorities that the prisoners did not wish to see them. Reportedly, they were recently notified by the authorities that they could visit the prison at the end of May.

Background

These are among the latest in a long litany of cases of alleged torture and ill-treatment of political suspects by the GID that have been reported to Amnesty International over a period of more than 20 years. Amnesty International has repeatedly raised its concern about these practices with the Jordanian government.

Among other recent cases were those of four Yemeni nationals, suspects in the so-called “War on Terror”, who allege that they were tortured by Jordanian security officials. Three of them were reportedly forcibly transported from Jordan to secret US-administered detention centres where they were held for lengthy periods before being returned to Yemen; one man was returned directly to Yemen from Jordan (see AI report, *USA: Below the radar – Secret flights to torture and “disappearance”*, AMR 51/051/2006, April 2006).

Amnesty International has repeatedly raised its concerns about the use of incommunicado detention with the Jordanian government, on grounds including that the practise facilitates torture and ill treatment of detainees. Generally, detainees are held incommunicado by the GID for periods ranging from one week to two months, though some are held even longer. During this time, GID interrogators seek to extract “confessions” or other admissions which can be used in subsequent prosecutions before the SSC. Incommunicado detention inevitably means that any physical evidence of torture can be more easily concealed as detainees may not be granted access to lawyers or their families until such injuries have healed and that allegations of torture are more difficult to prove because of a lack of independent witnesses.

In its comments on Jordan’s Third Periodic Report of its implementation of the International Covenant of Civil and Political Rights (ICCPR) in 1994, the UN Human Rights Committee (HRC) recommended that “measures of administrative detention and incommunicado detention be restricted to very limited and exceptional cases.” Reports that the draft National Security Law (yet to be brought before parliament) will allow for the indefinite detention without charge of terror suspects heighten concerns about lack of due process already given to detainees.⁴

The GID possesses wide powers of arbitrary arrest and detention. In 1995 the UN Committee Against Torture (CAT) stated its “regrets that the headquarters of the General Intelligence Department has been recognized as an official prison, that the armed forces officers are granted the capacity of public prosecutors, that they have the capacity of detaining suspects incommunicado, whether military persons or civilians, until the end of their interrogation for periods of up to six months, and that detainees are deprived of access to judges, lawyers or doctors.” It recommended that, “detention and interrogation functions ... be separated and that the supervision of any detention centre ... be effectively carried out by officials rather than those who are in charge of the detention centres...”⁵. This separation is not apparent in the GID detention centre.

In light of the above, Amnesty International is calling upon the Jordanian authorities to bring its domestic legislation and *practice* in line with international human rights standards and to ensure that all possible safeguards are put in place to prevent torture and ill-treatment. The organisation is also calling on the government to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Protocol)⁶. The Protocol requires that independent international experts conduct regular visits to places of detention in order to make an assessment of the conditions of detention and treatment of those detained with a view to recommending improvements. It also requires states parties to establish a national mechanism to conduct visits to places of detention and to cooperate with the international experts.

⁴ Reports on the development of the new law followed suicide bomb attacks on three Amman hotels in Jordan on 10 November 2005, claimed by an armed Iraqi-based group led by Jordanian national Abu Mus’ab al-Zarqawi. Sixty people were killed and many others injured. The attacks specifically targeted civilians and were strongly condemned by Amnesty International

⁵ Concluding observations of the Committee against Torture : Jordan. 26/07/95. A/50/44, paras.159-182. (Concluding Observations/Comments)

⁶ Jordan acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) in 1991