

PUBLIC

AI Index: MDE 16/008/2003

**Further Information on UA 369/02 (MDE 16/018/2002, 19 December 2002)
Death penalty/torture/unfair trial**

16 April 2003

JORDAN

Jamal Darwish Fatayer (m)

Jamal Darwish Fatayer could be executed in the next few weeks following the decision this month by the Court of Cassation to uphold the death sentence passed against him by the State Security Court (SSC) in December 2002. Amnesty International is extremely concerned that Jamal Darwish Fatayer's trial proceedings have fallen far short of international standards and at reports that he was tortured to "confess" while held in incommunicado detention by the General Intelligence Department (GID) in Amman, Jordan.

Palestinian, Jamal Darwish Fatayer, who was born in Iraq, was convicted in connection with the 1994 killing in Beirut, Lebanon of Jordanian diplomat, Na'ib 'Umran al-Ma'aytah. He was also found guilty of membership of the illegal organization, *Fatah* Revolutionary Council although he claims to have left the organization on his departure from Lebanon in 1993.

The prosecution claims that Jamal Darwish Fatayer drove Na'ib 'Umran al-Ma'aytah's alleged killer to the scene of the murder, though he claims to have left Lebanon about one year before the killing. However a Lebanese court which had previously conducted a hearing into the killing, which did not include Jamal Darwish Fatayer, accepted the evidence of a witness who identified another man as the driver. The Lebanese court also found that this case was not related to state security and therefore should be heard by an ordinary court and not a state court.

According to Jamal Darwish Fatayer's defence lawyers Jordan has no jurisdiction to try him since he is not a Jordanian national and was forcibly removed from Libya to Jordan for questioning about the killing. However, the Jordanian authorities claim he was arrested from Amman airport in Jordan. Amnesty International is concerned that neither the SSC nor the Court of Cassation have given due consideration to any of the defence lawyers' points which raise questions as to Jamal Darwish Fatayer's guilt and that legal procedures have not been correctly followed.

In accordance with the procedures, the case is now with the chief prosecutor for examination. From there it will go to the Minister of Justice who will examine the case with legal experts, after which the case will be sent with the Minister's opinion to the King. If a recommendation to execute Jamal Darwish Fatayer is signed by the King, the death sentence could be carried out at any time. He has no further right of appeal.

BACKGROUND INFORMATION

Amnesty International has frequently voiced its concerns that the SSC, which almost invariably uses military judges and a military prosecutor, does not provide the same guarantees of independence and impartiality provided by ordinary courts. The organization has also raised its concerns over reports of the torture and ill-treatment of detainees while held incommunicado by the GID.

At least 14 people were executed in Jordan during 2002.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic or English or your own language:

- urging that Jamal Darwish Fatayer's death sentence be commuted;

- expressing concern at the reports that Jamal Darwish Fatayer's hearings both before the State Security Court (SSC) and the Court of Cassation have fallen far short of international standards for fair trial and calling for his re-trial;
- noting that governments have not only a right but also an obligation to bring those who plan or perpetrate violent crimes to justice but that this should be done in accordance with international standards for fair trial;
- reminding the Jordanian authorities that confessions made under duress are inadmissible;
- calling for an immediate and independent investigation into the torture allegations;
- expressing concern at the number of executions in Jordan and urging that no more executions are carried out and that the government work towards abolishing the death penalty.

APPEALS TO:

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

Telegrams: King 'Abdallah bin Hussein, Amman, Jordan
Fax: + 962 6 462 7421
Salutation: Your Majesty

Faris Nabulsi
Minister of Justice
PO Box 6040
Amman, The Hashemite Kingdom of Jordan

Telegrams: Justice Minister, Amman, Jordan
Fax: + 962 6 464 3197
Salutation: Your Excellency

Dr Fayez Tarawneh
Chief of the Royal Court
PO Box 80
Amman, The Hashemite Kingdom of Jordan
Telegrams: Chief of the Royal Court, Amman, Jordan
Fax: + 962 6 463 1452
Salutation: Dear Dr Tarawneh

COPIES TO:

Her Majesty Queen Rania
President of the Royal Commission on Human Rights
Office of her Majesty the Queen
Royal Palace
Amman
The Hashemite Kingdom of Jordan

and 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 27May 2003.